noise level far below that of the older jets. Short-haul commuter traffic cannot be served through Dulles, and it seems even more unreasonable to deprive the neighbors of Washington National of the noise relief that would come from the substitution of these new, quieter wide-bodied aircraft for the 727's and DC-9's now in service.

The FAA's restriction on the number of movements at Washington National, together with the growth of short-haul traffic, clearly points towards the need to use these more efficient and quieter wide-bodied aircraft.

The objection has been raised that roadway access and parking facilities at Washington National are inadequate to handle the larger number of passengers carried by the wide-bodied jets. But parking facilities can be added and curbside access improved. This expansion and modification is needed whether or not the wide-bodied aircraft are permitted to operate. Congestion on the highway to and from the airport is part of a broader problem common to almost all cities and is caused by commuter traffic between the suburbs and the city center. This area's mass transit plans, with service to National included, will make a significant contribution to reducing highway congestion.

Some of those who would restrict the normal development of Washington National do so because they are concerned about diversion from Dulles. Yet in the last five years Dulles enplanements have increased by 63.9%, while enplanements at Washington National have increased by only 25.1%. Enplanements at Friendship have also increased at a faster rate than Washington National.

The very existence of your committee and the fact that you call yourselves the Committee for National shows that you are concerned with the benefits that an airport can provide to a community. I would like to add a few thoughts in support of that concept.

This group is familiar, I am sure, with the importance of Washington National Airport as an employer of people and the creator of purchasing power in this area: 8,500 employees with an annual payroll of $86,000,000, according to the most recent study, which covered 1970.

Even more important is the significance of this airport as your convenient access to the rest of the country.

A few years back you may have read a European best seller called "The American Challenge". It was translated into English and had heavy sales in this country after it was published here in 1968.

The book discusses the great industrial strength of our country.

It is notorious that the American industrial plant is the greatest in the world. But this book makes the striking point that the second greatest industrial plant is not that of Russia or Japan or Germany. It is the American-owned industrial plant in Europe. We Americans have the two greatest concentrations of industry in the world: Our own at home and the one we own and operate in Europe.

Our economic influence is far greater than this, however. When I was in London last year, I just happened to notice in one block. A restaurant called "Wimpy's" where American-style hamburgers are sold under a name derived from an American comic strip character, a second restaurant called "Texas Hamburgers" and an American movie involving a story on the American Civil War.

People all over the world are buying American drinks: Whiskey, Coca Cola, and in Paris I recently saw California wine for sale.

They are buying American clothes. They are eating American food. In Weybridge, England, I had a lunch which included American asparagus. I had dinner in Munich where we had California strawberries. And so on without end.

But this too is not the complete story. American businessmen are scurrying all over the world looking for things to buy in foreign countries that they expect to sell in the United States and for things they can make there for sale in the United States or wherever a market can exist.

On my way to the Orient a year ago, I met a man in his late 30s or early 40s who told me a remarkable success story. About 10 years ago, he opened a florist shop in Portland, Oregon. He was just limping along and was constantly bothered by a candle salesman who was trying to convince him that he should stock candle in addition to flowers. The salesman was such a pest that the young florist told the salesman that he would take one dozen of each variety that he was selling. Well this developed into a pretty bulky order because candles, it turned out, come in lots of shapes, sizes and colors.

Then the florist found that he simply couldn't sell the candle in his store. When the bill came in for the candle inventory, it nearly broke him and he went to a local supermarket and convinced them to take on his stock. The supermarket proved to be a good place to sell candles and in a few weeks the manager of the store told the florist he wanted some more. The florist got out of the flower business and went in the candle business. And he turned out to be quite a candle salesman. In a couple of years, he had taken over the complete output of the company whose candles had crowded his flower shop.

When his sales exceeded the capacity of the candle manufacturer, he decided to manufacture himself. He learned how to make candles and then flew to Japan. The Japanese were not making any candles except small spindly ones used for religious purposes. He taught a Japanese manufacturer to make the types of decorative candles he was selling and set up his own source of supply.

At the time I met this industrious fellow in an airplane bound for Japan, he had become the largest supplier of candles in the United States and Canada and was beginning to branch out into foreign countries.

All this is supposed to have a point to it, and the point is this: Air transportation has changed the world far more drastically than any other medium of transportation in the history of man. The great U.S. industrial plant in Europe has been mainly a development of the last 20 years, after the introduction of the jet airplane, which made it possible for state-side management to supervise worldwide industrial companies. My candle-maker friend is an example of what a single individual can do.

That air transportation has changed the economic world is demonstrated by the few facts already given. It has also changed many other aspects of our life.

Take, for example, the field of diplomacy. For generations, it has been conducted by governmental representatives located in far distant places. Air transportation has made possible the diplomacy of Henry Kissinger—a representative of the seat of power who, in a world swing occupying a few days, is able to talk directly to the heads of foreign states and come back and report to Washington.

The role of ambassador is past. To quote James Reston of the New York Times:

"Diplomacy has been transformed by the fast jet airplane . . . When the head of an American mission abroad reports something really important to his capital, the chances are somebody from Washington will be sent out to deal with it . . ."

The airplane has also changed the recreation of the world's people. Before World War II, nobody made a European pleasure trip in less than a month. Today people by the millions go to Europe for one or two weeks. The Gourmet Magazine wrote about a woman from Washington who was so intrigued by an article on a London food shop that she went over one day and back the next to buy fancy groceries for a party she was giving.

The airplane has not only brought you to the recreation, it has brought the recreation to you. The schedules of the National and American Leagues today are based on the use of air transportation. The same is true of hockey, basketball, tennis and golf. The competition that now exists could not have operated with the older system of transportation. One of the ski instructors at Sun Valley, Idaho, where he teaches from November to April each year, is the head of the ski school at Thredbo, the principal ski resort in Australia where he teaches from June to October. Race horses move from New Zealand to Yonkers, New York and back again by air.

The more serious types of recreation: music, the theatre, ballet, are the slaves of air transportation. In late 1970 we sponsored a visit of the Australian Ballet to the United States. This group came to this country, made 69 appearances here and returned to Australia in not much more than the time it formerly would have required to make a one-way trip.

The airplane has also changed the geographic distribution of colleges and universities. Young people in your community are no longer largely limited to education at nearby schools; they are attending institutions of learning all over the country, and in many cases, in other countries.

I have drawn most of my examples from international air transportation because it is so spectacular, but the lesson is equally applicable, although perhaps not so dramatically, to access within our own country for every type of purpose.

In this age of air transportation a community that has a major airport has a geographic, economic and cultural advantage. Any community that voluntarily relinquishes this advantage is dissipating the greatest asset it can have. I admire and respect and support the efforts that your organization has made to keep Washington National open; the benefits are well worth the efforts.

SENATE—*Wednesday, June 20, 1973*

(Legislative day of Monday, June 18, 1973)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

PRAYER

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

O Thou who art eternal and unchangeable, make us followers of the truth. Give us ears to hear the truth, minds to understand the truth, and wills to

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act upon the truth. Deliver us from all falsehood, from half-truths and from hiding the truth. Make us loyal partners of all who serve the truth. Give us courage to be true to truth, and true to Thee this day and every day.

We pray in His name who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 20, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. ROBERT C. BYRD thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that on June 18, 1973, the President had approved and signed the following acts:

S. 38. An act to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such act, to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes;

S. 49. An act to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes; and

S. 1136. An act to extend through fiscal year 1974 certain expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ROBERT C. BYRD) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committee.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, June 19, 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.

RESOLUTION FROM THE COMMONWEALTH OF PUERTO RICO CALLING FOR THEIR EXCLUSION FROM S. 352, THE VOTER REGISTRATION ACT

Mr. MANSFIELD. Mr. President, I am in receipt of a resolution from the House of Representatives of the Commonwealth of Puerto Rico calling for the exclusion of the Commonwealth of Puerto Rico from the Voter Registration Act, S. 352. This resolution was approved by the House of Representatives of the Commonwealth of Puerto Rico on May 29, 1973.

I ask unanimous consent that a letter from the Secretary of the Senate, Francis R. Valeo, forwarding this to me on behalf of the House of Representatives of Puerto Rico, together with the resolution, be printed in the RECORD.

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

U.S. SENATE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 19, 1973.

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

DEAR SENATOR MANSFIELD: I am forwarding herewith a Resolution calling for the exclusion of the Commonwealth of Puerto Rico from the "Voter Registration Act" (S. 352), which was approved by the House of Representatives of the Commonwealth of Puerto Rico on May 29, 1973.

Sincerely yours,

FRANCIS R. VALEO,
Secretary of the Senate.

RESOLUTION TO REQUEST FROM THE CONGRESS OF THE UNITED STATES OF AMERICA TO EXCLUDE THE COMMONWEALTH OF PUERTO RICO FROM THE "VOTER REGISTRATION ACT" (S. 352)

STATEMENT OF MOTIVES

Whereas: Before the Congress of the United States Senate Bill No. 352 is being processed, known as "Voter Registration Act", which, upon approval on its original drafting, would include Puerto Rico within a federal voters registration system for the election of federal officials, among which is included the Resident Commissioner of Puerto Rico in the United States;

Whereas: If said bill is approved in the aforesaid form, the effect in Puerto Rico would be that there will be two systems of voters registration; one for the election of one sole official, the Resident Commissioner, and another, for all other elective posts. This would bring about unnecessary difficulties in the Puerto Rican electoral process; would produce a great confusion and would destroy the already directed purpose of carrying out in Puerto Rico an electoral reform which responds to the Puerto Rican political realities;

Whereas: The intervention in Puerto Rico of a federal voters registration process is incompatible with the autonomic spirit of the present political relationship between Puerto Rico and the United States;

Therefore, be it Resolved by the House of Representatives of Puerto Rico:

Section 1.—It is hereby requested from the Congress of the United States of America, both, from the Senate and from the House of Representatives, that the Commonwealth of Puerto Rico be excluded as jurisdiction wherein it may apply, the "Voter Registration Act" (S. 352), now under its consideration.

Section 2.—Copy of this Resolution, duly translated into the English language, shall be transmitted by the Secretary of this House of Representatives to the Senate, and to the House of Representatives of the United States, to each Senator, and to each Representative of the Congress of the United States, to the Governor of Puerto Rico, and to the Resident Commissioner of Puerto Rico in the United States.

And in testimony whereof, I issue these present to which I set my hands and affix the seal of the House of Representatives at the Commonwealth of Puerto Rico, at the Capitol building, San Juan, Puerto Rico, this 29th day of May one thousand nine hundred and seventy three.

ENRIQUE PIÑERO,
House of Representatives Secretary.

NOTIFICATION TO THE PRESIDENT OF CONFIRMATION OF NOMINATIONS

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the President be notified of the confirmation of the nominations by the Senate on last Thursday and Friday.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the distinguished minority leader desire to be recognized?

Mr. SCOTT of Pennsylvania. Mr. President, I yield back my time.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

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

The 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.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Washington (Mr. JACKSON). Time is running.

The text of the pending amendment is as follows:

On page 84 after subsection 208(b) insert new subsections (c), (d), and (e), as follows:

(c) Section 15 of the Airport and Airway Development Act (84 Stat. 219, 225) is amended by adding the following new subsection:

"(d) Any State which has not been found eligible for a grant under the Land Use Policy and Planning Assistance Act after five fiscal years from the date of enactment of that Act shall suffer a withholding of 7 per centum of its entitlement to Federal funds apportioned for airport development pursuant to paragraphs (A) and (B) of subsection (a)(1) and paragraphs (A) and (B) of subsection (a)(2) of this section in the following fiscal year. If such State has not been found eligible by six fiscal years from the date of enactment of that Act, it shall suffer a withholding of 14 per centum in the following fiscal year, and, if not found eligible by seven fiscal years from the date of enactment of that Act, shall suffer a withholding of 21 per centum in the following fiscal year. Funds so withheld shall be held in the Department of the Treasury until the State is determined to be eligible for a grant pursuant to the Land Use Policy and Planning Assistance Act. Upon such determination, the Department of the Treasury shall disburse to the State the funds so withheld."

(d)(1) Section 104, title 23 of the United States Code, is amended by adding the following subsection:

"(2) Any State which has not been found eligible for a grant under the Land Use Policy and Planning Assistance Act after five fiscal years from the date of enactment of that Act shall suffer a withholding of 7 per centum of its entitlement to Federal-aid highway funds, other than funds authorized to be appropriated under subsection (b) of section 108 of the Federal Aid Highway Act of 1956, as amended, or funds for planning and research, which would otherwise be apportioned to such State in the following fiscal year. If such State has not been found eligible by six fiscal years from the date of enactment of that Act, it shall suffer a withholding of 14 per centum in the following fiscal year, and, if not found eligible by seven fiscal years from the date of enactment of that Act, shall suffer a withholding of 21 per centum in the following fiscal year. Funds so withheld shall be held in the Department of the Treasury until the State is determined to be eligible for a grant pursuant to the Land Use Policy and Planning Assistance Act. Upon such determination, the Department of the Treasury shall disburse to the State the funds so withheld."

(2) Subsection (f) of section 109, title 23 of the United States Code, is amended by deleting "or control of" in the first sentence.

(e) Subsection (b) of section 5 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897, 900), as amended, is amended by adding after the second paragraph the following paragraph:

"Any State which has not been found eligible for a grant under the Land Use Policy and Planning Assistance Act after five fiscal years from the date of enactment of that Act shall suffer a withholding of 7 per centum of its entitlement under paragraphs (1) and (2) of this subsection in the following fiscal year. If such State has not been found eligible by six fiscal years from the date of enactment of that Act, it shall suffer a withholding of 14 per centum in the following fiscal year, and, if not found eligible by seven fiscal years from the date of enactment of that Act, shall suffer a withholding of 21 per centum in the following fiscal year. Funds so withheld shall be held in the Department of the Treasury until the State is determined to be eligible for a grant pursuant to the Land Use Policy and Planning Assistance Act. Upon such determination, the Department of the Treasury shall disburse to the State the funds so withheld."

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

The ACTING PRESIDENT pro tempore. On whose time?

Mr. MANSFIELD. On the time allotted to the amendment of the Senator from Washington.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Time is equally divided between both sides. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The Senator will state it.

Mr. JACKSON. Am I correct in my understanding that the pending matter before the Senate is the Jackson amendment, cosponsored by Senator HASKELL and Senator HATFIELD.

The PRESIDING OFFICER. The Senator is correct.

Mr. JACKSON. Mr. President, on behalf of Senator HASKELL, Senator HATFIELD, and myself, I offer the amendment to provide additional encouragement to States to exercise States' rights and develop State land use programs. This amendment is supported by the administration; it is contained in the administration's proposed land use bill, S. 924. Furthermore, it is vigorously supported by all the major environmental organizations. It would impose moderate reductions in a State's entitlement to certain Federal funds in the event that the State has not made a good-faith effort to comply with the limited provisions of the Land Use Policy and Planning Assistance Act at the end of 5 years from date of enactment.

Under the amendment, any State which fails to develop a State land use program at the end of 5 years which meets the requirements of the act would experience a phased withholding over 3 fiscal years of certain Federal funds. The withholding would begin at 7 percent the first year, go up to 14 percent and end at 21 percent in the third year. The programs from which funds would be withheld are the funds for airport development under the Airport and Airway Development Act, Federal-aid highway funds for primary and secondary Federal aid highways, and funds under the Land and Water Conservation Fund Act of 1965. This sanction would be invoked only after 5 fiscal years—I emphasize that—and the funds withheld would not be lost to the State. When the State land use program again meets the requirements of the act, any funds withheld must be disbursed to the State. Finally, the sanction could not be invoked until a determination of ineligibility of the State for grants is made in the interagency review process and concurred in by the independent ad hoc hearing board.

I believe this amendment is important for two reasons. The first, to encourage States to improve their land use decisionmaking, has already been mentioned. Equally as important is the need to insure that major Federal programs which have an immediate and direct impact on land use or which stimulate development do not contribute to unplanned, ugly, and inefficient land use patterns. It makes good commonsense to ask the State to have the means to plan and control in an orderly fashion the secondary growth stimulated by these Federal programs before that growth occurs.

The three programs chosen to be included in the "sanction"—or, as I prefer to call it, "the additional incentive"—are those which are thought to have the most significant long-range and irreversible impacts upon land use patterns because of the exceptional influence they have over public and private development. The balance of two developmental programs and one environmental program was struck to insure that all interests have a stake in avoiding the loss of funds and in developing State land programs which do meet the act's requirements.

This sanction was included in S. 632, the Land Use Policy and Planning Assistance Act, reported by committee last year. During Senate consideration of S. 632, I agreed to an amendment by Senator HANSEN to delete this sanction from the measure. I did so reluctantly in order to insure the passage of the Land Use Policy and Planning Assistance Act. However, since then we have worked very hard to accommodate concerns of several of my colleagues about the measure. In addition, we and many others have conducted extensive public education on the need for the establishment of planning processes and programs at the State level. The States themselves are moving rapidly to develop such land use decisionmaking capacity.

I know that the politically expedient course would be not to offer this amendment. This is particularly true in a year when the States and local governments have felt the pinch of Federal budget cuts and impoundments. It is also no secret that this amendment bears the added burden of affecting programs under the jurisdiction of other committees. But for the reasons I gave above, I believe this amendment is necessary and I plan to fight vigorously for it. I am happy to say that supporting me will be the administration, all the major environmental groups, professional planning associations, and a number of governors. Publicly, and privately to me, a number of governors have indicated that this amendment is needed by them to urge their legislatures to enact the necessary enabling legislation.

I commend this amendment to my colleagues.

Mr. President, I ask unanimous consent that an excerpt from the report, setting forth the full legislative background of sanctions in the land use legislation be printed in the RECORD at this point.

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

NOTE: THE ISSUE OF "CROSS-OVER" SANCTIONS

It will be recalled that S. 3354 and S. 632, earlier versions of S. 268 reported by this Committee in former Congresses (and, in the case of S. 632, passed by the Senate) did contain sanctions which affected other Federal programs. An amendment to add a similar sanction to S. 268 was offered and then withdrawn by the Chairman. Instead, the Chairman announced that he would offer the amendment on the Senate floor for full Senate consideration. The Chairman gave the following reasons for withdrawing the amendment:

The decision to defer consideration of sanctions enabled the Committee to focus its markup efforts on the substantive requirements of the bill. Furthermore, it placed the discussion of the sanction in the proper forum—the full Senate—where the interjurisdictional ramifications can be fully debated by all interested parties.[1]

Several Committee members requested that the full legislative background of the sanctions be provided in the report. The background is as follows:

The sanctions to be applied to States which fail to develop State land use program or otherwise establish their continued eligibility for grants have been perhaps the most controversial aspect of the land use policy bills of the last three Congresses.

The first land use policy proposal, S. 3354, introduced on January 29, 1970 by Senator Jackson, contained the traditional sanction of termination of any financial assistance extended under the bill for State failure to adhere to the bill's guidelines and requirements or to enact State implementing legislation. In addition the first "cross over" sanction (i.e., a sanction which affects other Federal programs) provided that upon the termination of financial assistance to a State, or should such State not prepare an "acceptable Statewide Land Use Plan," by the beginning of the fourth fiscal year after enactment such State will:

(1) have its entitlement to certain additional Federal assistance programs, which shall be designated by the President, reduced at the rate of 20 per centum per year until such time as the provisions of this title are complied with, and

(2) be denied the issuance of any right-of-way permits or other permits available under the public domain or other Federal laws to use or to cross the public domain or other Federal lands until such time as the provisions of this title are complied with.

In S. 3354, as reported on December 14, 1970, the Committee retained the traditional grant termination sanction, but substituted for the "cross-over" sanction the following:

SEC. 315. (a) After the end of five fiscal years from the beginning of the first fiscal year after the initial issuance of regulations . . . implementing the provisions of this title, no Federal agency shall, except with respect to Federal lands, propose or undertake any new action or financially support any new State-administered action which may have a substantial adverse environmental impact or which would or would tend to irreversibly or irretrievably commit substantial land or water resources in any State which has not prepared and submitted a statewide land use plan in accordance with this Act.

(b) Upon application by the Governor of the State or head of the Federal agency concerned, the President may temporarily suspend the operation of paragraph (a) with respect to any particular action, if he deems such suspension necessary for the public health, safety, or welfare: *Provided,* That no such suspension shall be granted unless the State concerned submits [an acceptable] schedule . . . for submission of a statewide land use plan: *And provided further,* That no subsequent suspension shall be granted unless the State concerned has exercised due diligence to comply with the terms of that schedule.

The principal differences between this cross-over sanction and the earlier one are: (1) it touched all new Federal actions which may have substantial adverse environmental impacts or irreversibly or irretrievably commit substantial land or water resources, not just certain Federal assistance programs; (2) the actions would be stopped entirely—neither proposed nor undertaken—rather than simply reduced by 20 percent; (3) an escape clause was provided; and (4) the sanction would be invoked only for failure to submit a plan, not for failure to meet all the requirements of the Act.

S. 632, introduced by Senator Jackson on January 26, 1971, was virtually identical to S. 3354, as reported, and, therefore, contained the substituted version of the cross-over sanction, S. 992, the Administration proposal introduced (by request) on February 17, 1971, did not have a cross-over sanction. (Both proposals contained the traditional sanction of termination of financial assistance extended under them.)

On May 18, 1971, the first day of hearings on S. 632 and S. 992. Senator Jackson, in comparing S. 632, his bill, and S. 992, the Administration proposal, made the following statement in response to testimony of Russell E. Train, Chairman of the Council on Environmental Quality:

I think this is one of the major differences . . . between the two bills. You rely on grant-in-aid incentives. We go a step further. We provide grant-in-aid, but we also provide that as to the future . . . no Federal agency shall undertake any new project [in a State] which does not have a land use plan.[2]

A colloquy followed:

Mr. TRAIN. But as I read the bill, Senator, it does not require that that land use plan be approved or conformed to any particular criteria. . . .

The CHAIRMAN. . . . although we do require that it must be prepared and they must submit a statewide land use plan. We started out earlier, as you recall, to take away grant-in-aid funds on a passoff decision basis. But we felt that this was the minimum that we could insist upon in order to get the States to really plan their land on a statewide basis. . . . [T]here is a real question in my mind whether simply providing for grant-in-aid funds is ample to induce the States to do this job. . . .

Mr. TRAIN. We agree that we are asking the State to undertake and make a very difficult decision here. It is not going to be easy to do. Therefore, we agree that if they could be worked practically and appropriately, that some sort of penalty provisions with respect to States that do not have qualified programs would be desirable.

. . . I simply want to say at this point that the Administration would be happy to work with this Committee in trying to develop practical, appropriate teeth, if you will, in this program.

The CHAIRMAN. I understand that. We will certainly work closely with you. . . .[3]

The following year, the Administration submitted an amendment to S. 992 which contained a cross-over sanction. The Administration-sponsored sanction adopted the approach of a percentage reduction in funds of certain programs originally taken in S. 3354. States found ineligible for grants after the deadline for submission of the State land use program (after three years from enactment) would suffer a reduction of funds from three programs over a three fiscal year period at a rate of 7% the first year, 14% the second year, and 21% the third year. The funds subject to withholding were to be: (a) funds for airport development provided for pursuant to the Airport and Airway Development Act; (b) federal-aid highway funds other than funds for planning or research; and (c) funds from the Land and Water Conservation Act of 1965, as amended.

In the mark-up of S. 632, the Committee chose to adopt the Administration sanction in an amended form. The differences between the sanction contained in S. 632, as reported on June 19, 1972, and the Administration sanction were:

(1) the withheld funds were not to be permanently lost to the ineligible State. Rather they were to be held in escrow and, when the State again became eligible, returned to it. The opportunity for a State to recoup the funds if it comes into compliance with the act was regarded by the Committee as an "incentive on top of a sanction".

(2) funds for interstate highways were not to be withheld; only funds for primary and secondary highways. The Committee felt that to include the interstate highway funds would result in the punishing of the neighboring State, for the misfeasance or nonfeasance of the ineligible State.

(3) in accordance with the timetable of S. 632, the sanction would not be applied until after the fifth year.

A discussion of the Committee-adopted sanction was provided in the report on S. 632 (Report No. 92–869, p. 30):

The three . . . programs were carefully chosen. Two of them—the development program of the Airport and Airway Development Act and the primary and secondary (not Interstate) Federal-aid highway programs—were selected because of their extraordinary impact upon land use patterns and the urbanization they generate. Absent the coordination of plans for these highways and airports with State land use programs which meet the requirements of the Land Policy and Planning Assistance Act, the purposes of the act would be frustrated. To balance the withholding of these development funds and to insure that those who hold development in disfavor do not attempt to frustrate a State's efforts to become eligible in order to force the invocation of the sanctions and inhibit such development, the third grant-in-aid program to which the sanctions would apply would be the Land and Water Conservation Fund.

At the direction of the Chairmen of the Committees on Interior and Insular Affairs, and Public Works, staff members of the two met and developed an alternative sanction which was introduced on the floor of the Senate as part of a package of amendments jointly sponsored by the two Chairmen—amendments which resolved certain jurisdictional questions raised in conversations between the two Committees. The alternative sanction was similar to the sanction in S. 632, as introduced. The principal difference was that the freeze on new Federal activities would occur even should a State submit a State land use program if that program fails to meet the requirements of the Act. The sanction read as follows:

SEC. 307(b)(1) After five fiscal years from the date of enactment of this Act, no Federal department or agency shall, except with respect to Federal lands, propose or undertake any new action, financially support any new State-administered action, or approve any loan or loan guarantee which might have a substantial adverse environmental impact or which would significantly affect

[1] Speech by Senator Henry M. Jackson at a conference entitled "Conservation and Development: Grounds for Compatibility" sponsored by the Task Force in Land Use and Urban Growth, Smithsonian Institution, Washington, D.C., May 24, 1973.

[2] *National Land Use Policy: Hearings on S. 632 and S. 992,* Committee on Interior and Insular Affairs, United States Senate, May–June 1972 (p. 92).

[3] Ibid., pp. 92 and 97.

land use in any State which has not been found eligible for grants pursuant to this Act. Such actions shall be designated in the guidelines promulgated pursuant to section 502 of this Act.

(2) Upon application by the Governor of the State or head of the Federal department or agency concerned, the President may temporarily suspend the operation of paragraph (1) of this subsection with respect to any particular action, if he deems such suspension necessary for the public health, safety, or welfare: *Provided*, That no such suspension shall be granted unless the State concerned submits a schedule, acceptable to the Secretary, for meeting the requirements for eligibility for grants pursuant to this Act: *And provided further*, That no subsequent suspension shall be granted unless the State concerned has exercised good faith efforts to comply with the terms of such schedule.

However, during Senate consideration of S. 632 on September 19, 1972, an amendment introduced by Senator Hansen, deleting all crossover sanctions, prevailed on a voice vote.

On January 9, 1973, Senator Jackson introduced S. 268, S. 268, as introduced, was virtually identical to S. 632 in the form in which it passed the Senate. Thus, S. 268 did not provide for any cross-over sanction. In introducing S. 268, Jackson stated:

As is well known, I was and remain opposed to two successful amendments striking the sanctions from the act and reducing the funding by two-thirds.

Therefore, although the proposal I introduce today is virtually identical to the Senate passed measure, the committee will hold hearings early in February where . . . the critical questions of funding and sanctions can be fully explored.

S. 924, the Administration proposal, introduced (by request) on February 20, 1973, contains the same sanction which the Administration proposed as an amendment to S. 992. (Included in both proposals is the traditional sanction of termination of financial assistance extended under them.)

Underlying all these cross-over sanction proposals is the belief that Federal programs which stimulate alterations—sometimes massive and sudden—in land use patterns should not proceed unless sound planning and land use controls are in effect to minimize any adverse land use, environmental and urban service impacts which otherwise would result absent such planning and controls.

Mr. JACKSON. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial which appears in today's Washington Post and which supports this amendment. I also ask unanimous consent to have printed in the RECORD an excellent letter from Senators HUMPHREY, CASE, HART, and NELSON to all of my colleagues in the Senate vigorously supporting the amendment.

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

HOW SHALL THE LAND BE USED?

Crucial environmental and social legislation is now being debated in the Senate. The Land Use Policy and Planning Assistance Act is a broad and useful bill that promises to establish sound land use guidelines that should have been set up years ago. Sen. Henry M. Jackson (D-Wash.) spoke with accuracy when he noted recently that "failure to pass this legislation when I first introduced it three years ago has already resulted in more waste, inefficiency and environmental damage than took place in the first 100 years of our existence as a nation." Many diverse groups have closed ranks—a rare event even among environmental groups—in support of this land use bill; these include the American Institute of Architects, the Sierra Club, and the conferences of governors and mayors. It is clear that not only are the days of mindless growth ending but that planning for the future cannot be done on the archaic notion that there is plenty of land beyond the next valley.

In the last session of Congress, the Senate passed a bill—by 60 to 18—but the House did not. This time, Congress has given itself running room so that last minute jamming cannot be used as an excuse for inaction. The bill is not another tentacle of the federal government reaching out to grasp control over local jurisdictions. If anything, it is the opposite: an opportunity for the states to use federal money—grants totaling $100 million per year for eight years, with a 90 per cent federal share. As both a sanction against delay and an incentive for action, an important amendment will be offered by Senator Jackson stating that if a state does not come up with its own land use planning programs then it would suffer cutbacks in such areas as federal aid to highways, airports and land-water conservation programs. Whether this amendment is seen as a sanction or an incentive, it is the kind of economic shorthand that a state's officials can understand.

Reports earlier this week suggest that strong opposition to the land use bill exists; arguments are being made that property values will be endangered, that the federal government will take over and that nothing rash should be done. The latter is precisely the point: rashness has already taken its toll—worked by the exploiters and abusers of the land out for the quick return, with only casual thought of the long term consequences, whether economic, social or environmental. But the consequences now press in, suggesting that the longer Congress waits to pass a strong land use and planning bill, the tougher the bill will be when it does come.

U.S. SENATE,
COMMITTEE ON
LABOR AND PUBLIC WELFARE,
Washington, D.C.

DEAR COLLEAGUE: This letter is to urge your support of S. 268, the Land Use Policy and Planning Assistance Act, which is scheduled for Floor debate on Tuesday, June 19. This legislation has the unanimous endorsement of the National Governors' Conference and broad support among professional planners and conservation organizations.

The time has come for strong Federal support of state land use planning for critical areas and uses of more than local concern. The bill is modeled after the American Law Institute's Model Land Development Code and provides incentives for all states to develop programs similar to those recently adopted by states which have taken the lead in land use planning. The bill fully complements the steps Congress has already taken to improve air and water quality. Land use legislation is another major step needed to help insure a decent environment for all Americans.

Basically the legislation is a grant-in-aid program to assist states in developing land use programs. It is, however, neither state zoning nor Federal control of state and local land use decisions. While a state could qualify under the Act with a land program putting decisions of more than local impact directly under state control, the experience with states which have developed similar programs suggests that in most cases local control is the proper way to proceed. Throughout the bill the emphasis is on local control and implementation of land use decisions, subject only to state standards insuring that the broader public interest is fully considered in decisions of more than local impact.

The bill focuses on much-needed procedural reforms of land use decisionmaking. With one limited exception, it does not contain or impose any substantive Federal policy, but merely requires states to go through the disciplined process of developing their own substantive policies related to state needs. The exception is Section 204(1) which authorizes the Secretary of Interior to require a state to appropriately protect, under state law, areas of critical environmental concern of more than statewide significance where there is a legitimate Federal interest in the use to which such land is put. This provision is strictly construed to require the Secretary to carry the burden of proof establishing the reasonableness of his determination that such an interest exists.

We also urge your support for one strengthening amendment—the so-called "sanctions" amendment—to be offered on the Floor. This is a provision for temporary withholding of a portion of financial assistance for Federally supported projects with extensive land use impacts until a state has gone through the process of developing a land use program.

With the passage of this legislation, Congress will have taken an important initial step toward bringing our land use policies in this country into the modern age. We hope that you will join us in support of the Committee bill without any weakening amendments.

GAYLORD NELSON,
U.S. Senator.
HUBERT H. HUMPHREY,
U.S. Senator.
PHILIP A. HART,
U.S. Senator.
CLIFFORD P. CASE,
U.S. Senator.

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

Mr. FANNIN. Mr. President, the distinguished chairman of our committee, the manager of the bill, has stated the need for incentives in order to properly handle this legislation. I wish to read what we are now doing in accordance with the present terms of the bill. We have total incentives of $1.16 billion. There is another $50 million for department operational costs. I wish to review what this provides.

There is a sum of $100 million annually for each of 8 years after enactment to be appropriated by the Secretary of Interior for grants to the States to assist them in developing statewide planning processes and land use programs. If $100 million is not an incentive I do not know what would be.

I agree we do not have the formula by which to distribute this money, but we do have $100 million annually for 8 years for $800 million.

Then, $15 million annually for each of the 8 fiscal years after enactment is authorized to be appropriated by the Secretary of Interior for grants to the States to carry out the purposes of section 205 concerning coordination of land use planning in interstate areas. That is another $120 million. I would consider that a great incentive.

Then, we have the sum of $2 million annually for each of the 8 years after enactment to be applied by the Secretary to carry out research and training procedures under section 308(c).

Here we are providing all this money for these purposes. Then, the manager of the bill says that we need to give an incentive. We are not talking about in-

centives. We are talking about placing a gun at the Governor's head and saying, "If you do not do this we are going to penalize you."

We have $10 million annually for each of 8 years after enactment to be appropriated by the Secretary of the Interior for grants to Indian tribes to assist them to develop land use programs for reservations and other tribal lands. I support that expenditure if it is properly managed. In fact, I support the inclusion of Indian tribes and Indian reservations because I thought it was necessary and that they were deserving of the same consideration non-Indians would be given. So we were able to include this provision in the bill. But here we are providing another $80 million. This, of course, would assist both the Indian tribes and the States, and the communities that are involved.

A sum of $10 million is provided annually for the first five fiscal years after enactment, to be appropriated by the Secretary of the Interior for administrative purposes. At the end of the fourth fiscal year the Secretary is directed to review programs of this act and submit to Congress his analysis and recommendations for amendment to the act. I am referring to the report which states:

After the end of the fourth fiscal year after the enactment of this act, the Secretary shall review the programs established by this act and shall submit to Congress his assessment thereof and such recommendations for amendments to the act as he deems proper and appropriate.

That could mean additional funds. If we are spending that amount annually it is not usually the procedure to lower expenditures, so we may increase them. We do not know. We hope it will not be necessary to do so. But here we are talking about an expenditure of $1.66 billion and in the other 3 years from the standpoint of the administration, additional funds. Then, it is said we are not giving an incentive. It seems strange to me that this would not be an incentive. Here we are going to take away funds from the States. I realize that the amount of money is considerable. It is said this money will be returned to the States if they comply. Under the amendment it is provided:

Any State which has not been found eligible for a grant under the Land Use Policy and Planning Assistance Act after five fiscal years from the date of enactment of that Act shall suffer a withholding of 7 per centum of its entitlement under paragraphs (1) and (2) of this subsection in the following fiscal year. If such State has not been found eligible by six fiscal years from the date of enactment of that Act, it shall suffer a withholding of 14 per centum in the following fiscal year, and, if not found eligible by seven fiscal years from the date of enactment of that Act, shall suffer a withholding of 21 per centum in the following fiscal year. Funds so withheld shall be held in the Department of the Treasury until the State is determined to be eligible for a grant pursuant to the Land Use Policy and Planning Assistance Act. Upon such determination, the Department of the Treasury shall disburse to the State the funds so withheld.

So we are saying, "If you do not follow our dictates we are going to withhold funds from the States for 3 fiscal years." The withholding would begin at 7 percent for the first year, go up to 14 percent and then 21 percent in the third year. The funds would be funds for airport development under the Airport Development Act. These are very important funds. One can imagine the difficulty a Governor would be in if he turned down those funds by not abiding by the provisions of the bill. Then, we have Federal aid to highway funds. Imagine the position of a Governor and the State legislature if they said, "No, we are not going to be willing to make that sacrifice." Senators know what would be said about such an action. Then, we have funds under the Land and Water Conservation Act of 1965. This sanction would be invoked 5 years after the bill has become effective.

The amendment provides:

Funds so withheld shall be held in the Department of the Treasury until the State is determined to be eligible for a grant pursuant to the Land Use Policy and Planning Assistance Act. Upon such determination, the Department of the Treasury shall disburse to the State the funds so withheld.

I think it would be ruled in many instances that the Secretary has been reasonable in his determination.

I think this is a very unfair amendment, placing these sanctions in the bill. I think it is extremely unfair and I feel it would be detrimental to the States. It would not be an incentive.

The distinguished Senator from Wyoming is going to talk about what the Governors have said. It has been said the Governors support this bill. The Senator from Wyoming will thoroughly cover whether or not the Governors support this legislation.

These sanctions were included in S. 632, reported by the committee last year, and during Senate consideration they were deleted. They were deleted because the Members of the Senate did not want them to be included. I do not believe their position has changed.

Mr. President, I feel it is very necessary that we defeat this amendment if we are going to preserve the rights of the States in what they feel is proper and beneficial to them.

I yield to the Senator from Wyoming.

Mr. HANSEN. Will the Senator yield to me to make a unanimous-consent request?

Mr. FANNIN. I am pleased to yield.

Mr. HANSEN. Mr. President, I ask unanimous consent that a member of my staff, Mr. Sam Marler, may be on the floor during the debate on this bill.

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

Mr. JACKSON. Mr. President, I yield to the distinguished Senator from Colorado (Mr. HASKELL) such time as he may desire.

Mr. HASKELL. I thank the Senator very much.

Mr. President, the land use planning bill before us addresses a third form of pollution in this country. We have addressed ourselves to water pollution. We have addressed ourselves to air pollution. But possibly the worst pollution of all is the misuse of land. This bill seeks to address itself to that problem on a national basis.

There is national sentiment for a land use bill. We see such diverse communities as Boca Raton, Fla., Boulder, Colo., and Monterey, Calif., attempting to prevent a despoilation of the land, attempting to control growth in a planned, orderly manner. But I am sure we all recognize that the local government unit does not have the geographical spread to do an adequate job in planning and preventing despoilation of the land.

For that reason, S. 268 addresses the problem, adopts a national land use programs, designates that the State has the responsibility to insure that land use planning is accomplished, and gives the State the right to plan on a State-wide basis or on a regional or local government basis, which would be coordinated at the State level.

Furthermore, Mr. President, the bill leans over backwards, if I may say so, to protect States' rights, to protect the right of a State to adopt a plan that is particularly germane to the climate of that individual State.

But, Mr. President, this is the United States of America. We are not 50 separate units going all our own way. We cannot—I submit—have some States planning and other States not planning. In that way we would have a crazy quilt going across the Nation, in which some States planned and other States disregarded planning. In view of the fact that this is the United States, in view of the mobility of the people of this country, we must have all States planning.

Therefore, I am very happy to cosponsor the amendment of the distinguished Senator from Washington, which would provide leverage to force the States to enter the planning process. I believe the sanctions are extremely moderate and tolerant. However, I think they are very necessary if we are to have a national policy.

I thank the Senator from Washington.

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

Mr. HASKELL. I certainly yield.

Mr. JACKSON. I commend the distinguished junior Senator from Colorado for a very fine statement and commend him for the tremendous job he did during the course of the hearings on the land use bill. His penetrating questions, his comments, and his suggestions have been invaluable.

I would like to ask my friend a question. Is it not a fact that the three areas of sanctions deal with the long-range planning problems that all States must address themselves to; that is, to identify—not exclusively; there are others, but to identify—where the roads are going to go, where the airports are going to be located, where areas ought to be conserved, so that we avoid allowing a haphazard appropriation process of making funds available to a State without a State land use program?

Is not that the basic thrust of the incentives to the States in this amendment?

Mr. HASKELL. I concur with the Senator from Washington completely. In the bill we recognize, for example, that

key facilities include airports and highway interchanges. Without planning at the State level for those facilities, we cannot have adequate planning. Therefore, it is only logical that these funds to build such facilities should be affected should the States not fulfill their responsibilities.

Mr. JACKSON. I would also point out, Mr. President, in this connection, that we did modify the so-called sanctions in the administration bill. For example, we felt that States that complied with the law should not be interfered with in connection with interstate systems, so that the interstate system will be cut off by an abutting State or an adjoining State that did not comply with the law. Therefore, although they would be denied under the sanctions in the administration's proposal (S. 924), funds for the interstate program. We have confined it to primary and secondary highways. Is that not correct?

Mr. HASKELL. The Senator is correct.

Mr. JACKSON. In addition, we also have put the money in escrow, and the States can get all of the money back upon compliance, which is another difference.

Mr. HASKELL. I think that is a very important factor. No State will ever lose the money on any permanent basis. It will always be able to recoup payment of the highway funds, for example.

Mr. JACKSON. The money is held in escrow until compliance, which is a very important point. Under the administration sanction, the funds would have been permanently lost to the States.

Mr. HASKELL. A very important and very equitable point.

Mr. JACKSON. Would not the Senator also say that under the administration bill sanctions started at the end of the third year, and our sanctions would not start until the end of the fifth year?

Mr. HASKELL. The Senator is correct. Again, this is a very important point, because sanctions would not be instituted until the fifth year after passage of the act.

Within 5 years the States will have developed their programs. We would allow the States adequate time to do their jobs, but we still retain some push behind the States to get their jobs done.

Mr. JACKSON. Again I want to commend the able Senator from Colorado for his first-rate leadership on this issue. It has been a very complicated bill. He is an outstanding lawyer. I would point out that his vigorous interrogation in the hearings and careful attention in markups, along with that of other members of the committee, has been extremely useful, I think, in working out what I believe is a good bill, provided we get this amendment which we are sponsoring adopted.

Mr. HASKELL. I thank the Senator from Washington very much. I appreciate his leadership as chairman of the committee in bringing to the floor what I think is an extremely useful piece of legislation.

Mr. JACKSON. I thank the Senator.

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

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

Mr. JACKSON. I am happy to yield.

Mr. McCLURE. Mr. President, I want to express both my concern and my support for the Senator's amendment with respect to sanctions. My concern is with respect to one of the matters that has been outlined because it deals with those Federal programs which we might term to be key facilities They are those Federal programs which have the greatest likelihood of having an impact upon land use decisions That is the reasor why they are tied into this amendment.

My concern is that we have not really, adequately defined the distinction between Federal preemption on key facilities where Federal preemption needs to be clearly spelled out and appropriately applied, and those key facilities which are within the prerogatives of the States to determine within the boundaries of their own State plan.

We had much discussion yesterday with respect to the secretarial discretion on the review of State plans.

But there is within the bill, implicit at least, a Federal override on those matters which are of more than statewide concern. As I read the bill at the present time, the Secretary is the one who makes the determination on what is of more than statewide concern. Am I correct on that statement?

Mr. JACKSON. The Senator is correct, subject, I believe, to the approval of the ad hoc review board. I think that is a limitation. The Secretary makes the original designation. However, that exercise of discretion is subject to the final action of the ad hoc review board.

Mr. McCLURE. If there is a dispute then between the State and the Federal Government about the determination as to whether the State plan makes adequate reference to the area or to facilities of more than statewide concern, that matter becomes a matter for the ad hoc review board.

Mr. JACKSON. The Senator is correct.

Mr. President, I yield to the Senator from Colorado so that he might remark on the matter.

Mr. HASKELL. Mr. President, in response to the Senator from Idaho, it is my understanding that it is only environmental areas of more than statewide concern which the Secretary can designate. The Secretary is not empowered, as I read the bill, to designate key facilities within the State. The State at the State level must divest itself of facilities.

Mr. McCLURE. But the areas of more than critical concern which the Secretary might determine to be of more than statewide concern, and therefore improperly considered by the State, are within the prerogatives of the Secretary's decision. That decision itself, I understand, from the chairman's response would be subject to review by the ad hoc review board.

Mr. HASKELL. The Senator is correct.

Furthermore, should the Secretary indicate such an area, then the remedy is provided in the statute for the State to respond. Then we would have the ad hoc board review the decision.

Mr. McCLURE. We would have to look to the ad hoc decision. That was touched on yesterday in debate. I think that it needs to be touched on further. We did in the committee by amendment to the bill change the makeup of the ad hoc review board. It now provides for a representative appointed by the President and one appointed by the Governors' Conference. The Governors themselves will select the representative for the Governors, and the third will be from an independent agency which has been set up to select the people who are objective and without any bias toward one side or another. Is that not correct?

Mr. HASKELL. I believe the Senator is absolutely correct. There was considerable discussion, as the Senator will recall, on the composition of this board. I do not recall whether it was the Senator from Idaho or the Senator from New York (Mr. BUCKLEY) who put in an amendment on the composition of the board to provide that the National Governors' Council would choose a member. Then, of course, the President would choose a Federal official to be a member. Then the two together would pick a nonpartisan member. And if they cannot agree, then the National Council would make a choice. The Senator is correct.

Mr. McCLURE. Mr. President, we went to great lengths to make sure that the ad hoc review board would be capable of independent judgment.

Mr. HASKELL. Indeed we did. And as I recall there was extended discussion in the committee on this very point.

Mr. McCLURE. Mr. President, I think it is important when we look at the question of sanctions to be very clear that we understand to what the sanctions apply.

Mr. HASKELL. I agree.

Mr. McCLURE. Mr. President, as I stated at the outset of the hearings, I would not have wanted to vote on the question of sanctions in the beginning of the deliberations because I was not certain in my own mind at that point that the Federal Government was limiting its role to assisting the State. The legislation could have been construed, by some at least, as a Federal take-over of the process and substituting Federal discretion for State discretion.

As I said at the outset, if all we were talking about was ultimately the Federal decision on the planning process, I would have to be opposed to the sanctions. However, if the bill, as it finally emerged, was an action forcing device which simply stimulated and assisted the States to do their own planning process, then I could vote to support the chariman on his suggestion that there ought to be a real stake involved to make certain that the States would engage themselves seriously in the planning process.

I believe that is what the bill does at the present time, and I think that is what the changes would do.

Mr. HASKELL. Mr. President, I concur with the distinguished Senator from Idaho. I remember very well the discussion had in the committee. Therefore, the rationale of the Senator is correct.

Mr. JACKSON. Mr. President, I want to announce that I do not know whether the Senator was present on the floor

when I had a colloquy with the Senator from Colorado and pointed out that we had made some adjustments in the bill as proposed by the administration as far as the sanctions are concerned.

I think that we have a good amendment here, by which the States will have the money in trust until they can comply. And at the same time the Senator from Colorado pointed out it will avoid the unequal treatment where one State has complied and the other State has not complied, and yet the first State will be hurt by the application of the sanction to the second.

I thank the Senator for his inquiry on this whole question as it relates to other aspects of the bill before he made his decision on this amendment. I thank him for his expressions and for his thoughtful comments and hard and tough questions which enabled us to bring out a good bill. I also commend him for his support of the amendment.

Mr. McCLURE. Mr. President, I thank the Senator.

If the Senator would yield, I have one other comment with respect to the Federal override, because in my judgment what we have brought out in the bill and in the legislative history is a very, very limited Federal decisionmaking process with respect to areas of critical environmental concern and a very, very limited role, almost a total denial as a matter of fact, on any decisions on Federal key facilities.

We had discussed the matter in the committee and have discussed it again on the floor as it concerns energy siting legislation and the siting of key facilities for various purposes under various Federal statutes. I know it is the intention of the chairman of the Committee on Interior and Insular Affairs, the Senator from Washington (Mr. JACKSON), to bring forward separate legislation in regard to energy siting. This bill does not address itself directly to that question. Is that not correct?

Mr. JACKSON. The Senator is correct. A bill is pending before the committee that would do that. We will schedule early hearings. I believe that it deserves a very high priority because time is of the essence. We did not try to incorporate it into this bill because we would have become involved in too many subjects. This bill is a long-reaching bill and the energy siting is separate from this bill.

Mr. McCLURE. Mr. President, some aspects of energy siting have to do with transmission and pipelines and also have to do with another bill, S. 1081, having to do with rights-of-way.

Mr. JACKSON. The Senator is correct, and we hope that bill will be up next week.

Mr. McCLURE. So even though we do not address it directly here, it is not being ignored simply because there is no specific provision for it in this legislation?

Mr. JACKSON. No; it is a part of what I would like to describe as a comprehensive energy program, as outlined in the bills which are pending and as a part of a comprehensive environmental program.

We are doing both here. We have a strip mining bill, we have a land use bill—we are trying to look at the total program, and relate man's need for economic growth to provide for a better standard of living, and also trying, in doing that, to provide for quality growth, quality life, the environment, the whole totality of life.

Mr. McCLURE. I would say to the Senator that I think the committee has really done very well under the able leadership of our chairman in bringing this legislation forward. We are not all in agreement on every word, every sentence, and every concept within the bill.

For instance, this area of sanctions causes me trouble with respect to procedures and criteria between the land use planning set forth under this program and that which is called for under the Coastal Zone Management Act. I know why we did it: on the practical question of jurisdictional problems. But when we get into sanctions, we begin to focus on the difficulty of the practical problems in connection with land use planning.

Mr. JACKSON. When we are talking about sanctions here, we are pushing the sanctions to achieve certain economic and environmental goods in connection with the several States.

I would point out that in our energy siting bill, we are dealing there with an economic problem, and we are, in effect, saying we will give the States so long to act on the siting of urgent, necessary energy facilities, and for failure to act there is a sanction, and the sanction is Federal preemption. We are trying to deal with it on an evenhanded basis, look at the problem honestly, and see pragmatically what will work.

How do you get the States to do this job, both environmentally and economically? Environmentally they have not been doing it, and we are trying to focus on and balance these conflicts so that we can make some sense out of anarchy. We have anarchy today in both areas, both in the environmental and in the economic area, and we are trying to establish some new rules of the road.

We faced, as the Senator has mentioned, some very pragmatic situations. We have different committees involved. We are realistic; we can only go so far and do so much so fast.

I am confident that this is a sensible beginning, and it is a beginning, let us not kid ourselves. It is not more than a beginning, and we ought to keep that in mind. But I think it is a good beginning in trying to inject some horse sense into the land use decisionmaking.

Mr. McCLURE. Will the Senator yield further?

Mr. JACKSON. I yield.

Mr. McCLURE. The kind of interrelationship that exists not only in jurisdictions within Congress, but also in political jurisdictions where one State adopts a plan which is inconsistent with overall goals that are necessary for other States, could not have been more sharply focused than by the 5-percent reduction in electrical energy in this area last week, in order to meet a power shortage which did not exist here, but in the Northeast. It existed in an area where the people have consistently blocked the efforts of those who would provide additional energy, and that energy shortage which they created for themselves was imposed upon another area where the people were willing to go forward with energy-producing facilities.

That is the kind of problem we inevitably get involved in as we look at the conflicting actions of various jurisdictions.

Mr. JACKSON. I think that is an excellent example.

Mr. McCLURE. The people of New Mexico are concerned about the Four Corners powerplant. There has been much said about that. The Four Corners powerplant does not exist to create energy for the use of the people there; it was created to provide energy for people in other parts of the country.

Mr. HASKELL. If the Senator will yield, along those lines, I know that the Senator from Idaho would feel that facilities in one part of the country affect other areas of the country. But this is one Nation, as I have said before, it is not 50 entities going their own way. Just as we do not want someone in one State making plans which affect energy needs in other States, we do not want some States planning and others not planning. We want some kind of general national policy, and this, as I see it, is one of the reasons for the sanctions. Do the Senator from Idaho and the Senator from Washington concur in that view?

Mr. JACKSON. I would certainly agree, and I think the example the Senator from Idaho mentioned about power is a classic example. The genius of the American utility system, public and private, lies in interconnections. They do cross State lines, and when a given State fails to carry its share of the burden and its output fails to have the necessary kind of backbone facilities, then it hurts other areas.

In New York City, we all know they cannot agree on where their power facilities should be; they can only agree that they want more and more power, "but let us get it from the other fellow."

This legislation, I believe, lays the foundation in connection with key facilities, and so on, and in connection with the energy directives. S. 268 will help to make a good beginning toward having, shall we say, a more comprehensive approach to these problems, rather than a fractionated approach.

Mr. McCLURE. And so long as we have the policy which is set forth here in the general concept that the States in their own wisdom can come up with differing plans, there will still be diversity, there will still be the local option to make the decision, and the uniformity to which the Senator from Colorado refers is not the result of a planning process that imposes the same kind of plan for every State in the Union, but a simple requirement that they go through a planning process to consider these problems and make a decision.

Mr. JACKSON. This is not an environmental and economic monolith that we are producing here, but what we are saying is that we want to make diversity work; and diversity can only be effective

in the context of looking at the total picture.

This is what I think we are trying to do, in addition to the other things that have been mentioned.

Mr. McCLURE. It is not the people from my State who are causing the subdivision problems in Arizona, in New Mexico, in Colorado, and in my own State. It is the people from other States who are causing this kind of problems, that lead us to include in this measure the requirement that they consider the impact of legislation on subdivisions. What has happened in Arizona, Colorado, New Mexico, and to a growing degree in Nevada and Idaho, is the kind of pressure that is put upon us, not by our residents in our own States, but the residents of metropolitan areas who are seeking an escape in a second home somewhere, in a summer home or a winter cabin.

These things cross State lines, and while we do not want to dictate to Arizona what kind of subdivision ordinances they should adopt or what kind of subdivision regulations they should have, we do wish to make certain that in all of our States these issues are considered.

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

Mr. President, a parliamentary inquiry, and I ask unanimous consent that the time for the inquiry not be taken from either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator will state his parliamentary inquiry.

Mr. JACKSON. How much time remains on my side, and how much to the opponents?

The PRESIDING OFFICER. The Senator from Washington has 20 minutes. The Senator from Wyoming has 45 minutes.

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

Mr. FANNIN. Mr. President I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. McGOVERN). On whose time?

Mr. FANNIN. To be taken out of my time.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FANNIN. 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. FANNIN. Mr. President, I yield such time as the Senator from Oklahoma may desire.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BARTLETT. Mr. President, the advocates of the pending bill have been talking about assisting the States, urging and prodding them, talking about the constitutional rights of the States, the value of local government to property rights, the historic approaches to man's property residing in the States and allocated in most cases to the local governments.

Mr. President, if this bill were a good bill, if it were one that was desired and would work to the satisfaction of the people of the States and the local communities, sanctions would not be necessary.

Why is it necessary to have a club, even more than a club, to force a bill down the throats of the lawmakers of the States, and then talk about the responsibilities of the States?

Why do we have sanctions in the bill? It is not to prod or to urge or to encourage the States, it is to force them to do something that the sponsors of the bill know the lawmakers in the States do not want. Its advocates want to force the lawmakers to do something that the people in the local communities are not asking for and do not want—and that is Federal interference.

Congress was not elected to tell the people what is good for them, but to represent their wishes. I do not believe that this bill represents the desires or the wishes of the people of this country. The bill would force State legislatures to pass laws which would conform to the requirements of the bill, to the programs required by the bill and, in that sense, it would usurp the responsibilities that the lawmakers and the State legislatures have to their constituents, to their people.

It would do the same with the Governor. It would require that he must approve the plan for land use in his State. This would have the same effect of negating the responsibility of the Governor. It would force him not to be able to use his veto or to act independently in representing the wishes of his people. I would force compliance by the Governor. It would force compliance by the members of the State legislature.

The bill, according to its advocates, seems to be one that is voluntary on the part of the States, but it is not a voluntary bill, although a State may join voluntarily, certainly; but if it chooses not to do so, or if it drops out, then it is forced later on to submit a State land use plan according to the requirements of this act.

The sanctions are not just a prod or even a club, in my opinion, they are an atomic bomb, because they would withhold money from the highway funds, from the Airways Act, and from land and water use programs in amounts that would prevent a Governor or the members of the legislature from acting independently or representing the people or representing their folks. They would be deprived of representation at the local level with this bill, with sanctions that are in such amounts that a Governor or a legislature could not resist the dictates of the bill.

In the first 3 years of ascending percentages, 7 percent, 14 percent to 21 percent of the various Federal financial supports, it would amount in Oklahoma, with highway funds alone, to $21.3 million.

There is no Governor, there is no State legislature that could leave that money in escrow indefinitely. They would be forced to go along with a program or an act not representative of their people in order to get the funds for highway construction. The same would be true so far as airports are concerned and land and water use programs.

The distinguished chairman said:

How do you get the States to act?

Then he said:

Pass this bill.

What he means is, "Let us force the States to act."

The States do act. The States are planning. The States are expanding their scope. This was true when I was Governor of Oklahoma. In our case, we planned along the Arkansas Basin and made studies for planning. We tried to pass a program for planning but, I am afraid, in our case, we did not develop enough support; but I think it can very well be done. We increased planning at the State level with a new agency which was created to coordinate with the local communities and the regions of the State; but the distinguished chairman says:

How do you get the States to act?

His answer is:

You force them.

My answer is that the leaders of the States should lead their own people and not force them. The people of this country are tired of being forced by bureaucrats, of being forced by the Federal courts. They want responsive government. They want responsible government. They want government to be closer to them.

This bill is a bill which would take government further away from the people.

There has been a lot of talk about States' rights and States' responsibilities. This bill would limit those rights severely.

I should like to impress upon the advocates of the bill, and my good friend the Senator from Colorado, that democratic government without the support of the people is not democratic government, and that this bill would deprive. It would deprive representation by the people as their leaders would see it to represent them in a clear and objective way.

The people are tired of bureaucratic government. They are tired of government that is not responsive. The bill, so far as Congress is concerned, would abdicate the responsibilities of Congress. It would pass the buck in two directions. It would pass the buck to the Secretary of the Interior, and it would create a czar for zoning—a zoning czar in the Secretary of the Interior.

Also, it would pass the buck to the courts, because, like the Clean Air Act and the National Environmental Protection Act, it is very broad in its coverage, in its scope, and in the responsibilities it would convey to the proper bureaucratic officials. In this case, the Secretary of the Interior would have tremendous powers to review State plans, to change State land use plans as he would see fit, in the areas of environmental concern beyond State significance. This virtually would give him a free opportunity—in fact, a free area of demand—to act, to regulate States in their land use programs.

We have seen very recently in the news that Mr. Fry of NEPA points out require-

ments, according to NEPA, that in just a few years will force several very large metropolitan areas to decrease the number of cars that are permitted to operate in those areas, such as Los Angeles, possibly cutting out automobile transportation completely, and reducing automobile transportation in northern New Jersey to 60 percent. Is this what the people want? Is this what Congress intended? I do not think so.

I think we must look at what we are intending to do in this bill, and then we must look at what we are doing. We are giving the opportunity for a duplication of the broad powers of the Clean Air Act and the NEPA in a bureaucratic structure having no control by Congress, limited control by local government, and limited control by State govrenment.

The Clean Air Act has been interpreted by the courts in recent days to prevent a business, an industry—and this could be in a depressed area—in a rural area from being located there if it would in any way increase the pollution of that area. I do not think this was intended in all cases.

I believe we need here a land use bill that will give the Federal Government the opportunity to truly help the States, to give them financial support, to require certain things of them in the processes they would consider in developing a land use plan; but in the development of the programs, they would be completely free to develop the programs for the people of their communities and their State as they see fit.

Do we in Congress—do I, a representative of the State of Oklahoma—know better what is best for the State of Nevada, the State of Arizona, the State of Colorado, or any other State? Certainly not. But if I have knowledge of what is good for a State, it would be Oklahoma.

I think it is very important that we provide the right kind of mechanism of law to deal with a very important area of land use planning. I believe that these sanctions, this club, this atomic bomb, not only would destroy the value of local representation and local government and State government and State representation but also would destroy the opportunity to make some real progress in land use planning.

The PRESIDING OFFICER. Who yields time?

Mr. BIBLE. Mr. President, will the Senator from New York permit me to secure some time? I understand that the Senator may already have been recognized.

Mr. BUCKLEY. Mr. President, I yield such time as he may need to the Senator from Nevada.

Mr. BIBLE. I thank the Senator from New York.

The PRESIDING OFFICER. Who yields time?

Mr. BIBLE. I am going to support the bill, but I am going to oppose the sanctions, so I am willing to take time from both sides.

The PRESIDING OFFICER. The Senator from Washington (Mr. JACKSON) controls the time for the proponents of the amendment.

Mr. BIBLE. I am willing to divide the time equally between the proponents and the opponents, because I am going to speak half for each. I support the bill but oppose the amendment.

Mr. HASKELL. Mr. President, we have only 20 minutes on our side, and two Senators wish to have time yielded to them.

Mr. BIBLE. I assure the distinguished Senator from Colorado that I shall not speak too long.

I support the proposed Land Use Policy and Planning Assistance Act of 1973. In doing so, I want to recall and associate myself with some observations made by our esteemed colleague, the distinguished Senator from Washington (Mr. JACKSON), when he opened the debate on this all-important legislation last Friday. Observations which bear repeating because they help us focus on the critical need for this legislation at this point in time.

The chairman properly reminded us that the problem addressed by the bill is really related to the incredible rate of economic growth that has marked our country in recent years. He illustrated his point with some interesting statistics about the growth of the Nation's gross national product. The gross national product reached the $1 trillion level some 3½ years ago. Half that growth took place over the first 185 years of our history. The other half—growth value at $500 billion—occurred over the brief span of only 15 years. Now economists are forecasting a doubling of the GNP over the next 50 years. We are told that what used to take 200 years to achieve will now be reached in one-fourth the time.

Senator JACKSON's illustration aptly dramatizes what this bill is all about. The past is prelude to the future. If history teaches us anything, it teaches that if the Nation and the 300 million people we expect by the year 2000 are to obtain the full benefits such growth can bring, we cannot rush pell-mell into the next century without careful regard for our finite land resources. There must be planning. There must indeed be a roadmap of where we want to go. Thinking people at the State and local levels of government—assisted by Washington—must chart the course and devise the land use plans needed to assure the orderly development of their communities and States in the years ahead.

The proposed legislation before the Senate today is especially notable in two major respects. It is an outstanding exercise in creative federalism, and it proceeds on the premise that all wisdom does not emanate from Washington. It recognizes that the wisdom and common sense needed to plan ahead abounds at the State and local levels of government throughout the country, and leaves the essential planning job to the jurisdictions most directly and intimately involved.

The purpose and effect of the bill will be to revitalize and strengthen State and local land use decisionmaking, while at the same time insuring that constitutionally protected property rights are not infringed by a Washington bureaucracy.

The bill does not mandate "Federal planning" or "Federal zoning." Planning and zoning will remain State and local government functions—as they should.

The bill does not permit wide-ranging increases in Federal authority over State and local decisions respecting State and local lands. It is an "enabling act," the thrust of which is to encourage the States to exercise their "States' rights" and develop State and local land use plans.

It does not mandate statewide land use planning to the exclusion of local jurisdiction. Primary emphasis at the State level would be focused on land uses of more than local concern. The bill does not envisage any wholesale State preemption of local planning decisions. It does not call for statewide zoning. On the contrary, it contemplates a reinvigoration of local zoning powers.

It does not alter any existing landowners' rights to seek judicial redress for what he regards as an unlawful "taking" of his property.

The committee bill very wisely avoids the so-called crossover sanctions that were proposed in last year's bill and eliminated here on the floor of the Senate. I am strongly opposed to any such sanctions. I do not believe Nevada or any other State should be threatened with the denial of her entitlements under other Federal legislation in order to enforce compliance with this or any other program. We need incentives, not penalties. The challenge here in Washington is to assist the States, not to deprive them. This is a challenge the committee bill has met admirably well.

Ninety-percent Federal grants launched and sustained the Federal highway program. The 90-percent grants and the two-thirds/one-third grants provided by this bill will do the same for land use planning. The 90-percent grants for interstate planning, the 100-percent grants for Indian land use planning, and the substantial allowance for research and training provided by the committee bill all add up to a formidable incentive for progress.

I am pleased to be able to say, Mr. President, that at its biennial session earlier this year, the Nevada State Legislature enacted and the Governor has approved new land use planning legislation seeking essentially the same objectives envisaged by this bill. Nevada stands ready to cooperate in the fulfillment of the committee's objectives. I dare say that given the incentives in the pending bill, the States generally will do likewise.

Mr. President, I am happy to pay tribute to Mr. William Van Ness, who worked closely with us when he appeared before the Land Use Committee in the State of Nevada. He made valuable contributions to many, many parts of the Nevada land use bill, just passed by the State legislature and signed into law by the Governor, and which has just become effective. It is very much the same as the Federal law.

Mr. President, this Land Use Policy and Planning Assistance Act comes before the Senate against a long background of legislative effort by three Senate committees over a period of several years. Comparable legislation passed the Senate last year by a vote of 60 to 18. The present bill has been endorsed by the administration, the National Governors' Conference, the Council of State

Governments, the National Association of Counties, the League of Cities, the Conference of Mayors, and myriad other groups. It is—as I have said—an outstanding example of creative federalism. A statesmanlike balancing of State, local, and Federal interests.

The bill is a high tribute to the genius and leadership of my good friend, Senator JACKSON. He and my other colleagues on the Senate Interior Committee who labored so diligently with him—and the able staff of the committee—have performed a great service for the Nation.

It is time to move this landmark legislation forward.

Mr. President, I ask unanimous consent to have printed in the RECORD a telegram received from Governor O'Callaghan of the State of Nevada in opposition to the crossover sanctions in S. 268.

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

CARSON CITY, NEV.,
April 5, 1973.

Senator ALAN BIBLE,
Capitol Hill, D.C.:

I oppose imposition of crossover sanctions in S. 268, Land Planning Act.

MIKE O'CALLAGHAN,
Governor of Nevada.

Mr. HANSEN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The proponents have 17 minutes remaining and the opponents have 27 minutes remaining.

Mr. HANSEN. Mr. President, I yield such time to the Senator from New York as he may desire.

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

Mr. BUCKLEY. Mr. President, I rise in opposition to the Jackson amendment. I think it is necessary to understand that we are dealing with brand new legislation that could have and will most certainly have a most profound effect on land policies across our entire Nation and, of course, that is its purpose. It is legislation promulgated on the principle that the role of the Federal Government is merely to encourage the States to adopt and follow a planning process on the basis of which the States will develop their own land use programs designed to meet the needs of their own States, as the political process in each State determines those needs.

In the report language and in the discussions of the committee it was accentuated that it is not the role of the Federal Government to second-guess the actual shape of any such program; yet I believe that sanctions that are proposed would inevitably create a situation where the arbitrary hand of the Federal Government would become visible, would begin encroaching on the constitutional prerogatives of each State; would, in turn, be utilized to encourage States to encroach unnecessarily on the prerogatives of local levels of government.

I believe we ought to live with this legislation a few years and see how it works and then come back and reassess the entire situation and see where, if at all, it is failing in its objectives.

I believe the technique of the cutoff of funds from the programs is a dangerous precedent for Congress and will lead to invocation of all kinds of similar measures in all kinds of grant-in-aid programs, thereby changing the thrust from encouragement to naked dictation.

Mr. President, one thing should be taken into consideration in weighing the merits of the Jackson amendment and that is that, as the bill is now structured, totally external agencies, namely HUD and EPA are granted the right to find any State ineligible for Federal assistance after the planning process has been concluded. To put it another way, a finding by HUD or EPA that a State planning program does not conform with one of the requirements in totally disconnected legislation would enable these agencies to invoke the sanction. It seems to me we would be fooling ourselves if we did not believe that somewhere down the line somebody in these two agencies would, in effect, be invoking the sanctions that would be created by the Jackson amendment, not to advance the proposition of this legislation but in order to coerce States into compliance with other directives under other legislation totally unrelated to land use planning.

I therefore urge on all my colleagues the wisdom of defeating the Jackson amendment. I urge the wisdom of waiting to see what the actual impact of this legislation is on the States. I urge the wisdom of understanding that if we adopt the Jackson amendment it will then be necessary to eliminate from the bill all kinds of other provisions which would create the ability of an unrelated agency to use sanctions in order to cause the States to follow dictates in all kinds of other areas that are not within the bill now under consideration.

I believe I have supplemented the remarks made by others in opposition to the amendment. I yield back my time to the Senator from Wyoming.

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

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

Mr. RANDOLPH. Mr. President, I have strongly supported the principle of a rational land-use policy developed by the States with leadership and financial assistance from the Federal Government. By and large that principle is well expressed in S. 268 as reported by the Interior Committee. States are called on to begin a land use planning process adapted to State and local needs, following the general guidance of Federal policies set forth in this bill. This approach promises progress in establishing a rational basis for land use decisions.

The amendment offered by the Senator from Washington (Mr. JACKSON), our colleague and my close friend, would introduce an element of coercion into the development of State land use planning in a form which I do not think can be justified. We are just beginning to understand the way Federal policies will affect State and local land use decisions. I sincerely doubt that 5 years from now, when the sanctions proposed by Senator JACKSON's amendment would be imposed, the level of our knowledge will have sufficiently progressed to allow us with assurance to replace Federal judgments for State judgments. This is especially true when the penalty to the recalcitrant State is the losing of substantial sums of Federal financial assistance.

In addition, Mr. President, I point out to my colleagues that the Federal programs from which funds would be withheld from States under the sanctions proposed by Senator JACKSON are not directly related to the land use planning process which would be established by this legislation.

One portion of his amendment would amend title 23 of the United States Code to impose a penalty withholding Federal-aid highway funds from States which do not comply with some Federal judgment of adequate land use planning.

Mr. President, the Federal-aid highway program is under the jurisdiction of the Committee on Public Works, which I have the responsibility to chair. Highways on our Federal-aid systems are already required to be planned with meticulous care and consideration for environmental effects and other land use consequences. This requirement is now a part of title 23 as a result of the work of our committee. Under section 134, title 23, each highway project in an urbanized area must be developed and considered in a continuing comprehensive transportation planning process in which responsible local officials take a prominent role. Section 109(j) requires each Federal-aid highway project to comply with guidelines assuring the consideration of adverse environmental effects, adverse effects on employment, tax bases, and property values, potential displacement of people, farms, and businesses, as well as the effects on desirable community and regional growth.

Each project, as you can see, is considered extensively for its contribution to and effect on important land use concepts. To impose a penalty for inadequate land use planning against the federally assisted highway program of a State is therefore illogical. It is wrong to penalize a State's participation in a program which gives extensive consideration to land use consequences of Federal expenditures for some failing in the State's approach to other land use areas. It is not proper to use as a sanction a program whose projects are not the cause of poor land use policy.

I expect that the other sanctions proposed by our able colleague involving the Airport and Airways Development Act and the Land and Water Conservation fund, have the same weaknesses.

When the shape of any national policy is more clearly defined and when we have had more experience with the performance of States under this legislation, the Congress can consider whether sanctions are an appropriate means for implementing national land use policy.

The PRESIDING OFFICER. Who yields time?

Mr. HANSEN. Mr. President, I yield 3 minutes to the Senator from Tennessee (Mr. BAKER).

Mr. BAKER. Mr. President, I thank

the distinguished Senator for yielding me a brief time in which I may comment on the pending legislation.

As the able chairman of the Interior and Insular Affairs Committee (Mr. JACKSON) pointed out earlier today, the United States may in the 27 years remaining in this century experience growth in facilities equal to that we have experienced in our first 200 years as a nation. This growth will take place against the backdrop of vastly diminished land reserves. It is very apparent that land use programs capable of rationalizing the commitment of our remaining land reserves have become a necessity.

I commend the Senator from Washington (Mr. JACKSON) and the Interior and Insular Affairs Committee for bringing this issue before the U.S. Senate.

I note that the bill as reported does not contain sanctions, but is a program of assistance to the States in meeting the demands of land use planning and programming. I feel that this is an improvement over the bill reported last year, and I am delighted that is the result. Certainly the implications of land use planning pervade some institutions basic to our concept of Government. I feel that care must be taken in initiating such programs.

In that respect, Mr. President, I oppose the effort, or any effort, on the floor of the Senate of the United States to impose Federal sanctions. I feel they are premature. I think they are unwise. I think we are dealing with an issue that is so pervasive, so important, and so unknown that we dare not resort to the device of Federal sanctions at this time.

Earlier, in response to my general feeling that some land use policy must be arrived at by the Congress involving partnership between Federal and State and local government, I was privileged to join, in the Public Work Committee, the distinguished chairman, Mr. RANDOLPH, and the chairman of the Subcommittee on Air and Water Pollution, Mr. MUSKIE, in proposing an amendment, in lieu of the so-called Jackson amendment, which would charge the Council on Environmental Quality to report to Congress its recommendation for legislation necessary not only with regard to accomplishment of land use policies but as to the most appropriate procedure for implementation of those policies. I feel it is important that, in light of our revitalized Federal partnership of governments, careful attention be given to accomplishing planning goals within the traditional framework of governmental responsibilities.

It is thus that I state my opposition to the Jackson amendment. I state my opposition to imposition of Federal sanctions at this time. I state my support for a general, broad-based system of land use planning with full involvement of every agency of Government, but I utter the caution that we proceed carefully.

Mr. HASKELL. Mr. President, how much time do the proponents and opponents have?

The PRESIDING OFFICER. The proponents have 17 minutes remaining. The opponents have 11 minutes remaining.

Who yields time?

Mr. HASKELL. Mr. President, I yield to the Senator from Oregon 8 minutes.

Mr. HATFIELD. Mr. President, today I rise as a cosponsor of the amendment of the Senator from Washington (Mr. JACKSON) and the Senator from Colorado (Mr. HASKELL) and, at this moment, as a spokesman for the administration as expressed in the very powerful and succinct words of the Chairman of the Council of Environmental Quality, Mr. Russel Train. Mr. Train appeared before our Senate committee and spoke on behalf of the bill. Let me quote one or two of his sentences. Mr. Train stated that:

It needs sanctions—tough sanctions—or it will never work. We have over the last few decades been parceling out moneys through a variety of Federal programs hoping that good results would naturally follow. This is particularly true of the various planning assistance programs that sprang up in profusion during the 1960's. Many have argued that if the land use bill simply contains sufficient money, the job will get done. I disagree. In the first place, the major issue confronting the States is not so much financial as it is political namely, the relationship between States and local government over who exercises what powers over land development. Most assuredly, better planning is needed, and this cannot be done cheaply. But it is the premise of the Administration's approach that without sanctions in the bill, prospects for truly effective State land use control will be compromised.

He want on to say:

If the Congress means business, the bill should say so.

I do not think we can have any clearer language of position and viewpoint expressed than those words which I have just read as it relates to the position of the administration.

Mr. President, I ask unanimous consent to include in my statement at this point a letter dated May 22, 1973, from the Governor of the State of Oregon addressed to me, indicating the position of the State of Oregon.

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

MAY 22, 1973.

Hon. MARK O. HATFIELD,
U.S. Senate, Old Senate Office Building, Washington, D.C.

DEAR MARK: As I indicated in my testimony before the Senate Committee on Interior and Insular Affairs, I strongly support S. 268. There is no single action that does more for environmental protection and enhancement than land use planning.

In Oregon, we have worked long and hard to produce sensible land use planning. In 1969, the Legislature adopted a law which required all cities and counties to develop land use planning and zoning. Presently on the verge of enactment is a refinement of this legislation that clarifies state and local responsibilities in regulating land use.

The carrot-stick approach has been very successful in developing Oregon's land use philosophy. Unless sanctions are included in S. 268, I fear that states will "pussyfoot" in meeting their responsibilities to protect our nation's fragile resources. Withholding dollars from the states' pocketbooks is the most effective stimulus to development of effective land use policies.

In addition, I urge Congress to set up a system which will establish national land use policy. I firmly believe that problems do not stop at state boundaries and that policies to solve major growth and development issues can only be established at the national level. It is too big an issue to be included in S. 268, but it is an issue that cannot be further overlooked.

Sincerely,

TOM MCCALL,
Governor.

Mr. HATFIELD. Mr. President, as a former Governor I have been frequently asked what my view is on the question of sanctions, because generally speaking it is assumed that Governors and former Governors would be naturally opposed to sanctions.

I must say that on the surface it appeared to me as a former Governor in support of decentralization of power from Washington, D.C., back to the people, I would be opposed to sanctions. However, I point out that I believe the sanctions contained in this amendment would actually strengthen the hands of the Governors. It would give to the Governors of the various States the kind of weapons with which they need to deal with the public viewpoint and political viewpoints in their area.

I believe that coming from the State of Oregon, people would be surprised that I would support sanctions. This bill would not have a great impact on my State. The State of Oregon is one of the leading States in the country when it comes to recognition of its natural resources, its forests, and all of the other great resources.

Let me point out that back in 1911 the State of Oregon declared that all of its beaches would be public in order to maintain public access to the beaches and afford generally the opportunity to the public to enjoy the beaches.

This was land classification. This was State recognition of the responsibility for wise land utilization.

I would also point out that in my State we have about 50 percent, or a little more than 50 percent, Federal ownership. And much of that Federal ownership includes the rich timber lands. The Federal bureaus have responsibility for the management of those resources. However, I would also point out that under State law we have the Elliot State Forest. That forest is probably one of the most capably administered forests in any part of our Nation or the world.

The State of Oregon recognizes its responsibility for wise land use and resource management in its activities in the forest areas.

In 1955, when I was a member of the State Senate, we were considered at that time to be far out radicals for proposing that the State have a voice in air and water quality. Since that time we have had a law. And the State moved very rapidly into land use as it related to air and water.

The State of Oregon has the finest State parks in the United States. We have developed a river greenway which has been reported upon nationally in magazines because of the State's progressiveness in the area of land manage ment and land utilization.

I remember one time when I was Governor and the highway department was proposing to build a piece of interstate highway. In their wisdom, which is typical of highway engineers, they were determined to make the most of the money

they had to spend. That was to their credit. They decided that the shortest distance between two points was a straight line and that the highway would have to go that way. However, if the highway had gone in that direction, it would have gone through some of the richest and most irrigated lands we had in the State of Oregon. It was pointed out that building the highway on an arc line between two points would put the highway over marginal land. Between the efforts of the State highway commission and other agencies we were able to develop the best land use.

Mr. President, I could go on and on and indicate other activities that have occurred in my State. However, the impact of this law upon my State would not be as great as it would be on other States. I point out that we should not penalize the progressive States, because when a State does not follow this line of action, it certainly reflects on its neighboring States and what its neighboring States refuse to do reflect upon that State.

I am glad to say that I come from the Northwest and that the neighboring States of Washington, Nevada, and California are also progressive States.

Mr. President, this is certainly a national problem.

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

Mr. JACKSON. Mr. President, I yield the Senator from Oregon 1 additional minute.

Mr. HATFIELD. Mr. President, I close by saying that what we have accomplished in our State is something that can be done through all of the other States. I feel it is very important that we provide them with the tools with which to work. I think that the sanctions precisely and effectively do that and would accomplish that objective.

Mr. JACKSON. Mr. President, if the Senator from Oregon would yield, I take this opportunity to express my appreciation for the tremendous help the Senator gave the committee not only in connection with this part of the bill, but also for this interest in the bill as a whole.

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

Mr. JACKSON. Mr. President, I yield myself an additional half a minute.

I know that as a former governor, the Senator from Oregon has a better understanding than someone like myself who never had the opportunity to serve in that capacity. I feel that with his experience, his input in connection with this bill has been invaluable.

I commend him again.

Mr. HATFIELD. Mr. President, I thank the Senator from Washington.

Mr. JACKSON. Mr. President, I yield 5 minutes to the distinguished Senator from Wisconsin who has played such a very important part in this bill, particularly in connection with the so-called housing development problem.

Mr. NELSON. Mr. President, I thank the distinguished Senator from Washington. May I commend the Senator from Washington for his very creative effort in designing this legislation. I also commend him for offering this important amendment which is designated to include compliance with the objective of this legislation.

Mr. President, this legislation only attempts to induce the States to exercise the authority they already have to protect the integrity of their own land. Everyone here has paid lipservice to the concept that we ought to do some planning for the purpose of preserving our country and exercising some sensible control over the future growth of this Nation which will involve an additional 200 million people in the next 35 or 40 years.

This legislation simply provides that the States shall come forward with a modest plan to comply with this legislation within a 5-year period or certain Federal funds shall be withheld until they do comply. This is a weaker amendment than the amendment supported by the Republican administration.

The argument is made that we should not impose standards upon the States. We are simply saying to the States that they should do the jobs they ought to have done a long time ago.

The beauty of the land in this country is not exclusively a State asset. It is a national asset.

That thin cover of topsoil that is 10 or 12 inches thick is not exclusively an asset of the State where that land is located. It is a national asset.

The scenic beauty of this country is not exclusively the scenic beauty of the State where that scenic beauty is located. It is a national asset.

The rivers of this country and the 1,500 rivers in my State are not exclusively the rivers of the State of Wisconsin. They are national assets. We all have a valid interest in the preservation of these assets.

Everyone in the Senate, so far as I know who was a Member when we passed the Air and Water Pollution Act voted to require certain pollution standards.

We imposed standards upon all the rivers and lakes in this country, and the same people who are standing here today saying, "Oh, we cannot impose these sanctions" did in fact support legislation imposing air and water pollution standards and provided for Federal enforcement of the standards in every State in the Nation.

That was done in recognition of the fact that the water in our rivers and lakes is in fact a critically important national asset. I voted for that, and so did everyone else. And now we are enforcing the law. The Environmental Protection Agency is saying, "You have got to meet these standards and reduce the pollutants going into these rivers."

That is a whole lot tougher piece of legislation than this measure is. All we are saying here is, "Adopt a State law and run your own business, and control your own development in some sensible fashion."

Now, to those who say, "You should not withhold highway funds because it has nothing to do with the objectives of this bill I say that is a lot of nonsense. Wherever you build a highway, you induce economic growth. When you build a park, no matter what the purpose, you induce growth around the park. When you build an airport, you induce economic growth around the airport.

These are Federal funds. We ought to be saying to the States "Let us see your plan for that growth, so we do not destroy the beauty of our country."

Several years ago, when I was Governor of my State, I tried to get the legislature to zone the interchanges around the Federal highways. We passed it in one house of the legislature, but we got defeated in the other house.

My view was then and still is that when you put an interchange in, an limited access highway, you induce——

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

Mr. NELSON. Will the Senator yield me 1 additional minute?

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

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. JACKSON. I yield 1 minute to the Senator from Wisconsin.

Mr. NELSON. Wherever you place these interchanges, you are including economic growth. It is Federal money, and there ought to be some sensible controls designed by the States and the local governments to see that the growth is sensible and well planned.

The PRESIDING OFFICER. Who yields time?

Mr. JACKSON. Mr. President, I reserve the remainder of my time. We have only 1 minute remaining. I wonder if the other side might yield some time. How much time remains on the other side?

The PRESIDING OFFICER. Eleven minutes.

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

Are there other Senators present who would like to speak against sanctions? If there are, I would be happy to share the time with them.

Mr. President, let me say that I believe most of the points that need to be discussed have been considered here yesterday and again this morning. I do not think there is much new that could be brought up, at least that this Senator knows about. But I believe it could be useful and helpful to try to clarify the positions of some individuals and organizations who seemingly are on both sides of this issue.

Reference has been made repeatedly this morning to the position of the Governors of the 50 States. Yesterday there were submitted for the RECORD telegrams from the present chairman of the National Governors Conference, Governor Evans of Washington, and the immediate past chairman, Gov. Marvin Mandel of Maryland, indicating that they favored land use planning.

Of course, that statement is true. I, too, favor land use planning, and I do not say that with tongue in cheek, but as a person who, I would like to believe, knows something about what this bill contains.

It is one thing to say that you endorse the bill as it was reported by the committee, but it is another thing for others to imply that, having given that sort of endorsement, it follows that you support

every amendment that may be proposed by those Senators who are the most active proponents of the bill. In this instance, with reference to the National Governors' Conference, it cannot be implied from their general support of the bill that they favor the inclusion of sanctions.

I would like to read, if I may, Mr. President, a message which was received from the National Governors' Conference, stating the Governors' unanimous opposition to inclusion of crossover sanctions in land use legislation. This is the provision that the Senate rejected last year. The following is the policy position adopted unanimously by the National Governors' Conference on June 6, 1973:

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.

Now, it should surprise no one here, and I am fully aware of the fact, that there are within this body a number of Senators who have served as Governors of their States. In fact, at various times during the debate this morning I think there have been more Members of this body present who have served as Governors than Senators not having occupied that position.

Why has the National Governors' Conference taken the position that it adopted at its Lake Tahoe Convention?

It is very simple. If Senators will look at section 202(b) on page 67 of this bill, and read beginning on line 13, they will find the following language:

In the determination of an adequate statewide land use process of any State, it shall be confirmed in accordance with the procedures provided in section 306 that the State has an eligible State land use planning agency established by the Governor of such State or by law, which agency shall—

(1) have primary authority and responsibility for the development and administration of a State land use program.

Then in section 204(3) on page 79 of the bill, Mr. President, I find these words, beginning on line 4:

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;

Preceding that is language indicating that unless these conditions are met, the Secretary of the Interior, not the governors of the 50 States but the Secretary of the Interior, shall have the right to withhold grants to the States, and if sanctions were to be made a part of this act, he would also, at the expiration of 5 years, on finding that the States were not in compliance, have the right to impose sanctions.

This bill would require the State legislatures, not the governors but the State legislatures, to either amend, enact, or repeal laws presently on the books to comply with this act in order to avoid the added incentives, as they were referred to earlier by the distinguished chairman of the committee, so as not to suffer the imposition of sanctions. It is for this reason that I think it should be abundantly clear and an easy choice for everyone here who sincerely believes that the people of the United States, the people at the local level who understand the problems best and who come to grips with them every day, have the right to decide what kind of program will best serve their specific purposes and be most responsive to their specific problems. It is for this reason, Mr. President, that I think the Senate should reject the imposition of sanctions.

Further, the sanctions, according to the Jackson amendment, will not be imposed until after a period of 5 years time. I should think that most of us might agree after 5 years of experience when we have had the opportunity to see how the bill is working, we can make the decision whether we want to have sanctions applied by the Secretary of the Interior.

I would hope very much that the Senate in its wisdom would reject this proposal which specifically has been unanimously opposed by the National Governors Conference.

Mr. President, I now yield 1 minute to the distinguished Senator from Georgia is (Mr. NUNN).

The PRESIDING OFFICER (Mr. BARTLETT). The Senator from Georgia is recognized for 1 minute.

Mr. NUNN. Mr. President, I should like to associate myself with the position and the remarks of the distinguished Senator from Wyoming (Mr. HANSEN) and other Senators who oppose the pending amendment.

I have had some experience in the area of planning. I served on the Middle Georgia Planning Commission for 2 years, was president of the Georgia Planning Association, and was the vice chairman of a committee in the Georgia House of Representatives called the Committee on Planning Communities.

The Georgia House of Representatives—like many other States—is moving forward on this very important subject.

I should like to commend the Senator from Washington and others who sponsor the pending bill, because I believe that it is necessary, but if we pass sanctions today, I believe that it will have three results: One, it is premature, as we can do it any time within a 5-year period if it becomes necessary, or absolutely necessary, as the Senator from Wyoming has just said. Two, it is unwise for that same reason. Three, it would have the practical effect of getting the program off the ground as a Federal effort that would, in effect, be interpreted by many people around the Nation as a gigantic Federal zoning power. I believe that would be disastrous to most of us who feel that it is most important to have some orderly planning for the growth of America.

Those who sponsor the sanctions amendment, in all sincerity, I am sure, in effect would be working against their own purpose, which is to have a planned and orderly growth for this Nation.

For these reasons, Mr. President, I oppose the amendment and urge its rejection.

Mr. DOMENICI. Mr. President, my reaction to the Jackson sanctions amendment is negative because I feel that the thrust of the amendment is contrary to certain stated objectives of the basic bill.

It is my understanding that this bill is an effort by the Congress to induce the States to take action to develop and implement land use programs in accordance with a national land use policy. Language such as "cooperate with and render assistance to" and "encourage and assist" is found throughout the bill and its report, indicating to me that, as written, this bill is not intended to coerce specific State actions or programs, but rather to induce such actions within the guidelines of a national policy.

The language of the bill and specific provisions in it also indicate that there are to be incentives for States to participate in carrying out the national policy with flexibility enough to provide for local and regional variations. Under this amendment, I am convinced that we would be changing from "incentives" to "disincentives" to achieve the purposes of the bill. I am opposed to such an approach, particularly when some of the sanctions would apply to Federal assistance not directly connected with the objectives of this bill and with traditional legislative histories and purposes of their own. Such an approach would lead inevitably, I fear, to an adversary status between the Federal Government and State governments and diminish the spirit of inter-governmental cooperation so essential to accomplish the broad purposes of this bill, which I heartily support.

It is the history of the bill that says States are to determine whether they are exercising a "good faith effort" or not. I'm concerned that in the future some determinations will be made giving for authority in "good faith effort" to the Secretary of Interior than is intended. Because of this concern on my part I don't believe sanctions are in order—they are premature.

Mr. HANSEN. Mr. President, I yield the remainder of my time to the distinguished Senator from Vermont (Mr. AIKEN).

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, let me say that while I plan to support the bill as it came from the committee, I cannot for one moment agree with the proposal to impose sanctions on those States which do not meet the requirements of the Interior Department. That is too much like giving the Interior Department not only the power of a judge but also the power of execution if it should find the party in court to be guilty.

Now, as to the sanctions which appear to cut down on the transportation facilities of a State if it does not do exactly

what the Department insists upon. I think we might as well set up a national policy and leave the States out of it as to do that, because what would happen to the States if their transportation systems became impaired to the ultimate extent provided for in this amendment and which would be decided on by the Interior Department, I do not know.

Certainly the bill is good, but the proposed amendment is bad.

The PRESIDING OFFICER (Mr. NUNN). The time of the Senator from Wyoming (Mr. HANSEN) has expired. The Senator from Washington (Mr. JACKSON) has 1 minute remaining.

Mr. JACKSON. Mr. President, this, to me, is a very, very important amendment if we are going to have a meaningful land use planning act.

I understand the point of view of the opposition, but I wonder, Mr. President, what their position will be next month in relation to the energy facilities siting measures when they come in and want to support the preemption as they must if we are going to do something about energy—of States' rights, in order to site energy facilities, in order to build port facilities. This involves a situation in an area where the States have failed to act. The States will not act. I am wondering whether we will not find ourselves asking for the approach of imposing sanctions where energy is involved, but we will follow a different road where the environment and economic development are involved, as in S. 268.

This is precisely the problem before the Senate. This is no wild amendment. The administration is supporting even tougher sanctions.

Those who have looked at the problem know that it makes no sense to pour out billions of dollars in grants-in-aid for highways, for airports, and for other developments, and not have a road map to follow. That is what we are asking to be done, and I hope, therefore, that the Senate will adopt the amendment.

The PRESIDING OFFICER. All time on this amendment has now expired.

The question is on agreeing to the amendment (No. 233) of the Senator from Washington (Mr. JACKSON).

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

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Iowa (Mr. CLARK), the Senator from Alaska (Mr. GRAVEL), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

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

On this vote, the Senator from Iowa (Mr. CLARK) is paired with the Senator from Louisiana (Mr. LONG).

If present and voting, the Senator from Iowa would vote "yea" and the Senator from Louisiana would vote "nay."

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

The result was announced—yeas 44, nays 52, as follows:

[No. 204 Leg.]

YEAS—44

Abourezk	Inouye	Pastore
Bayh	Jackson	Pearson
Bellmon	Javits	Pell
Biden	Kennedy	Percy
Brooke	Magnuson	Proxmire
Case	Mansfield	Ribicoff
Chiles	McClure	Schweiker
Church	McGee	Stafford
Cranston	McGovern	Stevens
Eagleton	McIntyre	Stevenson
Hart	Metcalf	Symington
Haskell	Mondale	Taft
Hatfield	Moss	Tunney
Hughes	Nelson	Williams
Humphrey	Packwood	

NAYS—52

Aiken	Dole	Johnston
Allen	Domenici	Mathias
Baker	Dominick	McClellan
Bartlett	Eastland	Montoya
Beall	Ervin	Muskie
Bennett	Fannin	Nunn
Bentsen	Fong	Randolph
Bible	Fulbright	Roth
Brock	Goldwater	Saxbe
Buckley	Griffin	Scott, Pa.
Burdick	Gurney	Scott, Va.
Byrd, Harry F., Jr.	Hansen	Sparkman
Byrd, Robert C.	Hartke	Talmadge
Cannon	Hathaway	Thurmond
Cook	Helms	Tower
Cotton	Hollings	Weicker
Curtis	Hruska	Young
	Huddleston	

NOT VOTING—4

Clark	Long	Stennis
Gravel		

So Mr. JACKSON's amendment (No. 233) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. JACKSON. Mr. President, yesterday in a colloquy with the junior Senator from Idaho (Mr. MCCLURE), he raised a question concerning the adoption of section 306(c), as it now appears in the bill, S. 268, by the Interior Committee in our mark-up session on May 21. Senator MCCLURE was not present that day, but he stated on the floor yesterday, and I quote from the RECORD:

> 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.

Yesterday following this colloquy the minutes of the May 21 meeting were shown to the Senator from Idaho. As I indicated on the floor yesterday, the committee did affirmatively adopt the language that is now in the bill, and the minutes of the meeting so reflect. The present language was prepared by the staff to serve as a substitute to an amendment by the junior Senator from Louisiana. A rollcall vote was taken on Mr. JOHNSTON's amendment, and it was defeated on a tie vote of 6 to 6. Following this vote, the present language was adopted by a voice vote as I indicated on the floor yesterday.

Since yesterday's RECORD left the impression that the committee in reporting the final bill might have acted in a manner which did not reflect what actually happened in the mark-up session, I feel it is important to make this clarification as supported by the committee record.

The PRESIDING OFFICER (Mr. CHILES). Pursuant to the previous order, the Senate will now resume the consideration of the amendment (No. 231) of the Senator from Louisiana (Mr. JOHNSTON).

The text of 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—"

The PRESIDING OFFICER. On this amendment there is a one-half hour time limitation, the time to be divided 15 minutes to a side.

Mr. HANSEN. Mr. President, the Chamber is not in order.

The PRESIDING OFFICER. The Senate will come to order. The Senators will please be seated. The Senator will withhold until the Senate is in order.

The Senator from Louisiana may proceed.

Mr. JOHNSTON. Mr. President, for the benefit of Senators in the Chamber, we expect the debate on my amendment to be rather short. It is hoped that we can terminate the entire debate within 15 or perhaps 20 minutes, maybe within even a shorter time than that. So I hope that Senators who are not familiar with the amendment will remain in the Chamber and listen, because I think the amendment makes an important point.

The bill has been widely promoted and advertised as being a land use and planning bill to preserve the rights of the States and to make essential decisions as to the use of their land. In that regard, I am a strong supporter of land use planning. Indeed, in the Committee on Interior and Insular Affairs, I voted to report the bill to the Senate, because I thought we needed land use planning.

But the bill in its present form gives to

the Secretary of the Interior the right to control virtually every acre of land in the Nation, subject only to his decision that that land is an area of critical environmental concern. The term "area of critical environmental concern" sounds rather restrictive in scope; but the term is so broad as to encompass geological formations that are rare or valuable. After all, a geological formation is everything from a hill to a valley to a river to a piece of ground to a piece of rock. "Geological" encompasses everything. If the Secretary of the Interior determines that any geological formation is more than a statewide grant, then he can declare it initially and without any intervention by a State to be an area of "critical environmental concern."

If the State fails to regulate or in some cases prohibit development in those areas, then the State will lose its eligibility for grants.

This is not an idle fear on the part of us who are from the State of Louisiana, because we have had Federal administrators come to our State and actually tell people that they could not live in some areas of the State because they are too treacherous; because they are flood areas, even though our people have been living there for a hundred years. The point is that this country is a varied country. Each State has a different interest, a different geology, a different topography, a different culture, different needs, and different problems. Those problems ought to be adjusted in terms of land use, at least in the first instance, by the States themselves, not by the Secretary of the Interior.

What my amendment does is simply this: It gives to the State the right to designate and define areas of critical environmental concern. However, should the State, in undertaking the duty imposed upon it by statute, fail to act in good faith, and if in fact the State acts arbitrarily and capriciously, then the State should lose its eligibility under the act.

However, so long as a State is going about its business in good faith, so long as its decisions cannot be held to be arbitrary and capricious, those decisions ought to be allowed to stand. A State ought to be allowed to control its own land use and not have it imposed by the Secretary of the Interior.

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

Mr. JOHNSTON. I yield.

Mr. FULBRIGHT. Who will determine whether an act is arbitrary or capricious?

Mr. JOHNSTON. Initially, under the procedure set up in the present law, the Secretary of the Interior submits a list of areas of critical environmental concern.

Mr. FULBRIGHT. Under the Senator's amendment, who would determine whether an act is arbitrary or capricious?

Mr. JOHNSTON. In my amendment, a review board would make the determination.

Mr. FULBRIGHT. The burden is on the Secretary to prove?

Mr. JOHNSTON. That is correct.

Mr. FULBRIGHT. I thank the Senator.

Mr. JOHNSTON. As the bill is now, a State can lose its eligibility if it does not go along with the Secretary in his determination, if the Secretary's determination is shown to be reasonable.

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

Mr. JOHNSTON. I yield.

Mr. BENTSEN. I would really like to have that point more clearly defined. Is the burden on the Secretary, in the bill as it now stands?

Mr. JOHNSTON. The burden is on the Secretary in the bill as it now stands.

Mr. BENTSEN. To do what?

Mr. JOHNSTON. To prove that his decision is reasonable.

Mr. BENTSEN. In the amendment of the Senator from Louisiana, the burden is on whom?

Mr. JOHNSTON. The burden of proof is still on the Secretary. But a different standard of proof is required. Under my amendment the Secretary must prove that the action of the State was arbitrary and capricious.

The way the language in this bill is set out, every decision of the Secretary could be held to be reasonable. For instance, what areas would be "areas of critical environmental concern?" The Rocky Mountains are areas of critical environmental concern. All the river valleys and all the farm areas, which provide food and fiber, are certainly areas of critical environmental concern. The coastline, the marshes, virtually the entire Nation is of interest to the entire Nation.

The amendment does one other thing. Under the bill a State is required to regulate subdivision projects of 50 homes or more, more than 10 miles from town. I think housing developments should be regulated insofar as water, sewer, electricity, streets, and public services are concerned, but the bill in its original form goes further and requires a State to regulate to achieve such goals as the preservation of scenic and natural beauty or the potential of an area for recreation.

These are matters that are totally undefinable and these goals unattainable. The concept of natural beauty varies from year to year and from week to week. It has no place in an act of Congress. To require a State to take into consideration whether a place of beauty will be scarred, is to require it to act in accordance with a standard that is impossible to define and impossible for people to agree on.

I reserve the remainder of my time.

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

The pending amendment would destroy the effectiveness of S. 268. It would make the bill mere rhetoric.

I think Members of this body had better decide whether they want a land use bill or they do not. They are not going to fool anyone after we have taken appropriate action.

First, it would apply virtually one standard of review to all the requirements of the bill. The single standard is the arbitrary and capricious test. The bill, however, contains several different types of requirements; these different types of requirements require different review standards. These different types of requirements and the standards of review concerning each type are delineated in subsection 306(g). This subsection was suggested by Senator BUCKLEY and added by committee in mark-up.

I fully agree that Federal review of the substance—the policies embodied—in the State land use program should not go beyond a cursory review under either the arbitrary and capricious or good faith efforts standards. This clause 306(g)(1) ensures.

However, the Johnston amendment would allow only a cursory review for all the other requirements of the act. This would be a debilitating amendment. For example, the procedural requirements of sections 202, 203, and 204 must be subject to a full Federal review. For example, if a State fails to allow property owners' participation or to establish or appoint a planning agency with full coordinating authority, the State's eligibility should be denied whether or not the failure is the result of arbitrary or capricious action.

Another aspect of the pending amendment could allow the frustration of one of the act's principal purposes: encourage each State to develop a land use program for areas of critical environmental concern. The entire definition contained in the bill becomes entirely discretionary. The States would be free of any of the kinds of areas proposed in the definition.

The definition now in S. 268 has been carefully drawn so as to require the States to consider the various areas of critical environmental concern. S. 268 gives the States great flexibility in defining the extent of those areas, but they must consider them. For example, a State must consider "flood plains"; but it is free to determine that only 100 flood plains are to be included in the land use program. Or it might choose 50 year or 10 year flood plains.

Take another example. The States are required to consider shorelands, but they are free to define the extent of those shorelands. Is it shorelands of all bodies of water, or only of lakes of certain size or streams of a certain acre-foot flow? Is it all shoreland along the designated water areas, or only undeveloped shoreland? Does the shoreland run only 10 feet inland from the water's edge or a mile?

Obviously, the States must make these kinds of decisions on the extent of the critical areas or uses. And it is these decisions which determine how much of the land area is involved.

The pending amendment would allow the States to excuse themselves from even going through the exercise of determining the extent of its area of critical environmental concern.

The Johnston amendment would delete two of the standards which the installment land sales and second homesite projects would be held to. This portion attacks the heart of the so-called Nelson amendment. The Senator from Louisiana argues that requiring a developer to take into account the effects

of proposed development on scenic or natural beauty, the environment, and open space valuable for public recreation is somehow unconstitutional as vague. The Senator must also presume that the Wild and Scenic Rivers Act, the Highway Act, the National Environmental Policy Act also cannot stand because they have similar language. Furthermore, all across the country, planned unit development legislation has been held constitutional.

The language of that type of legislation is often much more vague than the Senator from Louisiana suggests is the language of the two provisions of S. 268. Essentially the developer negotiates with public land use decisionmakers and may be required to meet a number of "subjective" requirements—such as avoiding stream lakes, dedicating certain open space, building below the line of the crest of hills, et cetera.

In fact, the Nelson amendment language is not nearly as strong as these constitutionally types of legislation. How can anyone be opposed to requiring a developer to take into consideration—I emphasize those words—"take into consideration"—the effects on natural, scenic, environmental, and open space amenities? It makes plain good sense to require that.

Mr. President, I recommend that the pending amendment be defeated unless we plainly want to gut the bill and have no bill at all.

I reserve the remainder of my time, and I ask unanimous consent that the Senator from Wisconsin handle the time on my side for the remainder of the time on the amendment.

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

Who yields time?

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

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. JOHNSTON. Mr. President, all I can say, in deference to my distinguished friend the able chairman of the committee, is that what he has to say about this amendment simply is not quite accurate. My amendment does not reduce this bill to mere rhetoric. It does not frustrate the encouragement of States to do land use planning. It simply does not. What my amendment does is return to the States the right to make the initial land use determination, something that the bill in its present form does not do.

If the Senators will please look at page 78. It states there that the Secretary shall "submit to each State a description of areas within such State which are of more than statewide concern."

Mr. LONG. Mr. President, will the Senator yield for a question.

Mr. JOHNSTON. I yield.

Mr. LONG. Mr. President, can we assume correctly that the Senator's amendment presumes that there is some intelligence left at the State level?

Mr. JOHNSTON. Absolutely.

Mr. LONG. Can we assume that not all of the intelligence in the country is situated in the Interior Building on Virginia Avenue?

Mr. JOHNSTON. Absolutely so.

Mr. LONG. I thank the Senator.

Mr. JOHNSTON. Mr. President, I support the great goals of the legislation and the great goals stated by my distinguished friend, the Senator from Washington. My amendment does not frustrate these goals. It simply leaves with the State the power to make the initial determination.

On the question of natural beauty, we are talking about denying a citizen the right to use his property. If we are going to do that, we should not do it on a vague standard, such as failure to comply with consideration of natural beauty.

If a man owns a piece of property, under the Constitution, he ought to be able to use it. If we are going to deny him this right, it ought to be over something more substantial and concrete than saying he is interfering with the natural environment or the natural habitat or something that I do not know the meaning of.

If we know what we are trying to do, we ought to be able to define it and put it in the bill. If we do not know, let us take it out of the bill. Let us take vague criteria out of this kind of legislation, criteria such as scenic beauty.

Mr. JACKSON. Mr. President, of course I have the highest respect for my friend, the Senator from Louisiana, who has been an invaluable member of our committee. He played a most important part in the deliberations on the bill.

Mr. President, I merely observe that if we are going down this route, the States will be able to do anything they want. They will not have to really meet the tests that we are trying to lay down in order to get the States to move on land use planning.

It is for that reason that I state again that if we do something like this, we are really back where we are now. They have that discretion at the present time.

They will get $1 billion in Federal assistance over a period of 8 years. I think the Federal Government has the right to insist that they meet certain standards.

As I say, we will be before the Senate on the energy problem next week. I am not an either/or man. I believe in energy and I believe in development. However, Senators will have the opportunity to find out which way they want to go. Do they want to go one way on environment and a different way on energy?

I believe that we have to do both in this country. I believe that we have to move forward on the energy program. And I believe that this country is great enough and has the talent and the resources to provide for our economic well-being as well as our environmental well-being.

We cannot turn around and in one breath say that we are not going to request the States to do certain things environmentally and then when it comes to energy say that we are coming in and take over.

We will have a vote on this matter next week perhaps. And it will be interesting to see whether we want one system on energy and a different system on the environment.

I submit that with the challenges facing this Nation in the years ahead and the tremendous growth that will take place, we must have a road map to know the areas in which we should develop sensibly and the areas that can be made available for other purposes. That is what this legislation is all about.

I want to see both programs go forward in a sensible way. The States are not doing the job in the energy area. It is incredible, but the States are demanding more gasoline and yet they do not want any refineries or port facilities to bring in their oil, 80 percent of the oil on the East Coast is imported.

I know that the argument is going to be made that we cannot expect them to have refineries and port facilities located in their State. May I point out that the main problem in the energy field is whether we will vote to preempt States' rights. We will have the opportunity to do so next week.

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

Mr. JACKSON. I will yield in a moment.

We are trying on the one hand to get the States to take some sensible steps environmentally. The whole breakdown is in the environmental and energy area on the exercise of States' rights.

We would not have this bill pending before the Senate today if the States had exercised their rights.

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

Mr. JACKSON. I yield.

Mr. LONG. Mr. President, if the Senator is so worried about facilities, we in Louisiana would be willing to provide a site for every refinery that needs one. If the Federal Government will let them come to Louisiana, we will build a port. All that is needed is for the Government to let them come.

Mr. JACKSON. I do not know whether it is economically or environmentally sound to have all of the refineries and ports in Louisiana. I am afraid that we would have to have the Senator's committee revise the tax laws in order to do it.

Mr. LONG. It is completely sound to build them in Louisiana, unless someone wants to build them on the East Coast. That would be a different matter. I will tell the Senate that it does not have to worry about the location. We will provide a location if the Federal Government will let them come to Louisiana.

Mr. BIDEN. Mr. President, as a Senator from a State that is concerned about oil, I would like to go on record as telling the Senator from Louisiana that Louisiana will have Delaware's support, and I want that on the record.

Mr. LONG. The Senator has my support now.

Mr. JACKSON. Any other volunteers? Going, going, gone. I think that all my time is gone now. Mr. President, I am prepared to yield back the remainder of my time.

Mr. JOHNSTON. Mr. President, I yield 1 minute to the distinguished Senator from Idaho.

Mr. McCLURE. Mr. President, we have touched on a number of things

that the amendment does not do. I want to point out that there are two standards and not one simple standard set for the Johnston amendment. One is water pollution control. The Clean Air Act amendments, and the other specific measures are mentioned in section 306(b)(2). Housing and Urban Development is mentioned in section 306(c). The Federal use arrangements and the Federal land grants, under section 5, are subject to grandfather compliance. The rest, and the catch-all, would require that the Secretary show that the States were arbitrary and capricious in the adoption of the failure to act on the State land use plans.

If we really mean what we say, let us leave the prerogatives to the States. Now is the time to act.

I voted for the sanctions measure under the expectation that there would be no effort made to affect the ability of the States to adopt their own plans.

Now is the time for us to stand up and be counted and allow the States to make their own plans.

The PRESIDING OFFICER (Mr. CHILES). All time has expired. The question is on agreeing to the amendment of the Senator from Louisiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL) is necessarily absent.

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

Mr. GRIFFIN. The Senator from Alaska (Mr. STEVENS) is detained on official business, and, if present and voting, would vote "yea."

The result was announced—yeas 38, nays 59, as follows:

[No. 205 Leg.]

YEAS—38

Allen	Domenici	Long
Baker	Dominick	McClellan
Bartlett	Eastland	McClure
Bennett	Fannin	Nunn
Bentsen	Fong	Roth
Brock	Fulbright	Saxbe
Buckley	Goldwater	Scott, Pa.
Byrd, Harry F., Jr.	Griffin	Scott, Va.
	Gurney	Sparkman
Cook	Hansen	Talmadge
Cotton	Helms	Thurmond
Curtis	Hruska	Tower
Dole	Johnston	Weicker

NAYS—59

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

NOT VOTING—3

Gravel	Stennis	Stevens

So Mr. JOHNSTON's amendment was rejected.

AMENDMENT NO. 232

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask that it be stated. This amendment is sponsored by myself, my colleague Mr. MONDALE, and the distinguished Senator from Wisconsin (Mr. NELSON).

The PRESIDING OFFICER (Mr. ABOUREZK). The amendment will be stated.

The legislative clerk read as follows:

On page 127, line 2, immediately after the words "land ownership patterns," insert the following: "particularly those pressures resulting from use of national parks, national seashore and lakeshores, wild and scenic rivers, wilderness areas, and other Federal lands,".

Mr. HUMPHREY. Mr. President, first of all I should like to commend the Committee on Interior and Insular Affairs and particularly its distinguished chairman the Senator from Washington (Mr. JACKSON), and the distinguished Senator from Colorado (Mr. HASKELL) for bringing in this excellent proposal for land use planning. I strongly endorse S. 268, Land Use Policy and Planning Assistance Act, as legislation which is urgently needed.

As we look at population growth and distribution projections for the next few decades, estimates of per capita income for the future, requirements for housing, transportation services, recreation, and many other data, it is quickly obvious that the mounting pressures on our limited land resources will become even greater as time goes by. We can no longer afford the "frontier" attitude toward land held by too many of us for too long. More careful conservation of our land, through provision for its most prudent use, is required.

The development of State land use policies and planning processes called for under this bill are essential to optimizing the use of our increasingly scarce land resources. The assistance to State and local governments provided by the bill should go a long way toward eliminating the current "helter-skelter" pattern of growth we so often observe.

However, growth and environmental protection cannot be made an either/or situation. There are still too many Americans who do not adequately participate in this Nation's affluence to permit us to follow a policy of "no economic growth." At the same time, our environment will be destroyed, our quality of life, if not our lives themselves, ruined, unless we take strong and immediate steps to preserve our environment. I believe that this legislation will bring about the rational planning and decisionmaking process that is an essential precondition to establishing the balanced policies needed to meet both of these crucial objectives.

Passage of the Land Use Policy and Planning Assistance Act of 1973 will also be an important first step in the development of the balanced national growth and development policy this Nation is so much in need of. As the committee stated in its report on S. 268:

(The bill) would encourage the States to develop the financial, institutional, and human resources, and require of the State legislation to establish the necessary machinery and procedures, to insure that . . . the many planning tasks which such (national growth and development) laws will require will be conducted effectively and not in isolation from one another.

Of course, land use planning is only one aspect of a balanced national growth and development policy. Such a policy would deal with specific policies regarding population growth, settlement and distribution patterns, economic growth, environmental protection, income distribution, energy and fuels, transportation, education, health care, food and fiber production, employment, housing, recreation and cultural opportunities, communications, welfare, technology assessment and transfer, monetary and economic policy, and their interrelationships over time, as well as land use policy. What we need is a mechanism for developing and relating national policies dealing with all of these factors, such as that proposed in my balanced national growth and development proposal. But, as I mentioned before, this is a very important step in the right direction.

Now, Mr. President, I have a few questions regarding the provisions of S. 268 which I should like to address either to the distinguished chairman or the distinguished Senator from Colorado (Mr. HASKELL) regarding matters of special concern to me. I would also like to propose an amendment to section 606(c) of this bill.

First, I am concerned that, as we move into the land-use area, every step be taken to assure that Federal, State, and local government not interfere with the "property rights" of individuals.

I would appreciate from the manager of the bill confirmation of my understanding that nothing in S. 268 would reduce, in any way, the traditional property rights of individuals, including the right to compensation for property taken by the Government for public purposes.

Mr. HASKELL. The Senator from Minnesota is correct. I refer the Senator to subsection 203(f), which states:

(f) nothing in this act shall be construed as enhancing or diminishing the rights of owners of property as provided by the Constitution of the United States or the constitution of the State in which the property is located.

Mr. HUMPHREY. That language is very clear but I thought for the purposes of legislative history it would be well that we, once again, recite it here for the RECORD and make it manifestly clear that there is no interference in what we call the traditional individual property rights under terms of this legislation.

Mr. HASKELL. The Senator is correct. I refer the Senator to pages 55 through 58 of the committee report for additional legislative history which discusses how S. 268 protects the rights of private property owners in considerable detail.

Mr. HUMPHREY. While I agree with the intent of section 202(d) relating to "development projects," I am concerned that some of the smaller "developers" affected by this provision may experience substantial difficulty in preparing acceptable maps and other information for review by the appropriate unit of Government, as required in this legislation.

Is it the intent of this bill that State programs would make technical expertise available, not only to local jurisdictions, but also to smaller developers who could have problems in fulfilling the review requirements of this act and subsequent State programs?

Mr. HASKELL. The Senator from Minnesota is correct. We try to keep the reporting requirement simple. I can conceive of circumstances in which a small developer with limited experience could have trouble complying. But let me assure the Senator from Minnesota that it is my expectation that such need would be met under this bill. It is our intent that such developers be provided by the State with the technical help needed. Perhaps the distinguished Senator from Wisconsin (Mr. NELSON), who authored this provision, would like to comment on that.

Mr. HUMPHREY. I understood that the Senator from Wisconsin was involved in this particular part of the legislation and if the Senator from Wisconsin would help us here I should like to ask him for his comments.

Mr. NELSON. I am sorry, I was engaged in conversation here and I did not hear the Senator.

Mr. HUMPHREY. This is in reference to the small developers that would be involved in terms of this legislation and whether the intent of the bill is that State programs would make technical expertise available not only to the local jurisdiction of Government, but also to the smaller developers who might have some problems in fulfilling the requirements of this legislation.

Mr. NELSON. Yes. That was and is the intent. As a matter of fact, that was the intent from its inception, that is, to provide assurances that the large developers, in the development of building in the rural and scenic areas did so in a way that would be compatible with the environment. If some of the smaller developers covered under our criteria did not have sufficient capacity to prepare adequately for the review of their proposed projects, I think that the technical expertise available from the State government or the local government should be available to guide and counsel small developers.

Mr. HUMPHREY. That is very reassuring from the committee. I just wanted to develop this legislative history, because this is very important legislation. It is the first major effort that Congress has made in a total national growth and development policy, particularly on land use.

I think it is imperative that we make manifestly clear what we mean by the legislation and what the legislation does not mean.

I thank the Senator from Wisconsin, who has given much attention to this matter. He has removed any doubts I have as to the intent of the legislation. So it is now fair to say that smaller developers, who may not have the cash flow, the resources, and the technical experts to meet all the standards of this Federal legislation, could call upon State governments to assist them. Is that correct?

Mr. NELSON. That is correct.

As the Senator knows, in the whole county extension program we have had in this country for a hundred years, that has been their fundamental principle. In the Soil Conservation Service, in the guidance of farmers and people involved in that, they call upon the expertise of the county agent and the State government. We have the same situation here, that that kind of expertise be available to advise, consult, and guide developers—large ones as well as small ones—since they will want to be sure that they are developing their proposal in compliance with the law.

Mr. HUMPHREY. I thank the Senator.

Just one point: My amendment, which has just been presented to the Senate, is based on the fact that I believe that this bill, S. 268, does not give adequate priority to one land use problem that can result in some cases from actions taken by the Federal Government.

Because of Federal decisions to establish national parks and seashores, wilderness areas, wild rivers, and so forth, tremendous land use pressures—transportation, sewage, and water supply development projects, public accommodations, and so forth—are exerted in areas adjacent to such federally designated areas. Generally, the small rural communities in these adjacent or nearby areas are simply incapable of adequately coping with the critical land use pressures that emerge. These communities require and should be provided with technical help in making these important decisions by the Federal and/or State government.

The ever increasing amount of federally managed recreational lands, and the continued rapid expansion in its use by the public, will undoubtedly result in even greater land use and zoning problems than these rural communities have experienced in the past.

The Department of Interior estimates a sustained increase in use of these recreational areas of roughly 10 percent every year. The parks service system, for example, reported an increase in visits from 121 million people in 1965 to 211 million people in 1972. Other agencies in the Federal recreational system report similar rates of increase. The size of our Federal recreation area is also growing. At present, it is approaching 500 million acres.

How can we expect the thousands of small communities all around the country that border these Federal areas to be able to cope, by themselves, with these critical land use problems. How can we reasonably expect these communities, without technical advice, to make the best decisions regarding the location of the motels, gasoline stations, marinas, souvenir stands, new roads, sewage treatment facilities, and other facilities that invariably mushroom in such communities?

Many of us have heard leaders of communities which have been affected by such Federal action plead for help from all quarters. To date, the response to these pleas has been inadequate. I believe that these communities would be able to make much better land use decisions and enhance the environment surrounding our national recreational areas, if they were provided with the help of technical experts with experience in helping other communities cope with similar kinds of land use problems.

I believe that this problem deserves special recognition in the act we are debating today. I suggest that such priority be demonstrated by amending section 606(c) of S. 268 by adding the words "particularly those pressures resulting from use of national parks, national seashores and lakeshores, wild and scenic rivers, wilderness areas, and other Federal lands,".

The Senator from Wisconsin (Mr. NELSON) has joined me in sponsoring this amendment, as has my distinguished colleague the Senator from Minnesota (Mr. MONDALE).

That is the purpose of my amendment, and I would like to get the views of the manager of the bill.

Mr. HASKELL. It occurs to me that this is an excellent addition to the bill.

The pressures of tourism, which I understand very well, because I am from the State of Colorado, exacerbate problems in the national parks and lakeshore areas. For that reason, I concur heartily in the amendment, and I would be very pleased to accept it.

Mr. HUMPHREY. I thank the Senator.

We have exactly the same problem in the wilderness area in the Superior National Forest. Our local communities in that area are not up to providing all the facilities, land use planning, and zoning that is required. That is the purpose of this amendment. I thank the Senator from Colorado.

I gather that the Senator from Wyoming joins us in this amendment.

Mr. HANSEN. Mr. President, I do, indeed. I should like to respond with a question or two.

I think the amendment is definitely needed. I agree with the distinguished Senator from Colorado, who understands the pressures that can develop around areas of national interest, the national parks. I think of the great national park system we have throughout the country.

It occurs to me that the land use plan can and must play a very important role in helping communities on the peripheral areas of national parks and national seashores respond to the need of people for a place to stay and for all the other things that happen.

I have talked with the Superintendent of Yellowstone National Park, an area with which I have some familiarity; and he and others in the National Park Service are greatly concerned about the impact that people are having on that area, as more and more want to see it at certain times of the year. Thought is being given now, this year, to implement a reservation program which would enable and authorize the superintendents of several national park areas—perhaps the Senator from Colorado may know how many and which have been designated for experimentation in the program—to permit reservation of certain facilities within those national parks, of which Yellowstone is one. This would give people an opportunity to make reservations

ahead of time. That will not suit some people who drive up, for example, to an area they have been in before or heard about and who are told they cannot get in.

The fact is that there just is not enough room in these areas if the Park Service is to continue with its program, as I am certain it intends to do, to preserve and protect these pristine areas that embody very significant but extremely fragile values.

I think the amendment by the distinguished Senator from Minnesota responds to and addresses to this problem. I hope very much that the amendment is agreed to.

The distinguished Senator spoke about something else—

Mr. HUMPHREY. Some questions I asked.

Mr. HANSEN. Yes. I gather from what the Senator from Minnesota has said that it is not the intent of this amendment to reduce, minimize, or qualify the rights of private property owners. Am I correct?

Mr. HUMPHREY. That is correct. That is why I asked the question of the floor leader of the bill, to make sure that this bill, in any of its provisions, does not reduce those rights.

Mr. HANSEN. I think that is very important. If I may, I should like to explore with my distinguished colleague his thinking on this matter, in order that we may be able to establish some legislative history which could be useful.

I have heard no one on the committee say that there is any intention on the part of anyone on that committee to minimize or restrict the rights of owners of private property, nor have I heard anyone express any inclination to bend, restrict, or modify the 5th and 14th amendments to the Constitution.

My feeling is that in the States of Colorado, Wyoming, Minnesota, and California for example there are a number of areas of private property, that are near and contiguous to national parks. With good land use planning these private areas could play an important and vital role. If attention is given to what our future needs will be and these needs are called to the attention of the owners of private property, there will be a reason and, as well, an incentive to make such accommodations and arrangements as would seem indicated to better serve the traveling public.

I wish to ask my colleague if this in a general way reflects his thinking.

Mr. HUMPHREY. Absolutely; this surely does. The Senator is once again detailing this matter. All of these great recreational areas become more usable when the surrounding area is able to provide what we might call backup services. After all, we have to have places for lodging, for food, and many times to take care of our basic needs as human beings. There is nothing in this legislation, as I understand it, and that is why I asked the question earlier, that jeopardizes those individual rights.

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

Mr. HANSEN. I yield to the Senator from Colorado.

Mr. HASKELL. In connection with what has been said by the Senator from Minnesota, there certainly is nothing in the bill that would prevent that. Furthermore, the bill goes one step further and states that nothing in the State land use program will jeopardize national parks. It seeks to impose the same burden on the Federal Government so that the Federal Government will not jeopardize State lands.

Of course, as the Senator from Minnesota is well aware, each State is free to develop its own plan if it desires. The section I read specifically says that no private rights will be taken.

Mr. HUMPHREY. I am glad we have established it as a matter of legislative history.

Mr. HANSEN. I think it will be useful and constructive as well that this point be understood and be made, as I am certain this colloquy endeavored to do, that that is the thrust of this bill. It is not the intent at all through land use planning to say to the States, "You have to expand your exercise of the police powers which reside within the States to infringe upon the rights of owners of private property," but rather to compliment what will become increasingly clear to them, it may indeed go to their best long-range economic interests if they understand the potential for new kinds of activities.

I think in areas near national parks and monuments it is obvious there is a physical limitation to the number of people that a park can accommodate, say, on an overnight basis. If that is understood then these peripheral areas can provide the services and make necessary arrangements that can result in our National Park System being able to take care of more Americans without any serious deterioration in the quality of excellence that we hope to maintain within the system.

I would ask my good friend from Minnesota if that is his feeling.

Mr. HUMPHREY. It is my feeling. We do not diminish the power of State governments to take whatever action they think necessary in zoning or land use legislation to protect the beauty, the topography, the use of the land that surrounds a Federal installation. That is very important because many States like my State are involved in the whole subject of land use policy.

I was reading an editorial which appeared in one of the newspapers in Minnesota on the subject of our legislature reviewing land use policy. Of course, we have large recreational areas in our State, as does the State of Wyoming. They mean a great deal to us. The beauty of our State is one of our great assets. I do not want anything in this colloquy to indicate that we are diminishing State authority to guide in the use of the land or exercise land use policy that is constructive for better development and protection of the people of the State.

Mr. HANSEN. If I may respond, it was not my intent to imply in this colloquy that there was any idea on my part that this would limit, restrict, or modify the authority and the right of the State to exercise its police power, but rather to spell out as clearly as could be that conversely it is not our intention to restrict, modify, or abrogate the rights of owners of private property. That is the point.

Mr. HUMPHREY. Exactly.

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

Mr. HANSEN. I yield.

Mr. HASKELL. If the Senator from Minnesota would accept a comment, we very carefully drafted the section to say that nothing in this act shall be construed as enhancing or diminishing individual land values. We very carefully addressed ourselves to that problem because we did not want anything to be interpreted as encroaching on private property or encroaching on the police power of the State governments.

Mr. HUMPHREY. Mr. President, I have an editorial entitled "Land Use and the Legislature," which was published in the Minneapolis Tribune on June 11, 1973, and I ask unanimous consent that it may be printed in the RECORD.

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

LAND USE AND THE LEGISLATURE

The state Legislature has yet to pass the comprehensive land-use plan that the governor and many environmentalists believe is essential if Minnesota is to avoid the damage that unchecked economic growth can bring. It did, however, put into the lawbooks a number of bills that encourage us to believe such a plan may emerge before the 1973–74 biennium is over.

Perhaps the most significant of the new laws—some environmentalists are calling it the biggest "sleeper" of the session—is the Environmental Policy Act. Under the act, an 11-member Environmental Quality Council (EQC) composed of seven agency heads and four citizens will have the power to order environmental impact statements on public and private projects "where there is a potential for significant environmental effects."

What the full impact of this law will be is as yet unclear, but in theory, at least, it could delay if not prevent construction of such major projects as sports stadiums, industrial parks, shopping centers, housing developments, public roads and the like, if damage to both people and the natural environment could be shown to be the likely result. This new law also forbids approval of a project wherever there is "a feasible and prudent alternative" and rules that a decision on a project cannot be allowed to turn on economic considerations alone.

Among other unheralded but potentially potent laws are the Subdivided Land Act, which will allow the state securities commissioner to prohibit the Minnesota marketing of any subdivided land by a promoter who does not follow environmental, legal or ethical rules; the Critical Areas Act, which gives the governor and the EQC the authority to protect from developers certain areas that the state sets aside because of their unique physical or historic characteristics; the Mineland Reclamation Act, which provides for restoration agreements before the land is exploited, and a law that reclassifies marshland as public water for drainage purposes, which will have the effect of imposing controls on previously unchecked drainage.

Land use for too long has been a neglected issue in spite of the fact that land-use decisions are the most important determinant of urbanization patterns in a society that becomes more urban every day. But attitudes are changing. According to the report of a citizens task force headed by Laurance Rockefeller, "There is a new mood in America. Increasingly, citizens are asking what urban growth will add to the quality of their

lives. They are questioning the way relatively unconstrained piecemeal urbanization is changing their communities and are rebelling against the traditional processes of government and the marketplace which they believe have inadequately guided development in the past."

The report, which is due to be published this month in book form as "The Use of Land: A Citizens' Policy Guide to Urban Growth," argues for an end to the landowner's traditional presumed right to develop his property regardless of the cost in scenic, ecological and cultural assets and proposes that "tough restrictions will have to be placed on the use of private land."

"There is no environmental problem more serious than our land use dilemma," said Russell Train, chairman of President Nixon's Council on Environmental Quality, in February. "The abuse of our land is termed by many as the ultimate problem of pollution," said Gov. Anderson in the environmental message he sent to the Legislature the same month. Minnesota has made a start: The dilemma is being defined; ways to check the abuses are being sought. How successful these efforts will be will depend on how the state agencies choose to interpret the new laws and how the public—citizens, business and labor, alike—responds.

Mr. HUMPHREY. Mr. President, we are very proud of the fact that the Governor of Minnesota, Governor Anderson, in the environmental message he sent to the legislature, outlined a splendid program for land use and protection of many of our natural resources in Minnesota. I sent that mesasge to a number of people throughout the country because I thought it was one of the most forward-looking proposals on land use and growth that any Governor had made. I suppose that is parochial pride, but that is the way I felt.

This legislation today is in the spirit of what the Governor of our State was talking about, and I believe it is some of the most important legislation we have ever undertaken or hope to pass in this body.

I am finished with my comments unless the Senator wishes to address some questions to me.

Mr. HASKELL. I have none.

Mr. HANSEN. I have one further question, if I may get a response and the ideas of my distinguished colleague from Minnesota.

In the West where a varying amount of real estate, but a rather large amount in any event, is owned by the Federal Government, the adjacent lands issue is of great concern. There is in this bill language that addresses the subject of adjacent non-Federal lands and how far or what may be the rights of the Federal Government to deal with the issue of activities on non-Federal lands, primarily privately owned lands that are adjacent or contiguous to areas in Federal ownership.

I raise the question because in Wyoming and in many of the Western States we have two railroads that go through that State—I guess more at one time. Back in the middle 1800's, as the Senator knows, the railroads were given, as a means of encouraging them to tie the country together with bands of steel, alternate sections 10 miles wide on either side of the railroad.

So those lands are in private ownership. They are owned by the railroads. Then, in between those lands, in checkerboard fashion, are Federal lands.

In my State of Wyoming the Federal Government owns slightly in excess of 48 percent of the surface. If we were to assume, through the language of the bill that refers to "adjacent non-Federal lands," that this adjacency means to include land, within 1 mile, of Federal land the Federation of Rocky Mountain States, of which Wyoming is a member, in analyzing the impact of this particular section, concluded that an additional 22 percent of the surface of Wyoming could be under some sort of Federal jurisdiction or Federal control, depending upon how far it might be implied "adjacent lands" extends.

So my question to the distinguished Senator from Minnesota is, What is his feeling as to the right of the Federal Government to exercise control over privately owned lands adjacent or contiguous to federally owned lands insofar as the land use planning bill which we are now discussing is concerned?

Mr. HUMPHREY. As the Senator knows, I am not privileged to be a member of the committee, so I cannot speak with the detailed and intimate knowledge that would come from the hearings that have been held on this legislation. All I can give the Senator is one Senator's opinion.

Mr. HANSEN. I value that opinion very greatly, I might say.

Mr. HUMPHREY. I thank the Senator.

Section 401, under title IV, requires that the Federal Government have its policies consistent with State programs or with State plans for land use. Section 402 says that State land use programs should be consistent with Federal programs. "Consistent" does not mean no use. What it means is compatible use, which I think has been pretty well defined in the hearings, and I do not want to try to interpolate those hearings with my lack of day-to-day, detailed knowledge of what transpired in the committee. So section 401 has the same requirements on Federal land as section 402 has on the States. That is about the best I can give my answer.

Mr. HANSEN. I would observe that section 401(a) reads:

All agencies of the Federal Government charged with responsibility for the management of Federal lands shall consider State land use programs prepared pursuant to this Act and State, local government, and private needs and requirements as related to the Federal lands, and shall coordinate the land use inventory, planning, and management activities on or for Federal lands with State and local land use inventory, planning, and management activities on or for adjacent non-Federal lands to the extent such coordination is not inconsistent with paramount national policies, programs, and interests.

It seems to me the thrust of this section is that the Federal Government and its agencies are called upon to consider the State land use programs and shall coordinate insofar as——

Mr. HUMPHREY. That is correct, but it is also clear that State policies cannot override these Federal standards. I think that is important, because the last language— so we do not have any misunderstanding—reads:

adjacent non-Federal lands to the extent such coordination is not inconsistent with paramount national policies, programs and interests.

Mr. HANSEN. I appreciate the Senator's reading that language. I think it is very important. What it says—and I suspect the Senator would agree with me—is that the use and the management of these privately owned lands that are in this particular category of adjacency cannot be used in a manner that would be inconsistent with paramount national policies, programs, and interests.

Mr. HUMPHREY. That would be my judgment.

Mr. HANSEN. Would that be the judgment of the Senator from Colorado?

Mr. HASKELL. Yes.

The States' land use program is an entity in and of itself. It is within the States' jurisdiction. The State adopts the land use program. It cannot adopt a program which affects Federal lands. We could not give the States that authority.

Similarly, we are not asking the Federal Government to plan for the States. We are saying to the States, "Please make your uses consistent with national policies to the extent that it is practical to do so." So we have made a great attempt to see to it that one governmental jurisdiction does not interfere but rather coordinates with the other.

Mr. HUMPHREY. What we are really saying to the States and to the Federal Government is, "Work these things out so that you are not in opposition to each other." We have a policy which is consistent or at least takes into consideration the needs of the other jurisdiction.

Mr. HASKELL. That is correct.

Mr. HANSEN. There should be regulation and cooperation and consideration to an extent which is not inconsistent with paramount national policies.

Mr. HASKELL. The Senator is absolutely correct.

Mr. HUMPHREY. That is the controlling line.

Mr. HANSEN. It is to be considered except when a State bumps into a Federal policy or program of paramount national interest; and whenever that happens, the State or private landowner, under the Federal act, yields.

Mr. HUMPHREY. That is correct; that is my understanding.

Mr. HASKELL. I would point out to the Senator from Minnesota two things. If there is a conflict between State use and Federal use, the purpose of setting up a Federal-State ad hoc joint committee is to try to solve the problem. Let us interpret what is meant by national policy in the use of Federal lands.

In my State, we have the Air Force Academy. I do not think my State would allow a plant such as a steel mill to be built on the border of the Air Force Academy, because the steel mill would cover the Academy with smoke. That would not be a proper thing for my State to do. But I do point out to the Senator from Minnesota and the Senator from Wyoming that if there is a conflict between the two governments, we have an

ad hoc hearing board to resolve the conflict.

Mr. HUMPHREY. That is exactly correct. We have the Environmental Protection Act, which must be considered in any national use program. Meetings would be held on national priorities or national interests, to which we are directing our attention.

Mr. HASKELL. The Senator is correct.

Mr. HANSEN. I ask my good friend from Colorado if it is not a fact that in considering the recommendations of the ad hoc committee, the Secretary must be guided by the language on page 110 of the bill, subsection (g) of section 404, beginning on line 3, which reads as follows:

> In taking or recommending action pursuant to the recommendations of a joint committee, the Secretary shall give careful consideration to the purposes of this Act and not resolve any problem with or conflict between the planning and management of Federal lands and of adjacent non-Federal lands in a manner contrary to the requirements of the laws governing the Federal lands involved.

Mr. President, my observation is—and I ask if I am right in this interpretation—would not the Secretary have to consider the recommendations of the ad hoc joint committee in light of and not to exceed the effect of this restriction?

Mr. HASKELL. The Senator is correct. If I could expand on that, if there were a specific Federal law dealing with a specific piece of land, such as the Air Force Academy in my State, obviously the ad hoc committee could not interfere with that Federal use.

This situation clearly protects the Federal Government where there is specific usage involved.

Mr. HANSEN. Mr. President, I appreciate that observation. I am grateful the Senator from Colorado and I am equally grateful to the Senator from Minnesota. I think it is important that we understand the dimensions and the extent of the cooperation and the restrictions imposed under the terms of this bill upon the Secretary in trying to resolve conflicts between private landowners or States on the one hand and the Federal Government on the other. And in that context, Mr. President, I would like to read from State land use programs, section 402, on page 105, line 21, which reads as follows:

> STATE LAND USE PROGRAMS
>
> SEC. 402. (a) As a condition of continued eligibility of any State for grants pursuant to this Act, after the five complete fiscal year period following the enactment of this Act, the Secretary shall have determined that—
>
> (1) the State land use program developed pursuant to sections 203 and 204 of this Act includes methods for insuring that Federal lands within the State, including, but not limited to, units of the national park system, wilderness areas, and game and wildlife refuges, are not significantly damaged or degraded as a result of inconsistent land use patterns in the same immediate geographical region; and
>
> (2) the State has demonstrated good faith efforts to implement such methods in accordance with clause (3) of section 204.

Mr. President, I would observe for the benefit of the staff present on the floor that I believe that should read clause (2) instead of (3). Is that correct?

Mr. HASKELL. The Senator is correct.

Mr. HANSEN. Mr. President, subsection (b) reads:

> (b) The procedures for determination of grant eligibility provided for in section 306 shall apply to this section.

What that says in other words is, as I recall section 306, that if the Secretary finds there is noncompliance, he can withhold grants. Am I correct in that understanding?

Mr. HASKELL. I believe the Senator is correct.

Mr. HANSEN. Mr. President, the point I want to make is that this language seems to establish as a condition of continued eligibility that the Secretary shall determine that the land use program developed pursuant to these various sections, including methods for insuring that the Federal lands within the State including, but not limited to, units of the National Park System, wilderness areas, and game and wildlife refugees, are not significantly damaged or degraded as a result of inconsistent land use patterns in the same immediate geographical region.

It is to that point that I want to call the attention of the distinguished Senator from Minnesota and the distinguished Senator from Colorado to see what their thinking is as to what is implied by these words, "* * * in the same immediate geographical region * * *" How far is that and what are the dimensions of this language?

Mr. HUMPHREY. Mr. President, let me yield on that point to the member of the committee, the acting manager of the bill, the Senator from Colorado (Mr. HASKELL), and then I will give my point of view. However, the Senator from Colorado listened to the testimony on this subject.

Mr. HASKELL. I did. If I may say to the Senator from Wyoming, we are talking about Federal lands within a State. We are talking about the words "units of the national park system * * * are not significantly damaged or degraded as a result of inconsistent land use patterns * * *"

I believe the Senator asked what was meant by adjacent and how far the State should go to protect it.

I would say that it would depend upon each situation in each State. For example, the lake regions of the State of Minnesota have quite different problems than do the mountainous regions of the State of Colorado. Therefore, I do not think it is proper to give a mild definition in order to protect the rights of any governmental unit, because what we might do to protect a region would be different in Maine than in Florida.

That is why we have the general language, ". . . are not significantly damaged or degraded. . . ."

I trust that answers the Senator's question.

Mr. HUMPHREY. Mr. President, may I say that the instance of a private company coming in and wanting to put a steel plant right up alongside of a resort area in a national park, with the plant being 2 miles beyond the boundary of the park would, I think, significantly damage or degrade the Federal properties there, the Federal recreation area.

Mr. HASKELL. I would concur with the Senator from Minnesota.

Mr. HUMPHREY. What we are depending on here is regional consultation between State and Federal officials on this matter. I do not think any State would permit it because the environmentalists in the States would be up in arms.

Again, it might very well be that in another area where the topography was different, where the recreation area was different, that within 50 miles of a Federal recreation area, a particular industry or plant might be established because it would not significantly damage or degrade the Federal recreation area.

Mr. HASKELL. I would be on a case-by-case basis.

Mr. HUMPHREY. I think that is the way in which to do it. I doubt that we could draw a narrow perimeter to define the area.

In my State in the wilderness area we do have taconite plants nearby. But they are not such as give off the kind of emissions that tend to damage or degrade the particular Federal reservation.

There is a problem on what we do with the taconite tailings, the residue. We have a serious problem in Lake Superior today, a very serious problem. That is a case where, had the proper land use policy been defined earlier, we might very well have spared ourselves what is almost a catastrophe today in the city of Duluth where the water supply from Lake Superior appears to be significantly damaged by asbestos particles that can be very injurious to an individual's health.

Had we had this kind of legislation earlier, I think it would have been interpreted as meaning that the location of a plant in that particular area, close enough to the water, so that tailings would have gone into the water, would have significantly damaged the public property.

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

Mr. HANSEN. I yield.

Mr. ROBERT C. BYRD. Mr. President, would it be possible to get a unanimous-consent agreement on the amendment?

The Senator from Maine has been waiting. If the colloquy is going to go on, we may save time if we could get an agreement.

Mr. HANSEN. I said yesterday, and I repeat, Mr. President, I certainly have no intention at all of trying to filibuster this bill. Basically, I am in sympathy with the idea that good land-use planning within proper parameters can be helpful and useful. I endorse land-use planning, but I want to spell out and see that I understand what we are talking about. So I must say to my good friend from Minnesota that I hope we can conclude this part right away.

Mr. HUMPHREY. Mr. President, I suggest to the Senator from Wyoming, since the amendment seems to be pretty well agreed to, that if we could get a vote on the amendment, the colloquy might then be more productive between the Senator from Colorado and the Senator from

Wyoming, because I think they know much more about the intricate details of the bill than the Senator from Minnesota, though I would be happy to participate in whatever colloquy the Senator may desire.

Mr. HANSEN. Mr. President, let me say that the Senator from Minnesota does not do himself justice. I am impressed, as I know all of us are, with his great knowledge and experience, and I think his contribution has been very helpful indeed.

In order to make certain that we understand what this bill will do, I would ask my good friends the Senator from Minnesota and the Senator from Colorado if they might be willing to accept two definitions that could be useful and helpful in seeing that we understand what is meant by "adjacent lands."

My proposed amendment for adjacent non-Federal lands would read as follows:

"Adjacent non-Federal lands" means all non-Federal lands which are in the immediate geographic proximity of and border Federal lands.

The definition for adjacent Federal lands would read:

"Adjacent Federal lands" means all Federal lands which are in the immediate geographic proximity of and border non-Federal lands.

I am not talking about an activity on a piece of land which clearly impinges on the rights of others or degrades the quality of the adjacent lands. If you have a smokestack on your land which pollutes the adjacent lands, I think any court could recognize the deleterious effect of activity. I am talking about activities that would not have that sort of effect, but which, in the opinions of some people, might be construed to be harmful.

Mr. MUSKIE. Mr. President, will the Senator from Wyoming yield for just a moment?

Mr. HANSEN. I yield.

Mr. MUSKIE. I ask unanimous consent that Leon Billings and Don Alexander of the Public Works Committee staff may have access to the floor of the Senate during the consideration of this measure.

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

Mr. HANSEN. Mr. President, I ask my good friend from Colorado if he might be willing to accept the language I have stated to accompany the Humphrey amendment, which I think would clear up the problem all the way around.

Mr. HASKELL. Mr. President, I would say to my good friend from Wyoming that in view of the fact that my thought processes perhaps are not as fast as they ought to be, I would like a little opportunity to look at the amendment and see what it does to the bill, and respond at a later time.

Mr. HANSEN. I have no objection to that at all.

Mr. HUMPHREY. Mr. President, it would be my hope that we could do that. The Senator from Wyoming is a very reasonable man, and I would hope we would be able to take a look at the language, because it might involve some possible complications. I do not see any at the moment, but if we could hold it up for a little while, I would be happier.

Mr. HANSEN. Let me add that I think we need to define as clearly as we can define it what is meant by "adjacent lands," and it is in the spirit of trying to help clarify that issue that I make the proposal.

Mr. HUMPHREY. I agree. The question that bothered me was "that borders on." I think we ought to have some definition.

Mr. HANSEN. Well, if it does not border, I think it is all the more important that we have some definition of what we are talking about.

Mr. HUMPHREY. I think so, too.

Mr. HASKELL. Does the Senator from Wyoming have in mind that we just look at it informally?

Mr. HANSEN. Would the Senator like to have some colloquy on it?

Mr. HASKELL. I would just like to think about it.

Mr. HUMPHREY. Mr. President, may we now have a vote on the amendment which I have offered?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota (Mr. HUMPHREY).

The amendment was agreed to.

LEAVE OF ABSENCE

Mr. HUDDLESTON. 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 25,1973.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House has passed, without amendment, the bill (S. 1386) to authorize appropriations for the saline water program for fiscal year 1974, and for other purposes.

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

S. 1201. An act to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes; and

S. 1385. An act to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

The message further announced that the House had passed the bill (S. 1501) to amend the Water Resources Planning Act to authorize appropriations for fiscal year 1974, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to 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; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. JARMAN, Mr. DINGELL, Mr. HARVEY, and Mr. KUYKENDALL were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 689. An act to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection;

H.R. 1315. An act for the relief of Jesse McCarver, Georgia Villa McCarver, Kathy McCarver, and Edith McCarver;

H.R. 1717. An act to authorize the President to appoint Vice Adm. Hyman G. Rickover, U.S. Navy retired, to the grade of admiral on the retired list;

H.R. 5094. An act to amend title 5, United States Code, to provide for the reclassification of positions of deputy U.S. marshal, and for other purposes;

H.R. 5157. An act to amend the Service Contract Act of 1965 to extend its geographical coverage to contracts performed on Canton Island;

H.R. 8537. An act to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes; and

H.J. Res. 499. Joint resolution providing for an extension of the term of the Commission on the Bankruptcy Laws of the United States, and for other purposes.

HOUSE BILLS REFERRED

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

H.R. 689. An act to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection; and

H.R. 1315. An act for the relief of Jesse McCarver, Georgia Villa McCarver, Kathy McCarver, and Edith McCarver. Referred to the Committee on the Judiciary.

H.R. 1717. An act to authorize the President to appoint Vice Adm. Hyman G. Rickover, U.S. Navy retired, to the grade of admiral on the retired list; and

H.R. 8537. An act to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes. Referred to the Committee on Armed Services.

H.R. 5094. An act to amend title 5, United States Code, to provide for the reclassification of positions of deputy U.S. marshall, and for other purposes. Referred to the Committee on Post Office and Civil Service.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The Senate continued with the consideration of the bill (S. 268) to estab-

lish 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. CURTIS. Mr. President, I realize the very commendable purpose and objective of the proponents of this measure. I have a very high regard for all of them. I have an especially high regard for the distinguished chairman of the Committee on Interior and Insular Affairs. It is not very often that I disagree with that committee, because they handle so much legislation that is vital to that section of the country from which I come.

But, Mr. President, I am unalterably opposed to the passage of this legislation. I think it would be a serious mistake for the Congress of the United States to enact this proposal or anything similar to it.

What we are doing here is embarking upon a program in which the Federal Government determines land use, not for the land owned by the Federal Government, but for all the private people. The land involved might be the smallest lot in a city, it might be a 5-acre patch, or it might be a farm of 10,000 acres, but the Federal Government launches into the business of determining land use.

We can spend hours and hours amending it, changing this section or changing that language, but it will not make any difference. A very few years from now, if we embark upon this measure, the great power of the Federal Government will be used to determine the use of all land in the country.

Mr. President, whoever determines the use of land determines its value. I would like to commend, not only to all Senators but to the entire public, the reading of the minority views in the committee report on the bill, which were written by the distinguished Senators Mr. FANNIN, Mr. HANSEN, and Mr. BARTLETT. It is an excellent statement and very sound in principle.

What this bill is is just a start. Oh, yes, sanctions were defeated today, but the proponents of this bill are for sanctions, and they will be back again. If we make the mistake of enacting this measure, they will be back here next year or the year following and say that in order to make it work, we have to have sanctions.

This minority report by these three distinguished Senators is very well worth reading. It points out the inherent danger of this legislation.

Of course, Mr. President, we want wise use of our resources in this country, but the part I challenge is this: I challenge the notion that government always knows best, and I specifically challenge the notion that the Federal Government always knows best.

The Federal Government with its red-tape, its bureaucracy, its great power, its ability to pour out billions of dollars in grants to get States and individuals to surrender their rights, is a mighty powerful institution. Yet, it is not always right.

I was particularly struck with three sentences in the minority report to which I have referred, on page 160, where it states:

> The inherent wisdom of restricting the centralization of power and decision-making 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.

Mr. President, whoever determines the use of land, determines its value. If a citizen has a piece of land and the purpose for which he would like to use it causes it to have a value, say, of $500 an acre and the wise, all-powerful bureaucrats in Washington decide that that land should have another use, either because of the way it would affect adjacent property, or something else, and the land ends up with a value of $200 per acre, they have taken property from that citizen without just compensation or due process of law. He had something worth $500 and the Government deliberately reduced it to $200. That is what it is.

Oh, I realize that there are enthusiasts for this cause and that cause who want the great power of the Government to force their theories on everyone else.

Mr. President, Congress should beware of this legislation. Congress passed the environmental control bill and we have had time, now, to see how that act is being administered and enforced. The rights of citizens are being disregarded and ridiculous rulings are being promulgated. On the floor of the Senate, within the past 2 weeks, there was discussion about an environmental proposal that would have kept orchardists and their employees out of an orchard for days after a spraying unless they were garbed in a certain manner. That was ridiculed, and it should have been ridiculed.

Mr. President, that is what happens when we surrender the right of free men and women to live their lives and give that right to the Federal Government.

This bill is wrong. We will regret it if we pass it. We cannot judge it by what is contained in its pages today but by what it will grow to be.

Not only have the environmental laws gotten out of hand in their application, but another well-meaning statute, the Occupational Safety and Health Act, has been administered and interpreted in a way that has been harsh, unjust, and destructive. Congress decided that the only place where there was any wisdom to bring about safety was in the Federal Government and our citizens suffer from harsh and unreasonable regulations.

Now, all individuals are interested in safety. I maintain that a small businessman with just a few employees, who are very likely members of the family of the proprietor is more interested in safety than are bureaucrats. Yet we are forcing people out of business because we made the foolish decision that the Federal Government was all-wise in the field of safety, just as we made the decision that the Federal Government was all-wise in the field of environmental control.

Mr. President, this bill should not be enacted into law. If it is, in a matter of a few years, we will live to regret it.

I am aware that some decisions have to be made and some authority has to be vested in order to curb the individual who has a total disregard for the rights of others, but let that power reside in the States and the localities. That is where it is now. They will not have a thing to say about it if this bill is enacted into law because once the Federal Government enters this field, it will preempt it.

The bill should be defeated.

Again, Mr. President, I commend Senators HANSEN, FANNIN, and BARTLETT for their position in regard to this bill and for their excellent minority report.

I am aware of the good intentions of everyone in advancing the pending bill, but I believe it is filled with danger and I would be untrue to myself if I did not say so.

Mr. FANNIN. Mr. President, I want to commend the distinguished Senator from Nebraska for the statement he has just made. I know of his great work on the OSHA program and how disappointed he was that the amendments he had offered were not accepted. We are all paying because he was not successful in that regard.

The Senator has made sound recommendations in regard to this legislation. I am hopeful that we can still amend the bill in order that it will represent what I believe all of us thought we were voting on at the very start of committee consideration. It is regrettable that it has not turned out that way.

Again I commend the distinguished Senator from Nebraska for his fine statement regarding the results that may accrue if the bill is passed in its present form.

Mr. MUSKIE. Mr. President, I have a few opening remarks to make on the bill in general and then I will be calling up the first of three amendments which I intend to offer.

I should like to say to the distinguished floor manager and the author of the bill and the chairman of the committee, as well as to the distinguished Senator from Arizona (Mr. FANNIN) that I am amenable to a time limitation on this amendment at any time.

Mr. JACKSON. Mr. President, I do not need more than a few minutes. I would suggest to the Senator that he take whatever time he needs to comment, but I do not believe that I will need more than 1 or 2 minutes.

Mr. MUSKIE. All right. Then why do I not take a few minutes at this point while the Senator is considering the question of a time limitation with the Senator from Arizona.

Mr. FANNIN. If the Senator could delay asking for a time limitation and would go right ahead and make his comments now, I should like to have a little time to study the amendment.

Mr. MUSKIE. Fine. I yield myself 10

minutes for my general comments and in that time perhaps we can reach an agreement.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). The Senator from Maine is recognized for 10 minutes.

Mr. MUSKIE. Mr. President, I have had the opportunity to review the Land Use Policy and Planning Assistance Act, S. 268, and the committee report on the bill. I want to compliment the Senator from Washington and his colleagues on the Committee on Interior and Insular Affairs for their diligent work and careful consideration of this vital legislation.

As my colleagues know, I believe that a major Federal role in land-use planning is essential if States and local governments are to properly coordinate land-use conservation and development programs. A Federal presence will be necessary if the pressures for unwise and haphazard development which now confront States and political subdivisions are to be resisted. And Federal guidance will be important in determining good and bad land-use practices.

The experience which the Subcommittee on Air and Water Pollution has gained in implementation of the Clean Air Act indicates that States and local governments can and will act responsibly with Federal cooperation to consider more carefully land uses and the structure of development patterns which are environmentally sound.

Last week, the Environmental Protection Agency published proposed transportation controls, many of which have been worked out in cooperation with States and local governments to structure transportation-related land uses to avoid violation of health-related air quality standards required by the Clean Air Act. But the absence of sound land-use planning mechanisms have complicated this process.

Currently the Environmental Protection Agency is working with States and localities to develop land-use control process for complex sources of air pollution, such as shopping centers, major housing developments, other commercial activities, and such transportation facilities as highways and airports. These regulations are intended to avert future adverse air quality impacts from unsound site location decisions. State and local land-use decisional capability will be essential to the effectiveness of this process.

The controversial nature of currently proposed transportation control not only points out the difficulty of undoing the damage of past failures, but also underscores the need to avoid future mistakes as land-use decisions are made.

S. 268 can be of assistance in the development of this Federal-State-local partnership. States and localities, in many cases, will be encouraged to take a comprehensive look at land-use conservation and development activities and to plan patterns of land conservation and development which will be in the best interest of the citizens of the State and local governments involved.

Mr. President, last year, during Senate debate on similar legislation and early in this session, I proposed legislation to aid this Federal, State and local planning process by establishing Federal policy criteria which should be considered in any rational land-use decisional process. I am pleased to see that some of these criteria are included in the legislation before us today. I ask unanimous consent that the text of S. 792 and my introductory remarks be included in the RECORD at this point.

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

ENVIRONMENTAL PROTECTION PERMIT LEGISLATION

Mr. MUSKIE. Mr. President, during the opening weeks of the new Congress, Members in both Houses, and particularly in this body, have observed over and over again that the legislative branch is losing its power and its place in the system of checks and balances to the executive branch. In many areas these complaints and concerns are justified; the President has ignored legislative and appropriations decisions of the Congress at will, arrogating to himself and to his office decisions which are explicitly reserved to the Congress.

But I am also concerned, Mr. President, that the Congress itself is contributing to its own decline as a responsive and effective institution. Increasingly we have found it convenient to delegate to the executive or to the courts decisions for which we are responsible. Increasingly we have legislated procedures and called them policy. And increasingly we have avoided the task we were elected to perform—making tough decisions in areas of public policy which cry out for our attention.

One of the areas of public policy which demands attention we have not given is the development and protection of the Nation's limited land resources. It is true that the Senate has considered and passed legislation to require the States to develop land use policies; but, once again, this legislation would have delegated almost unlimited discretion to the executive and to the States to decide what was good land use and what was bad land use. Once again, the Congress would have passed the buck—with no instructions on what to do with it.

The task of creating policies to regulate land use decisions cannot be left solely to the States or to the executive. The buck stops here—in the Congress. Only here can the Federal interest in the public health and welfare be balanced against private decisions regarding property use. Only here can land use regulatory policies be set that take into account all the conflicting interests and make the appropriate tradeoffs from a national perspective.

There is no question of the need for such a policy and for regulation of land development decisions based on such a policy. In fact, such a regulatory mechanism is required in both the Clean Air Act and the Water Pollution Control Act. Implementation plans and programs under both acts must include, where necessary, land use controls. Uncertain land use policies regarding the development of land resources and the need for effective regulatory procedures also lie at the root of our difficulties in solving the energy crisis, in dealing with transportation problems, and in preserving biologically productive land areas.

Just as Congress has recognized that the problems of air and water pollution respect no State boundaries and demand national solutions, so, too, we are now realizing the national scope of our energy and transportation crises. It is time, however, that we also recognized the national scope of other problems which result directly from our lack of a national policy to regulate our use of limited land resources:

The quality of rural life is increasingly threatened as local citizens are crowded off the land and out of their houses by wealthy vacationers seeking recreational property and rural homes.

Highway construction and urban renewal programs devised without respect for people's lives and communities have robbed city dwellers of open space, recreational opportunities, pleasant surroundings, and often their homes.

Commercial and industrial site selection decisions have transformed and often permanently degraded large areas of land, simply because inadequate consideration was given to the effects of the attendant transportation, energy, housing, and waste treatment needs of the people who would come with the development.

Unplanned development and land use has destroyed flood plains, valuable wetlands, timberlands, and farmlands.

These are national problems; and until we set basic regulatory policy on a national level, these problems will continue to plague us. It is not enough for Congress to say that land use planning is good public policy—though land use planning is essential; and it is not enough to require the States to develop land use plans of their own—though they must act expeditiously to develop such plans. Those kinds of decisions are not really decisions at all; they merely are new applications of the same old, bad habits in failing to cope with yet another pressing issue. Pronouncements of rhetoric have never constituted effective, substantive policy. Nowhere is this truth plainer than in our experiences under the National Environmental Policy Act; although that law has provided some valuable procedural protections, it offers no relief from bad decisions which are a product of good procedure—because it contains no enforceable standards and guidelines against which to measure those decisions.

We should not make the same mistakes in developing national land use regulatory legislation that we have made in other areas; we cannot afford to. We must not sit still and allow the States or the Federal bureaucracy to create fragmented, disoriented, and often contradictory regulatory policies and programs which will permit private, selfish decisions to exacerbate critical national problems and override the public interest.

The bill which I introduce today, the Environmental Protection Permit Act, would require the establishment of regulatory mechanisms at the State level to review private land development decisions, and it would establish in law specific criteria against which to assess those State programs and to permit or deny them to take effect.

Under the provisions of this bill, which would become title VI of the Water Pollution Control Act, the Environmental Protection Agency would be prohibited from making grants for the construction of waste treatment facilities under the Water Pollution Control Act, delegating control of water pollution permit programs to States, or granting extensions of deadlines for meeting air quality standards under the Clean Air Act in any State which does not have an approved program for granting environmental protection permits. This enforcement provision is, of course, subject to refinement, but it recognizes the fact that effective air and water pollution control requires the effective regulation of our limited land resources.

The specific land use policy criteria set forth in this bill are clear statements of the elements of good land use. They are the product of lessons the Subcommittee on Air and Water Pollution has learned from hearings in Machiasport, Maine, and Lake Tahoe, from the development and implementation of the Clean Air Act and the Water Pollution Control Act, and from years of hearings on the economic and social roots of environmental pollution. They are by no means complete in

setting forth all the necessary guidelines, but they are a set of criteria from which we can refine an effective set of final guidelines.

The provisions of this bill also reflect beginning efforts which have been made to regulate land use in several States, particularly the State of Maine. In establishing the land use regulation commission in 1969, Maine assumed a position of national leadership in resource analysis and mapping, comprehensive planning, establishment of land use standards and land use districts, and enforcement. The Maine Land Use Regulation Commission establishes standards for and restraints upon the use of land in the unorganized townships of the State, 49 percent of Maine's total land area and more than 10 million acres.

Coupled with the site selection permit program administered by the State's environmental improvement commission, the LURC has given the people of Maine an opportunity to protect their public property rights against private waste.

Nothing is more central to the development of a national growth policy and to the preservation of a livable environment than effective land use planning and regulation. As Dr. George Wald has said:

There is nothing more valuable in the Cosmos than an acre of land on earth.

Unless we in Congress understand and act on our responsibility to make the hard, tough policy decisions which we were elected to make, we and our children will be witnesses to the defenseless waste of that land.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill together with the bill itself 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. 792

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

SECTION 1. The Federal Water Pollution Control Act is amended by adding at the end thereof a new title to read as follows:

"TITLE VI—ENVIRONMENTAL PROTECTION PERMITS

"SEC. 601(a) The Administrator shall not, at any time after June 30, 1975, (1) make any grant in a state in accordance with the provisions of Title II of this Act, (2) approve any state permit program in accordance with the provisions of Section 402 of this Act or (3) grant any extension of time for achievement of air quality standards in accordance with the provisions of section 110(e) and 110(f) of the Clean Air Act (42 U.S.C. 1857 et. seq.), unless at the time of the grant application for a project in such state or at the time of submission by such state of a permit program or a request for extension of time for compliance with air quality standards, that state has in effect an environmental protection permit program approved by the Administrator in accordance with the provisions of this title.

"(b) Any approval of a state permit program in accordance with section 402 of this Act and any extension of the effective date for compliance with air quality standards granted in accordance with subsection (e) or (f) of section 110 of the Clean Air Act for a state shall be suspended where such state does not have, before July 1, 1975, an environmental protection permit program approved by the Administrator in accordance with the provisions of this title, and such suspension shall remain in effect until that state has an approved environmental protection permit program.

"SEC. 602(a) (1) Upon application of a state, the Administrator shall approve a state environmental protection permit program as adequate when he determines that (A) such state has an adequate process for issuing permits, (B) there is an adequate mechanism to oversee and enforce compliance with permit requirements to assure that no proposed development or expansion of capacity of any industrial, commercial or residential facility and no other development or activity which would in any way affect existing utilization of land will occur without an environmental protection permit issued by the state in accordance with the provisions of this title, and (C) in issuing permits, the state will follow the environmental protection criteria specified in subsection (c).

"(2) Approvals of state environmental protection permit programs granted by the Administrator shall be valid for a period not to exceed four years from the date on which approval is granted.

"(3) Application for reapproval, or changes in or amendments to the state environmental protection permit program shall be raviewed and approved by the Administrator in the same manner as initial applications for approval of the state environmental protection permit program.

"(4) Whenever the Administrator determines, after a public hearing, that (A) a state is not administering a program approved under this title in accordance with requirements of this title, or (B) a state has issued any environmental protection permit in violation of the criteria specified in subsection (c) of this section, he shall so notify the state and, if appropriate corrective action is not taken within a reasonable time, not to exceed ninety days, the Administrator shall withdraw approval of such program. The Administrator shall not withdraw approval of any such program unless he shall first have notified the state, and made public, in writing, the reasons for such withdrawal.

"(b) For the purposes of this title, an adequate process for issuing permits shall include (1) a program for developing policies and procedures to implement the environmental protection permit program which shall include:

"(A) adequate opportunity for public hearings during development and revision of the environmental protection permit program in each major population center of the State and at such other places in the State as are necessary to assure that all persons living within the State have adequate opportunity to attend a public hearing on the environmental protection permit program at a place within a reasonable distance from their homes;

"(B) adequate opportunity, on a continuing basis, for participation by the public and the appropriate officials or representatives of local government in development, revision and implementation of the environmental protection permit program;

"(C) processes to review and revise as necessary, on at least a bi-annual basis, guidelines, rules and regulations to implement the environment protection permit program published by the State or by political subdivisions of the State in cases where the States' responsibilities have been delegated in accordance with the provisions of section 603 of this title;

"(D) a mechanism for coordinating all State programs and all Federal grant-in-aid or loan guarantee programs under which the State or its political subdivisions, or private persons within the State, are receiving assistance to assure that such programs are conducted in a manner consistent with the guidelines, rules and regulations published by the State or its political subdivisions and intended to implement the environmental protection permit program;

"(E) adequate provision to coordinate planning activities of a State with the activities relating to environmental protection permit programs of surrounding States; and

"(F) assurance that the taxation policies of the State and its political subdivisions are consistent with and supportive of the goals of the State environmental protection permit program, and

"(2) Procedures for issuance of individual environmental protection permits which provide that:

"(A) there shall be a public hearing, with adequate notice, or an opportunity for such a hearing, regarding the issuance of each environmental protection permit;

"(B) there shall be an administrative appeals procedure where any person who participated in the public hearing relating to the issuance of the permit can, without the necessity of representation by counsel, challenge a decision to issue or to refuse to issue a permit;

"(C) all information presented to the State or a local government with regard to any application for issuance of a permit shall be available for public inspection at a place designated by the unit of government to which the application for an environmental protection permit is made; and

"(D) decisions relating to applications for environmental protection permits shall be announced publicly at a time and place specified at least 30 days in advance of the announcement.

"(c) The Administrator shall not approve a State environmental protection permit program which does not assue compliance with the following environmental protection criteria:

"(A) public or private development will be permitted only if in the process of development, and in the completed project, the development will not result in violation of emission or effluent limitations, standards or other requirements of the Clean Air Act and this Act;

"(B) industrial, residential or commercial development will not occur on agricultural land of high productivity, as determined on a regional basis by the Secretary of Agriculture, unless specifically approved by the Governor as necessary to provide adequate housing for year-round residents that would not otherwise be available;

"(C) industrial, residential or commercial development will not occur where it would exceed the capacity of existing systems for power and water supply, waste water collection and treatment, solid waste disposal and resource recovery, or transportation, unless such systems are planned for expansion and have adequate financing to support operation and expansion as necessary to meet the demands of the new development without violation of the emission or effluent limitations, standards or other requirements of the Clean Air Act or this Act at any place where such expansion of such systems or any activities relating thereto may occur;

"(D) redevelopment and improvement of existing communities and other developed areas is favored over industrial, commercial, or residential development which will utilize existing agricultural lands, wild areas, woodlands, and other undeveloped areas, and that development contrary to these principles shall be allowed only where specifically approved by the Governor as necessary to provide significant and permanent jobs, year-round housing, and educational opportunities for low and middle-income families;

"(E) no industrial or commercial development shall occur only where there exist adequate housing opportunities, on a non-discriminatory basis and within a reasonable distance or any such development, for all persons who are or may be employed in the operation of such development;

"(F) no development shall occur on water-saturated lands such as marshlands, swamps, bogs, estuaries, salt marshes, and other wetlands without replacement of the ecological values provided by such lands;

"(G) there shall be no further commercial, residential or industrial development of the flood plains of the navigable waterways in the state;

"(H) those responsible for making less permeable or impermeable any portion of the landscape will be required to hold or store runoff water or otherwise control runoff from such lands so that it does not reach natural waterways during storm conditions or times of snow-melt;

"(I) to the extent possible, upland watersheds will be maintained for maximum natural water retention;

"(J) utilities, in locating utility lines, shall make maximum possible multiple use of utility rights-of-way; and

"(K) any major residential development will include open space areas sufficient to provide recreational opportunities for all residents of the proposed development.

"(d) A State may exempt from the requirement of an environmental protection permit program any single family residential building constructed by a person on land owned by such person and intended to be his principal residence on a year-round basis, where such person has not, within the previous five-year period, constructed another such residential building which was or would have been eligible for exemption in accordance with the provisions of this subsection.

"SEC. 603. The Administrator may approve as adequate in accordance with the provisions of this title, a State environmental protection permit program which delegates the permit granting responsibility assigned under this title to one or more political subdivisions of a State where such State continues general responsibility for establishing polices for the environmental protection permit program and the Administrator determines that the other responsibilities of the State under this title will be adequately performed.

"SEC. 604 (a). The Administrator is authorized to make grants to any unit of local government within a State which, as a result of actions taken to implement the State environmental protection permit program, has suffered a loss of property tax revenues (both real and personal). Grants made under this section may be made for the tax year in which the loss of tax revenue first occurs and for each of the following two years: *Provided, however,* That the grant for any tax year shall not exceed the difference between the annual average of all property tax revenues received by the local government during the three-tax-year period immediately preceding the date of enactment of this title and the actual property tax revenue received by the local government for the tax year in which the tax loss first occurs and for each of the two tax years following the year in which the tax loss first occurs.

"(b) Grants under this section may be made only where there has been no reduction in the tax rates and the tax assesment valuation factors employed by the local government in determining its tax valuation and tax rates. Where there has been such a reduction in the tax rate or the tax assessment valuation factors, then, for the purposes of determining the amount of a grant under this section for the year or years in which such reduction in the tax rates or the tax valuation factors is in effect, the Administrator shall use the tax rate and tax assessment valuation factors of the local government in effect at the time of the loss of tax revenues in determining the property tax revenues which would have been received by such local government had such reduction of tax rate or tax assessment valuation factors not occurred.

"SEC. 605. (a) The Administrator is authorized to make grants, upon such terms and conditions as he deems appropriate, for the development and revision of a statewide environmental protection permit program.

"(b) Such grants may be in an amount up to 75 per centum of the cost of establishing and developing and up to one-half of the cost of maintaining and revising the statewide environmental protection permit program: *Provided, however,* That grants under this section may be made to political subdivisions of a State only in those instances where a State has delegated to a political subdivision part or all of its permit granting functions in accordance with the provisions of section 603 of this title.

"SEC. 606. Each department, agency and instrumentality of the executive legislative and judicial branches of the Federal Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in development of or a change in the use of any land, shall comply with State and local requirements respecting environmental protection, including requirements that permits be obtained, to the same extent that any person is subject to such requirements. The President may exempt any activity of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so, except that no such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods of not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this title granted during the preceding calendar year, together with his reason for granting each such exemption.

"SEC. 607. Nothing in this title shall be construed to require or authorize that any State environmental protection permit program include provisions to supersede or otherwise avoid the authority of any political subdivision of a State to refuse to permit any development within the area of its jurisdiction.

"SEC. 608. (a) There are authorized to be appropriated to the Administrator of the Environmental Protection Agency for grants in accordance with the provisions of section 604 of this title, not to exceed $100,000,000 for the fiscal year ending June 30, 1974, $100,000,000 for the fiscal year ending June 30, 1975, and $100,000,000 for the fiscal year ending June 30, 1976.

"(c) There are authorized to be appropriated to the Administrator of the Environmental Protection Agency for implementation of the provisions of this Act, other than section 604 or 605, $25,000,000 for the fiscal year ending June 30, 1974, $25,000,000 for the fiscal year ending June 30, 1975, and $25,000,000 for the fiscal year ending June 30, 1976.

"(d) Sums appropriated in accordance with the provisions of this title shall remain available until expended.

"(e) The Administrator, after public hearings, shall promulgate such regulations as he deems necessary to implement the provisions of this title."

SECTION-BY-SECTION ANALYSIS: ENVIRONMENTAL PROTECTION PERMIT LEGISLATION

This legislation would become Title VI of the Federal Water Pollution Control Act.

Section 601 states that after June 30, 1975, EPA is prohibited from making waste treatment grants or approving state permit programs under the Federal Water Pollution Control Act or granting extensions of deadlines for meeting air quality standards under the Clean Air Act in any state which does not have an approved program for granting environmental protection permits. Further, existing EPA approvals of state permit programs or extensions of air quality standards are suspended in states that do not have approved permit programs by July 1, 1975.

Section 602(a) requires that approval of a state environmental protection permit program be conditioned on the state having (A) an adequate process for issuing permits, (B) procedures to oversee and enforce compliance with permit requirements to assure that no development occurs without environmental protection permit being issued by the state and (C) procedures to assure compliance with the site selection criteria specified in subsection (c). Approvals of state environmental protection permit programs are valid for up to four years, and applications for reapproval, or changes in or amendments to the state environmental protection permit program must be approved by EPA in the same manner as the original permit program.

EPA can revoke a permit when it determines that (A) a state is not administering a program in accordance with the law or (B) a state has issued any environmental protection permit violating criteria specified in subsection (c) and if, after notification of the violation by EPA, the state does not take corrective action within 90 days. EPA cannot withdraw approval of any state program without first notifying the state, and making public, in writing, the reasons for the withdrawal.

Section 602(b) states that an adequate process for issuing permits must include (1) a program for developing policies and procedures to implement the environmental protection permit program which include:

(A) adequate opportunity for public hearings during development and revision of the permit program in each major population center of the state and at such other places as necessary to assure that all persons in the state have adequate opportunity to attend a public hearing on the environmental protection program at a place within a reasonable distance from their homes;

(B) adequate opportunity, on a continuing basis, for participation by the public and local government officials in development, revision and implementation of the permit program:

(C) processes to review and revise as necessary, on at least a bi-annual basis, state and local guidelines, rules and regulations to implement the environmental protection permit program.

(D) a mechanism to coordinate all state programs and all Federal grant-in-aid or loan guarantee programs under which the state or its political subdivisions, or private persons within the state, are receiving assistance, to assure that such programs are conducted in a manner consistent with the requirements of the environmental protection permit program;

(E) coordination of planning activities with the environmental protection permit programs of surrounding states; and

(F) assurance that state and local taxation policies are consistent with and supportive of the goals of the environmental protection permit program; and

(2) Procedures for issuance of individual environmental protection permits which provide

(A) a public hearing, with adequate notice, or an opportunity for such a hearing, regarding the issuance of each environmental protection permit;

(B) an administrative appeals procedure where any person who participated in the public hearing relating to the issuance of the permit can, without the necessity of

representation by counsel, challenge a decision to refuse to issue or to issue a permit;

(C) public availability of all information presented to the state or a local government with regard to any application for issuance of a permit; and

(D) public notice, at least 30 days in advance, of the time of announcement of decisions relating to applications for environmental protection permits.

Section 602(c) requires that no state environmental protection permit programs be approved which does not assure compliance with the following environmental protection criteria:

(A) public or private development will not be permitted which can cause violation of the Clean Air Act or the Federal Water Pollution Control Act;

(B) development will not occur on high productivity agricultural land, unless specifically approved by the Governor as necessary to provide adequate housing for year-round residents;

(C) no development will occur that would exceed the capacity of existing systems for power and water supply, waste water collection and treatment, solid waste disposal and resource recovery, or transportation unless such systems are planned for expansion and have adequate financing to support operation and expansion as necessary to meet the demands of the new development without violation of the Clean Air Act or the Federal Water Pollution Control Act at any place where such expansion of such systems or any activities relating thereto may occur;

(D) redevelopment and improvement of existing communities and other developed areas is favored over development which will utilize existing agricultural lands, wild areas, woodlands, and other undeveloped areas, with development contrary to these principles allowed only where approved by the Governor as necessary to provide significant and permanent jobs, year-round housing, and educational opportunities for low and middle-income families;

(E) industrial or commercial development will occur only where there is available adequate housing, on a non-discriminatory basis and within a reasonable distance of the development, for all persons who are or may be employed in the operation of the development;

(F) no development will occur on water-saturated lands such as marshlands, swamps, bogs, estuaries, salt marshes, and other wetlands without replacement of the ecological values provided by those lands;

(G) there will be no further commercial, residential or industrial development of the flood plains of navigable waterways;

(H) persons making any portion of the landscape less permeable or impermeable will be required to hold or store runoff water or otherwise control runoff from such lands so that it does not reach natural waterways during storm conditions or times of snowmelt;

(I) to the extent possible, upland watersheds will be maintained for maximum natural water retention;

(J) utilities, in locating utility lines, will maximize multiple use of utility rights-of-way; and

(K) any major residential development includes open space areas sufficient to provide recreational opportunities for all residents of the proposed development.

Section 602(d) allows states to exempt from the requirements of an environmental protection permit program any single family home constructed by a person on his own land and intended to be his principal residence on a year-round basis, if that person has not, within the previous five years, constructed another similar home.

Section 603 permits delegation of state permit granting responsibilities to local government in the state, where the state continues general responsibility for establishing policies for the environmental protection permit program and the other responsibilities of the state will be adequately performed.

Section 604 authorizes EPA to make grants to any local government which, as a result of actions taken to implement the permit program, has suffered a loss of real or personal property tax revenues. Grants may be made for the tax year in which the loss of revenue first occurs and for each of the following two years, but, that the grant for any tax year cannot exceed the difference between (1) the annual average of all property tax revenues received by the local government in the three years immediately proceeding enactment of this title, and (2) the actual property tax revenue received for the tax year in which the tax loss first occurs and for each of the two succeeding tax years. Grants can be made only where there has been no reduction in tax rates or tax assessment valuation factors. Where there has been such a reduction in the tax rate or the tax assessment valuation factors, EPA must use the tax rate and tax assessment valuation factors in effect at the time of the loss of tax revenues in determining the property tax revenues which would have been received by the local government.

Section 605 authorizes EPA to make grants for the development and revision of statewide environmental protection permit programs.

The grants may cover up to 75% of the cost of establishing and developing and up to one-half of the cost of maintaining and revising the state-wide environmental protection permit program. Grants can be made to political subdivisions only in those instances where a state has delegated to them part or all of its permit issuing functions.

Section 606 requires that Federal agencies (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in development of or a change in the use of any land, must comply with State and local requirements respecting environmental protection, including requirements that permits be obtained, to the same extent that any person is subject to such requirements. The President may exempt any Federal activity only if he determines it to be in the paramount interest of the United States to do so. However, no exemption can be granted due to lack of funds unless the funds have been specifically requested in the budget and the Congress has failed to appropriate them. Exemptions shall be for a period not in excess of one year, but additional exemptions may be granted for periods of not to exceed one year upon the President's making a new determination. The President must report to Congress each January all exemptions granted during the preceding calendar year, together with his reason for granting each of the exemptions.

Section 607 provides that nothing in this title is to be construed to require or authorize that any state environmental protection permit program override the authority of any political subdivision of a state to prohibit any development within the area of its jurisdiction.

Section 608(a). For tax loss reimbursement grants there are authorized to be appropriated $100,000,000 for fiscal year 1974, $100,000,000 for fiscal year 1975, and $100,000,000 for fiscal year 1976.

(b) For state program grants there are authorized to be appropriated $100,000,000 for fiscal year 1974, $100,000,000 for fiscal year 1975, and $100,000,000 for fiscal year 1976.

(c) For EPA administration there are authorized to be appropriated $25,000,000 for fiscal year 1974, $25,000,000 for fiscal year 1975, and $25,000,000 for fiscal year 1976.

(d) Authorizes appropriated sums to remain available until spent.

(e) Give EPA authority to publish regulations necessary to implement the law.

Mr. MUSKIE. As I indicated earlier, I believe that establishment by Congress of criteria similar to those proposed in S. 792 are absolutely necessary to any definition of acceptable land use planning policy and to avoid ad hoc bureaucratic and judicial determinations in the absence of statutory guidance.

I am pleased to note that the bill, in addition to limited application of some of the criteria which I proposed in S. 792, proposes a review of the need for and desirability of national land use policies to guide State and local government.

Section 307(c) instructs the Council on Environmental Quality to report to the Interagency Advisory Board on Land Use Policy within 1 year specific recommendations for the establishment of national land use policies. Additionally, the Board must recommend legislation to implement such policies to the Congress within 3 years.

Mr. President, the States are on notice. They have an opportunity to come to grips with critical land use decisions. They are on notice to decide what is good and what is bad land use and to act accordingly.

As a result of this legislation, future Federal initiatives in this area of public policy can be reduced if not avoided. This legislation is instructive not destructive. No sanctions are provided except the warning that positive, public interest oriented, environmentally sound land use programs must be developed at the State and local level. Failure to develop such programs will predictably result in Federal policies and Federal sanctions.

However, in the interim, congressional guidance as to the basis for land use decisions is so important that I would urge that even the limited application of land use criteria established in this bill should be extended to major developmental activities in all areas of States. The proposed limitation in application of such criteria to land sales or development projects which are proposed at least 10 miles outside of metropolitan areas should be deleted and such criteria should be made applicable to other key facilities and large scale developments which have major impact on the environment.

There is no justification for these distinctions. If these criteria are appropriate for land sales or development projects, then they are equally appropriate for key facilities and large scale development regardless of their location. I shall propose an amendment to achieve that result.

As I have indicated, other issues which I discussed during debate on last year's bill are recognized to a greater degree in this year's bill. Other executive agencies, in addition to the Interior Department, have an expanded role in establishing and overseeing implementation of the policies established under this law. While the Interior Department is still the lead agency, EPA. HUD and other Federal agencies with environmental and land use responsibility will actively participate in the review process. While I con-

tinue to have strong reservations regarding the Interior Department's role in this legislation, I am pleased to note the general guidelines authority has been vested in the Executive Office of the President.

This is an important addition to the bill. It is consistent with the amendment which I offered last year. It will assure consideration of competing Federal interests and provide an executive to executive relationship between the State and the Federal Government. Conflicting goals will be rationalized in the executive office of the President.

While Interior will serve as the administrative-granting agency, the executive office of the President will fulfill two important functions: first, it will issue guidelines to Federal agencies to insure maximum cooperation with the purposes of the Act consistent with other national policies, goals and objectives; and second, to issue guidelines to States to assure that the minimal requirements of the Act are adhered to and that Federal funds do not subsidize development of programs which are inconsistent with the policy of this act.

But, most important, this provision clearly establishes that the overall responsibility for implementation of national land use policy rests with the President of the United States.

I am also pleased to note that, under section 202(a), States must consider the impact of land use programs on the local property tax base. The requirement should force recognition of the developmental pressures which the current property tax-based revenue system creates. It should also create pressure to reform the heavy local property tax burden and, thus, relieve these communities from existing pressure for unplanned development.

The addition of the provision to S. 268 is recognition of the fact that you cannot seriously consider land use planning without considering the impact of the property tax on land use.

Today 66 percent of all locally generated revenues come from the property tax—$38 billion.

Today about 40 States set maximum limits on the property tax rates cities may charge and set limits on local borrowing which relate to the property tax base.

When a city reaches the limits imposed by State law—as some cities have—its only recourse is to somehow influence use of land for greater tax productivity. If this fails, municipal services—police, fire protection, sanitation, et cetera—must be cut back.

My Subcommittee on Intergovernmental Relations has published a study entitled "Property Taxation: Effects of Land Use and Local Government Revenue." This study clearly identified the close identity of property tax and land use. It stated:

> The low taxation of land based on present-use value also facilitates speculative holding of land in the path of urban development for large capital gains. An added incentive for withholding land from the market for large price rises comes from the favorable capital gains treatment of land investment profits under the Federal income tax laws. Another Federal income tax feature, the allowance of business building depreciation, creates local pressures to allocate more value to building improvements and less to nondepreciable land. A focus on building improvements in assessments for local property taxation inhibits rehabilitation of older residential properties.
>
> Large acreages of vacant close-in suburban land as well as rebuildable central city sites are withheld from the market for large price rises under the present property tax system. That occurs as land is taxed at low effective rates, in relation to realistic market value, and building improvements are subject to a relatively greater tax burden. Consequently land prices are high in urbanizing areas and builders "leapfrog" further out to cheaper lands for residential development. Less than optimum size communities are created, entailing high per-unit costs of services, increased daily commutation, and an extension of urban sprawl.

Mr. President, S. 268 represents a significant improvement over last year's bill. Many of the proposals which I advanced last year have been recognized. The executive office of the President has responsibility to guide Federal and State agency compliance with this statute.

There is a limited application of national policy guidelines in the development of State land use processes. And there is recognition of the need to develop more precise national land use policy guidelines. There is recognition of the relationship of the property tax structure to land use decision. And there is recognition of the relationship between State and local agencies in the development of land use planning programs.

These are essential elements of proposals which I have advanced. While their scope is more limited than I have proposed, their inclusion in the legislation is a good beginning.

Mr. President, I send my amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 102, line 24, after "policies" insert the following: "and any requirements or procedures necessary to assure that the national land use policies are implemented"

Mr. MUSKIE. Mr. President, at this point, before proceeding with an explanation of the amendment, I yield 2 minutes to the distinguished Senator from New Jersey (Mr. CASE).

Mr. CASE. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. Until the amendment by the Senator from Maine is disposed of, the amendment of the Senator from New Jersey is not in order.

Mr. CASE. I ask unanimous consent that, despite the rule, the amendment may be offered.

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

The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CASE. 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:

At the end of the bill, add a new section:

That, on and after the date of the enactment of this Act, no Federal department or agency shall, unless specifically authorized by Congress, utilize in connection with any Federal public works project or any other nonpark or nonrecreational project or program any Federal lands designated or utilized for parks, recreation, or the preservation of its natural values unless such department or agency shall have first made available, without the transfer of funds, lands of a like kind (comparable in value, quality, and quantity) as a replacement for the lands to be so utilized. The Secretary of the department or the chief administrative official of the agency administering the land for use as park or recreational land or for preservation of its natural values shall determine whether replacement lands to be made available are of like kind. Lands made available as replacement lands under this section shall be administered in the same manner as were the lands they replaced.

SEC. 2. On and after the date of enactment of this Act, no State or political subdivision thereof shall receive any Federal funds in connection with any public works project or other nonpark or nonrecreational project or program involving the utilization of lands administered or designated by such State or subdivision for use as park or recreational land or for preservation of its natural values unless such State or subdivision gives to the Secretary of the Interior assurances, satisfactory to him, that the park or recreational lands or the lands preserved for their natural values so utilized shall be replaced by the State or subdivision with lands of a like kind (comparable in value, quantity, and quality) and that such replacement lands will thereafter be administered in the same manner as were the lands they replace. Any controversy arising between the Secretary of the Interior and such State or subdivision with respect to whether replacement lands are of a like kind may be submitted by any of the parties thereto to the Commission established pursuant to section 4 of this Act.

SEC. 3. (a) On and after the date of enactment of this Act, no Federal department or agency shall, unless specifically authorized by Congress, utilize in connection with any Federal public works project or any other nonpark or nonrecreational project or program any private lands, without regard to how such lands were acquired by the United States, which, immediately prior to such acquisition, were designated or utilized for parks, recreation, or the preservation of its natural values unless such department or agency shall have first offered to make available to the owner of the private land, without transfer of funds, lands of a like kind (comparable in value, quality, and quantity) as a replacement for the lands to be so utilized. The Secretary of the Interior shall determine whether the replacement lands offered to the private owner are of a like kind. In making this determination, the Secretary shall consider any limitations on the use of private land to be acquired that may be desirable to impose on the use of the replacement land. Any controversy arising between any of the parties involved with respect to whether replacement lands offered are of a like kind may be submitted by any of the parties to the Commission established pursuant to section 4 of this Act.

(b) On and after the date of enactment of this Act, no Federal funds shall be made available to any State or political subdivision thereof in connection with any public works project or other nonpark or nonrecreational project or program involving the utilization of any private lands, without regard to how such lands were acquired by such State or subdivision, which, immediately prior to such acquisition, were designated or utilized for parks, recreation, or the preservation of its natural values unless such State or sub-

division shall have first offered to make available to the owner of the private land, without transfer of funds, lands of a like kind (comparable in value, quality, and quantity) as a replacement for the lands so utilized. The Secretary of the Interior shall determine whether replacement lands offered are of a like kind. In making this determination, the Secretary shall consider any limitations on the use of the private land to be acquired that may be desirable to impose on the use of the replacement land. Any controversy arising between any of the parties involved with respect to whether replacement lands offered are of a like kind may be submitted by any of the parties to the Commission established pursuant to section 4 of this Act.

SEC. 4. (a) There is hereby established a commission to be known as the Park and Recreational Replacement Lands Review Commission (herein referred to as the "Commission").

(b) The Commission shall be composed of nine members appointed by the President as follows:

(1) four from the executive branch of the Government; and

(2) five from individuals in private life who are widely recognized for their knowledge of, or experience in, or for their interest in, the fields of real estate or conservation.

(c) The President shall designate one of the members of the Commission to serve as Chairman. Vacancies in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointments were made. Five members of the Commission shall constitute a quorum.

(d) Members of the Commission from private life shall not receive compensation for service on the Commission, and members of the Commission from the executive branch of the Government shall serve without compensation in addition to that received for their services in such branch, but all members shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(e) The Commission shall have the power to appoint such personnel as it deems advisable without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The Commission may also obtain the services of experts and consultants in accordance with the provisions of section 3109 of title V, United States Code.

(f) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government information for the purposes of this Act; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information directly to the Commission upon request made by the Chairman of the Commission.

(g) It shall be the duty of the Commission to hear and determine all controversies submitted to it pursuant to this Act and the findings and determinations of the Commission shall be final. It shall be the further duty of the Commission to advise and make recommendations to the Secretary of the Interior to assist him in carrying out the provisions of this Act.

SEC. 5. This Act may be cited as the "Park Land Protection Act".

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. CASE. Mr. President, the amendment I have offered is the same as S. 1368, which I introduced earlier this year, having introduced it in previous sessions for several years. It provides, in substance, that whenever park land is taken for a public use, it must be replaced in kind before that action can occur.

I have discussed this matter with the manager of the bill and with Senator BIBLE, the chairman of the subcommittee on Parks and Recreation. They are not unsympathetic with the motive or the purpose of the amendment, but they correctly have pointed out that we have had no hearings on it.

The PRESIDING OFFICER. The 2 minutes of the Senator have expired.

Mr. MUSKIE. Mr. President, I yield to the Senator such time as he may require.

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

Mr. CASE. I thank the Senator.

As I was saying, and that they would be obliged to resist the amendment at this time on this legislation. I can understand this point of view. I have great sympathy with the orderly procedures which they urge. On the understanding that I have now with the Senator from Nevada that some time during this year my measure will be considered in the regular course in a subcommittee I am prepared to withdraw the amendment and express my appreciation to the Senator for that purpose.

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

Mr. CASE. I yield.

Mr. JACKSON. I have discussed this matter with the Senator from Nevada (Mr. BIBLE) earlier in the day. He is the chairman of the subcommittee that would be handling the bill introduced by the Senator from New Jersey.

I can corroborate for the Senator from New Jersey that a hearing will be held some time during the course of the year in connection with the legislation he has proposed. I think it is a very important bill and deals with the problem of saying, in effect, that we are going to maintain the status quo. That before park lands are taken they should be in a position to indicate how they are going to be replaced.

I commend the Senator for the prosecution of this proposal. I am delighted that he is withdrawing the amendment because we have not had the opportunity to have appropriate hearings, but we will proceed some time this year to have the hearings so that the matter can be fully ventilated.

Mr. CASE. With that assurance, for which I am most grateful, I withdraw the amendment. I thank the Senator from Maine.

The PRESIDING OFFICER. The amendment of the Senator from New Jersey having been withdrawn, the question recurs on the amendment of the Senator from Maine.

Mr. MUSKIE. Mr. President, is it in order to ask for the yeas and nays on the amendment? I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. MUSKIE. 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. MUSKIE. 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. MUSKIE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. MUSKIE. Mr. President, I can state the case for the amendment in less than 5 minutes. At that point we can judge whether or not we can move quickly to a vote. The amendment is very short and it would be an addition to section 307(c) of the bill on page 102, to which I have already made reference. The last sentence in that section reads:

Before the end of the third full fiscal year following the enactment of this Act, the Board shall recommend to the Congress such legislation as it may deem appropriate or necessary to establish national land use policies.

That sentence ends at that point in the bill. I would add the following to the sentence:

and any requirements or procedures necessary to assure that the national land use policies are implemented.

Earlier in the day the Senate rejected the so-called sanctions amendment offered by the distinguished floor manager of the bill (Mr. JACKSON) to bring pressure upon the States and localities to implement the provisions of the bill. I voted against that because I felt that we needed to see more clearly the policy directions which would be taken under the bill before we imposed such sanctions.

This amendment is designed to require that the Interagency Advisory Board on Land Use Policy suggest to Congress not only additional land use policy, but also the requirements and procedures which are necessary to assure that land use policies which the board recommends are implemented as the land use policy for the 50 State programs.

In other words, this amendment would place before Congress, in 3 years, recommendations as to either incentives or sanctions designed to move the States toward a national land use policy.

Both last year and this year, much controversy has surrounded the question of sanctions to force the States and localities to comply with the land use planning requirements specified in the law. To date, I have not been satisfied with any of the solutions which have been proposed.

The full land use program specified in this bill would not become effective for 5 years. Certainly, if that is the case, we do have more time for deliberation as to what methods may be most appropriate to assure that the programs are implemented consistent with the national policy directions which Congress specifies.

For that reason, I think a further review after 3 years, as would occur as a result of this amendment, is fully appropriate. To adopt a strict sanction provision now without determining the relationship of those sanctions to national

land use policies would be premature. To burden this important legislation with sanctions which would not be relevant for 5 years is equally unnecessary.

My proposal would permit the development of more realistic, program-related sanctions or incentives, as appropriate.

We will have an opportunity to observe the State's response to this legislation.

We will have the benefit of the policy recommendations of the Council on Environmental Quality and the Interagency Advisory Board.

We will have the benefit of a 3-year learning period.

If, after that time, sanctions or incentives are deemed appropriate they can be evaluted in light of national land use policy recommendations. The Congress will have the opportunity to consider the most appropriate combination of both and act or refuse to act on the basis of State performance and national need.

For that reason I offer the amendment to the Senate at this time.

Mr. President, that completes my explanation.

Mr. JACKSON. Mr. President, I commend the Senator from Maine for offering the amendment. He discusses very clearly the concern for environmental quality and the need for the Council on Environmental Quality and the Interagency Advisory Board to follow this matter very closely to determine whether or not the act can be implemented and then come up with the necessary requirements or procedures, as the amendment states, to make sure the national land use policies are implemented.

I believe this would occur, as I understand it, under the terms of the bill, after the full 3 years have expired.

I am very pleased that there is a clear policy directive of the Congress expressing this concern, so that the Chairman of the Council on Environmental Quality would come to Congress and ask for legislation or authority, whatever he needs, to see that the Act is a reality. That is the thrust of it.

Mr. MUSKIE. This is something like the psychology of a second shoe falling. This bill is the first shoe, and it will give a clear indication, if adopted, to the States that Congress is serious about this business. If the States do not respond effectively, Congress is thinking of sanctions in 3 years. It may have a very salutary effect. The Senator has correctly interpreted the amendment.

Mr. JACKSON. I am ready for a vote on the amendment. I know that a rollcall has been ordered. I know of no other Senators who have asked for time. I am prepared to vote.

The PRESIDING OFFICER. The question is on adoption of the amendment offered by the Senator from Maine for himself and other Senators. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL) is necessarily absent.

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

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

The result was announced—yeas 61, nays 37, as follows:

[No. 206 Leg.]

YEAS—61

Abourezk	Haskell	Moss
Aiken	Hatfield	Muskie
Baker	Hathaway	Nelson
Bayh	Hollings	Packwood
Beall	Huddleston	Pastore
Bentsen	Hughes	Pearson
Biden	Humphrey	Pell
Brooke	Inouye	Percy
Burdick	Jackson	Proxmire
Byrd, Robert C.	Javits	Randolph
Cannon	Kennedy	Ribicoff
Case	Magnuson	Schweiker
Chiles	Mansfield	Sparkman
Church	Mathias	Stafford
Clark	McClellan	Stevenson
Cranston	McGee	Symington
Domenici	McGovern	Taft
Eagleton	McIntyre	Tunney
Griffin	Metcalf	Williams
Hart	Mondale	
Hartke	Montoya	

NAYS—37

Allen	Dominick	McClure
Bartlett	Eastland	Nunn
Bellmon	Ervin	Roth
Bennett	Fannin	Saxbe
Bible	Fong	Scott, Pa.
Brock	Fulbright	Scott, Va.
Buckley	Goldwater	Stevens
Byrd, Harry F., Jr.	Gurney	Talmadge
	Hansen	Thurmond
Cook	Helms	Tower
Cotton	Hruska	Weicker
Curtis	Johnston	Young
Dole	Long	

NOT VOTING—2

Gravel	Stennis

So the amendment offered by Mr. MUSKIE, for himself and other Senators, was agreed to.

Mr. JACKSON. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. MUSKIE. Mr. President, I send my second amendment to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 68, line 6, after "regulatory" insert "and planning".

On page 74, strike out all beginning at line 24 and continuing through line 4 on page 75 and insert in lieu thereof:

"(F) assuring that (i) any source of air, water, noise, or other pollution pertaining to the areas and developmental activities listed in this clause (1) will not be located where it will result in a violation of any applicable air, water, noise, or other pollution standard or implementation plan, (ii) any developmental activities in combination with pollution sources will not cause such violations to occur, and (iii) the program is consistent with the goals, policies, objectives, standards, and other requirements of the Federal Water Pollution Control Act, the Clean Air Act, and other Federal laws controlling pollution."

On page 94, line 10, after "with" insert the following: "and will not cause violation of."

On page 94, line 16, after "Secretary" strike the period and insert the following: *Provided, however,* That for the first full fiscal year following initial submission of State land use programs to the Administrator, he shall have one hundred and eighty days in which to communicate his views to the Secretary."

Mr. MUSKIE. Mr. President, I shall not ask for a yea-and-nay vote on this amendment. It is designed to clarify the relationship between this bill and other environmental laws. It should not take too long to explain it. I cannot predict how long a discussion it may trigger, but I do not believe it will be very time consuming.

Mr. JACKSON. Mr. President, I might say that I am prepared, at the outset, to accept the amendment. I believe that what the Senator has done is to take four amendments and treat them en bloc as one amendment. I am prepared to accept the amendment.

I believe that the Senator from Idaho (Mr. MCCLURE) would like to speak. It will not be necessary for me to take any time, but we have a caveat with respect to the Senator from Idaho. I may say that I doubt whether there will be any other speakers on the amendment.

Mr. MUSKIE. Mr. President, it may be helpful if I take just 2 or 3 minutes to explain the thrust of these amendments for the benefit of those Senators who are in the Chamber and listening.

This amendment, while it addresses separate sections of the bill, is for one purpose—to implement the stated intent of the Interior Committee to insure that State land use programs are—

Coordinated with the regulatory activities of all State agencies enforcing air, water, noise or other pollution standards and must assure that no violation of any applicable air, water, noise or other pollution standards or implementation plan occur in areas or uses within the program's compass.

Both the Clean Air Act (sec. 110) and the Federal Water Pollution Control Act (sec. 208) have specified pollution-related land use requirements. Waste management planning for the latter and transportation and land use controls for the former, are important aspects of programs to fulfill water and air quality objectives.

These are regulatory programs. They are supported by civil, economic and, in some cases, criminal sanctions. They are intended to stimulate public and private efforts to protect public health and welfare and enhance the quality of a deteriorating environment.

My only interest is to assure that S. 268 indeed "strengthens" the ability of States—that it is in fact "nuts and bolts" legislation to require States to gain "authority and ability to develop their own land use policies," not to supplant, reduce or otherwise limit the effect of regulatory statutes.

The first part of the amendment is to subsection 202(b)(4). This part includes the planning aspects of pollution control regulatory programs among those with which the State land use planning agency must coordinate its activities. As the law is presently written, only the

regulatory aspects of pollution control programs are covered. However, as I have indicated, the air and water programs include requirements related to planning to assure achievement of pollution control standards, and I believe it is essential that these planning activities, along with the regulatory activities, be given recognition in any effort to coordinate with a State land use program.

The second provision of this amendment revises clause (F), paragraph (3) of subsection 203(a) to broaden coverage from a showing that sources of air, water, noise and other pollution do not violate applicable pollution requirements, to also assure that new developmental activities do not create violations of the pollution control laws. Examples of developmental activities which, while they may not be sources of serious pollution themselves, may result in violation of pollution control laws are shopping centers, drive-in movies, race tracks, or other activities which can draw large concentrations of people or automobiles to them and thus result in violation of pollution control standards.

Currently, the Environmental Protection Agency is implementing both regulations covering transportation controls and what they call complex sources of pollution such as those I have listed above. These regulations are intended to assure that the results of concentrations of people and vehicles at such developments are anticipated and planned for in overall programs. This provision assures that the land use program is supportive of, and in no way infringes upon, these planning activities. The addition of this provision will also assure that the land use program is consistent with the goals, policies, objectives, standards, and other requirements of the Federal Water Pollution Control Act, the Clean Air Act and other Federal laws controlling pollution.

May I emphasize, anticipating a question that may be asked, that it is not the intent of this amendment to, in effect, add to the goals, policies, objectives, standards, and other requirements of those pieces of environmental legislation, but simply to assure that this legislation is implemented in a way which is consistent with those pieces of legislation. The purpose of this is to assure that, beyond focusing on control of individual sources as the present provision of S. 268 does, there is also general recognition of the policies and objectives which these other environmental laws meant to achieve and there is assurance that the land use program will proceed consistent with these policies and objectives articulated in existing laws.

The third part of the amendment, to paragraph 2 of subsection 306(b) directs the Administrator of the Environmental Protection Agency, in reviewing State land use programs, to assure that not only is there nothing in the State program which is incompatible with the environmental laws now in existence, but also that there is nothing in the State program which will cause any violation of the standard through creating activities which attract concentrations of people or vehicles and cause pollution.

The final provision of the amendment revises the current 60-day limit on Environmental Protection Agency review of plans to give the EPA 180 days to review State programs during the first fiscal year in which these programs are submitted for review. This 180-day period during the initial submission phase is intended to allow the Agency to gain experience in examining plans and avoid undue burdens which could be imposed on the Agency if heavy and tight time schedules are imposed at a time when it faces the largest volume of State plans and has the most limited degree of experience in dealing with them.

Mr. President, that concludes my explanation. It is technical in many respects, but it had to be made, and I am happy now to answer any questions with respect to it.

Mr. McCLURE. Mr. President, there are parts of the amendment offered by the distinguished Senator from Maine with which we would have no disagreement at all. I think the portion providing for planning, which is the first part of the amendment, is not harmful at all, and perhaps is constructive.

The third portion of the amendment, which refers to the addition of language to say what it will not cause violation of, I think, does not change but makes clear that the plans cannot violate the provisions of these other standards. That again, while it may not be necessary, is certainly not harmful to the intentions of this act.

The final provision is a relatively simple one that says instead of a 2-month review period, the Environmental Protection Agency shall have 6 months to review the plans submitted by the States. In that connection, I might say if we really want the plans in operation, we ought not to extend unreasonably the length of time for review by Federal agencies. That is one of the problems we have now, that it is hard to get decisions from State agencies, and here we are passing a law requiring the States to do certain things, but extending very greatly the time period in which Federal bureaucrats can make their decisions, and I am not certain that it is wise.

However, I think that is a simple, easily understood portion of the amendment, and I suggest that we will all be able to make up our minds as to whether that is good or bad. But the one I should like to address myself to is the second provision of the Senator's amendment. This language, or language at least in part identical to this, was in the original legislation and was considered by the committee after extended discussion and it was stricken. It was stricken for a very real and valid reason. The Senator says that it is not intended by this language to broaden any existing law. But I would say that no statement of intent of that kind can possibly overrule the very express provisions of this amendment that would, indeed, very greatly broaden the application of present law, to the extent which is not clear at this time.

This becomes a dangerous kind of addition to the language of the bill. I refer to this language within the bill—within the amendment—which is subsection (2), subsection (f) as set forth in the amendment,

> Any developmental activities in combination with pollution sources will not cause such violations to occur.

That is far beyond any existing statutory provision in the Air Quality Control Act or in the Water Pollution Control Act. This is an addition to present law that extends it into areas which none of us have defined as yet. I suggest that adoption of this amendment will cause untold difficulty in that one provision alone.

The second part is, in my estimation—and this may be arguable—an extension of the present provision of this act, to say that this act must be used to further the goals of the act. It does not say "not to be inconsistent." It says,

> You shall use this act as a lever to make certain things happen which are not required by other laws but are the goals of other laws.

We took that language out of the bill, after discussion in the committee and by agreement of the committee, because we felt that that kind of statutory enactment here would undoubtedly lead to an expansion of the provisions of other laws, without us really being able to see exactly how they would operate in practice.

So, for that reason, subsection (2) and subsection (3) of subsection (f), the second amendment—second portion of the amendment of the Senator from Maine, suggests to me that the amendment should be defeated. It is a very dangerous extension without any prescribing of the limits or the definitions of that extension. So that I think we would find, after having done it and it was put into practice, we had unleashed a monster.

We should reject the amendment of the Senator from Maine.

Mr. MUSKIE. Mr. President, I must apologize to the Senator from Idaho, because I found it very difficult to hear everything he said. For some reason, there seems to be some interference with the acoustics in the Chamber and I could not hear everything he said. However, I think I understand his objection to the amendment, and if I misstate what his objection is, I hope that he will correct me because I do not do so intentionally.

I gather that the Senator is concerned with the second of the amendments—the second of the provisions in my amendment, on the grounds that it would have the effect of augmenting or adding to the requirements of the standards or the goals of the environmental legislation. I am sure I have made it clear that is not the intent, nor do I believe it to be the effect.

Let me put my point in this way: I think the Senator focused on this language.

> Any developmental activities in combination with pollution sources will not cause such violations to occur.

My answer to the Senator is, was it the intent that S. 268 permit developmental activities which would cause such violations to occur? Because that is the reverse of his interpretation.

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

Mr. MUSKIE. I yield.

Mr. McCLURE. We are getting into a dangerous area when we assume that

the negative of something is the opposite of the positive. For instance, we can say that if something is not black then we assume it is white. I assure the Senator, and I am sure that he would agree, there are many other changes which could be made, but that is one that is not really the positive. So I do not believe that my opposition to this language necessarily carries the implication that S. 268 is intended to permit violations. That is why I indicated some positive action. But when we read this in connection with the Supreme Court decision, the Pratt case just recently handed down, which permits absolutely no degradation of the existing quality standards, and then add to that, activities in combination with other sources, then we have virtually said no change of any kind in land use can be permitted under a State plan which is formulated in conjunction with this legislation. I am certain that is not the intention of the Senator from Maine. He has stated that it is not his intention, but I submit that is the effect of the language he is submitting.

Mr. MUSKIE. I do not agree with the distinguished Senator. I do not think that the merit of the amendment is dismissed by suggesting holding it up to a mirror which would be a reverse picture of the Senator's position.

Let me read from the report of the National Air Quality Act of 1970. It touches on this question:

Implementation standards will require other changes of public policy: Land use policy must be developed to prevent location of facilities which are not compatible with implementation of national standards.

That is what my amendment talks about.

Here I have before me, materials issued by EPA on June 11, 1973, dealing with complex source regulations—let me read from that regulation:

On April 18, 1973, the Administrator proposed amendments to those regulations designed primarily to expand the scope of review prior to construction or modification of buildings, facilities, and installations, so as to require consideration of the air quality impact not only of pollutants emitted directly from stationary sources but also the pollution arising from mobile source activity associated with such buildings, facilities, and installations.

That language, I say to the Senator, is a correct interpretation of what is required by the Clean Air Act. If S. 268 is not amended as I have suggested, then the effect of S. 268 may be to amend those considerations, those values, and those requirements out of the Clean Air Act.

If it is the desire of the Senator or of the Senate to remodel the Clean Air Act, let us do it directly.

The tenor of this amendment and its thrust are to make S. 268 neutral with respect to the clean air laws. I think it does that. I have no pride of authorship in this language. If the Senator can suggest better language to achieve that purpose, I would welcome it. I do not think the Senator's interpretation of it is correct or, if it is correct, that his understanding of the Clean Air Act is consistent with that act or with the regulations which have been developed under it or the policies established under it.

I repeat that the intent of this language is to neutralize the effect of this legislation on the clean air law and the Water Pollution Act, and I do not think it does any more than that.

Mr. McCLURE. Mr. President, if, indeed, as the Senator suggests, it is the desire to make certain that this is neutral with respect to these other Acts, I can refer him to no better language than that which the committee painstakingly developed over the course of many days of hearings and discussion and executive session and amendments of this bill. I refer to the very language which he suggests should be stricken, because it indeed does leave this bill in the posture of being neutral with respect to the requirements of the Clean Air Act and the Water Pollution Control Act.

The language he is suggesting, far from leaving it neutral, injects entirely new and untried standards for the enforcement of that act which, taken in conjunction with the recent Supreme Court decision, would make a completely different application of this act from that which has been stated is the intention of the Senator from Maine. I might add, too, while we are talking about review by EPA and what EPA wishes to do with respect to the State plans, Mr. Ruckelshaus, the Administrator of the Environmental Protection Agency, in commenting upon the proposed legislation—I refer to the report that is on file in connection with this measure—said:

From the point of view of this Agency, our interests are adequately represented in S. 924 through the representation on the National Advisory Board and the review mechanism in section 203 (a) and (c).

He went on, both before and after in that report, to indicate that since this was a process-oriented bill that was being suggested by the administration, they did not want to get into the review. Rather than extending the period of time in which they should review it, he said:

We do not need to at all, so long as we are satisfied that the process which the State is implying and the review mechanisms which are set forth within the bill are more than adequate to meet the needs of the Environmental Protection Agency in seeing that the legitimate interests of the Federal Government were protected on Federal lands, on Federal decisions, and with respect to the process followed by the State.

So, for all these reasons, it seems to me that, in spite of what the Senator from Maine has said, it does something different from what he intends it to do.

For example, I suggest to the Senator from Maine that I am certain he did not intend, when Congress was talking about air quality control, that there should be a 100-percent ban on vehicular traffic in Los Angeles. I am certain that right now there is no intention on the part of anyone here to say to the people of Los Angeles that they cannot drive their automobiles any more during certain periods of the year, that they have to stop, 100 percent. Yet, the effect of legislation which has been passed has been precisely that.

It was not the intention of Congress, in passing air quality control legislation, to greatly invade the prerogatives of the State and the police powers of the State in such things as parking regulations, licensing taxis, and fees for use of interstate tunnels, as has been suggested now by the EPA, as necessary to meet the requirements of the air quality standards that have been adopted.

So we have to be careful that we do not go beyond our stated intention when we adopt language that has results we did not intend.

I agree with what the Senator says about his intention. I am saying that, in my view, the language necessarily will result in consequences which go far beyond the stated intention of the Senator.

Mr. JACKSON. Mr. President, first let me say that the Muskie amendment basically involves the language we had adopted in the bill last year; second, it is in the bill as I introduced it this year.

As I interpret the language—and, in fairness to the Senator from Idaho and the Senator from Maine, I think we are talking about interpretation—as the floor manager of the bill, the amendment does take a neutral stance. This is the way I interpret it.

I read from subsection (F) of the amendment:

(1) will not be located where it will result in a violation of any applicable air, water, noise, or other pollution standard or implementation plan.

Then it goes on:

any developmental activities in combination with pollution sources will not cause such violations to occur.

It goes on, further:

The program is consistent with the goals, policies, objectives, standards and other requirements of the Federal Water Pollution Control Act, the Clean Air Act, and other Federal laws controlling pollution."

As I interpret it—and I say this for the legislative history—it does not add anything new. It does, in effect, make clear that those laws are applicable and that we are not by implication—and I think this is what the Senator from Maine has in mind—repealing any of the existing law.

We accepted it previously on that basis, and I wanted to make this statement so that the legislative history would be clear. I sum it all by saying that we are not adding and we are not detracting; we are clarifying it—at least, I am, in accepting the amendment.

Mr. McCLURE. Mr. President, will the Senator yield on that point?

Mr. JACKSON. I yield.

Mr. McCLURE. The language in the bill—perhaps I should read it for the benefit of those who may not be familiar with that language—at the bottom of page 74 and the top of page 75, says, in effect, after the previous language that appears on page 73, that the State has developed an adequate State land use program, which program shall include a statement of State land use policies, objectives, and methods of implementation for assuring that any source of air, water, noise, or other pollution pertaining to the areas and developmental activities listed in this clause "(1) will not

be located where it will result in a violation of any applicable air, water, noise, or other pollution standard or implementation plan."

That is the language in the bill. If it is our intention to leave it neutral, what could be more clear than that the plans cannot be in conflict with applicable statutes? I ask the Senator from Washington and the Senator from Maine what applicable State or Federal statute in the pollution control areas today speaks, as No. 2 in the second portion does speak, of combinations of pollution sources as a violation of the law? Point out for me one statute that has that standard today?

Mr. JACKSON. I suggest that the Senator from Maine may wish to respond as he interprets his language. I have given my interpretation of the language, and perhaps we can complete the record by the Senator from Maine commenting on the language in (F) as contained in his amendment, as contrasted with (F) in the pending bill.

Mr. MUSKIE. Mr. President, I say in response to the Senator, first of all, that I have indeed, read that language of the committee.

Mr. McCLURE. I did not mean that the Senator had not.

Mr. MUSKIE. Second, I do not always agree with Mr. Ruckelshaus and neither does the Senator or the committee, because Mr. Ruckelshaus is opposed to provisions of the bill.

But let me say on the question of ambient air standards, which are subject to the Clean Air Act, pollution is the product of a combination of sources—stationary sources, mobile sources, inanamate sources, power sources, industries, backyard burning. The Clean Air Act requires the establishment of ambient air standards.

But now, let us get down to the specific language. Subsection (F) on page 74 states:

assuring that any source of air, water, noise, or other pollution pertaining to the areas and developmental activities listed in this clause (1) will not be located where it will result in a violation of any applicable air, water, noise, or other pollution standard or implementation plan;

I want to read several things into the RECORD, so the RECORD will disclose the intention of this amendment.

In my explanation earlier this afternoon of my amendment I had this to say about it.

The second provision of this amendment—and that is my amendment—revises clause (F), paragraph (3) of subsection 203(a) to broaden coverage from a showing that sources of air, water, noise, and other pollution do not violate applicable pollution requirements, to also assure that new developmental activities do not create violations of the pollution control laws. Examples of developmental activities which, while they may not be sources of serious pollution themselves, may result in violation of pollution control laws are shopping centers, drive-in movies, racetracks, or other activities which can draw large concentrations of people or automobiles to them and thus result in violation of pollution control standards.

I quoted from EPA regulations earlier because it is an EPA responsibility to administer and enforce the Clean Air Act. Now, whether or not the language I have just read from my remarks earlier this afternoon is a valid explanation of the policy established under the Clean Air Act, I think it is testified to by this language in the regulation. I read it:

The Administrator proposed amendments to those regulations designed primarily to expand the scope of review prior to construction or modification of buildings, facilities, and installations so as to require consideration of the air quality impact not only of pollutants emitted directly from stationary sources, but also pollution arising from mobile source activity associated with buildings, facilities, and installations.

That was my understanding, as the author of the Clean Air Act, of its intent with respect to this situation. I felt that S. 268 impinged upon that policy implication of the Clean Air Act, and so I offered this amendment.

The language itself, which the Senator addressed my attention to in the bill, does not clarify the ambiguity, however painstakingly the committee considered it. It simply avoids the question.

The Senator and I may disagree as to what the policy should be, but I think it is clear what the policy established by the Clean Air Act is, and I think it is clear that S. 268 as written can be interpreted to undermine that policy as encompassed in the Clean Air Act.

Mr. McCLURE. Mr. President, the Senator from Maine suggests that since ambient air quality standards are a combination of several different inputs or contributions, that satisfies the combination of elements language which I questioned in his amendment.

Would not the Senator also agree that in addition to the law which Congress enacted it also directed the administering agency to adopt regulations, and those regulations become a part of the law, just as much as if we had written them ourselves. Is that not a correct statement of the posture of the law?

Mr. MUSKIE. No. I think the regulations are something to be challenged in some circumstances. There is such a thing as arbitrary, unreasonable, inaccurate regulations, improperly interpreting the will of the legislature. I do not give them a blank check.

I cite EPA's regulation because it coincides with my interpretation of the Clean Air Act.

Mr. McCLURE. The regulation was adopted pursuant to a standard or finding in law, just as the statute is, just as any law we pass is binding until it is upset or changed.

While the Senator refers to ambient air quality standards, the regulations talk about emissions; they do not talk about ambient air quality standards.

Mr. MUSKIE. May I say to the Senator that to enforce ambient air quality standards one must get to the emissions.

Mr. McCLURE. That is the point I am getting at. But the combination of things here are not things under the statutes, but combinations of things under the regulations, and the regulations do not refer to ambient air quality standards.

Mr. MUSKIE. What creates pollution is the consumption of energy by increasing concentrations in numbers of people and energy consuming machines. If we really want to get at the reasons for that pollution, we can avoid all the consequences that we want, but we have to be concerned with the combinations and the combinations are determined and established by land use policies or the lack of them. That surely must be clear.

Mr. McCLURE. And it surely must be clear that the use of this language, which is not used in air quality standards, although it is indirectly referred to, that ambient air standards and the regulations which make no such reference, combined with other factors, shows an abdication of principles of those acts.

Mr. MUSKIE. I guess what I need to have answered, if I have not had answered already, is an explanation of what he has not made clear, of what deleterious effects he thinks will flow from the use of this language in my amendment.

Mr. McCLURE. There are two parts of the amendment which I object to, and which I outlined previously in the deliberations of the committee. One is this. The other is furthering the aims of other acts by using this act as a tool to accomplish what could not be accomplished by other acts. It says that this act shall be used to attain the goals of another act.

Mr. MUSKIE. That language is not found in my amendment. My amendment says; "The policies shall be consistent with."

Mr. McCLURE. It says "Shall further the aims and goals." That is the kind of language that I think is wrong.

The Senator says, what causes pollution? Certainly, any activity of any human being or animal, or nature itself. Rotting vegetation causes methane gas. It is pollution if man does it; it is not pollution if nature does it. We do not like eutrophication of our lakes and streams, but it is a natural process. If we accelerate it, it is pollution.

Mr. MUSKIE. I have not addressed any of my remarks to any of the natural forms of pollution, but to man-made forms of pollution. I do not think there is anything in the amendment that aims at natural forms of pollution. We are getting at man-made forms of pollution.

Mr. McCLURE. The point I am trying to make is that we are extending the implications of those acts in ways which cannot be predicted with any kind of certainty when we inject the two factors I have mentioned.

Mr. MUSKIE. I do not agree.

Mr. McCLURE. That is just as plain at this time as if we were to assure that the Senator from Maine, in some rare and rash moment, would try to suggest that Maine potatoes are superior to Idaho potatoes, which I would not agree to, and I think the facts are all on my side.

Mr. MUSKIE. If the Senator's judgment in other matters is as unsound as in this one, then I command the unanimous support of the Senate.

Mr. McCLURE. I have some evidence on my side that suggests that the buying and preference habits of the American public clearly show which is the pref-

erable product, and that comes down on my side.

Mr. MUSKIE. The unanimous buying habits have resulted in the internal combustion engine and the gas-consuming monster which has confronted us with the problems we have, so buying habits are not necessarily the best test of what is best for America.

Mr. McCLURE. Aside from the difference of opinion on that slightly extraneous subject, I think it is important for us, in adopting this language, to realize the kinds of implications which are read into language in the interpretations by the courts. That is the fear which I express. That is the reason why the committee, in amending this language, adopted the very clear provision which is in the proposed statute as presented to the Senate now, and which the Senator proposes to strike. I think the considered action of the committee is the kind of action that ought to be sustained by the Senate.

Mr. MUSKIE. May I just add this to the RECORD so that it may be complete? In my colloquy with the distinguished Senator, a reader of the RECORD—one who is wise enough to attempt to make that kind of effort—may be under a misapprehension as to what the clean air law requires with respect to implementation. So let me read this from section 110 of the act under the portion of the act entitled "Implementation Plan":

> The Administrator shall approve such plan or any portion thereof if he determines that it was adopted after reasonable notice and hearing and that: (B) it includes emission limitations, schedules, and timetables for compliance with such limitations and such other measures as may be necessary to assure attainment and maintenance of such primary or secondary standards, including, but not limited to, land use and transportation controls.

In other words, contrary to the Senator's suggestion that the standards provided for in any way will be implemented only by emission controls, the act provides other implementation means that are clearly indicated in the language which I have just read.

Mr. FANNIN. Mr. President, will the Senator yield for a question?

Mr. MUSKIE. Yes, I am glad to yield for a question.

Mr. FANNIN. "We must enhance the air," says a recent Supreme Court case. "We cannot now degrade the air even if the air is of a higher standard than Federal law requires."

Do you agree with my interpretation of the court case?

Mr. MUSKIE. Will the Senator repeat that?

Mr. FANNIN. "We must enhance the air," says the Supreme Court. "We cannot now degrade the air even if the air is of a higher standard than Federal law requires."

Mr. MUSKIE. The Senator is reading from the Supreme Court's decision, and I do not have the language of that decision before me. I assume the Senator is reading accurately.

Mr. FANNIN. I trust so.

I will ask the Senator this question: Does not this amendment really ratify that Supreme Court decision, if that is the Supreme Court decision as I have indicated?

Mr. MUSKIE. The effect of this amendment is to insure, to the extent that I am able to anticipate the effects of he bill before us, that the bill does not have the effect of modifying the clean air law. This amendment is not addressed to that decision or the subject of that decision; it is addressed to the point of making this bill neutral with respect to the clean air law. If that effect of the clean air law is effectively stated, reading from the Court's decision, then the effect of this amendment will be not to change it.

Mr. FANNIN. I agree that that is the effect of this amendment. It seems to me it would not change it, but it would ratify it.

Mr. MUSKIE. No; it is not the effect of the amendment to modify, repeal, ratify, or in any way change the clean air law.

Mr. FANNIN. That is a different interpretation from mine, but the Senator is certainly entitled to his interpretation.

Could the Senator give me his meaning of "developmental activities," as used in his amendment?

Mr. MUSKIE. I think the words "developmental activities" are so well known that they can be described by endless lists of illustrations either by the Senator from Arizona or myself.

There is housing construction, erection of structures of one kind or another, building of roads, transporting of people, construction of rail lines—you name it. "Developmental activities" are activities designed, I suppose to build communities, to build homes, and all the related activities.

Mr. FANNIN. As incorporated in the amendment, it would be my concern that this would be a no-growth, no progress amendment. In other words, the Senator would say that we should just let our land sit idly by and do nothing.

Mr. MUSKIE. I think the Senator is really straining. It reminds me of the anecdote Mr. Gromyko told us at lunch yesterday. He said the hardest task in the world is to catch a black dog in a dark room when the dog is not there. I think that describes the Senator's reaction to that question with respect to this amendment.

Mr. FANNIN. I would not agree, but let us listen to what it says:

> Assuring that any source of air, water, noise, or other pollution pertaining to the areas and developmental activities listed in this clause will not be located where it will result in a violation of any applicable air, water, noise, or other pollution standard or implementation plan, any developmental activities in combination with pollution sources will not cause such violations to occur, and the program is consistent with the goals, policies, objectives, standards and other requirements of the Federal Water Pollution Control Act, the Clean Air Act, and other Federal laws controlling pollution.

So with this amendment the Senator wants to reaffirm our current predicament that does not allow any building that would degrade our air.

Mr. MUSKIE. Mr. President, may I say to the Senator that I must vigorously disagree with his interpretation. The amendment has to be read in the context of the bill.

Mr. FANNIN. Mr. President, may I ask the Senator——

Mr. MUSKIE. Mr. President, may I finish. The Senator has put a question to me. The Senator objects to the bill.

Mr. FANNIN. The Senator is correct if these amendments are passed.

Mr. MUSKIE. Mr. President, I respect that disagreement. However, let us not attribute it to my amendment. The bill will control developmental activities. That is the effect and the purpose. It will channel developmental activities.

All I am saying is that the developmental activities under this bill are planned to work so that they should not have an effect on or violate the air and water pollution law. That is all I am saying. I am not creating a bill as far as I am concerned. The problem addressed to me would not exist without this legislation. I am trying to amend the bill so as to be sure that it prevents violation of the law.

Mr. FANNIN. My opinion is that it goes further than this country can afford. Laws that tie the Nation's hands and prevent it from building are dangerous.

Mr. MUSKIE. Mr. President, all I am saying is that the Senator is chasing a black dog in a dark room.

Mr. FANNIN. Mr. President, I cannot agree with the Senator. A careful analysis of this language would show it to be a no-growth, no-progress provision.

Mr. MUSKIE. Mr. President, I vigorously disagree with the Senator. It has no such effect. It is not intended to have such effect. The clean air law has not had that effect. It is the clean air law that this amendment relates to.

Mr. FANNIN. Mr. President, I feel that it goes beyond that.

Mr. MUSKIE. Mr. President, I think the record is clear that the Senator and I do not agree.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLURE. 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. McCLURE. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Muskie amendment. 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 Alaska (Mr. GRAVEL) is necessarily absent.

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

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

The result was announced—yeas 65, nays 33, as follows:

[No. 207 Leg.]

YEAS—65

Abourezk	Haskell	Moss
Aiken	Hatfield	Muskie
Baker	Hathaway	Nelson
Bayh	Hollings	Nunn
Beall	Huddleston	Packwood
Bentsen	Hughes	Pastore
Bible	Humphrey	Pearson
Biden	Inouye	Pell
Brooke	Jackson	Percy
Buckley	Javits	Proxmire
Burdick	Johnston	Randolph
Byrd, Robert C.	Kennedy	Ribicoff
Cannon	Long	Roth
Case	Magnuson	Schweiker
Chiles	Mansfield	Sparkman
Church	Mathias	Stafford
Clark	McGee	Stevenson
Cranston	McGovern	Symington
Eagleton	McIntyre	Tunney
Fulbright	Metcalf	Weicker
Hart	Mondale	Williams
Hartke	Montoya	

NAYS—33

Allen	Dominick	McClure
Bartlett	Eastland	Saxbe
Bellmon	Ervin	Scott, Pa.
Bennett	Fannin	Scott, Va.
Brock	Fong	Stevens
Byrd, Harry F., Jr.	Goldwater	Taft
	Griffin	Talmadge
Cook	Gurney	Thurmond
Cotton	Hansen	Tower
Curtis	Helms	Young
Dole	Hruska	
Domenici	McClellan	

NOT VOTING—2

Gravel	Stennis

So Mr. MUSKIE's amendment was agreed to.

Mr. JACKSON. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

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

The motion to lay on the table was agreed to.

Mr. STEVENS obtained the floor.

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

Mr. STEVENS. I yield.

Mr. JACKSON. Mr. President, I ask unanimous consent that Mr. James Walsh, of the staff of the Committee on Commerce, be granted the privilege of the floor during the debate on the land use bill, S. 268.

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

Mr. McCLURE. Mr. President, I take this time only to ask the Senator from Washington (Mr. JACKSON) whether it is not a fact that the review which is required or permitted under section 306(b)(2), which is the review by the EPA, and the review which is given by section 306(c) of the Department of Housing and Urban Development, is subject to the same kind of appellate review of their action that applies to the discretionary action of the Secretary of the Interior in approval or disapproval of a State plan.

Mr. JACKSON. It is subject to that review. The Senator is correct.

Mr. McCLURE. I thank the Senator from Washington for that observation.

Mr. STEVENS. Mr. President, I have an amendment at the desk which I ask be stated.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). The amendment will be stated.

The assistant legislative clerk read as follows:

S. 268

On page 133, line 9, strike the word "and".

On page 133, line 15 strike the period, add a semicolon and the word "and".

On page 133 at the end of the bill add a new subsection 611(i) as follows:

"(i) to affect in any way the jurisdiction, authority, duties, or activities of the Joint Federal-State Land Use Planning Commission established pursuant to Section 17 of the Alaska Native Claims Settlement Act (85 Stat. 688). Nor may an Ad Hoc Federal-State Joint Committee be established in Alaska during the existence of the Joint Federal-State Land Use Planning Commission."

Mr. STEVENS. Mr. President, this amendment will exempt from the bill the activities of the Joint Federal-State Land Use Planning Commission for Alaska which was established pursuant to Section 17 of the Alaska Native Claims Settlement Act. Second, my amendment will prohibit the establishment of an Ad Hoc Federal-State Joint Committee under section 403 of the bill in the State of Alaska.

Last year, the distinguished chairman of the Senate Interior Committee (Mr. JACKSON), the senior Senator from Kentucky (Mr. COOK) and I engaged in an important colloquy to the effect that nothing in the previous land use planning bill, S. 632, was designed to affect in any way the functioning or jurisdiction of the Joint Federal State Land Use Planning Commission. I understand that this is still correct. My amendment would insure that this interpretation is specifically stated in the language of the statute.

It is my specific intent that the policy of S. 632 as reflected in the colloquy is to remain under my amendment.

I ask unanimous consent that the colloquy I have referred to be printed in the RECORD and made a part of the permanent legislative history of my amendment.

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

[From the CONGRESSIONAL RECORD, Sept. 19, 1972]

COLLOQUY

Mr. JORDAN of Idaho. Mr. President, I yield 2 minutes to the Senator from Alaska on the bill.

Mr. STEVENS. I thank the Senator from Idaho.

Before I ask the chairman of the committee a question, I would like to preface the question by saying we in Alaska are indebted to him and the Senator from Nevada for the work they did on the Alaska Native Claims Act, which created the Federal-State Land Use Planning Commission.

That Commission is working well. It has ironed out many problems between the Federal Government and the State of Alaska.

My question to the chairman of the committee is whether the Joint Federal-State Land Use Planning Commission under the Alaska Native Land Claims Act is in any way affected by the bill before us, which, as I understand it, requires the establishment of a State land planning commission and authorizes joint Federal-State commissions.

Mr. JACKSON. Mr. President, I can assure the Senator that the Joint Use Planning Commission which was set up pursuant to the Alaska Native Claims Act is not in any manner affected by S. 632. I point out further that the Joint Planning Commission runs, I believe, for 5 years.

Mr. STEVENS. Yes.

Mr. JACKSON. And I would add that it is the State of Alaska, not the joint commission, which would be eligible for grants. The Joint Commission which the Senator has referred to is entirely separate, and will function separate and apart from the grant-in-aid program under S. 632.

Mr. STEVENS. Is my understanding correct, then, that there is no intent in this bill in any way to modify the terms of the Alaska Native Claims authorization for that joint Federal-State Land Use Planning Commission, which has, as the Senator will recall, specific provisions pertaining to land claims in Alaska only? Is it correct that there is no intent to modify that arrangement?

Mr. JACKSON. The Senator is correct.

Mr. COOK. Mr. President, will the Senator from Idaho yield me 1 minute?

Mr. JORDAN of Idaho. I yield the Senator from Kentucky 1 minute.

Mr. COOK. I would like to be sure that what the Senator is saying is true, but I am not sure that it is, because on page 76 of the bill, under State land use programs, the State must file its land use program with the Department of the Interior, and as of this stage the State exercises determinative authority as to what shall and shall not be done. On page 78 we find the language:

"State administrative review of land use plans, regulations and implementation thereof local governments with full powers to approve or disapprove."

Then, as to everything which is of such magnitude that it changes the land-use program, we then go over to page 83, where it provides that if it is this big a change, it then is referred to the Secretary of the Interior, and if the Secretary of the Interior does not like the plan as it has been changed, he can make a determination on his own how that plan should work, and so state to the respective States.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. COOK. Mr. President, if I may have 30 seconds more——

Mr. JORDAN of Idaho. I yield the Senator 1 more minute.

Mr. COOK. I am not sure that one can authoritatively say that a land-use commission that has been set up under another act within the framework of a State can function without the authority of this bill imposes on the State to submit to the Department of the Interior a full land-use plan for its entire State.

Mr. JACKSON. Mr. President, may I say on this question that the language referred to by my good friend from Kentucky on page 76 will be subject to a clarifying amendment which I shall offer later, but I want to make it very clear that there is nothing intended in this bill—and when we add this other amendment I do not think there can be any question about it—to in any manner change the provisions of the Alaska Native Claims Act as to the Joint Planning Commission. The Commission serves in a purely advisory capacity as the Senator from Alaska knows.

Mr. STEVENS. That is correct.

Mr. JACKSON. I want to assure the Senator of that fact, and I think the record will be completely clarified when the clarifying amendment has been offered. I speak as the author of S. 632 and the Alaska Native Claims Act, and want to make the legislative intent very clear.

Mr. STEVENS. I thank the Senator very much.

Mr. STEVENS. Mr. President, I am offering this amendment also to insure that the authority of the Joint Federal-State Land Use Planning Commission remains the same as it is now. This commission should not conflict with a State

agency granted powers pursuant to section 202 of the act. I intend that my amendment shall not create such a conflict.

My amendment will, however, prohibit the establishment of an Ad Hoc Federal-State Joint Committee under section 403 prior to the expiration of the Joint Federal State Land Use Planning Commission. I remind my colleagues that section 17(a)(10) of the Alaska Native Claims Settlement Act (85 Stat. 688) states:

The Commission shall cease to exist effective December 31, 1976.

This amendment will not prohibit the establishment of such an Ad Hoc Committee in Alaska subsequent to that date.

My amendment will, however, in the interim prevent both the Federal Government and the State government from establishing an Ad Hoc Committee in Alaska and thus usurping the powers of the Joint Federal-State Land Use Planning Commission.

The Joint Federal-State Land Use Planning Commission has powers to make recommendations for the development of Alaska. These are powers similar to the Ad Hoc Committees of section 403. In addition, the Joint Federal-State Land Use Planning Commission is charged with the responsibility of specifically taking into account the needs of Alaska Natives. This is an important function which must not be overlooked in planning for the development of Alaska. The needs of Alaska Natives are not the only consideration, of course—nor are they any more important than any other consideration. However, this particular aspect has been charged by Congress to the Joint Federal-State Land Use Planning Commission and it is a function that is not specifically mentioned in section 403.

I should like to preserve the jurisdiction and the role of the Joint Federal-State Land Use Planning Commission for Alaska as it is, without regard to the passage of this act.

I urge the Senate to adopt my amendment and I would urge my good friend from Washington, the distinguished chairman of the committee, to accept it.

Mr. JACKSON. Mr. President, as one of the authors of the Alaska Native Claims Settlement Act which established the Joint Federal-State Planning Commission for Alaska, I can say that the statement just made by the able Senator from Alaska (Mr. STEVENS) is correct. The colloquy which he has placed in the RECORD on the discussion of the Land Use bill last year is correct.

I am prepared to accept the amendment.

It was never intended that this act should in any way interfere with the jurisdiction of the Joint-Federal State Land Use Planning Commission established pursuant to the Alaska Native Claims Settlement Act.

I am therefore prepared to accept the amendment.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). The question is on agreeing to the amendment of the Senator from Alaska (Mr. STEVENS).

The amendment was agreed to.

Mr. STEVENS. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 234

Mr. JACKSON. Mr. President, I call up my amendment No. 234 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 119, after section 509, between lines 11 and 12, insert a new section 510 as follows:

FEDERAL REVIEW

SEC. 510. The standards for review to determine eligibility of Indian tribes for grants pursuant to this title shall be the same as those provided for determination for eligibility of States for grants under this Act. The review shall be conducted entirely by the Secretary of the Interior and the review procedures provided in section 306 (a) through (f) shall be inapplicable to this title.

Mr. JACKSON. Mr. President, this amendment is a technical one. It adds a new section to the end of title V. Title V provides grants to Indian tribes to assist them to develop land use programs for reservation and other tribal lands. The requirement for these programs are similar to the requirements elsewhere in the act for State land use programs.

First, this amendment would ensure that the standards for review of the land use programs of Indian tribes would be the same as those provided in the act for the State land use programs.

Second, it would provide sole authority to review the tribal land use programs to the Secretary of the Interior. Federal review of State land use programs is conducted on an inter-agency basis and includes the deliberations of an independent ad hoc hearing board prior to any determination of ineligibility. This procedure is inappropriate in the case of tribal land use programs because those programs address Indian trust lands. The Federal Government, in general, and the Secretary of the Interior, in particular, have a unique responsibility in relation to those lands: the responsibility of a trustee. In the case of review of tribal land use programs concerning those lands, superimposed over the normal review function of determining proper expenditure of grant funds is the trustee responsibility of review to determine that the trust "property" is put to wise use. Given the Secretary's knowledge of tribal lands and the extreme difficulty of segregating the two review functions, the amendment provides the Secretary with full authority to review the tribal land use programs to be developed under title V.

Mr. BELLMON. Mr. President, will the Senator from Washington yield?

Mr. JACKSON. I yield.

Mr. BELLMON. Does this amendment apply to the Indian tribes such as we have in Oklahoma which are not living on reservations or on Indian tribal lands?

Mr. JACKSON. My staff assures me that the Oklahoma problem was carefully considered and that at Senator BARTLETT's urging language was included to insure coverage of Oklahoma Indians.

Mr. BELLMON. We have had that problem in the past with some of these bills.

Mr. JACKSON. The Senator is correct.

I have discussed this matter with the ranking minority member. It is really a technical amendment, and I believe he has no objection.

Mr. FANNIN. In fact, I commend the distinguished Senator for the amendment and for providing this means of bringing it in concert with the other provision of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

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

Mr. McCLURE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

(a) Page 121, line 10, insert after "include" the words "coastal wetlands, marshes, and other lands inundated by the tides; beaches and dunes; significant estuaries."

(b) Page 130, line 15, through page 131, line 13—Strike.

(c) Page 75, line 24 after the word "Act" through page 76, line 8—Strike.

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

Mr. McCLURE. I yield momentarily.

Mr. JACKSON. The Senator from South Carolina (Mr. HOLLINGS) and the Senator from Washington (Mr. MAGNUSON) would like to be present in connection with this amendment; and if the Senator has no objection, I should like to suggest the absence of a quorum.

Mr. McCLURE. I have no objection.

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

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

Mr. MANSFIELD. Mr. President, we have an extremely heavy schedule, about which more will be said later, but at this time I ask unanimous consent that the pending business be laid aside for a period not to exceed 5 minutes.

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

ELECTED MAYOR AND CITY COUNCIL FOR THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 208 (S. 1435) that it be laid before the Senate and made the pending business in the interim.

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

The assistant legislative clerk read as follows:

A bill (S. 1435) to provide an elected Mayor and City Council for the District of Columbia, 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 the District of Columbia with an amendment.

Mr. ALLEN. Mr. President, I should like the record to show that the junior Senator from Alabama voted "No" on this bill, the so-called home rule bill for the District of Columbia.

The District of Columbia is the Federal city; it is the seat of the U.S. Government. I feel that to provide for a municipal government elected by the residents of the District would not be in the public interest; it would not be in the national interest. I do not believe that it is consistent with the view of the District of Columbia being the Federal city.

It was the intent of the Founding Fathers that the District would be governed by the Congress of the United States, that the residents of the District of Columbia would not even be allowed the voting franchise. That has all been changed and the District does have a voice in the election of the President. They have three electoral votes, I believe. They are authorized to vote in national elections. But for the District to be given home rule, in the judgment of the Senator from Alabama, would not be desirable. I feel Congress should retain its control over the operation of the District of Columbia and the municipal government in the District of Columbia. I think it is certainly in order for the President to name the Mayor and the members of the Council. I feel that this is the proper method of maintaining and carrying on the municipal government for Washington in the District of Columbia. I do not believe it would be in the public interest or the national interest to change this system.

I believe Congress would rue the day when this change is made to remove the check and balance that Congress has and that the executive department of the National Government has in the operation of the municipal government and the city of Washington.

I do not plan to ask for a yea and nay vote. I would not object if someone else did. But I want the record to show that the vote of the junior Senator from Alabama on home rule for the District was in the negative.

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

Mr. MANSFIELD. I yield.

Mr. HELMS. Mr. President, first, I realize this is a fait accompli but, like the Senator from Alabama, I will not press the point, not even to the extent of asking for the yeas and nays. I do wish to associate myself with the statements of the Senator from Alabama and I join him in his forecast that we will rue the day when this is accomplished. I, too, would like to be recorded as voting in the negative.

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

Mr. MANSFIELD. I yield.

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

The PRESIDING OFFICER (Mr. HELMS). The Senate will be in order.

Mr. GOLDWATER. Mr. President, I do not believe this is the proper way to dispose of this important piece of legislation. I admit I do not know if I would vote for it or vote against it. I am very strongly inclined to vote against anything that would change our constitutional intent without having the opportunity to go into the matter or a vote on the matter.

I find great division in Washington among Washingtonians on this matter. I have not been able to read the hearings on this legislation. I would like to have this matter discussed briefly for an hour or two on this floor. I hope we do not handle an important piece of legislation like this through unanimous consent without hearing anything about it. As I said, I am neither opposed to it nor am I for it. I do have a strong feeling about trying to change our constitutional process. I wish to be shown as one who would prefer to have this matter go through the normal process.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that we may proceed for 5 additional minutes.

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

Mr. MANSFIELD. I yield.

Mr. SCOTT of Virginia. Mr. President, I also would like to voice an objection to this matter being heard under a unanimous-consent agreement. The Senator from Virginia was not in the Chamber at the time. Representing a nearby State and not having an opportunity to study this somewhat detailed piece of legislation, I am concerned that there would be anything in the bill that would in any way adversely affect the citizens of nearby Virginia, such as a commuter tax, which has been proposed. There may be other provisions. Also I would like to study this bill before the Senate passes it. It might be necessary to offer some amendments of some kind. I am not prepared today whether I would or would not vote for the bill without knowing what is in it.

Mr. ALLEN. I say to the Senator from Virginia that I agree with the view he is outlining. As the Senator from Alabama understood the request of the distinguished majority leader, the pending business is laid aside for only 5 minutes, so if the Senator from Virginia would like to see this bill passed over to another day, all he would have to do is to see that the discussion lasts for 5 minutes. I dare say we have discussed for some 4 minutes already.

Mr. SCOTT of Virginia. If the Senator will yield further, I would like to ask the distinguished majority leader if he might withdraw his request for the immediate consideration of this matter to give those of us who do have a concern in opportunity to study the measure.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. I am delighted to do so. The reason for calling it up at this time was that the manager of the bill was awaiting the arrival of two Senators who were interested in the McClure amendment. They were not in the Chamber and we have such a heavy schedule that I thought this might be a good time to do so, and thereby reduce the list of legislation to be considered.

I am delighted to withdraw the request. But in return I wonder if I could ask unanimous consent that when the bill is considered there be 1 hour on the bill, 30 minutes on amendments, the time to be equally divided between the manager and the opponents.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Mr. President, reserving the right to object, the request is that there be a time limitation of 1 hour on the bill, and how long on amendments?

Mr. MANSFIELD. Thirty minutes on amendments and 20 minutes on amendments to amendments, with the request in the usual form.

Mr. ALLEN. Well, I anticipate the bill is going to pass overwhelmingly and I do not believe any useful purpose would be served by extended debate. If I thought some useful purpose would be served by debate, I would engage in such debate; I feel so strongly about it. But I do feel that ultimately it will pass the Senate, so I will not object.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MANSFIELD. I thank the Senator from Washington. I hope the Senators he was waiting for have arrived in the Chamber.

The text of the unanimous-consent agreement is as follows:

Ordered, That, during the consideration of S. 1435, a bill to provide an elected Mayor and City Council for the District of Columbia, and for other purposes, debate on any amendment shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, the Senator from Missouri (Mr. EAGLETON), and debate on any amendment in the second degree, debatable motion or appeal shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, Mr. EAGLETON: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition there shall be controlled by the minority leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Senator from Missouri (Mr. EAGLETON) and the Senator from Pennsylvania (Mr. SCOTT), 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.

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 manage-

met 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.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Idaho.

Mr. McCLURE. Mr. President, I am grateful for the delay which allowed some of the people interested in this particular amendment to get to the Chamber to participate in the discussion. I will not pretend that the subject matter is not controversial because it is.

Mr. President, the amendment would reinsert "coastal wetlands, marshes, and other lands inundated by the tides; beaches and dunes; significant estuaries" within the definition of "fragile or historic lands" which is one of four categories under the definition of "areas of critical environmental concern". The deletion of these coastal areas from S. 268, originally introduced and as passed by the Senate as S. 632 during the 92d Congress, constitutes the omission of important examples of environmental areas from the definition of "fragile or historic lands."

It has been stated that the reason for this deletion was in recognition of the passage of the Coastal Zone Management Act of 1972.

The sponsors of that act passed during the last Congress raised no objection to this provision during debate on S. 632 and on the contrary felt that provisions of S. 632, as passed, now S. 268 provided no conflict with coastal zone legislation.

The deletion of the coastal areas which would be reincluded by this amendment gives no encouragement nor guidance for the development and implementation of a statewide land use planning approach which takes account of the relationship of coastal areas to fragile or historic lands and development of more than local concern existing throughout the State.

Coastal areas include some of the most unique and important natural areas and deserve to be an integral part of any statewide land use planning and regulation effort.

Much of the development and land use which occurs outside the coastal zone has a direct or indirect impact on coastal areas. To separate coastal areas from statewide land use management is to ignore the interrelationship between the two and continues the type of artificially separate planning which land use legislation is designed to correct.

As one who supported the Coastal Zone Management Act, I realize that the coastal zone is unique in character and requires special attention on a comprehensive basis, but this should not lead to its exemption from the land use planning program. Including coastal areas under the definition of "fragile or historic lands" in no way repeals any portion of the coastal zone legislation nor does it limit the assistance available to the States under the Coastal Zone Management Act. To the contrary, this amendment insures the availability of additional funding and other support under the bill now before us.

Mr. President, my amendment would also eliminate a requirement that a State be eligible under the Coastal Zone Management Act as a condition for spending Land Use Act funds for coastal planning. This requirement goes beyond the scope of the Coastal Zone Management Act. A State should be able to participate in the coastal zone program should it desire to do so as well as in the land use program, but a requirement of involvement in one program as a condition for the other is unnecessary and places an unreasonable burden on the States.

I do not intend to prolong the discussion. I think the issue is relatively clear. I shall be glad to respond to questions of those who have been so vitally concerned with the coastal zone areas of our United States. I think the record has been made by the Senator from Washington (Mr. MAGNUSON), the Senator from South Carolina (Mr. HOLLINGS), and other Senators who are very much concerned about the management of our coastal zone areas as critical areas in any kind of environmental controls in this country. I applaud and support that action.

I want to reiterate that this amendment of mine in no way subtracts from the application of the Coastal Zone Management Act. It simply avoids the separation of planning processes. It simply brings together the planning under the national land use program with planning that must be done under the Coastal Zone Management Act. I think it is essential that that kind of coordination be achieved, not by doing so separately, but that it must be planned and coordinated, rather than done separately. That is the purpose of the amendment.

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

Mr. McCLURE. I yield.

Mr. MAGNUSON. The trouble with the Senator's amendment is that it changes the rules and it changes the concept of the coastal zone management and land use objectives.

I am going to put in the RECORD, in a few minutes, documentation of every State that has moved on this program. The States have their plans for coastal zone management and they want to keep their plans as separate as they can. It is not predicated on what they do for specific land use, but if the overall plan fits in, which I am sure it will, every State in the Union that is involved as a coastal State has submitted what it is doing. It is not only the coastal States that are involved, but the States surrounding the Great Lakes. In fact, there are few States in the Union that are not involved.

The trouble with the amendment is that it would, in effect, subvert the agreement we have between the Commerce Committee and my distinguished colleague's committee that these matters should go along separately.

The President signed the Coastal Zone Management Act into law, and the provisions of the land use bill now pending in the Senate were pretty carefully drafted to take care of the situation which is now underway. I think that is the trouble with the amendment of the Senator from Idaho.

Mr. McCLURE. I would respond to the Senator from Washington simply by saying again that the fact that the States have acted under the Coastal Zone Management Act in no way detracts from their ability to function under the land-use act.

Mr. MAGNUSON. Then why have the amendment?

Mr. McCLURE. Because the criteria, the regulations, the procedures require a separation of the two plans.

Mr. MAGNUSON. We had testimony on all this. I know where the amendment comes from. The Senator does, too. Does he not?

Mr. McCLURE. Of course.

Mr. MAGNUSON. All right.

Mr. McCLURE. The Senator expresses some doubt as to the wisdom of adopting an amendment which will interfere with the plans of the States. I would say that this amendment does not do that in any way, shape, or form.

Mr. MAGNUSON. Mr. President, I ask the Senator to yield so that I may make a more complete statement in the RECORD, and to put in some very pertinent evidence of the effect of the Coastal Zone Management Act.

Mr. McCLURE. I yield.

Mr. MAGNUSON. Mr. President, I must denounce any effort to subvert the agreement between the Committee on Commerce and the Committee on Interior and Insular Affairs to protect and, in fact, mandate a separate coastal zone management program as provided for in Public Law 92-583. The National Coastal Zone Management Act, which passed the Congress last year and was signed into law by the President, is one of the most important pieces of environmental legislation to pass the 92d Congress, and I am proud to have been its author.

The provisions in the land-use bill now pending in the Senate were carefully drafted. These provisions prevent the land-use bill from superseding the Coastal Zone Act. States must coordinate their land use and coastal zone programs. States may combine and consolidate lead agencies responsible for the programs. Moreover, States may submit single programs to the Secretaries of Commerce and Interior for eligibility under the management phase of the Federal granting procedure. Indeed, it is also provided that if a State is a coastal State, it must be participating in the coastal zone management program at the end of the first 5 years of the land-use program in order to continue eligibility under the Land-Use Act.

Another change in the land use bill was removing the words "coastal wetlands, marshes, and other lands inundated by the tides; beaches, dunes, and significant estuaries" since these areas clearly are covered by the Coastal Zone Act and need not be placed under the jurisdiction of the Secretary of the Interior or the Land Use Act.

Finally, the two committees worked out language which would require proportional spending by the two departments on these two programs. And as a further incentive to the States to proceed forthwith, States may not spend coastal zone grants on projects outside the coastal zone and vice versa with land use grants.

These steps were necessary, Mr. President, because of the continued efforts of the administration to subvert the will of Congress on the matter of the National Coastal Zone Management Act.

Developments with regard to funding indicate that the administration does not believe that it is required to implement that law.

Earlier this year, I was contacted by officials of my State of Washington reaffirming their support of, and the State's need of, the Coastal Zone Management Act of 1972. They have advised me of their desire that the act be effected now as a separate program rather than being delayed and possibly ensnarled in Congress subsequent considerations of the land use legislation for the interior of the Nation.

At this point, I ask unanimous consent that a letter addressed to me and Senator JACKSON from John A. Biggs, director, Washington Department of Ecology, be printed in its entirety in the RECORD.

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

FEBRUARY 9, 1973.

Hon. WARREN G. MAGNUSON, and Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

Re Impoundment of Funds—Federal Water Pollution Control Act Amendment of 1972, and National Coastal Zone Management Act.

DEAR SENATORS MAGNUSON AND JACKSON: Over the past several months I have become concerned and discouraged over the actions of the Administration in impounding funds provided in the Federal Water Pollution Control Act Amendment of 1972 and the Coastal Zone Management Act of 1972 to assist states and local governments. It is a greater disappointment for, as you know, Governor Evans and I were both actively supporting these two most important bills.

I am writing, in part, to encourage you in your efforts to change Administration policy in this regard.

With regard to the Coastal Zone Management Act, the State of Washington was counting on funds provided therein to assist in the carrying out of the Shoreline Management Act of 1971 which was approved by our state's electorate at the last general election. The planning and management programs of the state bill are designed to carry out environmental protection policies stated in the federal legislation. It is tragic that this valuable state program may not be implemented to its fullest possible extent.

The impoundment of funds destined for pollution abatement facilities is equally detrimental to the State of Washington. If we are to meet the high standards of the Act—standards we support—it will take the best efforts of all. The electorate of the State of Washington at the last general election, by an overwhelming vote, committed the State of Washington to a policy of carrying its fair share through the approval of $225,000,000 bond issues. The federal share must be provided or the entire sewerage facilities construction program will be worse for our state than if the bill did not pass.

Finally, let me express concern over land use planning and regulation proposals presently pending in Congress. We are presently engaged here in Washington in fending off efforts of various interests to undermine the Shoreline Management program. These interests propose its demise through establishment of a comprehensive land use program for the state which would, in effect, do away with the specially designed, environmentally protective shoreline statute now in existence. In your deliberations on the land use bills, I urge a similar policy approach. In other words, keep the Coastal Zone Management Act alive.

Thank you for consideration of my views. Please call on me if I can be of assistance.

Kindest regards.

Very truly yours,

JOHN A. BIGGS,
Director.

Mr. MAGNUSON. Mr. President, as I have pointed out time and time again, the coastal zones of our country are endangered because of their wealth for commerce, natural resources, recreation, scenic beauty, and other benefits to mankind. This very wealth demands the special attention of the States. Many of them already are proceeding into the phase of actually solving these problems. Washington State voters have approved the Shorelines Management Act. California has adopted proposition 20. The Federal act encourages this kind of responsibility by the States.

A very cursory examination of the history of the coastal zone legislation will show that it was not conceived in haste. It was the outgrowth of at least two decades of conscious awareness of the challenge and a combination of public and private endeavors exploring alternatives and agreeing upon the best means of accomplishing the desired result.

The Governor of Washington, Daniel Evans, wrote me in 1970 urging enactment of the act. As he pointed out, funds must be provided if the act is to be effective. Governor Evans, of course, never contemplated that Congress might pass the law, the President would sign it, but that the administration might attempt to withhold life from the act by intentionally seeking to halt its funding on grounds that it should be combined with land use legislation. Governor Evans' letter emphasized the immediacy of the situation, noting that the Washington Department of Natural Resources alone has responsibility for about 1,400 miles of tidelands, 7,000 acres of harbor land, and 1,000 square miles of navigable tidewaters, among other coastal zone areas.

Legislatively in the State of Washington, on May 21, 1971, the Washington Shorelines Management Act of 1971 became law. Its history dates back to at least 1969 when the Ocean Beaches Committee of the Washington Environmental Council became concerned with regulating haphazard coastal development. The law became "permanent" in the November 1972, general election in which the voters of my State affirmatively approved the measure in lieu of another approach.

Mr. President, the mandate of the people of my State is for a separate Federal coastal zone program including the Federal funds necessary to assist in creating the effective coastal zone regulatory mechanism called for in the Federal act. In my opinion, it does not serve the interests of the Nation for there to be any possible ambiguity on the part of Congress as to the need for separate coastal zone and land use programs. The lines must be clear so that the decisions also will be clear to those who must administer these programs.

At the conclusion of my remarks, I ask unanimous consent that a report on the progress of coastal States toward coastal zone management programs be made a part of the RECORD.

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

STATUS OF STATE COASTAL ZONE MANAGEMENT EFFORTS

ALABAMA

Governor: Honorable George C. Wallace.

Coastal Zone Contact: Bill J. Starnes, Director, State Planning Division, Alabama Development Office.

Land Use Contact: R. C. Bamberg, Director, Alabama Development Office.

Administrative structure

Although Alabama currently has no comprehensive coastal zone legislation, there are several ongoing programs with more specific focus in the State. The State Docks Authority has control over certain harbor areas landward of established "harbor lines." The Alabama Water Improvement Commission sets and enforces water quality regulations and regulates the location of industries and domestic sources of pollution in the State. The Department of Conservation and Natural Resources promulgates and enforces laws and regulations to protect, develop, and conserve the marine resources of the State and maintains responsibility for activity below the mean high-tide line.

The State prevents the alteration of wetlands and estuaries by refusing to approve Corps of Engineers project applications for projects deemed potentially harmful to the environment.

Coordination and development of Statewide planning programs is dealt with through the State Planning Division of the Alabama Development Office. Local and regional planning are covered by Acts 657 and 1126, passed by the State legislature in 1969. The Acts authorize the creation of the State agency and 12 regional planning and development districts, one of which encompasses the State's coastal region.

Current activities

At the present time, both coastal-related legislation and a comprehensive program in the area of coastal zone management are in the planning stage in Alabama. Principal among these is a wetlands preservation proposal which the Department of Conservation and Natural Resources is developing for presentation to the State legislature.

ALASKA

Governor: Honorable William A. Egan.

Coastal Zone Contact: Dr. Y. R. Nayudu, Director, Division of Marine and Coastal Zone Management, Department of Environmental Conservation.

Land Use Contact: Joe Josephson, Co-Chairman, Joint Federal-State Land Use Planning Commission.

Background

Article VIII of Alaska's State Constitution contains several provisions for the utilization of the State's renewable resources. They are to be "utilized, developed and maintained on the sustained yield principle subject to preferences among beneficial uses." The State is allowed only to lease its rights to renewable resources (not to sell or deed them) with the provision that improper usage will result in forfeiture of these rights. The constitution also empowers the State to establish regulations to protect and preserve "areas of natural beauty, or of historical, cultural, recreational, or scientific value."

Administrative structure

In Alaska's State government, three departments are responsible for coastal resource management. The Department of Natural Resources manages the use of the State's water, land, and mineral resources. The Department's activities include management and protection of State lands, management of water resources, and issuance of permits for use of State-owned uplands and wetlands. The Department of Fish and Game coordinates the development of tidal and sub-

merged lands as they affect fish and game resources, through its Habitat Section. The Department of Environmental Conservation is responsible for air and water quality management, and has recently established a Division of Marine and Coastal Zone Management.

This Division is responsible for the development of marine and coastal zone research and for management of the State's total interest in the coastal zone, including the continental shelf and the State's interest in waters beyond the territorial seas. The Division also reviews permits for use of the marine environment, wetlands and adjacent uplands.

Legislation

Alaska Land Act (Act 169–1959): provides for classification of the State's lands according to their highest and most beneficial use, based on area land use plans. The Act requires public hearings on the classification procedures and before regulations may be set.

Current activities

The Division of Marine and Coastal Zone Management is engaged in long-term programs designed to define present base level environmental characteristics and to monitor externally and internally induced environmental modifications. Priority topics within these programs include accumulation of a data base for development of planning and management programs for coastal wetlands, investigation of existing and proposed pulpmill sites, identification of the source and magnitude of mercury contamination of halibut, and definition of the critical oceanographic features of Prince William Sound. Finally, comprehensive coastal zone legislation and regulations are currently under study.

The Sea Grant Program funds the Coastal Resource and Science Service Center in Anchorage, Alaska. The Center is presently engaged in collecting technical information on the ecosystems of the Alaska coastal zone and in providing a coastal resource and science information service to assist with land use and environmental decision-making.

CALIFORNIA

Governor: Honorable Ronald Reagan

Coastal Zone Contact: John E. Bennett, Director, Department of Navigation and Ocean Development

Land Use Contact: Norman B. Livermore, Secretary for Resources

Background

The concept of comprehensive coastal zone management has been under study for some time in California. In 1965, the Governor's Advisory Commission on Ocean Resources was appointed and made a number of significant recommendations concerning the elements of a comprehensive coastal plan. In 1967, the State legislature enacted the Marine Resources Conservation and Development Act which mandated the development of the California Comprehensive Ocean Area Plan (COAP). This Act also created the California Advisory Commission on Marine and Coastal Resource (CMC) to advise the State on the proper development of its coastal resources and to review the COAP after it had been developed; CMC has since been dissolved. The COAP was completed by the Department of Navigation and Ocean Development and was delivered, along with a coastal resources inventory and a set of maps depicting site characteristics, land use and ownership, to the legislature in May, 1972.

Administrative structure

In addition to the traditional State agencies which have coastal zone responsibilities in California, coastal management now resides with a 12-member Statewide Coastal Zone Conservation Commission and six regional commissions which oversee the Coastal Conservation Act. The San Francisco Bay Conservation and Development Commission has limited statutory authority for the management of San Francisco Bay. Finally, the State agency concerned with marine resources development is the Department of Navigation and Ocean Development, which is a part of the Resources Agency along with the Departments of Conservation; Fish and Game; Parks and Recreation; Water Resources; and the State Lands Division.

Legislation

McAteer-Petris Act (Act 1162–1965): creates the San Francisco Bay Conservation and Development Commission (BCDC). The BCDC is given responsibility for regulating any "proposed project that involves placing fill, extracting materials or making any substantial change in use of any water, land, or structure" within San Francisco Bay or its managed wetlands, and also extends limited jurisdiction over developments within a 100-foot strip inland.

Coastal Conservation Act (Passed by the electorate as Proposition 20, November, 1972): sets up the California Coastal Zone Conservation Commission and six regional commissions which are to prepare a coastal zone conservation plan. The plan is to be presented to the State legislature by December 1, 1975, with the planning procedures (i.e., objectives and guidelines) developed by August 15, 1973. The Act also provides for interim permit control over that portion of the coastal zone lying between the 3-mile limit seaward and 1,000 yards landward of mean high tide. Any person wishing to undertake any development within the permit areas must obtain a permit from the Regional Commission as well as from all the other State, county, or local agencies as required by law. The Commission's long-range planning jurisdiction extends from 3 miles at sea to 5 miles inland or the highest elevation of the nearest coastal mountain range, whichever is shortest. The Act appropriates $5 million for use by these commissions.

Current activities

The State and regional commissions set up by the Coastal Zone Conservation Act are now in operation and are engaged in determining the coastal zone boundaries and establishing the administrative framework for carrying out the interim permit control on development. The COAP material has been turned over to the State Commission to prevent inadvertent duplication of past effort.

CONNECTICUT

Governor: Honorable Thomas J. Meskill.

Coastal Zone Contact: Whitney Beals, Senior Environmental Analyst, Office of Policy Planning and Research, Department of Environmental Protection.

Land Use Contact: Gordon T. Allen, Administrative Assistant to the Governor.

Administrative structure

The Connecticut department most strongly involved in coastal resource management is the Department of Environmental Protection. The Department is divided into a Division of Preservation and Conservation, incorporating parks and recreation, fish and waterlife, forestry, and water and related resources, and a Division of Environmental Quality, incorporating air compliance, water compliance, solid waste management, pesticides control, and radiation control. The Department is responsible for air and water quality standards and their enforcement, and also maintains responsibility for fish and wildlife management programs and the acquisition of land, including tidal wetlands.

The Office of State Planning is part of the Department of Finance and Control. It is empowered to prepare Statewide plans in conjunction with other State agencies and to provide technical and financial assistance to regional planning groups.

Legislation

Wetlands Protection Act (Act 695–1969): requires the Commisioner of the Department of Environmental Protection to make an inventory of all the coastal wetlands within the State and to develop maps showing the boundaries of the wetlands as a basis for a permit system regulating wetlands uses. Once an area is designated as wetlands, no dredging or construction alterations are allowed without a permit from the Department of Environmental Protection. The Water and Related Resources unit oversees the wetlands program.

Department of Environmental Protection (Act 872–1971): Sections 57–60 require the Commisioner of the Department of Environmental Protection to regulate by permit the erection of all structures and dredging in tidal, coastal or navigable waters. The Water and Related Resources unit is responsible for implementing these sections.

Public Utility Environmental Standards Act (Act 575–1972): sets up the Power Facility Evaluation Council and requires that no construction or modification of a facility which may have an adverse environmental effect begins without a permit from the Council.

Current activities

The Department of Environmental Protection is presently in the process of inventorying, mapping and analyzing the State's natural resources, including those of the coastal zone. This effort is designed to develop a data base which can assist local communities in making resource use decisions.

Both the Office of State Planning and the Department of Environmental Protection are active in the federally funded Long Island Sound Regional Study. The $3.5 million study, being directed by the New England River Basins Commission, will result in a comprehensive plan for the conservation, preservation, and prudent development of the waters and related lands of Long Island Sound.

DELAWARE

Governor: Honorable Sherman W. Tribbitt.

Coastal Zone Contact: David R. Keifer, Director, State Planning Office.

Land Use Contact: Same as above.

Administrative structure

Delaware's new Department of Natural Resources and Environmental Control is the primary State agency concerned with resource management. Four divisions report through its Secretary to the Governor: the Division of Environmental Control; the Division of Fish and Wildlife; the Division of Parks, Recreation and Forestry; and the Division of Soil and Water Conservation. The Governor's Council on Natural Resources and Environmental Control is an advisory body reporting directly to the Governor. The Water and Air Resources Commission has retained its semi-autonomous status as the coordinator of water resources and related estuarine programs but has had its staff consolidated into the Division of Environmental Control.

The State Planning Office of the Executive Department remains responsible for administering the permit system of the Delaware Coastal Zone Act.

Legislation

Coastal Zone Act (Act 175–1971): bans all heavy industry and port or dock facilities within two miles of the shoreline not in existence at the time of passage of the Act and requires a permit from the State Planning Office for all other manufacturing uses or expansion of existing heavy industrial uses. The Act mandates that in reviewing permit applications the following factors be considered: environmental impact, economic effect, aesthetic effect, effect on neighboring land uses, and county and municipal comprehensive plans for the development and/or conservation of their areas.

Current activities

The Delaware State Planning Office has recently completed a preliminary coastal zone land-use plan which is to undergo public review during the next several months. The plan, authorized under the Delaware Coastal

Zone Act of 1971, is the result of a number of special studies designed to develop a workable definition of heavy industry and to analyze the scope and conformity of local codes and ordinances.

Early in 1972, the former Governor appointed a Task Force on Marine and Coastal Affairs for the State of Delaware. A report, entitled "The Coastal Zone of Delaware," containing the research and recommendations of the Task Force was published in July, 1972. In response to this report, several bills to expand protection of Delaware's coastal zone have been introduced in the State legislature. The Administration has introduced a coastal zone management bill to accompany the Delaware Coastal Zone Act. The bill provides for control over all other land uses (including residential and commercial development) not covered by the 1971 legislation. The bill calls for a nine-member Coastal Zone Management Board to develop a plan and administer a permit system to regulate activities in the coastal zone.

Two wetlands bills, both of which would establish permit systems for the use of any wetlands in the State, have also been introduced to the legislature. One bill authorizes the Secretary of Natural Resources and Economic Control to issue or deny permits; the other authorizes the Secretary to make recommendations to a citizen board which would then issue or deny permits.

FLORIDA

Governor: Honorable Reubin O'D. Askew.

Coastal Zone Contact: Bruce Johnson, Coordinator, Coastal Coordinating Council.

Land Use Contact: John Davis, Chief, Bureau of Land Use Planning, Division of State Planning.

Background

Florida has established a series of legal controls over specific coastal activities. The State maintain permit and/or lease control over most submerged lands and water column use, including dredge and fill, marina construction, and living and non-living resource extraction. Development is controlled where beach erosion or water quality problems might exist. Finally, the State has classified many coastal areas as special use areas, including aquatic parks, wilderness area, and wildlife refuges.

Administrative structure

Florida operates under a system where administrative powers are shared by the Governor and a 6-member, elected Cabinet. The environmental responsibilities of the Governor include the Department of Pollution Control, and the Department of Administration, containing the Division of State Planning. The several agencies dealing directly with the management of natural resources report to the Governor and Cabinet. Coastal zone management decisions involving navigable waters, submerged lands, marine resources, and other elements of the public trust are the responsibility of the Governor and Cabinet functioning as a coastal zone authority. All decisions are made in regularly scheduled meetings open to the public.

Within this framework, the Coastal Coordinating Council is an advisory agency consisting of the executive directors of the Department of Natural Resources, Trustees of the Internal Improvement Trust Fund, the Department of Pollution Control, and the Secretary of Administration. Administration of the Council staff is within the Department of Natural Resources.

Legislation

Coastal Coordinating Council (Act 259–1970): creates the Coastal Coordinating Council within the Department of Natural Resources. The Act charges the Council to organize a continuous program of research into problems relating to the coastal zone, to coordinate plans and activities among the various levels of government and the areas of the State, to collect and disseminate pertinent information on coastal zone matters, and to develop a comprehensive State paln for the protection, development, and zoning of the coastal zone.

Setback Lines (Act 280–1971): requires construction setback lines on open beaches to be established on a county basis by the Department of Natural Resources after comprehensive topographic and engineering studies and public hearings.

Land Conservation Act (Act 300–1972): provides for the issuance of State bonds, upon the approval of the voters, to finance the cost of recreation lands. The principal on these bonds is not to exceed $200,000,000 for environmentally endangered lands, and $40,000,000 for outdoor recreation lands. The Governor and Cabinet are given the responsibility and the authority to develop and execute a comprehensive plan to protect and conserve these lands.

Environmental Land and Water Management Act (Act 317–1972): provides for the preparation of land development regulations for "areas of critical State concern" and requires the review and approval of "developments of regional impact." This Act, which is administered by the Department of Administration, also establishes an Environmental Land Management Study Committee to study all facets of land resource management in Florida and to recommend necessary changes and possible legislation.

Current activities

As part of its planning function, the Coastal Coordinating Council published the "Florida Coastal Zone Management Atlas" in December, 1972. The Atlas explains the rationale being used to develop Florida's coastal zone management program and applies this rationale in general map form to the entire Florida coastal zone on a county-by-county basis. Several cooperative projects are now in progress for detailed application of the concepts to the regional, county, and local levels of government. The Council initiated eight research contracts during 1972, involving marine ecology, resource analysis, and planning and management aspects of coastal zone management. A similar number of contracts, oriented toward filling identified research needs, is anticipated during 1973.

GEORGIA

Governor: Honorable Jimmy Carter.

Coastal Zone Contact: James T. McIntyre, Jr., Director, Office of Planning and Budget.

Land Use Contact. Same as above.

Administrative structure

The Georgia Department of Natural Resources, created in April, 1972, coordinates State activities in coastal management. Amendments to the Coastal Marshland Protection Act gave the Department authority to administer the coastal marshland permit program and to issue orders, conduct hearings, and bring suit against anyone in violation of the Act's provisions.

The Executive Reorganization Act of 1972 abolished the Ocean Science Center of the Atlantic Commission and transferred its functions to the Department of Natural Resources and Community Development and the Board of Regents of the University System of Georgia. The Department of Natural Resources and Community Development now has the primary responsibility for clarifying State policy and implementing planning in the coastal and offshore waters of the State.

The State Office of Planning and Budget has authority for "coordinating planning and programming for comprehensive development" of the State.

Legislation

Coastal Marshland Protection Act (Act 1332–1970 as amended): requires that a permit be obtained from the Department of Natural Resources for dredging, draining, removing, or otherwise altering any marshlands within an estuarine area. The Act also gives the Department the right to develop rules and regulations after public hearings, and to institute court action to enforce the provisions of the Act.

Vital Areas Council Act (Act 609–1973): creates a 15-member Vital Areas Council to designate specific areas of vital State concern within specified regions. The Council is to recommend standards for the protection and orderly development of these areas and to report their findings to the 1974 session of the Georgia General Assembly.

Current activities

The Office of Planning and Research of the Department of Natural Resources has analyzed the elements of a comprehensive planning program in the coastal zone of Georgia. The Office has drawn up tentative work programs for two alternative approaches to the development of a management plan for the State's coastal zone. The final decision as to whether to take a minimal management or a comprehensive management course will be made by the Governor, based upon the available recommendations of all affected agencies.

HAWAII

Governor: Honorable John A. Burns.

Coastal Zone Contact: Dr. Shelly Mark, Director, Department of Planning and Economic Development.

Land Use Contact: Same as above.

Background

Interest in the coastal zone has paralleled Hawaii's interest in land use control which culminated in the passage of the State Land Use Law in 1961. The Land Use Law was an outgrowth of the "General Plan for the State of Hawaii," prepared by the Department of Planning and Economic Development in 1961 and updated in the "State of Hawaii General Plan Revision Program" of 1967.

In 1964, the Department of Planning and Economic Development conducted a study, "Hawaii's Shoreline," which assembled data on existing and possible future uses of the State's coastal zone. This study was a major factor in the decision to include shoreline areas under the designation of Conservation Districts in the Land Use Law of 1961.

In 1969, the Governor appointed a Task Force on Oceanography to study the problems and potentials of the State's marine resources. The resulting report, "Hawaii and the Sea," recommended increased research into these resources and the methods of best utilizing them at the State level.

In addition, numerous technical reports on coastal zone-related matters have been produced by the Department of Planning and Economic Development, the Marine Affairs Coordinator's Office, and the University of Hawaii Sea Grant Program among others.

Administrative structure

There are four State agencies which report to the Governor in the area of land use planning and management. The Land Use Commission sets the land use district boundaries and passes on permits in districts designated as either Rural or Agricultural. The Department of Planning and Economic Development administers the staff of the Land Use Commission with its Director serving as a voting, ex-officio member of the Commission. The Board of Land and Natural Resources approves permits for use of land in Conervation Districts. The Department of Land and Natural Resources provides staff for the Board of Land and Natural Resources. The Director of this Department serves as Chairman of the Board and also as a voting, ex-officio member of the Land Use Commission.

Legislation

State Land Use Law (Act 187–1961 as amended): creates a State Land Use Commission and directs it to classify the entire State into four land use districts: Conservation, Agricultural, Rural and Urban. Urban Districts are regulated by county zon-

ing controls. Agricultural Districts are regulated by the counties and by the State Land Use Commission with applications for development requiring the approval of both agencies. Generally, the regulations permit only traditional agricultural uses. However, certain other uses are permitted by special permit. Rural Districts are regulated by both the counties and the State Land Use Commission. Conservation Districts are regulated solely by the Department of Land and Natural Resources. Development is stringently controlled although this district is divided into two general subzones; a General Use Zone and a Restricted Watershed Zone.

Shoreline Setback Areas (Act 136–1971, as amended in 1973): mandates the Land Use Commission to establish setback areas along the State's shorelines between 20 to 40 feet inland from the "edge of vegetation growth." Construction of any structures is prohibited without special permit.

Current activities

Legislation to require development of a coastal zone plan by the Department of Planning and Economic Deveopment upon which to base the management of Hawaii's coastal zone activities was passed by the 1973 State Legislature. Recognizing increasing State interest in this area, the Sea Grant Program at the University of Hawaii has undertaken research into the legal, economic, institutional, biological, and physical considerations necessary for the development of an effective coastal zone management program. Another special research unit, the Hawaii Environmental Simulation Laboratory, is presently making an extensive study of coastal development in the Kaneohe Bay region.

ILLINOIS

Governor: Honorable Daniel Walker.

Coastal Zone Contact: Anthony Dean, Director, Department of Conservation.

Land Use Contact: Harold A. Hovey, Director, Bureau of the Budget.

Administrative structure

Chapter 111.5 of the Revised Statutes of Illinois establishes the Environmental Protection Agency, the Pollution Control Board, and the Institute for Environmental Quality. These agencies maintain regulatory control over air and land resources and over effluent discharges in the State.

The Office of Planning Analysis of the Bureau of the Budget coordinates planning for the intelligent use of the State's natural resources. The Natural Resources Development Board of Illinois is responsible for State review of proposed local projects. The Department of Transportation issues permits for the construction of facilities in or along Lake Michigan. The Department also regulates water diversion and the maintenance of water levels in Lake Michigan. Finally, the Department of Conservation maintains the State Outdoor Recreation Plan and has responsibility for fish, game, parks, and forestry.

Legislation

Filling and Dredging (Chap. 19 Ill. Rev. Stat.—1911, as amended): gives regulatory power to the Illinois Department of Transportation to issue permits for any filling, dredging, construction of bulkheads, placements of outfall structures, or other alteration of the natural shorelines of Illinois' lakes and streams (including Lake Michigan).

Current activities

The Army Corps of Engineers and the City of Chicago are jointly engaged in the Chicago-South End of Lake Michigan Study of flood control and waste water management. The Corps has also recently concluded a Beach Erosion Control Study for the City of Lake Bluff. The State has now asked the Corps to study erosion along the entire Illinois Lake Michigan shoreline.

The State of Illinois has two coastal counties, Cook County and Lake County. The City of Chicago covers almost the entire shoreline area of Cook County. The City, which is generating a lakefront development plan, is considering the establishment of public ownership of its Lake Michigan shoreline area and the creation of offshore artificial islands to control erosion. The Department of Conservation is in the process of acquiring the Lake Michigan shoreline from Illinois Beach State Park north to the Wisconsin border. The shoreline area would eventually be included into the State Park system.

As a member of the Great Lakes Basin Commission, Illinois also is participating in the development of a comprehensive resource management plan for the Great Lakes region.

Several pieces of legislation to further State control of the Illinois coastal zone are pending in the State legislature. One bill would provide for public access to the beaches bordering Lake Michigan now owned or controlled by local units of government. A second bill, entitled the Lake Michigan Bill of Rights, would create a commission to approve and revise Lakefront Management Plans developed by local units of government. The coastal zone as defined by the bill includes the Illinois waters of Lake Michigan, submerged lands owned by the State, and the shorelines of the Lake up to a distance of one quarter mile inland. Finally, the so-called Regulated Activities Act would require a permit from the Department of Transportation before such activities as drilling for gas or oil, dredging, excavating, or construction of an airport in or on Lake Michigan could take place.

INDIANA

Governor: Honorable Otis R. Bowen, M.D.

Coastal Zone Contact: William J. Andrews, Deputy Director, Department of Natural Resources.

Land Use Contact: William J. Watt, Executive Assistant to the Governor.

Administrative structure

The Indiana Department of Natural Resources is most directly involved in coastal resources management on Indiana's 45-mile Lake Michigan shoreline, which includes Lake, Porter and LaPorte Counties. The Divisions of State Parks, Nature Preserves, Water, Fish and Wildlife and Enforcement have significant functions in this particular area of the State.

Specific programs having coastal zone impact are divided among three other State agencies. The Air Pollution Control Board and the Stream Pollution Control Board have direct responsibility for the State's air and water pollution control programs, respectively. The Environmental Management Board has overall coordinating responsibility for environmental control programs, including air, water and noise pollution control, radiation and solid waste disposal. The Indiana Port Commission has responsibility for continuing development, operation and maintenance of public ports.

The Division of State Planning is a part of the Department of Commerce, and is empowered to prepare Statewide plans in cooperation with other State agencies and to provide technical and financial assistance to regional planning groups.

Legislation

Landfills in Lake Michigan (IC 1971, 4–18–13): requires permits be obtained for construction of fills in Lake Michigan by riparian owners. A 1973 Act deletes former provision for mandatory issuance of permits and makes issuance discretionary by the Natural Resources Commission with the approval of the Governor.

Navigable Waters (IC 1971, 14–3–1): vests supervision and control of all navigable waters in the Department of Natural Resources; includes permit authority for uses of water from navigable waters, for taking of sand, gravel or other minerals from navigable waters or for disposal of spoil therein, and for any type of construction in navigable waters. Title to bed of Lake Michigan lakeward of line of Ordinary High Water to the State boundary is in the State of Indiana.

Current activities

New geologic maps covering both surficial and bedrock materials have recently been completed. Modern soils surveys have been completed for one of the three counties involved and are well advanced in the other two counties. Continuing observations are being made on shoreline erosion problems during the current period of high level on Lake Michigan.

As a member of the Great Lakes Basin Commission, Indiana participates in the preparation and review of a comprehensive joint plan for the water and land resources of the Great Lakes Basin area.

LOUISIANA

Governor: Honorable Edwin W. Edwards.

Coastal Zone Contact: Patrick W. Ryan, Executive Director, State Planning Office.

Land Use Contact: J. Kelly Nix, Executive Assistant to the Governor.

Administrative structure

The Louisiana Advisory Commission on Coastal and Marine Resources, a ten-member citizen group, advises the Governor directly. Management responsibilities in the State's coastal zone are presently in the hands of three State agencies: the Wildlife and Fisheries Commission is the predominant agency involved in living resource development and use; the Department of Conservation is responsible for non-living coastal resources management such as oil and gas production and mineral extraction; and, the Department of Public Works manages the State's flood protection, navigation, and water resources programs.

State land management planning is handled by the State Planning Office within the Executive Department. The State Planning Office is preparing a State Growth and Conservation Policy which will coordinate closely with any coastal zone management planning.

Coastal zone research is centered within the Louisiana Center for Wetlands Resources, established in 1970 at Louisiana State University. The Center brings together under common administration the University's Coastal Studies Institute, Department of Marine Sciences, and Office of Sea Grant Development.

Legislation

Advisory Commission on Coastal and Marine Resources (Act 35–1971); requires the Advisory Commission on Coastal and Marine Resources to develop and distribute a Coastal Zone Management Plan by September 15, 1973, at which time the Commission is to be disbanded. The Plan is to consider all aspects of coastal and marine resources management including socioeconomic and legal factors, monitoring systems, transportation, power development, waste management, recreation, land use, and resource management. The Commission is further required to determine which of the existing permanent State agencies is most appropriate to implement the management plan as well as the legislative action necessary to institute the policies set forth in the Act.

Superport (Act 444–1972): creates the Deep Draft Harbor and Terminal Authority to represent the State in the development of any "superport" of its coast. The Authority is empowered to purchase or lease bottom lands for use in superport facilities. The Act requires that an environmental protection plan developed by the Wildlife and Fisheries Commission, the Center for Wetlands Resources, and the Port Authority be employed as a guide in all phases of the superport development program.

Atchafalaya Basin (Act 365–1972): creates the Governor's Atchafalaya Basin Commission and the Atchafalaya Basin Division of the Department of Public Works. The Divi-

sion is required to prepare a land and water use plan for the area in an effort to understand and resolve the competing recreational and developmental demands for uses of the Basin.

Current activities

The Coastal Resources Unit of the Center for Wetlands Resources, Louisiana State University, complete a study called a "Proposed Multiuse Management Plan for the Louisiana Coastal Zone" in December, 1972. The project was prepared for presentation to the Louisiana Advisory Commission on Coastal and Marine Resources. The plan is based upon the relationship between "development corridors," areas where land surfaces are suitable for development and transportation, and "basin areas," wetland areas conserved for natural resources development.

Having compiled necessary basic data and technical information, primarily through the research efforts of Louisiana's Center for Wetlands Resources, the Louisiana Advisory Commission on Coastal and Marine Resources has organized into subcommittees to analyze specific coastal zone issues and alternative solutions. The Commission is also continuing its study of the impact of State agencies on the coastal zone and is maintaining a "register" of all coastal zone projects proposed or planned in Louisiana.

The Louisiana Advisory Commission on Coastal and Marine Resources is to be disbanded in September, 1973. New legislation has been prepared to keep coastal zone planning alive by forming a Division of Coastal Planning. The Division will be under the direction of the Office of State Planning, which is responsible for the State's Growth and Conservation Policy and land use planning.

MAINE

Governor: Honorable Kenneth M. Curtis.

Coastal Zone Contact: Philip M. Savage, State Planning Director.

Land Use Contact: Same as above.

Administrative structure

Major State government reorganization has taken place in Maine. The last session of the legislature created seven new departments: Agriculture, Commerce and Industry, Environmental Protection, Finance and Administration, Educational and Cultural Services, Manpower Affairs, and Transportation.

Responsibility for the protection of Maine's major resources is vested in the Department of Environmental Protection, which consists of three divisions: air quality control, water quality control, and land quality control. The State Planning Office in the Executive Department has a Coastal Planning Group which is responsible for an ongoing inventory of the State's coastal zone.

Legislation may be introduced in this session of the legislature to create two new departments: Marine Resources and Conservation.

Legislation

Wetlands Preservation Act (Act 348–1967): authorizes the State Wetlands Control Board to impose "any conditions they feel necessary to protect the public interest" regarding the filing, dredging or altering of coastal wetlands. A permit for such activities requires the approval of both the Control Board and the municipality involved.

Wetlands (Act 541–1967): gives the Wetlands Control Board the further power to "adopt, amend, repeal or modify" orders regarding the alteration of coastal wetlands.

Site Selection (Act 571–1970): requires a license from the Department of Environmental Protection for any commercial, residential or industrial development which occupies a land area in excess of 20 acres, or which contemplates drilling for or excavating natural resources, or which occupies on a single parcel a structure in excess of 60,000 sq. ft. in ground area.

Mandatory Zoning (M.R.S.A. Title 12, Sec. 4811–1971): provides that inland and coastal lands within 250 feet of normal high water are to be subject to State zoning if not put under local zoning by June 30, 1973. The Act authorizes the Maine Environmental Improvement Commission and Land Use Regulation Commission to set standards for such localities to enforce.

Land Use Regulation Commission (M.R.S.A. Title 12, Chap. 206–A; 1972): sets up a seven-member Land Use Regulation Commission to extend planning and subdivision control to all "unorganized and deorganized" areas of the State. The Commission is to adopt an official "comprehensive land use guidance plan" not later than July 1, 1973. The plan is to be developed to guide the Commission in classifying lands into protection, management, development, and holding districts. The Commission is further empowered to prepare specific land use guidance standards for the use of air, lands, and waters in the various districts.

Current activities

The State Planning Office's Coastal Planning Group is coordinating the preparation of the State's "Coastal Development Plan." The State Planning Office defines this as "the essential elements of a plan; a resource inventory and a basic land capability analysis"—a coastal resource data base upon which future plans and policies might be based. An indepth study of Penobscot Bay has been completed to serve as a pilot for the other six regional plans (all to be completed by December, 1974). Inventory and mapping of geography, geology, hydrology, forestry, wetlands, marine environments, water quality, scenic and historic sites, and recreation are to be included.

Legislation to amend the Site Selection Act of 1970 to limit heavy industrial development on the Maine coast to six minor civil divisions is now pending in the State legislature. This bill would further restrict all terminal and oil refinery facilities on the coast to two of these six divisions.

MARYLAND

Governor: Honorable Marvin Mandel.

Coastal Zone Contact: Anthony F. Abar; Director, Program Planning and Evaluation, Department of Natural Resources; Land Use Contact: Vladimir Wahbe, Secretary, Department of State Planning.

Administrative structure

The Maryland Department of Natural Resources was created in 1969 in an effort to bring together previously independent departments involved in natural resource management. These included: Forests and Parks; Fish and Game; and Water Resources. The Maryland Environmental Service created in 1970 to provide a regional approach to cities of water, wastewater, and solid waste facilities was also placed in the Department of Natural Resources.

The majority of programs dealing with the State's coastal resources are operated by the Department of Natural Resources. The Department of State Planning is responsible for developing the State Development Plan and its associated land use inventory.

Legislation

Wetlands (Act 241, 1970 as amended): divides the State's wetlands into two categories: State(areas below the mean high tide line) and private (areas not State wetlands which support aquatic vegetation and are subject to regular or periodic tidal action). On State wetlands dredging and filling are prohibited without a permit from the Board of Public Works. The Board makes its decision after receiving recommendations from the Department of Natural Resources. On private wetlands, activities are regulated by the Department of Natural Resources through a permit system operated in accordance with rules and regulations developed by the Department.

Power Plant Siting Act (Act 31–1971): deals with land acquisition, research and certification. The Act requires long-range planning by utilities, a 10-year plan of possible sites for construction, environmental suitability investigation of possible sites by Department of Natural Resources, and streamlined certification procedure. The Maryland Department of Natural Resources has the primary responsibility for administering the program. The program, including research into the environmental effects of power plant operation, is financed by a surtax on electric energy generation.

Shore Erosion Control (Act 245, 1970 as amended): provides for long-term low interest loans for shore erosion protection devices in high erosion areas and technical assistance to shore owners concerning shore erosion measures.

Twenty to thirty projects with a total cost of approximately $500,000 are funded each year; technical assistance and advice is provided for many more privately-funded projects. The Department of Natural Resources has primary authority for this program.

Current activities

The Department of Natural Resources is studying ways to provide more comprehensive and coordinated management of the State's coastal resources under its existing authority and powers. Such activities are being coordinated with the Department of State Planning's activities related to development of the State Development Plan and its associated land use inventory.

In the 1973 legislative session, land use legislation which included coastal areas as critical areas was seriously considered by the State legislature but not passed. Coastal zone management legislation was also introduced but not acted upon.

MASSACHUSETTS

Governor: Honorable Francis W. Sargent

Coastal Zone Contact: Arthur Brownell, Commissioner, Department of Natural Resources

Land Use Contact: Robert Marden, Assistant Secretary for Planning

Administrative structure

Massachusetts State government has undergone major reorganization in the past year. Within the Office of Environmental Affairs, reorganization has brought together a number of agencies, including the Department of Public Health, and the Department of Natural Resources. The Department of Natural Resources now has six major divisions: Water Pollution Control (water quality), Mineral Resources, Conservation Services (wetlands control), Law Enforcement, Water Resources (research and planning), and Marine Fisheries.

A new Intersecretariat Task Force on Land Use has been established that includes five of the executive offices. The Task Force is being set up by the Office of State Planning and Management (within the Office of Administration and Finance) in conjunction with the Department of Community Affairs. Under the Intersecretariat Task Force are a number of other task forces, including one on Ocean Resources. The Coastal Zone Management Subcommittee of the Ocean Resources Task Force has studied the problems of developing the institutional machinery for coastal resource management and suggested legislation to establish such machinery.

Legislation

Hatch-Jones Act (Chap. 131, Sec. 40, Mass. General Laws–1965): requires public hearings, review, and primary local control over permits and projects involving the dredging and filling of coastal and inland wetlands. Local conservation commissions may place restrictive conditions on such projects to preserve fisheries, prevent pollution, prevent floodings, etc.; these conditions may be appealed to the State Department of Natural Resources, which may replace the local decision with protective measures of its own. The State Department of Public Health may also

impose conditions to preserve navigability and ensure protection from erosion.

Coastal Wetlands Protection Act (Chap. 130, Sec. 105, Mass. General Laws–1965): authorizes the Commissioner of Natural Resources to take the initiative to adopt, amend, modify, or repeal orders regulating or restricting the altering of coastal wetlands.

Commission on Ocean Management (Executive Order No. 59–1968): creates the Massachusetts Commission on Ocean Management to develop a comprehensive long-range estuarine area management plan. The Commission serves as the nucleus of the Subcommittee on Coastal Zone Management mentioned above.

Current Activities

The Coastal Zone Management Subcommittee of the Ocean Resources Task Force published its preliminary report in August, 1972. Among its recommendations were that:

Legislation for coastal resource management be enacted quickly.

Coastal Resource Council, chaired by the Governor and having the Secretaries of Community Affairs, Environmental Affairs, Transportation and Construction, and Administration and Finance as part of its membership, be created to serve as the "Board of Director" of the coastal resources management program.

The Office of Environmental Affairs become the lead agency in developing a Statewide program by conducting a resource inventory and developing guidelines with the major responsibility for planning exercised by local bodies, and

An environmental monitoring, inventory, and information system be developed as a data base for decision-making.

The Department of Natural Resources has created a working group under the Commissioner, coordinated by a full-time professional, to begin resource inventory of the coastal zone, coordinate ongoing related coastal zone management departmental programs, and initiate additional reasearch studies.

MICHIGAN

Governor: Honorable William G. Milliken

Coastal Zone Contact: Ralph W. Purdy, Deputy Director for Environmental Protection Branch, Michigan Department of Natural Resources. Alternate: William D. Marks, Chief, Water Development Services Division, Department of Natural Resources

Administrative Structure

The Michigan Department of Natural Resources is the agency responsible for coastal zone planning and management. Water and resources management and regulation activities are centralized within the Department. Water and related land resources planning and recreation planning are also Department responsibilities.

Comprehensive land use planning is also coordinated through the Department's Office of Land Use, with interagency coordination provided by the Inter-Departmental Committee on Water and Land Resources Planning.

Legislation

The Shorelands Protection and Management Act (Act 425 of the Public Acts of 1970): requires the development of comprehensive plan for the use and development of Great Lakes shorelands. Included in the plan must be an inventory of existing governmental agency plans affecting the shorelands, identification of shoreland problems and recommendations for steps required to establish and implement comprehensive State shoreland planning and management programs.

The Act requires that surveys be conducted to identify high risk erosion areas and critical environmental areas. Upon State designation of such areas local agencies may regulate land use so as to prevent erosion damage to future structures and to assure environmental protection. Provisions are made in the Rules promulgated under the Act for a State permit system to provide controls if local agencies fail to take action.

Current Activities

The inventory of both high risk erosion areas and environmental areas has been completed by staff of the Department of Natural Resources. The critical areas have been identified and designated. Proposed rules promulgated in accordance with the Act are undergoing review and are close to formal adoption. Additional field work is being conducted to gather data for use by local units of government and the Department.

The shorelands plan called for in Act 245 has been formally adopted by the Natural Resources Commission upon revision as a result of public hearings. It will soon be submitted to the Governor and legislature. The plan sets forth three basic principles to protect and preserve Michigan's shorelands. The plan proposes: (1) to limit developments to those which specifically require a shoreline location, (2) to require permissible developments to be planned and constructed to harmonize with the capacities of the shoreland ecosystem, and (3) to foster and facilitate public acquisition of significant shoreland environmental areas.

MINNESOTA

Governor: Honorable Wendell R. Anderson

Coast Zone Contact: Joseph Sizer, Director of Environmental Planning, State Planning Agency

Land Use Contact: Same as above

Administrative structure

The Minnesota Department of Natural Resources is the State agency most concerned with water and related land resource planning and management. The Department has responsibilities in the areas of recreation, fish and wildlife protection, and flood control, as well as overseeing the State's shoreland zoning program. In an effort to consolidate the coordination of State and local activities pertaining to water and related land resources, the water use planning functions of the Water Resources Planning Commission were recently transferred to the Bureau of Planning of the Department of Natural Resources.

The Environmental Quality Council, composed of departmental directors, serves as a policy-making body in the area of environmental quality and management. The State Planning Agency is responsible for maintaining Statewide coordination of land planning and management in Minnesota.

Legislation

Shoreland Management (Chap. 105.485, Minn. Stat.-1969): requires counties to enact and enforce shoreland zoning ordinances for unincorporated lands within 1,000 feet of the normal high water mark of a lake or pond or within 300 feet of a river or stream. The Commissioner of Natural Resources is responsible for setting zoning standards for the counties.

Surface Use Zoning (Chap. 631, Minn. Stat.-1969 as amended): authorizes the Commissioner of Natural Resources to establish surface use control for watercraft on any public water of the State when so requested by a local unit of government.

Current activities

As required by the Shoreland Management Act, the coastal counties have developed their classification and regulation schemes based on guidelines established by the Department of Natural Resources. The Shoreland Management Unit of the Department of Natural Resources has recently begun to develop a comprehensive plan for the maintenance of shorelines and the control of dredging, filling, and waste disposal. The Minnesota Pollution Control Agency is presently involved in a cooperative planning effort for Duluth Harbor and is studying water quality problems of the North Shore of Lake Superior.

Several pieces of legislation which would provide for increased management in the coastal zone are likely to be enacted during the current legislative session. One bill would expand the Shoreland Management Act to include incorporated as well as unincorporated areas. A second bill, entitled the Critical Areas Act, would authorize the Environmental Quality Council to set criteria for the designation of areas of critical State concern and would require that a unit development plan be drawn up by the local unit of government affected. Finally, a third bill would provide for the designation of wild, scenic, or recreational rivers by the Commissioner of Natural Resources and would require local land use ordinances in the areas through which the rivers flow to meet minimum standards set by the State. A number of rivers within Minnesota's coastal area are expected to be covered by this Act.

MISSISSIPPI

Governor: Honorable William L. Waller.

Coastal Zone Contact: Dr. James B. Rucker, Director, Marine Resources Council.

Land Use Contact: Dr. Preston T. Bankston, Director, Liaison and Coordination Office.

Administrative Structure

The Mississippi Marine Resources Council is an autonomous body reporting directly to the Governor, who serves as Chairman. The Council is, in effect, a "Board of Directors" determining the State's objectives with regard to coastal zone management. The Council has an Executive Director and staff which serves as the operational group. This operational group interfaces with other agencies and coordinates activities in implementing the Council's policies. The Council staff is also actively engaged in coastal zone management planning and project implementation and management.

Other State agencies significantly involved in planning and management in Mississippi's coastal zone include the Marine Conservation Commission which regulates commercial fishing; the State Port Authority; the State Oil and Gas Board and the State Mineral Lease Commission. In addition, the Gulf Regional Planning Commission coordinates long-term planning in the coastal counties of the State (Hancock, Harrison, Jackson and Pearl River). The Commission is active in the areas of land use, transportation, recreation, water and sewage disposal.

Legislation

Marine Resources Council (Act 2034–1970): creates the Mississippi Marine Resources Council to coordinate all plans for "effective, efficient and economic" development of the State's marine resources. The Act also requires the Council to support a program of marine science research and to provide the Governor, the legislature and State agencies with the information necessary for wise decision making in regard to development of Mississippi's marine resources.

Coastal Wetlands Protection Act (H.B. 140–1973): designates the Mississippi Marine Resources Council as the regulatory agency for activities conducted on State-owned public wetlands. These public wetlands are defined as all lands below the watermark of ordinary high tide and all publicly owned accretions above high tide. The Act becomes effective July 1, 1973.

Current activities

Coastal zone management is advancing on several fronts in Mississippi. Mississippi's Sea Grant research programs, which have been oriented toward providing solutions to marine problems, is administered by the Universities Marine Center. This administrative body represents the major universities in coordinating Sea Grant research programs and serves as a research arm of the Marine Resources Council. Additionally, the Gulf Coast Research Laboratory, an arm of Mississippi's Institutions of Higher Learning, conducts continuing research programs in

marine sciences which provides a data base for coastal zone management programs.

Mississippi's preliminary coastal zone management plan has been completed by the Marine Resource Council's contractor and is presently undergoing review and evaluation by the Council. The plan is being initiated and developed in accordance wtih the requirements and guidelines of the Coastal Zone Management Act of 1972. This initial management plan includes an inventory of resources, a study of coastal zone users, and the State's goals and objectives for future planning and development. The plan, which is to be continually updated and evaluated, will be followed by plans and programs oriented toward more specific short-term goals. In addition, a Citizen's Advisory Committee and a Technical Advisory Committee will be established to aid the Council in its work.

The Marine Resources Council interfaces with the Gulf Regional Planning Commission in studying problems which are of mutual interest. The Gulf Regional Planning Commission is studying the development of a regional plan for open spaces, recreation, and environmental appearance in Mississippi's coastal counties.

NEW HAMPSHIRE

Governor: Honorable Meldrin Thomson, Jr.

Coastal Zone Contract: James Minnoch, Director of State Planning, Office of Comprehensive Planning.

Land Use Contract: Same as above.

Administrative structure

There are four major agencies through which most of the State's natural resource planning programs are carried out. The Office of Comprehensive Planning, attached to the Governor's Office, exercises a supervisory function over resource planning. The Department of Resource and Economic Development conducts outdoor recreation planning and supervises forest and park planning. Major water programs are administered by the Water Supply and Pollution Control Commission. However, the comprehensive planning functions of the Commission are carried out in close cooperation with the Office of Comprehensive Planning.

New Hampshire also has a Council of Resources and Development, which functions as an inter-agency coordinating group consulting on common problems in the field of natural resources and their development. The Council also reviews the sale of surplus State lands. The Chairman is the Director of State Planning.

Legislation

Wetlands (Act 215–1967): provides for control over dredging and filling of tidal areas and public waters. The Act authorizes the Port Authority to rule on permits and hold public hearings before any dredging or filling can take place. The Fish and Game Department is also authorized to impose any conditions on the permit issuance it feels are necessary, if fish or wildlife might be affected by the project.

Dredge and Fill (Act 483–A–1969): authorizes the Special Board on Dredge and Fill to promulgate rules and regulations concerning filling and dredging in the tidal areas of the State.

Power Plant Siting (Act 357–1971): sets up an inter-agency Site Evaluation Committee (SEC) chaired by the Director of the Water Supply and Pollution Control Commission. The Act requires a certificate of site approval from the Public Utilities Commission on a finding by the SEC that the new power plant will not unduly interfere with orderly development or have an unduly detrimental effect on the environment. The Public Utilities Commission is to be bound by the SEC's land use decisions.

Current activities

The new England Regional Commission awarded a grant of $20,000 to the State of New Hampshire to study and report on the need and mechanisms for participation by the State in the Coastal Zone Management Act of 1972. As a result of this study, which has now been completed, a second grant of $20,000 was recently awarded. The Office of Comprehensive Planning has asked the South Eastern New Hampshire Regional Planning Commission in Exeter to undertake a year-long, comprehensive study as a continuation of the State effort. The Regional Planning Commission, under the direction of Charles A. Tucker, will participate in coastal zone studies and planning under the guidance of the Director of the Office of Comprehensive Planning.

NEW JERSEY

Governor: Honorable William T. Cahill.

Coastal Zone Contact: Richard Goodenough, Director, Division of Marine Services, Department of Environmental Protection.

Land Use Contact: Richard J. Sullivan, Commissioner, Department of Environmental Protection.

Administrative structure

The agency primarily responsible for coastal zone management activities in the State of New Jersey is the Division of Marine Services of the Department of Environmental Protection. The Division of Marine Services administers the State's wetlands permit and shore protection programs among its other responsibilities. In addition, the Governor has recently established by executive order, a State Planning Council to recommend State policy on developmental activities.

The New Jersey Division of Fish and Game maintains responsibility for an extensive wetlands acquisition program under authority of the Green Acres Land Acquisition Act of 1961.

Legislation

Wetlands Act (Act 27—1970): requires that a permit be obtained from the Department of Environmental Protection prior to the dredging, filling, polluting, building upon or otherwise altering of any coastal wetlands. After public hearings are held and wetlands areas to be protected are inventoried, the Department is also empowered to adopt, amend, or repeal orders altering the wetlands.

Current activities

Mapping of wetlands (under the Wetlands Act of 1970) is being followed by the issuance of regulations on a county-by-county basis. The regulations for Middlesex, Monmouth, Ocean, Atlantic, and Cape May Counties were approved by the Department of Environmental Protection and are now in effect.

Assembly Bill 527 creating an ocean sanctuary extending three miles offshore from Sandy Hook to Cape May has been passed by the State Assembly and is awaiting the approval of the Senate. The Bill provides strict control over development or any activity which might endanger the ecology of the area.

A second proposal, which would broaden the Wetlands Act of 1970 is pending in the New Jersey legislature. This bill, entitled the Major Coastal Areas Facilities Review Act, designates specific coastal areas where heavy industry and offshore facilities can and can not be located; no person would be allowed to build or expand a "major facility" in the delineated areas without obtaining a permit from the Commissioner of Environmental Protection.

Governor Cahill has recently declared his opposition to four "superport" sites suggested by the Army Corps of Engineers in New Jersey. He cites the possibility that a large offshore port would add to pressure for the further development of the coastal region. The superport controversy remains an important issue in New Jersey State government.

NEW YORK

Governor: Honorable Nelson A. Rockefeller

Coastal Zone Contact: Henry G. Williams, Jr., Deputy Director, Office of Planning Services; Dr. W. Mason Lawrence, Deputy Commissioner, Department of Environmental Conservation.

Land Use Contact: Henry G. Williams, Jr.

Administrative structure

The New York State Department of Environmental Conservation coordinates State, regional, and local plans for environmental preservation and conservation. Marine coastal zone-related activity is centered in Long Island's Suffolk and Nassau Counties. New York also has an extensive coastal zone on the Great Lakes, comprised of part of the shoreline of Lake Erie and all of the shoreline of Lake Ontario within the United States. The Regional Marine Resources Council of the Nassau-Suffolk Regional Planning Board has been conducting marine coastal research since 1965, and Suffolk County's Departments of Planning and Environmental Control, and the Suffolk Environmental Quality Council have been involved in regional marine coastal and wetlands planning and management in recent months. Several regional planning commissions, regional water resources planning boards, and local planning boards are involved in planning in the Great Lakes coastal zone in New York. The State Office of Planning Services in the Executive Department coordinates local, regional and State planning in New York. The Office recently conducted a study and inventory of Long Island's marine wetlands.

Legislation

Long Island Wetlands Act (L. 1959, c. 545), provides State assistance for preservation and management of marsh areas owned by local governments. The State is empowered to share the cost of such activities on a 50–50 matching basis if the local government first designates the land for conservation purposes.

Department of Environmental Conservation (L. 1970, c. 140): creates a Department of Environmental Conservation with one of its responsibilities to provide for the protection and management of marine and coastal resources and of wetlands, estuaries and shorelines.

Current activities

Two proposed wetlands bills are awaiting action in the New York legislature. Both bills would provided additional protection to wetlands, including control over dredging, filling or otherwise altering existing wetlands.

The New England River Basins Commission is sponsoring a local, regional and State cooperative study of Long Island Sound. The multi-year study, begun in 1971, will inventory all present and proposed uses of Long Island Sound's resources. High priority will then be given to plans for preservation of water quality; conservation of wetlands; availability of shorelands for commercial, recreational, and residential use; and the institutional arrangements and legal requirements for conserving and developing the Sound's resources.

NORTH CAROLINA

Governor: Honorable James E. Holshouser, Jr.

Coastal Zone Contacts: James E. Harrington, Secretary, Department of Economic and Natural Resources; Ronald K. Ingle, Assistant Secretary, Department of Administration.

Land Use Contact: Ronald F. Scott, State Planning Officer, Department of Administration.

Administrative structure

The North Carolina agencies involved in coastal planning and management fall primarily within the Departments of Administration and Natural and Economic Resources. These agencies include the Divisions of Com-

mercial and Sport Fisheries, Commerce and Industry, Mineral Resources, State Parks, Recreation, and the Office of Water and Air Resources. In addition, the Department of Transportation and Highway Safety houses the State Ports Authority which has the authority to acquire and develop ports and harbors.

The North Carolina Council on Marine Sciences is housed within the Department of Administration. The Council, which was given statutory authority in 1970, is charged not only with coordinating marine planning but also with maintaining a general overview of activities within the coastal zone.

The State Planning Division of the Department of Administration is responsible for coordinating interdepartmental planning and ensuring that strategies for resource allocation are consistent with the long-range goals of the State.

Legislation

Estuarine study (Act 1164–1969): requires a comprehensive study of he State's estuarine areas to be undertaken by the Division of Commercial and Sport Fisheries of the Department of Conservation and Development with a "view toward the preparation of a comprehensive and enforceable plan for the conservation of the resources of the estuaries, the development of their shorelines, and the use of the coastal zone."

Dredge and fill (G.S. 113–229–1969, amended 1971): requires "individuals" wishing to engage in dredging or filling of any estuarine waters, tidelands, or marshlands to obtain a permit from the Department of Conservation and Development.

Wetlands Protection Act (G.S. 113–230–1971): authorizes the Department of Conservation and Development to adopt rules and regulations to protect coastal marshes and contiguous lands after public hearings and the preparation of maps.

Current activities

In early 1972 a State-Federal Committee was appointed to work with the Marine Science Council in developing a comprehensive plan for marine resources in North Carolina. A preliminary plan was published in December, 1972.

Several local planning efforts are also underway: Currituck County has declared a moratorium on development to allow time for preparation of a comprehensive resource management plan; and a pilot plan for coastal zone management has been prepared by the State for New Hanover County.

Legislation has been introduced in the current session of the North Carolina legislature to establish a Statewide coastal zone management program. This legislation would create a Coastal Resources Commission within the Department of Natural and Economic Resources as well as a Coastal Resources Advisory Council. The bill requires that a coastal area management plan be developed by the Secretary of Administration with the advice and assistance of the Advisory Council. The bill further provides for the designation and control by permit of areas of critical State concern. The Secretary of Natural and Economic Resources and the Commission would administer this aspect of the State program.

A bill to create a State land policy council is also pending in the State legislature. The bill would require the council to develop policy with respect to land use and land management for the protection of the environment and the conservation of basic land resources. The bill contains the provision that if the coastal areas management bill was to be passed its provisions would apply in coastal areas in lieu of those of the land use bill.

OHIO

Governor: Honorable John J. Gilligan.

Coastal Zone Contact: Dr. William B. Nye, Director, Department of Natural Resources.

Land Use Contact: Dr. David C. Sweet, Director, Department of Economic and Community Development.

Administrative structure

The Ohio Department of Natural Resources is the lead agency for the administration of the Coastal Zone Management Act in the State of Ohio. Within the Department, responsibility for this activity rests with the recently established Shoreland Management Section of the Division of Planning. The Division incorporates full capability and expertise for the development of land use plans and implementation schemes for State, local, and regional planning activities.

The Department has initiated action to establish a State level Shoreland Management Task Force composed of representatives from the Ohio Environmental Protection Agency, Department of Economic and Community Development, Department of Public Works, and the Ohio Department of Transportation. These agencies all have assigned responsibilities in the future development of the coastal zone. The purpose of the task force is to ensure that the policies and views of these agencies are incorporated in the Ohio Shoreland Management Program.

Current activities

As a member of the Great Lakes Basin Commission, Ohio participates in the preparation and review of a comprehensive joint plan for the water and land resources of the Great Lakes Basin area.

Within the Department of Natural Resources the Shoreland Management Section has established objectives for the next biennium. Program activities in the next year will consist of the development of a comprehensive work program and the initiation of a pilot study in a selected area of the coastal zone. Further Department activities pertain to the administration of permit programs for the construction of structures and extraction of minerals, oil and gas on the Ohio shoreline of Lake Erie.

The Ohio Environmental Protection Agency is developing a comprehensive plan for the protection and enhancement of the air, water, and other natural resources of the State, including the coastal zone.

Finally, several pieces of legislation dealing with specific problems in the coastal zone are awaiting action in the Ohio General Assembly. One bill would establish the Lake Erie Shore Erosion Control District along Lake Erie for the purpose of developing and implementing, at the local level, a comprehensive shore erosion protection plan along the entire Ohio shoreline of the Lake. A second bill would require that all local subdivisions of the State delineate the flood plains in their jurisdiction (including the Lake Erie flood plain) and adopt flood plain management ordinances to regulate future development of these areas.

OREGON

Governor: Honorable Tom McCall.

Coastal Zone Contact: Kessler R. Cannon, Assistant to the Governor for Natural Resources.

Land Use Contact: Same as above.

Administrative structure

The Office of Planning of the Executive Department serves to provide Statewide coordination of Oregon's various planning programs. A number of State agencies conducting natural resource planning programs report to the Governor. Some of these agencies are: Department of Environmental Quality; Division of State Lands; Fish Commission; Game Commission; Water Resources Board; Marine Board; Soil and Water Conservation Commission; and Nuclear Thermal Energy Council.

The Oregon Coastal Conservation and Development Commission was established by the 1971 State legislature to develop a coastal zone management plan. The 30-member Commission is composed of 24 local elected officials from the coastal zone (8 port district, 8 city, and 8 county members) and 6 representatives appointed by the Governor from the State at large.

Legislation

Beach access (Act 601–1967): gives the citizens the right to unrestricted use of Oregon's beaches up to the vegetation line. The Act prohibits any improvements on the area without a permit from the State Highway Division.

Power plant siting (Executive Order—1969): creates the Nuclear Siting Task Force of the Nuclear Development Coordinating Committee. The Governor's Task Force is empowered to approve or disapprove nuclear power plant locations with primary attention to be focused on the effects the installations will have on the environment.

Coastal zone management plan (Act 608–1971): set up the Oregon Coastal Conservation and Development Commission. The Act charges the Commission to develop a natural resource management plan and method of implementation, and directs the Commission to submit the plan to the 1975 session of the Oregon legislature. The plan is intended to be used as a standard against which proposed uses of natural resources can be evaluated. The Act defines the coastal zone to include the entire drainage basins of all Oregon's coastal rivers and tributaries with the exception of three major rivers that transcend the coastal mountain range.

Coastal construction moratorium (Executive Order—1971): directs that "all State agencies involved in construction or construction-related activities on the coast stop planning for or implementing any project that would modify the natural environment of the coast." The Governor further ordered that the Local Government Relations Division of the Executive Department and the Department of Transportation work with cities, counties, and councils of government to "initiate complete land use plans" along the Oregon coast.

Current activities

Natural resource management policies and performance standards are presently being developed by the Coastal Commission. Estuary planning guidelines have been developed outlining a local-State partnership program for each of the coastal estuaries. Eventually, a management package will be developed for each of the 18 natural resource categories of critical environmental concern identified by the Commission.

Establishment of a State Land Conservation and Development Commission has been proposed to strengthen land use planning Statewide. as well as within the coastal zone.

PENNSYLVANIA

Governor: Honorable Milton J. Shapp.

Coastal Zone Contact: C. H. McConnell, Deputy Secretary, Engineering and Construction, Department of Environmental Resources.

Land Use Contact: Dr. Maurice K. Goddard, Secretary, Department of Environmental Resources.

Administrative structure

The Pennsylvania Department of Environmental Resources is the department most heavily involved with resources management in the Commonwealth of Pennsylvania. The Department is responsible for the State's land and water management programs, all aspects of environmental control, and the regulation of mining operations. Specifically, the Department is responsible for State parks; development of the State Water Plan; investigation, design, and construction of flood control projects; watershed soil and water conservation; water quality management; development of the Environmental Master Plan; and, the State's topographic and geologic survey activities.

The Office of State Planning and Development is responsible for the preparation of plans and programs for the physical and economic development of the State. It is

empowered to prepare, and keep up-to-date a long term development program of all major State improvement projects. The Office is further empowered to conduct and stimulate research and to collect, analyze, and publish information relating to the proper economic and physical development of the State and the conservation of its natural resources.

The Pennsylvania Fish Commission and the Pennsylvania Game Commission are involved in managing the extensive fish and game programs of the Commonwealth.

Current activities

The Commonwealth of Pennsylvania maintains an active role in the Great Lakes Basin Commission. The Commission is involved in the preparation of long-range, comprehensive and coordinated joint plans for development of water and related land resources in the Great Lakes Basin.

A portion of Erie County is Pennsylvania's only area within the Great Lakes Basin. The Department of Environmental Resources manages the Pennsylvania State Park at Erie which covers the entire Presque Isle Peninsula. At the present time, essentially all of the remainder of the land bordering Lake Erie in Pennsylvania is owned by private land owners or local communities.

RHODE ISLAND

Governor: Honorable Philip W. Nobel.

Coastal Zone Contact: Glenn Kumekawa, Executive Assistant for Policy Program Review.

Land Use Contact: Daniel W. Varin, Chief, Statewide Planning Program.

Administrative structure

The Coastal Resources Management Council, which reports directly to the Governor, is responsible for administering the State's Coastal Management Program. It is composed of the Directors of the Departments of Natural Resources and Health along with representatives of the State legislature and the general public. The Division of Coastal Resources within the Department of Natural Resources provides technical information and staff services to the Council. The Division of Planning and Development of the Department of Natural Resources maintains responsibility for activities related to planning, land acquisition, and engineering studies. The Department also contains the divisions of Agriculture, Parks and Recreation, Fish and Wildlife and Forest Environment, and Enforcement and is the regulatory agency for all permits concerned with wetlands and marshes.

The Governor has recently established an Office of Policy and Program Review to formulate basic policy directions and to evaluate implementing programs for all major activities of State government, including management of coastal resources.

The Statewide Planning Program of the Department of Administration is responsible for compilation and review of the State Guide Plan with the guidance of the State Planning Council.

Legislation

Intertidal Salt Marsh Act (Chap. 26, Laws of R.I.–1965): requires that a permit be obtained from the Department of Natural Resources before commencement of filling, excavating, or otherwise disturbing the ecology of a salt marsh.

Coastal Wetlands Act (Chap. 140, Laws of R.I.–1965): authorizes the Director of the Department of Natural Resources to issue orders restricting the uses allowed on coastal wetlands. Wetlands are defined as salt marshes and such contiguous uplands up to 50 yards upland of the salt marsh as are considered necessary to protect the marsh.

Coastal Management Council Act (Chap. 279, Laws of R.I.–1971): creates the Coastal Resources Management Council to administer a management program for all coastal activities below the high water mark and those activities occurring on land which involve power plants, mineral extraction, shoreline protection facilities, intertidal salt marshes, or sewage and waste treatment and disposal Control over these activities is to be accomplished by use of a permit system based on a comprehensive resource management plan. The Act also requires that the management plans be consistent with the State Guide Plan maintained as part of the Statewide Planning Program.

Current activities

The Coastal Resources Center, a relatively new marine program at the University of Rhode Island, is working directly with the Coastal Resources Management Council's Subcommittee on Planning to develop a long-range master plan. Immediate objectives are: an inventory of marine resources, an identification of problems in the coastal region, a plan for barrier beaches, and the recommendation of policy alternatives to the Council and the communities involved. The final plan will also include emphasis on marine mining and commercial fishing.

The Statewide Planning Program has received a grant from the New England Regional Commission for the preparation of a shore area, land use plan. The plan will express and refine the States' development strategy as it affects the entire 420-mile coastal shoreline inland to a maximum distance of one mile. This plan will also bring together the applicable elements of Federal policy for coastal zone, land use, and water quality.

SOUTH CAROLINA

Governor: Honorable John C. West.

Coastal Zone Contact: James M. Whitmire, Jr., Executive Assistant, Office of the Governor.

Land Use Contact: Same as above.

Administrative structure

The Marine Resources Center of the South Carolina Wildlife and Marine Resources Department contains the South Carolina Marine Research Laboratory, the focal point of the State's Sea Grant Program, and the Office of Marine Conservation, Management and Services, directly responsible for the management of the State's marine resources.

The South Carolina Water Resources Commission is responsible for coordinating the views of various State agencies and recommending policy with regard to South Carolina's water and related land resources. The Commission is divided into four major sections: the Division of Administration; the Division of Engineering and Planning; the Division of Land and Water Management; and the Division of Geology and Hydrology. The Division of Land and Water Management is responsible for carrying on special environmental studies, evaluating sites for the disposal of dredged material, and preserving the navigability of the State's waterways.

Recently, a Coastal Zone Planning and Management Council was established by the Governor. It is to be co-chaired by the Directors of the Water Resources Commission and the Marine Resources Division.

Legislation

Coastal Zone Planning and Management Council (Executive Order—December, 1972): creates the Coastal Zone Planning and Management Council to formulate, recommend and administer a planning and management program designed to promote "public health, safety, and welfare in the maximum beneficial use of the South Carolina coastal zone."

Current activities

The "Port Royal Sound Environmental Study" was published by the South Carolina Water Resources Commission in November, 1972. The study not only compiled necessary data but set forth a number of conclusions as well. Among these were: all dredging and filling of marsh areas should be halted; a comprehensive management plan including zoning should be developed and implemented; and a capacity-use study should be conducted in the area.

The South Carolina Office of Planning, Division of Administration, has identified the preservation and compatible use of wetlands as a high-priority problem in South Carolina. Accordingly, an intensive survey of the marsh areas of Charleston harbor has been conducted to serve as a guide to future development of the area.

The South Carolina Marine Research Laboratory is also conducting a long-term intensive estuarine survey covering the entire South Carolina coast. The survey represents a effort to gather environmental baseline information, including water chemistry and living organism distribution, to serve as a foundation for future coastal zone management efforts by the State.

The South Carolina legislature is currently considering two bills to improve management of the coastal zone. A tidal wetlands bill would provide for control over the State's tidal areas by an interagency council. A tidelands management and protection bill would establish a commission to prepare a management program for the State's coastal area with a permit program to regulate activities in the coastal zone.

TEXAS

Governor: Honorable Dolph Briscoe.

Coastal Zone Contact: Bob Armstrong, Commissioner, General Land Office.

Land Use Contact: Edward Grisham, Director, Division of Planning and Coordination.

Administrative structure

The Commissioner of the General Land Office has been designated as the chief administrative officer for the Texas coastal zone program. The Environmental Planning Division, with the aid of the Legal Division of the General Land Office, will coordinate the coastal zone management program with other natural resource agencies comprising the Interagency Council on Natural Resources and the Environment. The Interagency Council is an interagency planning organization composed of 13 State agencies which have specific responsibilities in the area of natural resources. The Division of Planning Coordination of the Governor's Office, acting as staff for the Interagency Council, will also aid in coordination.

The Texas Council on Marine Related Affairs was created in 1971 in order to advise State planning and regulatory agencies in addition to the Governor and the legislature on "comprehensive assessment and planning of marine related affairs."

Legislation

Open Beaches (Act 19–1959): establishes public ownership of the State's beach areas up to the vegetation line. When the line of vegetation cannot be determined or when it is located a substantial distance from the shoreline, the line is to be drawn 200 feet from mean low tide. State, county, and district attorneys are authorized to bring suit to remove anything obstructing public access to these areas.

Coastal Public Lands Management Act (S.B. 644–1973): calls for formulation of a comprehensive management program for the surface lands of State-owned coastal submerged lands and islands and vests administrative responsibility for planning and management with the Commissioner of the General Land Office. The Act also authorizes limited leasing of certain lands for public purposes and establishes a permit system for construction, maintenance, and use of private structures on coastal islands and submerged lands.

Current activities

The recommendations of the Natural Resources Interagency Council were submitted to the Governor and legislature in December, 1972. Among these was a recommendation for establishment of a "continuing

mechanism for insuring future coordinated management of Texas' coastal resources . . . with its major thrusts being in the development of suggested guidelines and criteria for coastal resource usage, promoting improved cooperation between governmental bodies, and between government and private persons."

The "Superport" issue is currently receiving a good deal of attention in Texas. The fourth special session of the 62d Texas Legislature (1972) passed an act creating the Texas Offshore Terminal Commission to develop a plan to accommodate supertankers at the earliest possible date, including recommendations for the port locations which would insure optimum protection of the environment.

Several programs begun under the coastal resources management program of the Natural Resources Interagency Council are currently in progress. These programs include bay and estuarine management, legal institutions, waste management, economic development, transportation, and power plant siting.

VIRGINIA

Governor: Honorable Linwood Holton.

Coastal Zone Contact: Dr. William Hargis, Jr., Director, Virginia Institute of Marine Science.

Land Use Contact: Alexander Gilliam, Jr., Special Assistant to the Governor.

Administrative structure

There are a number of agencies presently involved in coastal zone activities in the Commonwealth of Virginia. The Virginia Marine Resources Commission grants permits for dredging and for the construction of marinas, piers, and docks. The Commission is also responsible for maintaining State overview of local government regulation of wetlands. The Commission of Outdoor Recreation is responsible for creating and administering a long-range plan for the acquisition and protection of outdoor recreation facilities. The Virginia Port Authority maintains responsibility for the conservation and development of land, water, and related resources through the several Soil and Water Conservation Districts of the State.

The Division of State Planning and Community Affairs is responsible for coordinating Statewide planning activities in Virginia. The Division is charged with developing a master plan to coordinate State efforts in the areas of transportation, commerce, agriculture, resources, and land use. The Virginia Institute of Marine Science under the Commonwealth's Oceanographic Law, conducts research on marine environments and resources with special attention to their wise management and utilization. In June, 1970, the Governor officially designated the Institute as the Commonwealth's Coastal Zone Laboratory.

The Secretary of Commerce and Natural Resources has recently established an interagency Coastal Zone Task Force to coordinate planning and management of coastal zone activities.

Legislation

Wetlands Act (Chapter 2.1, Code of Virginia—1972): gives initial control of a permit system for wetlands regulation to local governments, with the advice of the Virginia Institute of Marine Science. If local governments fail to develop regulations within the framework of the State law, authority for the control of the wetlands in such areas passes to the Marine Resources Commission. The Act was recently strengthened by extending the definition to cover certain nontidal wetlands and by provision for the repair of damaged wetlards.

Current Activities

The Virginia Marine Resources Commission and the Institute of Marine Science are developing criteria and guidelines for their own use and for guidance of local wetlands boards in carrying out the provisions of the Wetlands Act of 1972. The Institute is also actively engaged in several research and development programs including inventories of shorelines, shorelines conditions and use patterns, wetlands evaluation, and the development of an informational system. In this last category, the Institute is engaged in a joint effort with the Water Control Board to develop mathematical models of all the tidal waters of Virginia.

At the present time, critical environmental area definition and policy seems to be at the forefront of coastal resources management activity in Virginia. In July, 1972, the Virginia Assembly authorized the Office of State Planning and Community Affairs to study the areas it determined were environmentally sensitive and to report on strategies for their development. The Office's preliminary recommendations point to the need for the State to assume a more active role in the preservation and protection of critical areas in the State, including the coastal zone.

WASHINGTON

Governor: Honorable Daniel J. Evans.

Coastal Zone Contact: John A. Biggs, Director, Department of Ecology.

Land Use Contact: James M. Dolliver, Administrative Assistant to the Governor.

Administrative structure

Two Departments within the State of Washington carry on activities in the area of coastal zone management. The Department of Ecology consolidates the previously separate Department of Water Resources, the Water Pollution Control Commission and the air quality and solid wastes sections of the Department of Health within its jurisdiction. Two major responsibilities, the shoreline management program and the State environmental impact program, were recently added through legislative action.

The Department of Natural Resources manages coastal lands deeded to the State through one of its ten management divisions, the Surveys and Marine Land Management Division. Under this program, State land is inventoried and identified according to potential uses, and preliminary site plans are subject to public group, local government and State review before use decisions are made.

Legislation

Thermal Power Plant Siting Act (Chapter 80.50 RCW–1970): establishes a Site Evaluation Council composed of the heads of the major State agencies or their designees. The Act requires that the establishment of environmental and biological guidelines be given top priority in the development of site evaluation programs.

Shoreline Management Act (Chapter 90.58 RCW; ratified by electorate as Initiative 43B, November, 1972): applies to marine waters, streams with a mean annual flow of 20 cubic feet per second, and lakes larger than 20 acres; applies to land extending landward 200 feet from the ordinary high-water mark and includes all marshes, bogs, swamps, floodways, river deltas, and flood plains associated with the above described water areas. The Act establishes a cooperative program between local governments and the Department of Ecology, with the Department having the responsibility for adopting general guidelines for local government to be used for: (1) the development of "master programs" (comprehensive shoreline use plans) by local government within their jurisdictions, and (2) providing criteria to local government for use in evaluating permits for development or alteration of the shorelines as required by the regulatory phase of the Act. The Department is also responsible for developing procedures for the permit system (to be administered locally), for designating the shorelines subject to the Act, and for reviewing all permits issued by local government pursuant to the Act. Local government is responsible for conducting an inventory and preparing master programs and for initiating and administering the regulatory program. If local government fails to undertake a planning program and adopt a plan, the Department is required to prepare the plan.

Current activities

As required by the Shoreline Management Act, the Department has prepared and adopted permit procedures and guidelines for use by local government. The Department has also developed procedures for conducting local shoreline inventories. At this time (April, 1973) all local units of government have completed inventories and are initiating the master program planning phase. Master programs are required to be completed by December 24, 1973. and submitted to the Department for approval. Approximately 1,500 permits for shoreline alteration or development have been submitted by local government to the Department for review.

WISCONSIN

Governor: Honorable Patrick J. Lucey.

Coastal Zone Contact: Harry J. Schmidt, Director, Bureau of Planning and Budget, Department of Administration, Thomas G. Frangos, Administrator, Division of Environmental Protection, Department of Natural Resources.

Land Use Contact: Farnum Alston, Assistant to the Governor.

Administrative structure

The Wisconsin Department of Natural Resources, created by combining the Water Resources Commission and the Conservation Commission, is responsible for long-range planning for the management of State water, forest, and fish and game resources. The Department is also authorized to oversee the State's shoreland management program. The Board of Preservation of Scientific Areas, within the Department's administration, prepares plans for preservation of areas of special scientific interest.

The Department of Local Affairs and Development promotes local and regional planning and assists in the preparation of development plans for local units of government.

The Department of Administration manages the State's critical resources information program which inventories, locates, and monitors critical resources as an information base for planning and decision making. The Department also administers the State land use policy planning program and is developing a Statewide system for acquisition and maintenance of needed land use and resource information.

Legislation

Water Resources Act (Act 614–1965; Sec. 59.971 Wis. Statutes): requires county governments to zone all unincorported shoreland areas within their boundaries subject to State guidelines and review. Areas are to be zoned as either Conservancy, Recreational-Residential, or General Purpose Districts. Commercial establishments are prohibited from Conservancy Districts and only allowed in Recreational-Residential Districts by special permit. Industrial plants are barred from Conservancy and Recreational and only allowed in General Purpose Districts by special permit. Power plants are allowed in any district by special permit. If a county's program is found to be lacking, the Department of Natural Resources is empowered to step in and administer the program directly.

Navigable Waters (Sec. 144.26 Wis. Statutes): provides for State planning and regulation of uses of navigable waters and their shorelands, and sets use priorities.

Floodplain Zoning (Sec. 87.30 Wis. Statutes): provides for floodplain zoning by local government in accordance with State criteria, and for State regulation where local units fail to perform.

Current activities

To aid the counties in meeting the State's criteria for zoning, the Department of Natural Resources is providing technical assistance to county governments, including a model ordinance which illustrates a recommended method for fulfilling the legislative mandate.

In February, 1973, a series of policy recommendations of the Wisconsin Land Resources Committee were set forth in the Committee's "Final Report." The Committee identified basic areas of Statewide or regional significance and recommended that policies and statutes be adopted to provide State control over land use decision-making in these areas. To implement this recommendation, the Committee proposed several revisions in the land regulatory system, with State involvement in setting standards for local regulation and guidelines for local decision-making on matters of more than local concern.

In a special environmental message to the State legislature, delivered in April, 1973, the Governor outlined a series of legislation to institute the recommendations of the Land Resources Committee. The Governor recommended passage of a land resources act, a power plant siting act, and a wetlands protection act among others.

AMERICAN SAMOA

Governor: Honorable John M. Haydon.

Coastal Zone Contact: Donald F. Graf, Executive Secretary, Environmental Quality Commission.

Land Use Contact: Edgar S. Marcus, Chief, Planning Division, Office of Economic Development and Planning.

Background

At the present time, the Governor and Lieutenant Governor of American Samoa are appointed by the Secretary of Interior. However, machinery has been set up for the eventual election of these officials by popular vote. Coordination between the Federal government and the Territory is handled by the Deputy Assistant Secretary for Territorial Affairs.

Over ninety-six percent of the land area in American Samoa is owned communally. Occupancy and use of this land is strictly regulated by Samoan custom. The Territory does, however, regulate coastal construction through the zoning provisions of the Code of American Samoa. To insure "development of recreation facilities and the retention of the natural scenic beauty of the (coastal) area", Sec. 30.034 of the Code provides that no structure of any type may be constructed between the existing road and the mean high water mark of the ocean without the prior approval of the Territorial Park and Recreation Board. If no road or highway parallels the ocean, "there shall be no structure between the mean high water mark and thirty (30) feet inland."

Current activities

The Office of Economic Development and Planning began a 3-year program to develop a Territorial Comprehensive Plan during FY 72. The Plan, subject to periodic updating, is to provide the growth guidelines for American Samoa for the next 20 years. The focus of the Plan is to be primarily on physical development and the problems inherent to a rapidly increasing population with severely limited land resources.

The Office of Marine Resources of American Samoa is involved in studies at various coastal sites in an effort to assess the potential impact of proposed construction on the marine environment.

PUERTO RICO

Governor: Honorable Rafael Hernandez Colon.

Coastal Zone Contact: Cruz A. Matos, Secretary, Department of Natural Resources.

Land Use Contact: Enrique S. Cloquell, Chairman, Planning Board.

A Department of Natural Resources, with statutory charge to concern itself with the coastal zone, was recently created in Puerto Rico. The Department's management authority complements the policy formulation of the Environmenal Quality Board and the zoning and building standards work of the State Planning Board.

"Puerto Rico and the Sea", a citizen's report to the Governor on marine affairs in Puerto Rico, was published during 1972. The study was conducted by a Parent Committee and five subcommittees: Living Resources, Recreation, Coastal Zone Management, Institutional Arrangements, and the Role of Puerto in the Caribbean Area.

The study revealed that approvals for development in the coastal areas of Puerto Rico are being granted on a case-by-case basis without the benefit of effective planning or zoning. Coastal projects are submitted to an array of *ad hoc* reviews. Most projects need approval from the Public Services Commission, the Environmental Quality Board, and various Federal agencies.

The Parent Committee recommended that the following be implemented through the newly reorganized administrative structure:

All concerned governmental agencies hold public hearings before granting approvals of projects located within 200 meters of the sea.

The Planning Board biannually publish a map showing the current status of all applications for the approval of projects located within 200 meters of the sea.

Comprehensive coastal zone policies and plans be adopted to provide for the protection and the development of the coastal zone.

The government acquire control over the sites suitable for ports, power plants, and heavy industry.

VIRGIN ISLANDS

Governor: Honorable Melvin H. Evans.

Coastal Zone Contact: Leopold E. Benjamin, Administration Assistant to the Governor.

Land Use Contact: Thomas R. Blake, Planning Director, Office of the Governor.

Administrative structure

There are eleven executive departments of the government, the heads of which are appointed by the Governor with the advice and consent of the unicameral legislature. The Department of Conservation and Cultural Affairs is the department most involved in natural resources management. This Department administers the use of submerged lands for the Territorial Division of the U.S. Department of the Interior, and is responsible for the review of applications to build in or alter territorial waters and shorelines. A directorate of marine resource management has just been established within the Department.

The Division of Environmental Health within the Department of Health is responsible for air and water quality standards and their management. Overall planning for the Islands is handled by the Planning Office in the Office of the Governor. The Commissioner of Public Works, in addition to his other duties, acts as Zoning Administrator. Harbors and airports are managed by the Virgin Islands Port Authority.

Legislation

Shoreline Alteration (Act 3404—1973): requires permits for any dredging or other alteration of territorial waters or lands subject to tidal action. Applications are to be reviewed by the Department of Conservation and Cultural Affairs and approved by the Governor, with the concurrence of the legislature. The Act also establishes a Natural Resources Reclamation Fund, to be financed through the assessment of fees on the transport of sand and gravel, and to be used for research and reclamation projects.

Current activities

A major current concern within the islands is the indiscriminate dredging of commercial sand, as evidenced by the recent passage of Act 3404. To further control such activity, it is expected that the administration of permits required under the Rivers and Harbors Act will be transferred to the Port Authority.

The Department of the Interior, in conjunction with a citizens advisory committee, has completed work on a report entitled the "Virgin Islands and the Sea," which will be published shortly.

Mr. HOLLINGS. Mr. President, I wonder if my distinguished friend from Idaho will yield for a question? I want to ask whether a single coastal State has asked the Senator or the administration to recommend this amendment.

Mr. McCLURE. I did not hear the question.

Mr. HOLLINGS. The Senator talked about the great concern of the coastal States and the confusion over coordination. Speaking about coastal States, I ask the Senator if he can cite a single one that recommends or supports the Senator's amendment.

Mr. McCLURE. I cannot say whether any State has recommended it—they have not talked to me about whether they desire an amendment which would coordinate this act and land planning—any more than I can say that it does not. I simply have not heard from them.

Mr. HOLLINGS. I was wondering, because last weekend there was a Coastal Zone Management Conference for coastal State officials at Annapolis, Md. Some 33 States were represented there, and they went over the language of S. 268 which was very studiously and carefully drawn by the author of the bill, the chairman of the Interior and Insular Affairs Committee, the Senator from Washington (Mr. JACKSON). There is coordination provided in S. 268. That was the whole point. The Senate committee's action would meet the very point the Senator makes. This bill would provide coordination, because, on pages 68 and 69, the act calls for coordination of particular coastal zone and land use activities.

At this point I think it would be well to emphasize that what we are speaking of here is the possibility of one State agency working with two departments of the Federal Government, which, of course, is not unusual. In fact, they rather prefer, with respect to particular features in the Coastal Zone Management Act, to work with NOAA in the Department of Commerce because of its expertise, and those concerned with land use can work with pertinent authorities within the Interior Department should this legislation become law.

What the Senator is raising now was all worked out with support of the States. It prompts me to ask about the administration when he says the administration recommends it.

I know that at one time I had contact with the director of the White House Domestic Affairs Council, Mr. John Ehrlichman, who was a land use lawyer. He was for the approach proposed by the Senator from Idaho. We had the issue of a separate coastal zone program on the Senate floor last year, and we passed it by a unanimous roll call vote. Now that he has left the White House, I wonder who down there is nibbling away at this bill when we have it worked out

for separate coastal zone and land use programs on the Federal level.

When the Senator says the administration, we do have some question. Quite candidly, when he talks about "my administration," he means the President of the United States, because the Senator has taken this position.

The fact is that I worked with the President to create the National Oceanic and Atmospheric Administration—NOAA—which he instituted in Reorganization Plan No. 4 of 1970.

It was after its institution and approval by Congress and it was debated whether the entire matter should go to the Commerce Department or to the Department of the Interior. It was determined by President Nixon to put it at Commerce. We did not put it there.

Now we have a coastal zone plan. The Senator is talking about a coastal zone plan. His amendment would completely wreck the program.

I have tried to ask the question in a friendly fashion.

We have many States which have tried their best to institute both programs. They found acceptance for a coastal zone plan in the State of Washington, in the State of Maryland, in the State of California, and in Oregon, Texas, Rhode Island, and many others. They have tried also to implement land use programs and in most cases the Governors who supported it were unable to obtain approval of the land use programs, but were able to get the legislative cooperation and institution of a coastal zone program.

The Senator is interested in delaying coastal zone development. We do not like this. It is like Aesop's fable where a dog having one bone drops it to try to pick up another larger one. We would drop one outstanding program for the other program.

By this amendment, the administration is trying now to implement its will with some nebulous idea. There must be coordination. In order for the State to get the land use program, it has to have coordination under the law. We have written it into this law.

Mr. President, I do not know whether there is further purpose in dwelling on the very comprehensive statement of the distinguished chairman of the committee, the Senator from Washington (Mr. MAGNUSON). We simply must defeat the amendment of the Senator from Idaho, amendment No. 1. I understand that he has amendment No. 5 which will be renumbered as amendment No. 2, and take this up later.

I strongly question the administration's position and the very merit of its position. Rather than promoting this coastal zone program and getting it worked out with land use, it will bring about certain delay and discoordination.

Mr. President, I ask unanimous consent that a list of reasons for opposing this amendment and any others on this matter be here inserted in the RECORD.

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

TEN REASONS WHY THE SPECIFIC COASTAL ZONE PROVISIONS IN S. 268 (LAND USE BILL) MUST NOT BE DELETED AS PROPOSED BY THE ADMINISTRATION

1. The Administration opposes appropriation of funds to assist states under the 1972 Coastal Zone Management Act. If, nevertheless, Congress appropriates such funds, the Administration will clearly impound such funds unless the Coastal Zone Provisions remain in S. 268. Mere Congressional appropriation of state coastal zone funds may not be enough.

2. Adopting the Administration position will deny the states funds immediately needed under the Coastal Zone Management Act of 1972. There are 34 Coastal states. Most have, or readily will have, comprehensive state management programs for their coastal areas. With one or two possible exceptions, such states do not have statewide land use regulatory programs and cannot readily obtain them. Several with Coastal Zone laws have rejected statewide land use laws. (e.g. Rhode Island, Maryland, Washington).

3. Such provisions in S. 268 assure fulfillment of congressional intent. Congress provided full discussion and consideration of the Administration's position that states must first have statewide land use planning and regulation laws but specifically rejected it for good and sound reasons in passing the Coastal Zone Act.

4. The Coastal Zones of the states are in environmentally critical jeopardy. Congress, in the 1972 Coastal Zone Management Act, recognized this by providing specific funds for such areas alone and further by permitting funding of a state program for only part of the state's coast in order to provide immediate attention to the most urgent of such critical areas. The land use bill, S. 268, which the Administration seeks to use in lieu of the 1972 Coastal Zone Act, provides no immediate funds to states for segments of the state or for anything less than a statewide program.

5. Arguments for excluding the Coastal Zone Act provisions are fallacious. Some provisions in S. 268 recognizing the authority and jurisdiction of the Commerce Department (National Oceanic and Atmospheric Administration—"N.O.A.A.") under the Coastal Zone Management Act of 1972 are only the same as or similar to provisions in that bill recognizing the authority and jurisdiction of other federal agencies under other existing laws.

6. The states have relied upon both the congressional action in enacting the separate Coastal Zone Act and upon the President's signing it into law after previously opposing it.

7. The Administration's failure to budget funds for the Coastal Zone Management Act is clearly not due to monetary consideration, nor is it purported to be. While excluding the authorized funds for the Coastal Zone Act, the Administration budgeted $20 million for the not yet enacted land use bill.

8. Removal of the grounds for the Administration's failure to budget state funds under the Coastal Zone Act will not increase the Administration's budget.

9. Some 20 years of study have conclusively established that the environment of the lands and waters of the coastal zones requires a separate management regime which now exists under the guidance of the agency created by the President in Reorganization Plan No. 4 of 1970 to specifically attend to national marine environment matters, the National Oceanic and Atmospheric Administration—("N.O.A.A.") and that this responsibility should not be assigned to the Department of the Interior.

10. The Administration's attempt to include the coastal zone (for which N.O.A.A. is responsible) in the Interior Department Land Use Bill is an effort to prematurely accomplish purposes of the Administration's Department of Natural Resources and should be reserved for consideration in the context of that governmental reorganization proposal.

Mr. HOLLINGS. Mr. President, I urge the defeat of the amendment.

Mr. President, unless the Senator from Idaho would wish to engage in a further discussion, I think that we ought to have the yeas and nays on this particular amendment.

The PRESIDING OFFICER. Does the Senator from South Carolina ask for the yeas and nays?

Mr. HOLLINGS. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, I urge defeat of the amendment.

THE RELATIONSHIP OF S. 268, THE LAND USE POLICY AND PLANNING ASSISTANCE ACT OF 1973, TO THE NATIONAL COASTAL ZONE MANAGEMENT ACT OF 1972 (PUBLIC LAW 92-583)

Mr. STEVENS. Mr. President, I note the statements that have been made over the last several days by the chairman of the Oceans and Atmospheric Subcommittee (Mr. HOLLINGS), and by the Senator from Ohio (Mr. SAXBE) who cited the statement of the ranking minority member on the House Oceanographic Subcommittee (Mr. MOSHER). These statements are of great importance.

The Coastal Zone Management Act of 1972 was a landmark bill. It provided a comprehensive system of management for our coastal and estuarine areas. It is most unfortunate that the bill has not been fully funded thus far. I hope that after this legislation, S. 268 is enacted in a form complementary to that statute, with the same legislative history and stressing the same national policies, that both bills will receive the financial support they must have if we are to manage our territory—both land and coasts—with the care we must.

Land Use Planning and Coastal Zone Management are two aspects of the environment that will be lost forever if we spend our time bickering now and do not take firm action to preserve our land and coasts for future generations.

Congress has spoken strongly in enacting the Coastal Zone Management Act of 1972. I am pleased to note the provisions of S. 268 which insure that statute remains intact and is not undercut by the Land Use Policy and Planning Assistance Act of 1973.

It is most important that we clarify the legislative history of S. 268 now to insure that there is no conflict between this and the Coastal Zone Management Act of 1972.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

Mr. BUCKLEY. Mr. President, it seems to me first of all that the Commerce Committee did a brilliant job in writing a bill to bring about protection of some of the most sensitive and environmentally important areas of our Nation; namely, the coastal areas which are the seedbed for the production of marine life on which we depend for food and pleasure, which is essential to the entire biology of the sea.

I do believe that we should move toward a more comprehensive approach to a protection of all of our environment. This is, of course, what the bill under debate at the present time attempts to do.

I believe that the inclusion of the coastal zones in the overall State plan is

logical and that it will not disrupt the very fine work accomplished by the Commerce Committee. It will in the long run simplify administration and will simplify our entire approach to the handling of the protection of our lands of all varieties.

I, therefore, urge Senators to vote in favor of the amendment.

Mr. McCLURE. Mr. President, I would say only in furtherance of the adoption of this amendment—and I have no intention to prolong the debate—that one of the purposes of the National Land Use Planning Act oft stated and reiterated by every proponent of national land use planning of which I am aware, that has been emphatically driven home is the point that we need to do away with the hodge-podge of planning activities to provide a more comprehensive overall national pattern for planning.

We have gone at great length in the last 3 days of debate on this bill to point out that this is not a preemption by the Federal Government, but a stimulation of land planning activities by the States.

We have gone at great length to point out that we need to have coordinated activities, not just have an effect on States or have an effect on a particular State, but a comprehensive plan of all our land planning activities within all 50 States.

The Coastal Zone Management Act accommodation that is written into the bill—which is frankly an accommodation of the conflicting jurisdiction of committees of the Congress—does not achieve this objective, but perpetuates the divisions which have plagued us.

I do not think there is a single one of us that would try for a moment to subtract one iota from the credit that should be given to the Committee on Commerce who developed the Coastal Zone Management Act. That act was then taken by the Interior Committee who wanted more comprehensive legislation.

I fully concede every bit of honor that should be given to the people who labored so long and so hard to bring that bill to the Congress in shape to be passed and enacted into law, but having dealt with the planning procedure which affects only portions and some of the States that should not now stand in the way of overall comprehensive plans that deal with all of the States, I would again state what I said in the beginning, that my amendment does not—the amendment which I have offered—in any way subtract from the responsibility of or the provisions of the Coastal Zone Management Act.

It simply says that the land use planning activities required under the pending bill should be for the entire States, including the areas that will be managed and planned under the Coastal Zone Management Act.

The Senator from South Carolina did make reference to another amendment which has been circulated, which I am not going to introduce. However, it probably will be introduced and discussed. That deals with the separate funding of the zone activities that may indeed have some effect on the planning activities. However, my amendment does not. It has no effect upon it. It simply requires that in those States, some 33 States, that have coastal zones and that might be under the Coastal Zone Management Act, will coordinate their action within the umbrella of statewide comprehensive land planning and not separate for one sort under one standard, under one criterion, under one separate funding procedure, as compared to the others.

The reason for the amendment which I have offered is to further the very objectives for which we have been debating and legislating, and that is to bring about the coordination of land planning activities which is so badly needed, as the Senator from Washington (Mr. JACKSON) has so eloquently stated on numerous occasions on this floor.

Mr. JACKSON. Mr. President, may I just state for the record that the language in the pending bill dealing with the Coastal Zone Management Act has its genesis in the agreements that were worked out between Senator MAGNUSON as chairman of the Commerce Committee and the Senator from South Carolina (Mr. HOLLINGS), who is chairman of the Subcommittee on Oceans and Atmosphere; and that a statement of position is embodied in the letter sent to all of our colleagues on June 19. Rather than read the letter into the RECORD, since it has been alluded to in part here, I ask unanimous consent that the letter be printed in the RECORD at this point.

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

JUNE 19, 1973.

DEAR COLLEAGUE: S. 268, the Land Use Policy and Planning Assistance Act, is the pending business of the Senate. By agreement between the Committees on Interior and Insular Affairs and Commerce, certain provisions have been included in the measure to form a basis of accommodations between the Land Use Policy and Planning Assistance Act (LUPPA) and the Coastal Zone Management Act of 1972.

During the 92nd Congress, when the CZMA and the LUPPA were considered in the two Committees, questions were raised concerning the relationship of the two measures, should they both be enacted. It became clear that a means of accommodation must be found to insure coordination between the two Federal agencies administering the Acts and between the two programs which the two Acts would require to be developed by each coastal State. During the floor debate on the LUPPA in September 1972, an agreement was reached between Senator Jackson (Chairman of the Interior Committee and sponsor of LUPPA), and Senators Magnuson and Hollings (Chairmen, respectively, of the Commerce Committee and its Subcommittee on Oceans and Atmosphere, and cosponsors of the CZMA) to the effect that, if both measures were to become law, they would operate side-by-side, and steps would be taken to insure that the necessary cooperation and coordination would occur.

The parties to the agreement felt that the Department of the Interior has the expertise to administer a grant-in-aid program in support of State land use programs relating to land use in general, but that the National Oceanic and Atmospheric Administration possesses the "wet-land" and oceanic expertise necessary to administer a grant-in-aid program to assist the development of State management programs specifically for the coastal areas. Accordingly, it was their belief that the grant-in-aid programs and the administrative responsibilities should remain separate.

Furthermore, it was felt that the Acts are fully complementary. Few dispute that the heavily populated and highly pressured coastal zone is perhaps the most significant "area of critical environmental concern" and to protect the coastal zone the States need to obtain an early planning start directed at that zone alone. In fact, coastal zone can serve as "pilot" programs to formulate procedures and techniques for the more ambitious State land use programs called for under S. 268. It was believed that regulations could be drafted by the Federal agencies administering the two Acts to resolve any conflicts or administrative difficulties which might develop between the State programs formulated under the two Acts.

Subsequent actions of the Administration, however, have established the necessity of further legislative activity. Not the least of these actions was the submission by the Administration of a budget proposal for fiscal year 1974 which included a request of $20 million for the Department of the Interior in expectation of the enactment of the LUPPA and no request for funds to enable the Department of Commerce to implement the CZMA which was already enacted into law.

The result was Committee adoption of amendments to S. 268 to provide for cooperation and coordination at both the Federal and State levels in the implementation of the two Acts.

We earnestly solicit your support of the provisions in S. 268 relating or referring to the Coastal Zone Management Act. These provisions ensure that the strength and effectiveness of two fully complementary programs to provide better planning and management of our finite land base will be maintained.

WARREN G. MAGNUSON,
Chairman, Committee on Commerce.
ERNEST F. HOLLINGS,
Chairman, Subcommittee on Oceans and Atmosphere.
HENRY M. JACKSON.
Chairman, Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, I think we are prepared to vote, and I suggest that we proceed with the vote.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). The question is on agreeing to the amendment of the Senator from Idaho (Mr. McCLURE). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Montana (Mr. METCALF), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Kentucky (Mr. HUDDLESTON) are absent on official business.

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

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) and the Senator from California (Mr. TUNNEY) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Jersey (Mr. CASE) is absent on official business.

The Senator from North Dakota (Mr. YOUNG) is detained on official business.

The result was announced—yeas 14, nays 76, as follows:

[No. 208 Leg.]

YEAS—14

Bartlett	Domenici	Hansen
Bellmon	Dominick	Hruska
Bennett	Fannin	McClure
Buckley	Fong	Scott, Pa.
Curtis	Goldwater	

NAYS—76

Abourezk	Hart	Nelson
Aiken	Hartke	Nunn
Allen	Haskell	Packwood
Baker	Hatfield	Pastore
Bayh	Hathaway	Pearson
Beall	Helms	Pell
Bentsen	Hollings	Percy
Bible	Hughes	Proxmire
Brock	Humphrey	Randolph
Brooke	Inouye	Ribicoff
Burdick	Jackson	Roth
Byrd, Harry F., Jr.	Javits	Saxbe
	Johnston	Schweiker
Byrd, Robert C.	Kennedy	Scott, Va.
Cannon	Long	Sparkman
Chiles	Magnuson	Stafford
Church	Mansfield	Stevens
Clark	Mathias	Stevenson
Cook	McClellan	Symington
Cotton	McGee	Taft
Cranston	McGovern	Talmadge
Dole	McIntyre	Thurmond
Eagleton	Mondale	Tower
Ervin	Montoya	Weicker
Griffin	Moss	Williams
Gurney	Muskie	

NOT VOTING—10

Biden	Gravel	Tunney
Case	Huddleston	Young
Eastland	Metcalf	
Fulbright	Stennis	

So Mr. McCLURE's amendment was rejected.

Mr. JACKSON. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. JACKSON. Mr. President, I yield to the distinguished minority leader.

LEGISLATIVE PROGRAM

Mr. SCOTT of Pennsylvania. Mr. President, I rise for the purpose of asking the distinguished majority leader: What is the program for the rest of today, for tomorrow, and for the rest of the week—and maybe next week, if he has his crystal ball in good, shiny condition?

Mr. MANSFIELD. Mr. President, if I had a crystal ball, I do not know whether I could read it, in view of the schedule which confronts the Senate in the days and weeks ahead.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, first, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until the hour of 9 o'clock tomorrow morning.

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

LAND USE POLICY AND PLANNING ASSISTANCE ACT—ORDER FOR 10-MINUTE VOTE ON NEXT ROLLCALL VOTE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the next rollcall vote—and I understand it will be the last for today—be concluded within a 10-minute period.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. MANSFIELD. As I have indicated, that will be the last rollcall tonight.

Mr. President, I ask unanimous consent that it be in order at this time to ask for the yeas and nays on the amendment to be offered by the distinguished Senator from Arizona (Mr. FANNIN).

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I now ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

LIMITATION OF DEBATE ON HANSEN AMENDMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendment to be offered by the distinguished Senator from Wyoming (Mr. HANSEN), which will be laid before the Senate this evening and will become the pending business tomorrow, be voted on at the hour of 9:45 tomorrow morning.

I ask unanimous consent that it be in order at this time to ask for the yeas and nays.

Mr. HANSEN. Mr. President, reserving the right to object—and I am not certain that I shall object—let me observe that this is the amendment that deals with the subject of areas of critical environmental concern. I do not think it will take more than 45 minutes; but I am inclined to believe that I should object to the time limitation proposed. I will do my best to see to it that the Senate is not delayed, but I do not want to foreclose to any Senator the opportunity to understand what this section deals with and what the amendment provides.

Mr. MANSFIELD. If we could get a definite time to vote on the amendment, with so many Senators in attendance in the Chamber at this time, it would be helpful, because we do have a tremendously heavy schedule, of which the distinguished Senator is aware; and I would hope that in the meantime he would consider that matter and let us say 10 o'clock, with the time equally divided and with no morning hour tomorrow.

Mr. JACKSON. For my side, if we could agree on an hour, I would not take more than 10 minutes on our side, and 50 minutes to the other side.

Mr. HANSEN. Mr. President, in light of the great generosity of the chairman, I must say that I have to agree to that.

Mr. HOLLINGS. Will the Senator restate the request? Is it 9:45?

Mr. MANSFIELD. Ten o'clock.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

The Senator from Montana requested unanimous consent that it be in order to order the yeas and nays. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

JULY 4 RECESS

Mr. MANSFIELD. Mr. President, in further response to the questions raised by the distinguished Republican leader, I call attention to the fact that the Senate has agreed that at the conclusion of business on Tuesday, July 3, we would go into a recess which would extend up to July 10. In other words, it would be a week off. What the joint leadership is trying to do is to make it possible that instead of going out at the conclusion of business on Tuesday, July 3, we would go out at the conclusion of business, if possible—which I doubt—on Friday, June 29, or, to be more practical and more realistic about it, at the end of business on Saturday, June 30, rather than Tuesday, July 3.

If we can do that, the Senate would reconvene on Monday, the 9th of July. In that way, we would get about 10 days, and it would give Senators a chance to catch their breath.

May I point out, further, that when we return after the July 4 recess, we will only be in session for something on the order of 3 weeks before we go into recess again for more than a month. Here is the schedule which causes——

Mr. SCOTT of Pennsylvania. Before the Senator does that. I want to be clear that that does not suggest—I ask this for the benefit of our High Church Episcopalians present—that we are requesting any Sunday sessions so far.

Mr. MANSFIELD. No. If there were a way to do it, I would consider it.

Mr. PASTORE. And that takes care of the Catholics, too.

Mr. JACKSON. Mr. President, will the Senator yield, for those of us in neither category, or part of the great unwashed?

Mr. MANSFIELD. I yield.

Mr. JACKSON. I understood the majority leader to say that we would return on Monday, the 9th, and I had understood earlier that the previous proposal was to return on Tuesday, the 10th.

Mr. MANSFIELD. That is correct. But this is to make up in part for the 3 or 4 days we will get at the beginning, if we can work this out.

Mr. JACKSON. We are making up two of them on the two Saturdays.

Mr. MANSFIELD. No, we do not count that.

Mr. JACKSON. No dispensation is being granted?

Mr. MANSFIELD. No dispensation. Saturday, Sunday, Monday, and Tuesday—4 days; if we can work it out this way. If we cannot work it out—and the legislation has to be faced up to—we will stay in session until the conclusion of business on Tuesday, July 3.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Now, getting down to the nub of the question, following the disposition of this bill—which I thought we could finish today—we would then turn to the Federal Financing Bank Act, S. 925, on which there is a time limitation. That would be followed—though not necessarily in this order—by S. 1125, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act, on which there is a time limitation; S. 440, the War Powers Act, on which there will be some debate;

followed, in turn, by S. 1994, the Atomic Energy Commission authorization, on which we hope the distinguished Senator from Rhode Island, the distinguished Senator from Vermont, and the distinguished Senator from Tennessee will agree to a time limitation.

Then we have S. 1435, a bill to provide an elected Mayor and City Council for the District of Columbia, on which there is a time limitation. If that does not take us through the week, we have the matter of S. 1443, a bill to authorize the furnishing of defense articles and services to foreign countries and international organizations. Another is S. 2016, a bill to amend the Rail Passenger Service Act of 1970, which is very important. Then we have S. 1636, a bill to amend the International Economic Policy Act of 1972.

That is what I thought we might finish this week, through Saturday. We will do as much of that as we can, and what we do not finish this week, we will take up next week. In addition, we have the Omnibus Crime Control Act, S. 1930; the debt ceiling bill, which is very important; the Alaska rights of way bill, S. 1081; S. 207, Federal elections, on which there is a time limitation; the agricultural appropriation bill; the continuing resolution; the urgent supplemental appropriation bill; and very possibly the HUD appropriation bill.

This is a difficult schedule, if we can make it. But it is going to call for a great deal of cooperation, accommodation, and understanding; and because of that, we will have to come in this Saturday. We may have to come in the following Saturday. We will come in early; we will stay as late as we can.

The distinguished minority leader and I have discussed this matter, and we are really at the mercy of the Senate, and it calls for a great deal of cooperation.

Mr. SCOTT of Pennsylvania. And not for the first time.

Mr. MANSFIELD. No, but more so than ever.

LIMITATION OF DEBATE ON ATOMIC ENERGY COMMISSION AUTHORIZATION BILL

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

Mr. MANSFIELD. I yield.

Mr. PASTORE. I am ready to agree to a time limitation on the authorization bill for the Atomic Energy Commission: 1 hour on the bill and a half hour on any amendment.

Mr. SCOTT of Pennsylvania. And amendments thereto.

Mr. PASTORE. That is correct.

Mr. AIKEN. I am ready, too.

Mr. PASTORE. One hour on the bill and a half hour on any amendment or any amendments thereto.

Mr. AIKEN. That is plenty of time.

Mr. MANSFIELD. Mr. President, I make that request. I ask unanimous consent that the request of the distinguished Senator from Rhode Island, agreed to by the distinguished Senator from Vermont, be agreed to and that the normal rule apply.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. That is it. So I ask that when I ask Senators for cooperation, they show a little kindness.

The text of the unanimous consent agreement is as follows:

Ordered, That, during the consideration of S. 1994, a bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, debate on any amendment, debatable motion or appeal shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, the Senator from Rhode Island (Mr. PASTORE): *Provided*, That, in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Senator from Rhode Island (Mr. PASTORE) and the Senator from Pennsylvania (Mr. SCOTT), 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.

Mr. SCOTT of Pennsylvania. One further request, Mr. President. Could I suggest the possibility of 10-minute rollcall votes this week and next, with the exception of rollcalls on final passage and that they be 15 minutes? Would the distinguished majority leader be amenable to that? Other than this one.

Mr. MANSFIELD. Would the Senator consider a 15-minute rollcall the first time around, to be followed by 10-minute rollcalls until final passage, which would be 15 minutes?

Mr. SCOTT of Pennsylvania. I agree.

I hope Senators understand that there will be a 15-minute rollcall vote on the first rollcall vote on a bill, 10 minutes on rollcalls thereafter, and 15 minutes on final passage of any bill requiring a rollcall.

I thank the distinguished majority leader.

Mr. MANSFIELD. One more thing. I hope all Senators will look at the CONGRESSIONAL RECORD tomorrow, just to emphasize the amount of business which is before the Senate this week and next week. Keep in mind, also, that the measures will not necessarily follow in the order in which they were started, because we need a little flexibility to take care of opportunities as they arise.

AMENDMENT OF RAILROAD RETIREMENT ACT OF 1937

Mr. HATHAWAY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 7200.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to 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, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HATHAWAY. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HATHAWAY, Mr. PELL, Mr. NELSON, Mr. HUGHES, Mr. MONDALE, Mr. SCHWEIKER, Mr. TAFT, Mr. BEALL, Mr. LONG, Mr. BENNETT, Mr. MAGNUSON, Mr. PASTORE, Mr. HARTKE, and Mr. GRIFFIN conferees on the part of the Senate.

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 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. FANNIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Page 71, line 15 through pages 73, line 2, strike and insert; "which meets the objectives of section 203(a)(3)(A) of this Act."

Mr. FANNIN. Mr. President, I yield to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senate will be in order so we can hear the Senator from Idaho.

Mr. FANNIN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Idaho for the purpose of offering an amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Idaho is recognized.

Mr. SCOTT of Pennsylvania. Mr. President, will the Senator yield to me for a unanimous-consent request that the Senate go into executive session to consider a nomination?

Mr. McCLURE. I am happy to yield.

EXECUTIVE SESSION

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider executive business.

GENERAL SERVICES ADMINISTRATION

The legislative clerk read the nom-

ination of Arthur F. Sampson, of Pennsylvania, to be Administrator of General Services, which was reported earlier today.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nomination.

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

LEGISLATIVE SESSION

Mr. SCOTT of Pennsylvania. Mr. President, I move that the Senate resume the consideration of legislative business.

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

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The Senate resumed 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.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 124 add a new subsection (o): Environment: The social, economic, and natural conditions affecting man and the quality of life.

Mr. McCLURE. Mr. President, my amendment is very brief. It would add to the bill in the definition section the definition of the term "environment."

As the clerk reported the amendment, the word environment would mean the social, economic, and natural conditions affecting man and the quality of life.

This is a matter which was discussed at some length in committee and after about an hour and a half of debate we decided we could not agree on what we meant by the term "environment." After the discussion we had an analysis of the bill, and we came up with a list of definitions for the term environment, when it is used one way or another. In some places it is in the context of the natural environment, in other places it is economic and social conditions. I think it is important for us when we are discussing the term "environment" to understand what we mean.

So many people assume that the word refers only to those natural conditions that affect man. That is not true and it is not what this bill does.

Since that discussion in committee we have made a number of changes in the bill to attempt to reflect what we were talking about, but again, not coming to grips with the fact that the environment is far broader than the trees, rocks, rivers, and lakes.

Some friends of ours from Pennsylvania are concerned about an industrial park encroachment near Philadelphia. They seek an extension of the term environment. What is it? It is farmland, a valley in which man has substantially changed the natural conditions, but they find it more pleasing to them than would be the case if the industrial park moved in.

I have no allusions at this time that we can go back in the bill and pick out some 20 to 30 areas in the bill that talk about the term in detail, but I think it is important that we understand in the context of this bill or any other legislation dealing with it that we are talking about something broader in scope.

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

Mr. McCLURE. I yield.

Mr. JACKSON. The distinguished Senator raises a proper question. The problem we ran into, as the Senator stated, is that "environment" is used in many different places in the bill. It has one meaning in one place and it has another meaning in another place. I was looking at the record. The Senator from Washington offered one meaning at the markup which was: "All social, natural, and economic conditions having a significant effect on man and his quality of life and surroundings." The Senator from New York (Mr. BUCKLEY) had a definition: "Man's total physical surroundings, whether natural or manmade."

We ran into that old obstacle course of the English language. It gets very difficult and it depends on how one uses the term "environment" and what background and context it is used in. I do not think we can in this bill leave to the courts and the judiciary some finite guidelines on the meaning of "environment." I regret that once again we are going to give the courts opportunities to expand decisional law.

I commend my colleague from Idaho for his expertise. He is a good lawyer and he is extremely precise in these matters. But I have the general feeling that we were all in the same boat and that we could not end up with a simple definition that would be universally applicable. That is the problem.

Mr. McCLURE. That was the difficulty as we tried to adopt that definition. We have many definitions in the context of the bill. We found it almost impossible to define the word. In one place in a certain context it may mean one thing and in another context it may mean still another thing. I thought it was important for us to make certain that whoever looks at this bill realizes that we at least discussed the definition and we realize there is an infinite variety of definitions of the term "environment."

Mr. JACKSON. The Senator is correct. I think this dialog will help in the legislative history of this problem of the description in the bill. I would hope that those who come after us and try to figure out what we have been doing during the committee operation, the mark-up, and debate on the floor will realize we are not operating in a straitjacket and that there must be, shall we say, some commonsense in the application of the use of the word "environment" and not to place a strained definition on the word "environment," and that is as close as we can come to a definition.

Mr. President, having established that legislative history, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. FANNIN. Mr. President, I ask unanimous consent that my amendment be considered at this time.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was stated, as follows:

Page 71, line 15 through page 73, line 2,— strike and insert: "which meets the objectives of section 203(a)(3)(A) of this Act."

Mr. JACKSON. Mr. President, I wonder if we could propound a unanimous-consent request.

I ask unanimous consent that the debate be confined to 20 minutes, 10 minutes to a side, one half being controlled by the able Senator from Wisconsin and one half controlled by the Senator from Arizona.

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

Mr. FANNIN. Mr. President, this amendment would delete from section 202 the specific criteria contained in subsection (d)(2)(D) and substitute a reference to the general objectives of the State land use program found in section 203(a)(3)(A). The two sections are largely duplicative and the more general statement of objectives in 203 is more consistent with the principle that the bill is concerned with the procedures developed to control land use decisions and not the specific substantive decisions.

This bill does not strike a balance; it is an extensive zoning provision. The duplicating language is unnecessary and very confusing.

I think there is a detailed method of the implementation of the program, and the only change my amendment makes is to say it shall be a method of implementation which meets the objectives of section 203(a)(3)(A) of this act.

I want to refer to that, because it is important. It is quite all-encompassing and sufficient. It provides methods of implementation for:

Exercising control over the use and development of land in areas of critical environmental concern to assure that such use and development will not substantially impair the historic, cultural, scientific, or esthetic values or natural systems 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.

When we have a definition that broad, I do not see the reason for having a further definition of what is involved as the provisions included in what I propose to strike. Here we have one method of implementation which covers financial capability, capacity of existing systems for water and power supply, and waste water collection. This is what is included in the general provision. We

are really zoning at the Federal level for something that I think is not necessary.

It also makes reference to areas of high seismicity and unstable soils.

In other words, what we are doing is providing unnecessary language in this bill. It would be far better if we adopt the language that is provided heretofore in the bill.

I reserve the remainder of my time.

Mr. NELSON. Mr. President, every Member of the Senate has received communications from me explaining the purpose of the amendment which was included in the bill by the Interior and Insular Affairs Committee, and they also understand very well what the amendment proposed by the Senator from Arizona (Mr. FANNIN) does. Therefore, I shall not go into a lengthy discussion of this measure.

Mr. President, I ask unanimous consent that a detailed statement on my second home and subdivision regulation amendment as adopted by the Interior and Insular Affairs Committee be printed in the RECORD.

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

STATEMENT BY SENATOR GAYLORD NELSON

Mr. President, I urge support for the provisions of the Second Home and Subdivision Regulation Act, which have been incorporated in the land use policy bill as Subsection (d) of Section 202 and as subsections (1) and (m) in Section 601.

The second home and subdivision regulation measure was introduced by me on March 28 as an amendment to the land use policy bill. Original cosponsors of the measure were Senator Henry Jackson, Chairman of the Senate Interior Committee and author of the land use bill, and Senator Mark Hatfield. Senators Hubert Humphrey, Jacob Javits, George McGovern, Bob Packwood, and Jennings Randolph subsequently joined as cosponsors.

After testimony, including a statement which I presented, and discussion at public hearings, the Senate Interior Committee adopted the measure as part of the land use bill by a 9–4 vote. In including the second home and subdivision regulation measure in the land use bill, the Committee modified the proposal but retained its strength and substance. The measure has the strong support of environmental groups.

The program based on my amendment is designed to insure that all states now take the necessary steps to halt the environmental damage being caused by the explosion of leisure living developments in our nation's rural and scenic areas. The second home and subdivision regulation program would also be an important step in providing better environmental assessment and more careful planning for all future large scale residential developments in our rural areas.

Under the measure, states would be required to establish programs within three years to insure that the environmental and public service effects of large scale developments in rural and scenic areas will be reviewed and taken into account before such projects are built. It would be necessary for a state to establish such a program to receive the grants and avoid any penalties which are provided for in the land use bill.

The program could be implemented either by local governments subject to state criteria and standards, with such implementation subject to state approval if it fails to meet the standards, or by direct state implementation.

In determining whether such projects would be permitted, the local or state government would be required to establish programs within three years to insure that the project met specific criteria, such as adequate protection of the natural environment, compliance with Federal air and water quality requirements, adequate water and sewage treatment plans, and compatibility with state and local land use plans.

The measure defines a "large scale residential development" as a project involving 50 or more lots for sale or a project involving the construction for housing of 50 or more units and such projects would have to be covered by the state program.

To assure that the measure addresses the specific problem with which it is concerned, the large rural and scenic second home and subdivision development, the scope of its provisions is limited to those projects ten miles or more outside the boundaries of the Standard Metropolitan Statistical Areas (SMSAs). The SMSAs are the unit used by the Federal government to define the nation's urban areas.

The basic thrust of the land use policy measure, S. 268, is to encourage and assist in state and local development of a framework and process which will insure better land use decision-making.

In this purpose I heartily concur. But there is one land use practice that is of such pressing national concern that speedy action by the most appropriate government level must be begun immediately if we are to avoid a resource tragedy of unprecedented proportions.

I am speaking of the explosion of massive real estate developments for second homes or year-round living outside the nation's cities and suburbs. This is an epidemic of land development that is threatening nearly every remaining scenic area in this country, from prime agricultural land to beautiful lake frontage in rural areas. It is an unparalleled land boom frequently involving poorly planned, unregulated, incompleted projects posing disillusionment and future financial loss to families who see their leisure living dream turn into a recreation slum. It is all too often a chaotic kind of growth which puts spiraling demands for services onto hard-pressed local governments who once may have seen only the allure of a big gain in tax base.

The current land boom is also a bubble that could well burst with further tragic consequences for the consumer and the environment. Today, the pace of the land developments is racing far ahead of actual housing demand. According to the recent report of the Task Force on Land Use and Urban Growth of the Citizens' Advisory Committee on Environmental Quality, in 1971 for every six lots sold in such developments only one home was started.

To specifically address this non-urban home development phenomenon, on March 28 of this year, I introduced as an amendment to the land use policy bill the second home and subdivision regulation program.

It should be emphasized that this measure is concerned with an environmentally critical stage in the large real estate development that is not presently addressed in Federal law or in most state laws. Most Federal and state law to date in this area is concerned primarily with developers' advertising and sales practices. When it comes to environmental considerations, these measures are frequently after the fact. The environmentally critical decisions, of course, are the original site location and planning decisions, and the second home and subdivision regulation program would place state and local governments in a position to more effectively influence this vital concern.

The arguments for Congressional steps now to strongly encourage and support more effective state and local environmental regulation of these large scale real estate development projects in rural and secenic areas are compelling.

The non-urban home development has swiftly become a nationwide trend with profound implications for the whole country's environment, economy, future growth patterns, and quality of life. The scope of this new phenomenon in American land use almost defies the imagination.

Giant developers are buying up and subdividing countryside at an appalling rate for recreation living developments. Not even the deepest wilderness is free from being quickly converted into a hodge podge landscape of condominiums, cottages, mobile home parks, and masses of campsites.

To say that America has enormous expanses of land that have yet to be touched is to miss the whole point. In their drive to capitalize on America's affluence, mobility and leisure time, private developers are carving up the already limited prime scenic areas first—the valleys, the waterfront, the hillsides, the mountain vistas, the historic sites, the forests, the land surrounding national and state parks. Far from any random, local occurrence, the private development of our most treasured scenic areas has become a powerful national force and a major national concern.

To get an idea of the scale of what is happening, we must recognize that the current boom is comparable in magnitude to the gigantic explosion of the American suburbs that has dwarfed our cities since World War II. It represents another development in what University of Minnesota Geographer John R. Borchert calls the Auto-Air-Amenity Epoch.

Ten or 20 years ago, it was the land just outside the city limits that was coming under assault, along with the most immediately accessible recreation spots and the famous retirement areas of Florida and the Southwest.

Now an army of platters and bulldozers is sweeping over the eastern slopes of the Appalachians; the Atlantic, Pacific and Gulf coastlines; the most distant inland lake and riverfront areas in Wisconsin, Minnesota and Michigan; the hills, valleys, forests and lakefront of northern New England.

The instant, chaotic urbanization that has characterized much of America's metropolitan growth is now threatening or is already well underway in southern Vermont, the Poconos of Pennsylvania, the Adirondacks of New York, and the Everglades region of Florida.

First, we abandoned the countryside for the cities. Then as the cities began to decay, we fled to the suburbs. Now, as the suburbs begin to choke in congestion and pollution, we are fleeing back to the countryside, to the mountains, the valleys, the streams, or, where these are scarce, to artificial lakes and nondescript rural land.

When we have destroyed the last remnants of our natural heritage, there will be no other frontier, no more hiding places. There will only be left the gutted hulk of a once beautiful land.

As we have so often in the past, we are once again viewing precious land as an expendable resource to be developed, used, then left. Once again, we are sacrificing the future quality of American life for a quick profit and a futile attempt at instant satisfaction in the present. Once again, we have failed to make adequate provision for the continuous protection and renewal of the values of the land as it is developed.

Among those who have documented the extent and environmental dangers of the current non-urban real estate development explosion are pulitzer prize winning reporter Robert Cahn in a recent Christian Science Monitor series. Mr. Cahn's excellent series and the results of an opinion survey of the Monitor's readers on land use problems have previously been inserted in the Record.

The figures cited by Cahn and others illustrate this tremendous new challenge to the future of the American environment and our public recreation and scenic resources.

According to the National Association of

Home Builders, two to three million Americans now own second homes. Sales volume to handle the non-urban land rush is now estimated at $4 to $6 billion a year, according to the Office of Interstate Land Sales Registration in the Department of Housing and Urban Development.

Land developers in the U.S. now number more than 10,000, according to the American Land Development Association. Included in the giant companies is GAC Properties, Inc., which in 1971 sold land to 25,597 purchasers and ended the year with $414.6 million in contracts receivable. ITT Community Development Corp. now has underway a 100,000 acre development involving one-third of a Florida county, with a projected population of 750,000 people. In California, a single company, Boise Cascade, sold more than $300 million worth of lots within the state over the last five years (Boise Cascade has since pulled out of the recreation land business, with serious losses). Horizon Corporation of Tucson has sold land to more than 100,000 families in recent years.

As our automobile-highway and air travel systems bring most of the country within easy reach of some metropolitan area, the remotest wilderness is now fair game for the landsellers and subdividers. "Southern Vermont is now swiftly becoming an upper middle class suburb," says former Vermont Governor Philip Hoff. Horizon Corporation has bought 24,345 acres for a huge proposed development within New York's 6 million acre Adirondack Park. In the Poconos in northeastern Pennsylvania, 35,000 to 45,000 vacation home lots have been sold to refugees from crowded metropolitan areas of the East Coast. California City, a subdivision in the Mojave Desert, covers 100,000 acres.

The land development boom is now underway in the Upper Midwest. Already, Wisconsin has some 100,000 recreation homes. In the past 10 years in the state, about 20 of the large scale projects in rural areas have been built or are pending or proposed.

The tremendous pressure of the buying, subdividing and selling of hundreds of thousands of acres of land for massive, often hastily planned leisure living projects simply transcends the limited resources and expertise of most local governments and the limited capacity of the environment to absorb such punishment.

The toll in environment destruction is appalling. More than 900 square miles of our richest natural environment—the coastal wetlands—has been dredged and filled, much of it for private subdivisions. Open space that should have been permanently preserved for public access and use has been obliterated in some of the most scenic areas in the country. Only 2 per cent of our 59,157 miles of U.S. coastline has been preserved for public recreation.

In much of the upper Great Lakes region, soils are simply unsuited for septic tanks. Yet intensive home development with septic tanks along lake and river frontage long ago became a regional habit. The price is hundreds of once pristine lakes degraded or destroyed.

In Florida, a richly endowed natural environment has been a basic part of the foundation of the state's economy and way of life. Yet the massive alteration by developers of the estuaries and marshes that are vital to this fragile environment has been common throughout the state.

In Virginia, plans for about 50 separate subdivisions have been mapped out for Massanutten Mountain, a spectacular ridge which rises out of the Shenandoah Valley at the foot of Shenandoah National Park.

In New Mexico, despite present estimates that the state's water can only support 850,000 people without seriously disturbing other uses or tapping limited groundwater, the population is already one million and more than a million acres have been subdivided.

To make way for the vacation home boom in the Poconos, roadbuilding has accelerated soil runoff and erosion and small lots are being laid out on steep slopes and in floodplains.

Geologists studying a new California land sales project suggested in their report that some of the proposed buildings would eventually slide down the bluffs toward the sea, according to Mr. Cahn's articles. A 1970 California report stated that in the state's Nevada County, subdivision development had damaged 37 per cent of the stream mileage by siltation, stream bank modifications and domestic water discharges.

Action now to assure comprehensive environmental reviews and better planning of large scale rural leisure living projects is in the interests of everyone concerned, from the developer and the local government officials to the consumer and the environmentalist. If the abuse of the recreational and development boom is not curbed, there is the danger of a no-growth backlash across the country in which even legitimate, well-planned growth is rejected.

Both government and economic interests must take steps now to restore the public's confidence that they can act in the long term public interest instead of solely for the short-term private gain.

In a few states, cities and counties around the country now, there are encouraging signs of an awakening to the need to more carefully assess the environmental and public service impact of the recreation land develment boom and to adopt better land use management pcllcies in general. As pointed out in a recent article in Urban Land magazine, Wisconsin, Minnesota, and Vermont have established statewide criteria concerning certain kinds of zoning. Wisconsin is now considering further land use management steps. Washington and Vermont are implementing tax incentives for preservation of open space.

New Jersey, Connecticut, Maryland, Delaware, Washington and Vermont are establishing statewide controls over "areas of critical concern." Maine, Vermont, and California have established statewide or regional review over developments above a certain minimum size. Hawaii has established a State Land Use Commission to define statewide zones for various uses. Just recently, New York adopted in legislation a land use and development plan to protect Adirondack Park, one of the most important scenic areas of the East.

New land use measures were also on the list of new environmental initiatives approved by the voters in the nationwide elections last fall. For instance, California voters approved a measure to protect the state's coastline. The voters of Washington approved a similar program.

However, the massive nationwide environmental impact by the leisure living land boom can be dealt with only by effective action in all states. The recreation land rush is a national phenomenon involving huge corporations with nationwide sales for large scale projects threatening tremendous destruction to our already heavily damaged national scenic and recreation resources.

Let me emphasize that the chief concern of this amendment is with the environmental and public service problems confronting the nation from the explosion of second home developments in the rural countryside, a coast to coast phenomenon which must be dealt with quickly if our remaining scenic landscape and recreation resources are to be saved. The environmental and public service problems of "first home" developments in our suburbs are another national concern whose solution must carefully take into account the goals of city and suburban residents, rich and poor, environmentalists and laboring man. The problem of balanced growth in our urban areas should be the subject of a major piece of legislation in and of itself.

As I mentioned earlier in this statement, to make certain that the measure addresses the specific problem with which it is concerned, the large scale second home and subdivision project in our rural and scenic areas, the provisions are limited to developments which occur ten or more miles outside our urban areas as defined by Standard Metropolitan Statistical Areas.

It is estimated that America's population will increase by at least 88 million people by the end of the century. A significant portion of the development to serve this growing population will take place in rural America.

The danger is that we will repeat the reckless, unplanned growth patterns of the past that have given us decaying cities and increasingly polluted, congested suburbs. The leisure living development boom is a first wave in this new American growth, and we are already witnessing its widespread environmental abuse and spiraling public service demands.

The challenge is to adopt public policies now which will assure that our future growth is more harmonious with our human and environmental needs.

It is my conviction that the second home and subdivision regulation program in the land use policy bill is a major and urgently needed step in protecting our remaining national scenic and recreation resources and an important beginning in wiser growth policies for rural America.

In general comment on the land use policy bill now before us, I believe that its adoption would be an important initial step in nationwide land use reform. As the Interior Committee Chairman himself has pointed out, however, this measure falls short in some key respects, such as the elimination of penalties and the cutback in funds adopted over the Chairman's opposition in Senate Floor action late last year. In addition to co-sponsoring this legislation, I will support every reasonable effort to strengthen its provisions, including the amendment which will be offered by the Chairman to restore the sanctions for refusal to undertake land use planning.

EXPLANATION OF SECOND HOME AND SUBDIVISION REGULATION ACT

A Nelson amendment incorporated into the land use policy bill, S. 268

PURPOSE

The purpose of the measure is to establish protections against the rapidly increasing environmental damage from large scale leisure living and other residential real estate projects in scenic and rural areas. Because the problem is so serious and is nationwide in scope, it was singled out in the land use bill for high priority attention by adoption of the amendment.

SUMMARY

Under the second home and subdivision regulation program, states would be required to establish programs to insure that the environmental and public service effects of large scale residential developments will be reviewed and taken into account before such projects are built. It would be necessary for a state to establish such a program to receive the grants and avoid any penalties which are provided for in S. 268, the land use bill.

KEY PROVISIONS

Implementing agency

The program could be implemented either by local governments subject to state criteria and standards, with such implementation subject to state disapproval if it fails to meet the standards, or by direct state implementation.

Environmental review

In applying for approval for a project, a developer would be required to include a statement regarding the proposed project's effect upon the environment and on the de-

mand for public services, considering criteria specified in the legislation.

To make available the land use expertise at the state level, the state would review the application and make comments and recommendations for the consideration of the decision-making agency.

Project decision

In granting approval of a proposed project, it would be necessary for the decision-making agency to find that the development would meet specific criteria, including adequate consideration of the natural environment and open space, adequate water and sewage treatment plants, compatibility with local and state governments' ability to provide public services, consistency with state and local land use plans, and establishment of the developer's financial capability to complete the project and comply with the requirements.

Definition of development

With provisions in several other Federal and state laws as precedents, approval under this program would be needed for projects involving 50 or more lots for sale or involving the construction for housing of 50 or more units. Also, in line with the program's purpose of regulating large scale scenic and rural residential development, the coverage of the program would be limited to projects occurring ten miles or more outside the boundaries of the nation's Standard Metropolitan Statistical Areas (urban areas).

Enforcement

Provision must be made for procedures for issuance of cease and desist orders and other appropriate remedies for violations of the program's requirements.

Incorporation in land use bill

The provisions of the second home and subdivision regulation amendment were incorporated into the land use bill as Subsection (d) of Section 202 and as subsections (l) and (m) in Section 601.

Sponsorship

The original amendment was introduced March 28 by Senator Gaylord Nelson with Senators Henry Jackson and Mark Hatfield as cosponsors. Subsequently, Senators Hubert Humphrey, Jacob Javits, George McGovern, Bob Packwood, and Jennings Randolph joined as cosponsors.

TEXT OF SENATOR NELSON'S AMENDMENT ON RECREATION LAND DEVELOPMENTS IN RURAL AREAS AS ADOPTED BY SENATE INTERIOR COMMITTEE IN LAND USE POLICY BILL, S. 268

Section 202 is amended by inserting at the end thereof a new subsection (d) as follows:

(d)(1) In the determination of an adequate statewide land use planning process of any State, it shall be determined in accordance with the procedures provided in section 306 that the State has established a program to regulate land sales or development projects (hereinafter referred to as "projects" or "project") as defined in subsection 601(1).

(2) Such program shall include:

(A) a procedure for identification of project subject to such program;

(B) a procedure for consideration of each proposed project which procedure affords adequate notice to all affected State and local governments and assures that the developer provides to such governments the following—

(i) a map of the project setting forth the proposed lot lines and the improvements which the developer proposes to make, and a schedule of completion of all such improvements and sales of such lots;

(ii) a showing of financial capability of the developer, or the posting of a performance bond by the developer, sufficient to insure that such schedule and the requirements of this subsection will be met; and

(iii) a statement of the potential effects of the proposed project in sufficient detail to establish whether the development meets the criteria in clause (2)(D) of this subsection;

(C) State review of the proposed project including (i) an evaluation of the consistency of the proposed project with the statewide land use planning process and the State land use program, once approved pursuant to this Act; (ii) an analysis of the proposed project as it relates to the criteria in clause (2)(D) of this section; (iii) comments on the local and regional need for the proposed project; and (iv) specific recommendations concerning whether the proposed development should or should not proceed;

(D) a method of implementation of the program which shall insure that—

(i) the financial capability of the developer is established as required in clause (2)(B)(ii) of this subsection;

(ii) the project will not exceed the capacity of existing systems for water and power supply, waste water collection and treatment, and waste disposal, unless expansion of the relevant systems to meet the requirements of the proposed development is planned and approved, and sufficient financing for the construction of the expanded systems is available;

(iii) the project will not cause unreasonable soil erosion;

(iv) the project is not located in areas which constitute an undue risk to public health and safety, which may include flood plains and areas of high seismicity and unstable soils, all such areas as defined by the State;

(v) the effects on the scenic or natural beauty or the natural environment are taken into consideration;

(vi) open space possessing valuable potential for public recreation is taken into consideration, such open space may include beaches, shorelines, and wild areas;

(vii) the project will not place an unreasonable burden on the ability of the State and local governments to provide municipal or other public services, including transportation, education, and police and fire protection;

(viii) the project will be developed within the time schedule submitted by the developer or within an alternative schedule necessary to insure that the project will meet the other criteria above; and

(ix) the project is consistent with local land use plans, regulations, and controls and with the State land use program once approved pursuant to this Act.

(3) The method for implementation of clause (2)(D) of this subsection shall meet the requirements of section 203(c) and shall include procedures for issuance of cease and desist orders and other appropriate remedies for violations of this subsection or the provisions of State law or regulations enacted or promulgated pursuant to this subsection.

DEFINITION OF DEVELOPMENT

Add the following subsections to section 601:

(l) "Land sales or development projects", "projects", or "project" means any of the activities set forth in clauses (1) through (3) below which occur ten miles or more beyond the boundaries of any standard metropolitan statistical area or of any other general purpose local government certified by the Governor as possessing the capability and authority to regulate such activities:

(1) the partitioning or dividing into fifty or more lots for sale or resale primarily for housing purposes within a period of ten years of any tract of land, or tracts of land in the same vicinity, owned or controlled by any developer;

(2) the construction or improvement primarily for housing purposes of fifty or more units within a period of ten years on any tract of land, or tracts of land in the same vicinity, owned or controlled by any developer, including the construction of detached dwellings, town houses, apartments, and trailer parks, and adjacent uses and facilities, whatever their form of ownership or occupancy; and

(3) such other projects as may be designated by the State.

(m) "Developer" means any person or persons who directly or indirectly through any formal or informal combination or aggregation, own or control a tract or tracts of land for which such person or persons propose a "project" as defined in subsection (1) hereof.

RESPONSE TO POINTS RAISED BY OPPOSITION TO NELSON AMENDMENT SECTION OF THE LAND USE BILL

(The Nelson amendment, adopted as part of the land use bill by a 9–4 vote in the Senate Interior Committee, encourages establishment by the states of second home and subdivision environmental regulations in scenic and rural areas. The amendment was incorporated into the land use bill as Subsection (d) of Section 202 and as subsection (1) and (m) in Section 601.)

1. The second home and subdivision program is concerned with large scale residential developments only, projects which are likely to pose a significant environmental and public service impact. Projects of 50 or more lots or housing units would be covered, if they are located in rural areas (10 or more miles outside our Standard Metropolitan Statistical Areas, which define the Country's urban areas). The figure of 50 lots as a cut-off point for purposes of regulating large scale developers is widely used, with precedents in the Interstate Land Sales Act, the housing programs of the Department of Housing and Urban Development, and California subdivision regulations.

2. While the measure does require a developer to show financial capability, it does not, as has been charged, automatically mean total "front end funding" or a performance bond, although either would be adequate to satisfy the requirement. The measure requires "a showing of financial capability of the developer, or the posting of a performance bond by the developer, sufficient to insure that such schedule and the requirements of this subsection be met." The provision is merely meant to assure that large scale residential development projects will not be left partially finished. Any developer who could be reasonably expected to complete the project he is planning should be able to qualify under a state law implementing this provision.

3. It is simply not true that the program would shift the burden to the developer to provide public utilities and facilities or social services. The measure merely requires a process which will insure that "the development will not exceed the capacity of existing systems . . . unless expansion is planned and approved, and sufficient financing is available." There is no requirement that the developer bear the responsibility for financing these systems. The section merely requires that the systems be provided in some manner. The provision of services by state and local government as is now the common practice is entirely acceptable under the legislation.

4. The provision would not discriminate against the small housing project or the small developer. Its concern is with the large scale residential development in rural areas, and this is the reason for the 50 lot cutoff and the limitation of coverage to projects outside urban areas. Further, in order to bring state resources and expertise to bear in helping with the environmental assessment process, the measure requires state review and comment on the developers' environmental study. As will be discussed in a Floor colloquy, it is the expectation of the authors of the amendment and the land use bill that this state technical expertise will be made available not only to the local government but to developers who may need

assistance in their environmental studies and plans. The land use bill authorizes $100 million a year in Federal funds for the next 8 years to aid in the state land use plans and their implementation. The improved environmental and public service planning which is the objective of this program should benefit everyone involved—homeowners seeking recreation, developers seeking profit, environmentalists seeking protection, and local government officials seeking tax base.

5. There is no significant overlap between this program, which would be implemented at the state and local level, and existing Federal programs. The Interstate Land Sales Act, one Federal program, is directed primarily at developers' advertising and sales practices; this measure is directed at the environmental and public service aspects of these projects, such as the original site location and planning decisions.

Under the HUD new communities program, there are only some 20 Federally aided projects around the country; the large scale second home developments which are the chief concern of this measure number in the hundreds. Furthermore, the requirements for Federal guarantees for the new community projects are at least as stringent as those which would be required at the state level under this legislation. For instance, complete conformance with local zoning and building codes is a prerequisite of the Federal guarantee. For all HUD programs backing developments of 50 units or more, environmental statements under the National Environmental Policy Act are presently required. Finally, many of the large scale leisure living developments are occurring in remote rural areas where zoning and building regulations are frequently either weak or nonexistent. Without any meaningful land use controls, developers in these areas in effect have a blank check which all too often has resulted in major damage to the environment. This measure is especially aimed at achieving more effective utilization of state and local authorities to fill this important land use policy gap.

Mr. NELSON. Mr. President, this part of the bill, very simply, provides that in the development of its land use program, each State shall provide for some reasonable guidelines for developments of 50 housing units or more 10 miles outside the standard metropolitan statistical area, and those guidelines shall be considered and incorporated into the State plan itself.

The guidelines are very modest. In fact, any State that bothered to address itself to the question of unplanned, undeveloped growth in many of the most beautiful parts of our country would surely adopt guidelines that were more detailed, more specific, and much more strict than the modest guidelines that have been included in this bill.

These guidelines simply require that the State, in developing its plan, must address itself to the question of the financial capability of the developer.

The State plan must also include a provision to assure that the project proposed will not exceed the capacity of existing systems for water and power supply, waste water collection and treatment, and waste disposal. All that is required here is that the State be sure that there are facilities for sewage treatment, disposal of waste water, or, if the project is to use septic tanks, that there have been adequate percolation studies to be sure that once the septic tanks are in, the soil will have the capability of handling the effluents—a very modest and reasonable requirement which would be required within the city limits of any of the standard metropolitan statistical areas in the country, anyway.

It is required that the project will not cause unreasonable soil erosion. There are certain places in construction in my State, in the clay country, where, once you disturb the soil, the erosion never stops. So all this provision says is that the plan require that that question should be looked into.

It is provided that the project be not located in areas which constitute an undue risk to public health and safety, which may include flood plains and areas of high seismicity and unstable soils, all such areas as defined by the State—again a very modest and reasonable requirement.

It provides that the effects on the scenic or natural beauty or the natural environment must be considered. The State will decide what is to be taken into consideration involving the scenic or natural beauty.

It provides that open space possessing valuable potential for public recreation must also be taken into consideration.

It provides that the project will not place an unreasonable burden on the ability of the State and local governments to provide municipal or other public services.

It provides that the project is consistent with local land use plans and regulations, and so forth.

These are modest, reasonable standards, and all that is required is that the State, in developing its plan, include guidelines to assure that the projects covered would be reviewed to determine their impact according to the specific criteria in the legislation.

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

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

The PRESIDING OFFICER (Mr. HOLLINGS). Six minutes.

Mr. FANNIN. Mr. President, let us consider exactly how this would be implemented and let us take into consideration that such a determination is subjective in nature; what is scenic beauty or the natural environment as it is written in this particular bill and in this particular section. It is so difficult to know exactly what is involved or how it will be interpreted or applied?

It is very simple to just say that the method of implementation of the program shall meet the objectives of the section which I read as follows:

> . . . exercising control over the use and development of land in areas of critical environmental concern to assure that such use and development will not substantially impair the historic, cultural, scientific, or esthetic values or natural systems 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;

This covers the complete needs that are involved. It then goes on to say:

> and that unreasonable dangers to life and property within natural hazard lands are minimized or eliminated;

Mr. President, I cannot see why we need this confusing language that does not add anything to the bill but detracts from it. It would be very difficult for anyone to determine exactly what is intended.

The Senator said that this will not cause unreasonable soil erosion. That is covered in the standards remaining in the bill.

I say again that it is unnecessary, confusing, and very detrimental to leave that language in the bill.

Mr. President, I trust that the Senators will realize that there is sufficient protection and there is not this confusion that is prevalent in the stipulation I have read that is provided in the bill.

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

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. FANNIN. Mr. President, in this legislation we in many cases create problems that I think we will later regret. We try to cover every little factor that could be involved in a planning program. And in doing so, we make a very confusing bill, and often one that has conflicting provisions.

I do not feel that the language that remains in the bill is at all confusing. It is very clear. I think that it would be acceptable. I trust that the members of the Senate will improve this language so that we not have the confusion that now exists.

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

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

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Arizona. 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 Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. METCALF), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Kentucky (Mr. HUDDLESTON) are absent on official business.

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

I further announce that if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON), and the Senator from California (Mr. TUNNEY) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Jersey (Mr. CASE) is absent on official business.

The Senator from New Hampshire (Mr. COTTON) is detained on official business.

The result was announced—yeas 24, nays 64, as follows:

[No. 209 Leg.]

YEAS—24

Allen	Byrd,	Fannin
Bartlett	Harry F., Jr.	Fong
Bennett	Curtis	Goldwater
Brock	Dole	Griffin

Gurney	McClellan	Thurmond
Hansen	McClure	Tower
Helms	Scott, Pa.	Young
Hruska	Stevens	
Long	Talmadge	

NAYS—64

Abourezk	Bible	Church
Aiken	Brooke	Clark
Baker	Buckley	Cook
Bayh	Burdick	Cranston
Beall	Byrd, Robert C.	Domenici
Bellmon	Cannon	Dominick
Bentsen	Chiles	Eagleton
Ervin	McGee	Randolph
Hart	McGovern	Ribicoff
Hartke	McIntyre	Roth
Haskell	Mondale	Saxbe
Hatfield	Montoya	Schweiker
Hathaway	Moss	Scott, Va.
Hollings	Muskie	Sparkman
Humphrey	Nelson	Stafford
Inouye	Nunn	Stevenson
Jackson	Packwood	Symington
Javits	Pastore	Taft
Johnston	Pearson	Weicker
Kennedy	Pell	Williams
Mansfield	Percy	
Mathias	Proxmire	

NOT VOTING—12

Biden	Fulbright	Magnuson
Case	Gravel	Metcalf
Cotton	Huddleston	Stennis
Eastland	Hughes	Tunney

So Mr. FANNIN's amendment was rejected.

TOWARD A BALANCED LAND USE POLICY

Mr. MATHIAS. Mr. President, in the late 19th century, Frederick Jackson Turner published his famous essay on the frontier in American History. Now, over three quarters of a century later, we are coming to grips with events which are in direct descent from that essay. The end of the frontier meant the beginning of the day when Americans would, for the first time have to cope with a limitation on the availability of land. This means not only less of a frontier, but also the passing of a state of mind. Turner saw the psychological impact of the closing of the frontier. We today must deal not only with the psychological impact but also the physical reality as well of a dwindling resource in comparison with our population and our needs. The accessibility of land has dwindled to such an extent that we can no longer use our land as if it is an unending national resource.

I have long been interested in problems of land use. In 1961, I introduced, as a Member of the House of Representatives, H.R. 6702, a bill to foster the creation of tax-supported public recreation parks and related facilities. Again, in 1963 I offered a bill to amend the Soil Conservation and Domestic Allotment Act in order to achieve a more balanced land use policy within our urban areas. In 1963 I offered for consideration by the House of Representatives a bill, H.R. 553, which had as its objective the preservation and acquisition of open spaces throughout our Nation. My interest in systematic land use development and management was also reflected in the introduction of Senate Bill 2554 on September 21, 1971, although modeled after S. 632 as originally introduced in the 92d Congress, it did, in my mind, contain many new and practical amendments, which I am told were the origin of many provisions in the bill reported by the Interior Committee which we are today considering.

On March 16, 1972, I sponsored a land use conference in Columbia, Md., attended by land use planners, citizens, and elected officials from those counties making up the Frederick-Baltimore-Washington corridor. Mrs. Connie Finney of Howard County volunteered her services to summarize the thousands of pages of testimony and findings of the conference. Her efforts are most appreciated. It should be noted that the recommendations contained in the workshops coincide with the legislative recommendations which we are now considering. At the heart of the conference's recommendations is the cry for the respect for our land. One specific recommendation of one workshop is the creation of a national land-use policy, of the type which we are today considering. It is for these reasons that I support Senate bill S. 268 and I pledge my support to see that it be enacted into law. The summary report of that conference was printed in the CONGRESSIONAL RECORD of September 18, 1972.

Mr. President, the bill which we are considering today is a welcome first step toward solving some of the problems which face us as a result of the dwindling of a most precious resource. We must encourage our many governmental systems to move toward cooperation—toward better land use planning. This bill does that by encouraging consideration of national land use policies. It also requires better land use management by the Federal Government—an institution which as a user and holder of land has enormous impact on development.

Legal notions of property have increasingly come to stress obligations as well as rights, and limitations on the use of the property are a common part of modern life. Hopefully, limitations can be kept to an absolute minimum and the type of approach represented by S. 268 can help us accomplish this goal and enhance the value of this precious national resource—our land—for the benefit of all citizens.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 1386) to authorize appropriations for the saline water program for fiscal year 1974, and for other purposes.

HOUSE JOINT RESOLUTION 499—TO EXTEND THE TERM OF THE COMMISSION ON BANKRUPTCY LAWS

Mr. ROBERT C. BYRD. Mr. President, having cleared this matter on the other side of the aisle, I ask that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 499.

The PRESIDING OFFICER (Mr. HATHAWAY) laid before the Senate a message from the House of Representatives on House Joint Resolution 499, a joint resolution providing for an extension of the term of the Commission on the Bankruptcy Laws of the United States, and for other purposes.

Mr. ROBERT C. BYRD. I ask unanimous consent that the joint resolution be considered as having been read the first and the second time, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read twice, and the Senate will proceed to its immediate consideration.

There being no objection, the joint resolution (H.J. Res. 499) was ordered to a third reading, read the third time, and passed.

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.

PERSONAL STATEMENT

Mr. MAGNUSON. Mr. President, I invite it to the attention of the majority whip and the minority leadership that I left my office exactly when the five bells rang, but the elevators were jammed and I was unable to reach the Chamber in time for the last vote.

It seems to me that when all these people are in the Capitol, which they are entitled to be, we ought to have another 2 minutes or so to make it over here.

I wish to announce myself as being against the McClure amendment, and that there was no possible way, because of the elevator situation, to get here. When all these people are in the Capitol, which we all welcome and want them to be here, there ought to be a little more leeway on these votes after the five bells have been rung.

Mr. ROBERT C. BYRD. Mr. President, as the Senator states, especially when these crowds of tourists are in the Capitol, as they are at this time, it is extremely difficult for a Senator to get to the floor within the 10-minute period, especially if there is a problem with elevators.

I am sorry that under the rules the Senator cannot now cast his vote, even though he has a good reason for having been late. Perhaps the Senate would want to consider again tomorrow as to whether or not we wish to stick with 10-minute voting. Perhaps it ought to be 12 minutes instead of 10 minutes; this would still save some of the time of the Senate and at the same time preclude a Senator from missing his vote. Perhaps, as the Senator from Washington now has.

Mr. MAGNUSON. The elevator boy was new. It was a summer replacement, I suppose, and he would not have stopped for anything. He just had people going

up and down, and there was no chance to do it.

At any rate, I want the RECORD to show that I was against this amendment. I think a matter of 2 or 3 additional minutes, particularly during the summer season, would be very helpful to many of us who find ourselves in the office with people, and we leave when the five bells ring. It will be that way now until we quit in August and, therefore, a little space of time, 2 or 3 more minutes or something of that kind, would be most welcome. Many of us just miss these votes.

THE NEED FOR AN INCREASE IN SOCIAL SECURITY BENEFITS

Mr. LONG. Mr. President, the Senator from Connecticut (Mr. RIBICOFF) suggested at a hearing before the Senate Finance Committee the other day that in view of the runaway inflation which this Nation has been experiencing, the Congress should increase the social security payments of the people living on fixed incomes who are being so badly victimized by this inflation.

I hope that the President will not take the view that it is inflationary for us to do justice to the people who are suffering the most from inflation. He himself, as a candidate for office, proposed a measure, which he followed through in good faith and helped us enact into law, to provide for an automatic cost-of-living increase to take effect whenever the cost of living advanced more than 3 percent over a 12-month period. Unfortunately, under that law the first increase could not go into effect until January 1975. But the inflation is going on right now. I have no doubt that the Senate, if presented with the opportunity, would vote to make the first cost-of-living increase in social security payments take place next January so as to reflect at least the extent that inflation has taken from the value of social security payments since last year's benefit increase became effective last October.

But it is not enough to stop at that point, with only an increase in social security benefits. Last year we also enacted a program called the supplemental security income program under which the Federal Government would guarantee aged, blind, and disabled persons, beginning next January, an income of $130 a month, with $195 a month for a couple.

The needy, aged, blind, and disabled on public assistance are being victimized by inflation, too. The majority of them are also receiving a small social security benefit. If all we do is to increase social security payments, these people will be no better off because the law requires that the SSI payments be reduced by the same number of dollars that we have increased the social security payments.

If we wish to do justice to SSI beneficiaries, in line with what we propose to do for the social security beneficiaries, it would be necessary to increase the SSI payment to take into account the effect of inflation. Given the rate of inflation between the time the law was enacted last year and January 1974, we could certainly justify an increase of $10 a month for a person, and $15 a couple, for beneficiaries of the SSI program.

There are also some oversights in H.R. 1, the social security bill enacted last year. I was dismayed to find that H.R. 1, as enacted, failed to provide for so-called "essential persons"—usually the spouse an aged person who is entitled to welfare assistance. This applies to the situation where a man over 65 years of age is entitled to draw welfare payments but his wife, relying on his income, is less than 65 years of age and is thus not entitled to assistance by herself.

This oversight in the SSI program should be corrected before January; otherwise, there would be additional injustice and inequity that no one ever intended. A number of States are now moving completely out of the program of paying assistance to the aged, even to the extent of supplementing Federal benefits, because the Federal Government is moving into the area.

There was another oversight. We made sure that all disabled persons receiving cash assistance would be eligible for the new SSI program. But we forgot to assure that all medically needy disabled persons—those not on cash assistance—will continue to be eligible for medicaid. This result was never intended, and these persons should also be protected.

Now one might ask, why should this be offered as an amendment to the debt limit bill? What is the urgency? We must move quickly, because of the enormous administrative and technical work involved. A tremendous amount of work is necessary and is going on right now in getting ready to implement the new SSI program for the aged, blind, and disabled next January. There may even be some doubt whether that deadline can be met. We certainly cannot wait to act with regard to the aged who are being victimized by inflation and who will lose benefits we never intended them to lose next January unless we act. The administrative details related to the changes I am proposing must be taken care of between now and January 1.

For Congress to tarry much longer would mean that the administration necessary to carry forward the intent of Congress could not be provided in time for those who should be assisted to receive the benefit of our action by January 1.

Another amendment that should be provided on the debt limit bill has a closer deadline. I am speaking about a postponement in a number of new regulations that the Secretary of HEW has proposed. These new regulations would make tremendous modifications in the program for social services in the 50 States.

The Congress last year was justifiably concerned about the runaway cost of social services, and we put a $2.5 billion limitation on Federal funds. Unfortunately, the Secretary went far beyond the intent of Congress in his regulations to control the cost of the program. We in Congress intended that up to $2.5 billion could be made available to provide social services under the Social Security Act. It appears that, as an economy move, this administration by regulations intends to cut back drastically in the social services program, far beyond anything that Congress intended. It has been suggested that the Secretary will have saved about $1 billion at the expense of poor and low-income persons by denying them social services that Congress intended for them to have.

He has tried to justify his action, in some respects, as reflecting congressional intent, because the Congress itself was concerned about social services costs and this concern led to the legislation passed last year.

But we have thought about it, Mr. President, and most of us have concluded that in some respect even Congress might want to modify some of what we did last year on social services. In any case we certainly intended to allow the States a fair opportunity to use their share of the $2½ billion, and to have far broader latitude than the Secretary of HEW is at this point willing for them to have. A postponement of the regulations will give us a chance to review the law and see what changes we might want to make.

Now, I have little doubt that we could override a Presidential veto if the President should veto what we have suggested with regard to social services. I would hope that the President would not veto that measure, however, because, if we do not act promptly, on July 1, the Secretary's drastic cutback on poor and low-income persons in terms of social services, would go into effect.

Looking at that June 30 deadline, it is necessary for Congress to act promptly and, hopefully, we should take care of it on a bill that we should have some reasonable belief the President is likely to sign. The debt limit bill would be the logical bill on which to offer an amendment.

I propose to offer amendments of the sort I have mentioned. If someone else should offer them first, I will join in supporting measures of that kind. It would be a great tragedy if, after the runaway inflation occurring in this country since the President let up, under phase III, on inflation controls, this Congress failed to provide relief for those people most adversely affected.

I will join the Senator from Connecticut (Mr. RIBICOFF) in offering amendments of this nature. I will certainly support him in the amendment he has offered. In fact, as I have said, I will offer a broader proposal than the Senator has offered, because it seems to me that the measures I have proposed here are the minimum of what we can do, and we really should not be too long in doing it—because of the urgency in the face of the deadlines and because of the time required to administratively implement that which I believe Congress would want to do.

HALE BOGGS

Mr. LONG. Mr. President, in the first few months of a new Congress, it is common to regret the absence of friends and colleagues who, for one reason or another, have not returned to the Senate or to the other body. This time for me that feeling is especially pronounced, for in the closing days of the 92d Congress I lost a close friend, a colleague from Louisiana, who for 30 years had been one of the ablest men in our Na-

tion's public life. I refer, of course, to Hale Boggs, the House majority leader, whose tragic disappearance in Alaska last October brought an untimely end to a brilliant career.

Eight months have passed since Hale disappeared in Alaska, yet even today his loss is difficult to accept for it came abruptly when he was still approaching the pinnacle of his distinguished career. There is no doubt in my mind that Hale would have become the next Speaker and that he would have been one of the very best in our country's history.

He was a man of rare gifts. He had a keen mind that went quickly to the heart of an issue. He had courage, conviction, and a large view of life and politics. Most of all, he had the essential gift of a leader: the ability to reconcile divergent views and find the common ground of agreement. Where lesser men could see only hopeless disagreement and deadlock, Hale could see a way. The last time I saw him—late at night, Saturday, October 14—he was hard at work unjamming the legislative process and making certain the machinery of the 92d Congress operated smoothly until adjournment.

He spent most of his career reconciling and serving competing loyalties in his own life. He was a southerner who represented and served the people of his district with all his considerable ability. He was a Democrat who worked hard for his party and undertook its difficult assignments, including the chairmanship of the 1968 Democratic Platform Committee. And, he was a national leader who brought a national perspective to his profession.

Hale and I were contemporaries in the politics of our State. We were both elected during the 1940's, and we both came to Washington as very young men. In the early 1950's, I supported Hale for Governor of our Louisiana. I campaigned hard for him, because I believed then, as I believe now, that he was one of the ablest men our State has ever produced. In the Congress, our careers were remarkably parallel. Hale was a member of the Committee on Ways and Means and I, a member of the Finance Committee. Hale became House majority whip in 1962, and I became Senate majority whip in 1965. Throughout these years we worked as closely together as any two Members of the Congress. Together, we accomplished much for our State and Nation which would have been impossible without cooperation.

This is the first Congress in which I will not have the benefit of Hale's friendship and advice. My regret at Hale's absence is relieved considerably by the knowledge that his lovely and talented wife, LINDY, will be carrying on his work in the House.

Earlier this spring memorial services were held for Hale in New Orleans. One passage of Scripture seemed particularly appropriate for the man whose memory we honored, and I have saved it for today. Isaiah, chapter 61, verses 3 and 4:

And they shall be called in it the mighty ones of justice, the planting of the Lord to glorify Him. And they shall build the places that have been waste from of old, and shall raise up ancient ruins, and shall repair the desolate cities, that were destroyed for generation and generation.

Mrs. Long joins me in conveying our deepest sympathies to LINDY, who has been so strong these past few months, and to her fine children and grandchildren.

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 adjacet non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

AMENDMENT NO. 244

Mr. HANSEN. Mr. President, I send to the desk my amendment No. 244 to S. 268. I ask that it be made the pending business, to be taken up by the Senate when we convene tomorrow morning.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 121, line 1, insert the following: Between "uncontrolled" and "incompatible" delete "or" and insert in lieu thereof: "and".

Line 1, strike "could" and insert in lieu thereof: "would".

Line 2, insert "irreversible" between "in" and "damage".

Lines 2–3, strike "or the long term public interest".

Line 4, strike all after "significance." through page 122, line 2.

ORDER TO HOLD BILL AT DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 5157 to amend the Service Contract Act of 1965 to extend its geographical coverage to contracts performed on Canton Island be held temporarily at the desk.

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

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements therein limited to 3 minutes each.

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

ORDER FOR RECESS UNTIL 9 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 9 o'clock tomorrow morning.

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

ORDER TO LAY UNFINISHED BUSINESS BEFORE THE SENATE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, following the remarks of the two leaders or their designees tomorrow, I ask unanimous consent that the Senate resume the consideration of the unfinished business.

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

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

ORDER FOR RECESS FROM THURSDAY UNTIL FRIDAY, JUNE 22, 1973, AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow it stand in recess until the hour of 10 a.m. on Friday.

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

ORDER FOR RECESS FROM FRIDAY UNTIL SATURDAY, JUNE 23, 1973, AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday it stand in recess until 10 a.m. on Saturday.

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

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 9. A bill to consent to the Interstate Environment Compact (Rept. No. 93–230).

My Mr. McGEE, from the Committee on Post Office and Civil Service, without amendment:

S.J. Res. 95. Joint resolution relating to the taking of the 1974 Census of Agriculture (Rept. No. 93–232).

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

S. 433. A bill to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes (Rept. No. 93–231); and

H.R. 5383. An act to authorize appropriations for the Coast Guard for the procurement of vessels and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes (Rept. No. 93–233).

By Mr. EAGLETON, from the Committee on the District of Columbia, with an amendment:

H.R. 6330. An act to amend section 8 of the Public Buildings Act of 1959, relating to the District of Columbia (Rept. No. 93–234).

By Mr. HARRY F. BYRD, JR., from the Committee on Armed Services, with amendments:

S. 1916. A bill to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes (Rept. No. 93–235).

By Mr. PERCY, from the Committee on Government Operations:

S. 2045. An original bill to require that future appointments to the offices of Director and Deputy Director of the Office of Management and Budget, and of certain other officers in the Executive Office of the President, be subject to confirmation by the Senate. Placed on the calendar.

Mr. PERCY. Mr. President, I report an original bill which was ordered favorably reported by the Committee on Government Operations at an executive session today, June 20. This bill is a composite of two bills that have already passed the Senate. The first bill, S. 518 was passed by a vote of 63 to 17 on February 5, and was again passed by the Senate over the veto of the President. The second bill is S. 590 which was passed by the Senate on May 9 by a vote of 72 to 21 after having been reported by four committees of the Senate.

I ask unanimous consent that, at the next printing of the bill (S. 2045) the Senator from North Carolina (Mr. ERVIN), and the Senator from New York (Mr. JAVITS) be added as cosponsors.

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

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. HARRY F. BYRD, JR., from the Committee on Armed Services:

James R. Schlesinger, of Virginia, to be Secretary of Defense.

The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. MAGNUSON, from the Committee on Commerce:

Mayo J. Thompson, of Texas, to be a Federal Trade Commissioner.

The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. ERVIN, from the Committee on Government Operations:

Arthur F. Sampson, of Pennsylvania, to be Administrator of General Services.

The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. RIBICOFF (for himself, Mr. HARTKE, Mr. CHURCH, Mr. MONDALE, Mr. KENNEDY, Mr. PASTORE, Mr. HUMPHREY, Mr. NELSON, and Mr. PELL):

S. 2025. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1954 to establish 1974 (rather than 1975) as the first year in which adjustments in benefits, wage base, and earnings limitation, can be made on account of increases in the cost of living. Referred to the Committee on Finance.

By Mr. HUMPHREY (for himself, Mr. AIKEN, and Mr. MCGEE):

S. 2026. A bill to amend the Foreign Assistance Act of 1961, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. MONDALE:

S. 2027. A bill to amend title 38 of the United States Code to make more equitable the procedures for determining eligibility for benefits under the law administered by the Veterans' Administration, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. HART:

S. 2028. A bill to regulate interstate commerce by providing for uniform and full disclosure of certain information with respect to the sale of dwellings for occupancy by not more than four families in order to promote sound and effective price competition and to prohibit unfair and deceptive sales and other anticompetitive practices, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. WILLIAMS (for himself, Mr. CHURCH, Mr. HATFIELD, Mr. HUGHES, Mr. HUMPHREY, Mr. JAVITS, and Mr. MCGOVERN):

S. 2029. A bill to provide assistance for South Vietnamese children. Referred to the Committee on Foreign Relations.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2030. A bill to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971. Referred to the Committee on Finance.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2031. A bill to amend the Federal Aviation Act of 1958 to remove the criminal penalty from title XI, section 1101, Hazards of Air Commerce. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2032. A bill to implement the Shrimp Fishing Agreement with Brazil. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2033. A bill to amend the Federal Railroad Safety Act of 1970 and other related acts to authorize additional appropriations, and for other purposes. Referred to the Committee on Commerce.

By Mr. BIDEN:

S. 2034. A bill to amend the Federal Property and Administrative Services Act of 1949 to require that public buildings be put in a safe condition prior to disposal. Referred to the Committee on Government Operations.

By Mr. MAGNUSON (for himself and Mr. LONG):

S. 2035. A bill to amend the Merchant Marine Act of 1936 to establish a nuclear vessel incentive support program. Referred to the Committee on Commerce.

By Mr. MOSS:

S. 2036. A bill to amend the Internal Revenue Code of 1954 to provide for a tax on every new automobile with respect to its fuel consumption rate, to provide for public disclosure of the fuel consumption rate of every new automobile, to provide funding to develop more efficient automotive engines, and for other purposes. Referred to the Committee on Finance.

By Mr. STEVENSON:

S. 2037. A bill for the relief of Roy M. Kelly. Referred to the Committee on the Judiciary.

By Mr. JACKSON (for himself, Mr. FANNIN, and Mr. ABOUREZK) (by request):

S. 2038. A bill to authorize grants for Indian tribal governments, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. TOWER:

S. 2039. A bill to amend section 1402(a) of title 10, United States Code, to revise the rule for recomputation of retired or retainer pay to reflect later active duty. Referred to the Committee on Armed Services.

By Mr. INOUYE:

S. 2040. A bill to amend the Federal Aviation Act of 1958 to authorize the Civil Aeronautics Board to permit an air carrier to hold both scheduled and supplemental certification; and

S. 2041. A bill to amend the Federal Aviation Act of 1958 to give the Civil Aeronautics Board the flexibility to approve air carrier-surface carrier control relationships when such relationships are found to be in the public interest. Referred to the Committee on Commerce.

By Mr. HATFIELD:

S. 2042. A bill to provide assistance in improving zoos and aquariums by creating a National Zoological and Aquarium Corporation, and for other purposes. Referred to the Committee on Rules and Administration.

By Mr. BELLMON:

S. 2043. A bill to amend the Consolidated Farm and Rural Development Act. Referred to the Committee on Agriculture and Forestry.

By Mr. HARTKE:

S. 2044. A bill to extend until September 30, 1975, the suspension of duty on certain dyeing and tanning products and to include logwood among such products. Referred to the Committee on Finance.

By Mr. PERCY:

S. 2045. An original bill to require that future appointments to the offices of Director and Deputy Director of the Office of Management and Budget, and of certain other officers in the Executive Office of the President, be subject to confirmation by the Senate. Placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RIBICOFF (for himself, Mr. HARTKE, Mr. CHURCH, Mr. MONDALE, Mr. KENNEDY, Mr. PASTORE, Mr. HUMPHREY, Mr. NELSON, and Mr. PELL):

S. 2025. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1954 to establish 1974 (rather than 1975) as the first year in which adjustments in benefits, wage base, and earnings limitation, can be made on account of increases in the cost of living. Referred to the Committee on Finance.

SOCIAL SECURITY BENEFITS ESCALATION

Mr. RIBICOFF. Mr. President, today I am introducing legislation to assure all social security beneficiaries of an increase in retirement benefits as of January 1, 1974. Under present law social security benefits are not scheduled to increase until January 1, 1975.

In the past few years Congress has substantially raised the social security benefit levels. But the cost of living has nullified much of these increases. Property taxes have jumped by nearly 39 percent in the last 4 years, nearly twice the overall increase in the Consumer Price Index. And the impact has been especially severe for the aged because nearly 70 percent own their own homes.

Public transportation costs have risen by over 33 percent during this same period. Here again, senior citizens are hard hit since many must rely on public transit instead of private automobiles.

Food prices have gone up by at least 34 percent in the 4-year period. This is tragic for the elderly who spend 27 percent of their income for food as compared to 17 percent of all Americans. And medical care costs—a significant cost factor to the aged—have increased 36 percent.

And all of these price increases have been escalating even more rapidly in the last few months.

It would be one thing if social security benefits were at an adequate level. But they are not. Social security benefits for millions of older Americans—even with the 20-percent increase enacted last year—still fall below the Government's own poverty benchmark. Average annual payments for retired workers amounted to $1,944 in 1972, nearly $40 below the poverty threshold for single aged persons. For widows, average benefits were more than $320 under the impoverished standard.

It is unconscionable for us to let prices skyrocket out of sight while millions of older Americans are denied an increase in social security benefits.

The legislation I am proposing would change the effective date of the so-called cost-of-living escalator in the social security law from January 1, 1975 to January 1, 1974. This escalator provides that when the Consumer Price Index goes up by at least 3 percent in any year, social security benefits will be raised to keep pace with the inflation. In view of the 7-percent inflation to date this year I hope that Congress will take speedy action on this proposal.

By Mr. HUMPHREY (for himself, Mr. AIKEN and Mr. MCGEE):

S. 2026. A bill to amend the Foreign Assistance Act of 1961, and for other purposes. Referred to the Committee on Foreign Relations.

MUTUAL DEVELOPMENT AND COOPERATION ACT OF 1973

MR. HUMPHREY. Mr. President, I have been distressed to observe the decline in U.S. support for the development of the low-income countries. Part of the reason for our poor performance stems from a disagreement over how aid should be administered.

Many people have expressed a strong preference for multilateral aid over bilateral aid. I share that view.

But some of the things America has to offer others are best carried in a bilateral form. For example, the great tradition and experience of rural cooperatives ought to be brought to the attention of the developing countries, and this is not likely to happen except through a bilateral program. The same is true of our private voluntary programs and our great universities and land grant colleges which have so much to offer the world. And, in any event, it would not do to cut off bilateral aid until multilateral efforts are ready to take over the job.

The world can ill afford to let its total support for the poor and the powerless of the earth decline. And that is exactly what will happen if American bilateral aid and its support of multilateral aid continues to lag.

In the negotiations for the replenishment of the funds of the International Development Association, the soft loan window of the World Bank, I am unhappy to learn that it is America that is dragging its feet. I know that we have serious problems at home. Nobody is more mindful than I of the ills that beset us or more anxious to heal them. Yet, with all our problems, we are a very privileged people. Even our determined attacks on our problems reveal our basic strength. It is not like America, even under great stress, to forget other people in much greater need. This is not in keeping with the splendid traditions of this great Nation.

Americans are generous people. They are citizens of the world as well as citizens of the United States. Since they are not directly represented on any of the international bodies as individuals, it is up to their Government to represent them in their keenly felt role as world citizens. I believe that we are failing to represent our citizens in that role when we permit this richest of all the world's nations to become the laggard in the world's development effort. We can do much better. Not only for humanitarian reasons. But the peace and political stability we seek can only come about when the poor are brought into the development process.

It was with a sense of genuine reassurance, therefore, that I learned of the vigorous new initiative of a bipartisan majority of the House Foreign Affairs Committee on American foreign economic aid legislation. Nowhere have I seen a more apt summary of that important initiative than in an editorial last Thursday, June 7, in the Minneapolis Tribune from which I would like to quote one paragraph:

> One has to be impressed as much by the ingenuity as the substance of a foreign aid proposal offered last week by a bipartisan majority of the House Foreign Affairs Committee. Consider this unlikely combination of elements: The bill should appeal to development idealists. It offers new markets to profit-minded American exporters. It has the potential of increasing U.S. employment. It would not increase taxes, and it is politically shrewd in other ways as well.

Mr. President, I believe so strongly that we are in need of such new departures in foreign aid that I am today, on behalf of Senator AIKEN and myself, introducing a bill identical to the House committee version to amend the foreign aid legislation.

In joining with me in this effort, my good friend and distinguished colleague, GEORGE AIKEN, brings to this effort a deep sense of commitment to the principle that American aid should reach those most in need.

In past years, I worked closely with Senator AIKEN in the development of legislation dealing with foreign economic assistance. During our joint efforts, I was always impressed with Senator AIKEN's knowledge of the ingredients needed to make the development process become more effective. His cosponsorship of the Mutual Development and Cooperation Act of 1973 is symbolic of continuing bipartisan efforts to make American assistance responsive to the real needs of the world's poor.

I believe this bill will do much to get America back on a true course in our relations with the developing countries.

For too long U.S. foreign policy has been preoccupied with great power relationships. If a nation has a nuclear capability, or if it belong to the central trading establishment of the world, we have a place for it.

But our policy today has little room for those nations where most of humanity lives. I submit that such a policy is not only bad morality, it is bad security, bad economics, and bad diplomacy as well. The world is shrinking and economies and societies are growing more interdependent. We have got to make this world work, and it will not work for the most fortunate unless it works reasonably well for the forgotten majority.

We have no choice but to meet this challenge. We cannot forget the world's majority which is powerless today, but can vitally affect our future and our children's future tomorrow. Our foreign policy will not be whole, nor will it be viable until it is a policy which takes account of the developing nations and works to make the bounties of the earth available to them as well as to ourselves.

The bill we are introducing today is by no means all idealism, though it is idealistic. It is practical and tough-minded, and it serves the highest national interest—our interest in making this world more livable for all of us and our children.

First, this bill recognizes a veritable intellectual revolt among scholars of development who are turning against the long-held view that growth alone is the answer that will trickle benefits down to the poorest majority. These scholars, and now this bill, start from the proposition that the poorest majority must share in the work of building a nation and must share more equitably in the fruits of development at the outset—not at some future date after growth targets have been met. Greater equity and greater participation, instead of taking a toll on growth, supports and reinforces it.

Years ago, the Congress took an initiative in passing title IX of the Foreign Assistance Act, which expressed an earlier version of these views. The evidence of scholarly study and of experience now bears out the wisdom of that congressional view, and today it reappears in more mature and tangible form in this bill. It is more tangible because this bill specifies the fields of endeavor which will most directly benefit the poorest majority and commits money to each of those sectors. And each field is responsive to a deeply rooted human problem that permeates the societies of the low-income countries. The three fields of emphasis are first, food, nutrition, and rural development, second, population planning and health, third, education and human resource development.

Increasingly, the AID program has given sustained attention over a period of time to a problem in one of these three fields. And there are some stirring success stories to tell as a result.

One story is about malaria. Twenty years ago, well over 10 million people in South Asia alone were afflicted with the disease. More than 1 million died each year. Today the disease is under control.

Another success story is about cereal production in South Asia. Seven years

ago India imported 10 million tons of grain following a monsoon failure to avoid widespread famine. During the ensuing years, she was able to accumulate nearly 10 million tons of grain reserves from the expanded production made possible by the green revolution in which American aid programs, public and private, played such an important role.

Thus, when the Bangladesh crisis arose, India was the principal food donor, providing nearly 2 million tons of food. Even with this unprecedented generosity, India has come very close to surviving this year's drought, one of the worst in a century, by using its food reserves.

A third story is about population. A decade ago, populations were exploding throughout the poor lands and nobody was doing anything about it, and governments did not even dare to speak of it very openly. Today, although the problem is far from solved, it is out in the open and governments—almost all of them—have population stabilization as an official or semiofficial goal, and they are mounting campaigns to solve population problems. That is real progress in one short decade on such a basic and sensitive problem.

These three success stories not only refute some of the recent allegations by ill-informed authors to the effect that we do not know how to help in the development process; they also illustrate the worth of the problem-solving approach to development. That is the approach where we concentrate enough resources over enough time on an acute human problem affecting the poorest majority to get some results. That is the first very basic reform built into this bill. This new approach to foreign aid will enable the little guy to be reached—millions of lower income families will be affected.

The second reform introduced by this bill, grows out of an interesting piece of research done by our House colleagues. That reseach shows that the United States is doing very well in increasing its exports to the developing countries as a whole. In fact, these countries have become very important customers, importing about as much as the Common Market—including the United Kingdom—plus Japan.

It is a critical and growing market whose importance is not often appreciated However, the House committee looked deeper and found that in the poorest countries—those with per capita GNP of $200 per year or less—U.S. exports are not doing well at all.

Not only are we losing our share of this market to other exporters, we are losing in absolute dollar volume of sales. American exports to these markets are dependent on U.S. Government financing, mostly AID and Public Law 480. The Export-Import Bank and private loans are not very large. This is not surprising, since these countries cannot afford to import except on easily repayable terms. Other exporting countries understand this and are supporting their exporters by offering steadily increasing financing on attractive terms with low-interest rates, long maturities and generous grace periods.

This bill would remedy this situation by setting up a new Export Development Credit Fund with authority to make credit available to pay for U.S. exports to the lowest-income countries on terms that are competitive. It would be able to finance about $1 billion per year at interest rates of perhaps 3 percent.

The difference between such low rates and the approximately 7 percent it would cost the fund to borrow money from the U.S. public, would be paid for out of receipts on old aid loans which are now largely used for relending by AID.

These receipts, which are increasing in volume each year, make it possible to establish such a Fund with borrowing authority similar to the Export-Import Bank, on a fiscally sound basis, and without charge to the U.S. budget. The Fund would only finance exports which actually helped with development, thereby enabling these countries to develop the ability to repay and to become better customers for our future exports. There would be no luxury items or military goods. And the Fund's clients would be the least developed countries where U.S. exports are lagging.

Mr. President, the bill we are introducing today is social statesmanship in the highest form, where two very important U.S. goals can be served simultaneously. I refer to the goal of helping the development of the lowest-income countries and the goal of helping U.S. exports, both immediately and in building markets for the future. As many as 80,000 U.S. jobs may be created once the Export Development Credit Fund gets into operation. Thus, America's role in helping our less fortunate world neighbors need not be at the expense of those in need at home. Rather, it can help them to get jobs, which we will agree is the most basic way to help them solve their problems.

There is a third purpose served by the bill we introduce today. It recognizes that America's responsibilities with respect to the developing countries reach far beyond our aid programs. U.S. policies on trade, investment, science policy, cceans, debt relief and other subjects may affect very profoundly the destinies of poor countries.

Yet until now, these policies are made without coordination—without systematically informing ourselves of how they will affect our interests in development. This bill institutionalizes a coordinating procedure that would insure that the development factor was always considered. That factor may not predominate, but at least it has to be heard.

In order to do this, the bill sets up a Development Coordinating Committee and makes as its chairman, the head of the Mutual Development and Cooperation Agency—the proposed successor to the AID, which is the agency most sensitively attuned to the subject of development.

Mr. President, I believe this bill is a great improvement on present legislation.

It will focus bilateral aid on the most pressing human problems.

It will put the great U.S. industrial machinery and agriculture at the service of development while protecting U.S. exports and U.S. jobs. And it will weave into the fabric of our Government policies some common threads of development. It will put America back onto a course in world affairs in which we can again lift our heads and be proud. And in my view, it will justly deserve and receive the support of the people of America and the Congress.

Mr. President, I ask unanimous consent that the full text of the bill along with a section-by-section analysis 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. 2026

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 "Mutual Development and Cooperation Act of 1973."

(b) Strike out "Agency for International Development" each place it appears in such Act and insert in lieu thereof in each such place "Mutual Development and Cooperation Agency".

POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

SEC. 3. Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended as follows:

(a) In the chapter heading, immediately after "CHAPTER 1—POLICY" insert "; DEVELOPMENT ASSISTANCE AUTHORIZATIONS".

(b) In section 102, relating to statement of policy, insert "(a)" immediately after "STATEMENT OF POLICY.—", and at the end thereof add the following:

"(b) The Congress further finds and declares that, with the help of United States economic assistance, progress has been made in creating a base for the peaceful advance of the less developed countries. At the same time, the conditions which shaped the United States foreign assistance program in the past have changed. While the United States must continue to seek increased cooperation and mutually beneficial relations with other nations, our relations with the less developed countries must be revised to reflect the new realities. In restructuring our relationships with these countries, the President should place appropriate emphasis on the following criteria:

"(1) Bilateral development aid should concentrate increasingly on sharing American technical expertise, farm commodities, and industrial goods to meet critical development problems, and less on large-scale capital transfers, which when made should be in association with contributions from other industrialized countries working together in a multilateral framework.

"(2) Future United States bilateral support for development should focus on critical problems in those functional sectors which affect the lives of the majority of the people in the developing countries: food production, rural development and nutrition; population planning and health; education, public administration, and human resource development.

"(3) United States cooperation in development should be carried out to the maximum extent possible through the private sector, particularly those institutions which already have ties in the developing areas, such as educational institutions, cooperatives, credit unions, and voluntary agencies.

"(4) Development planning must be the responsibility of each sovereign country. United States assistance should be administered in a collaborative style to support the development goals chosen by each country receiving assistance.

"(5) United States bilateral development assistance should give the highest priority to undertakings submitted by host governments which directly improve the lives of the poorest majority of people and their capacity

to participate in the development of their countries.

"(6) United States development assistance should continue to be available through bilateral channels until it is clear that multilateral channels exist which can do the job with no loss of development momentum.

"(7) Under the policy guidance of the Secretary of State, the Mutual Development and Cooperation Agency should have the responsibility for coordinating all United States development-related activities. The Administrator of the Agency should advise the President on all United States actions affecting the development of the less-developed countries, and should keep the Congress informed on the major aspects of United States interests in the progress of those countries."

(c) At the end thereof, add the following new sections:

"SEC. 103. FOOD AND NUTRITION.—In order to prevent starvation, hunger, and malnutrition, and to provide basic services to the people living in rural areas and enhance their capacity for self-help, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for agriculture, rural development, and nutrition. There is authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $300,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 104. POPULATION PLANNING AND HEALTH.—In order to increase the opportunities and motivation for family planning, to reduce the rate of population growth, to prevent and combat disease, and to help provide health services for the great majority, the President is authorized to furnish assistance on such terms and conditions as he may determine, for population planning and health. There is authorized to be appropriated to the President for the purposes of this section, in addition to the funds otherwise available for such purposes, $150,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 105. EDUCATION AND HUMAN RESOURCE DEVELOPMENT.—In order to reduce illiteracy, to extend basic education and to increase manpower training in skills related to development, the President is authorized to furnish assistance on such terms and conditions as he may determine, for education, public administration and human resource development. There is authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $115,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 106. SELECTED DEVELOPMENT PROBLEMS.—The President is authorized to furnish assistance on such terms and conditions as he may determine, to help solve economic and social development problems in fields such as transportation and power, industry, urban development and export development. There is authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $93,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 107. SELECTED COUNTRIES AND ORGANIZATIONS.—The President is authorized to furnish assistance on such terms and conditions as he may determine, in support of the general economy of receipient countries or for development programs conducted by private or international organizations. There is authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $60,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"SEC. 108. APPLICATION OF EXISTING PROVISIONS.—Assistance under this chapter shall be furnished in accordance with the provisions of title I, II, VI, or X of chapter 2 of this part, and nothing in this chapter shall be construed to make inapplicable the restrictions, criteria, authorities, or other provisions of this or any other Act in accordance with which assistance furnished under this chapter would otherwise have been provided.

"SEC. 109. TRANSFER OF FUNDS.—Notwithstanding the preceding section, whenever the President determines it to be necessary for the purposes of this chapter, not to exceed 15 per centum of the funds made available for any provision of this chapter may be transferred to, and consolidated with, the funds made available for any other provision of this chapter, and may be used for any of the purposes for which such funds may be used, except that the total in the provision for the benefit of which the transfer is made shall not be increased by more than 25 per centum of the amount of funds made available for such provision.".

DEVELOPMENT LOAN FUND

SEC. 4. Section 203 of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended as follows:

(a) Strike out "the Mutual Security Act of 1954, as amended," and insert in lieu thereof "predecessor foreign assistance legislation".

(b) Strike out "for the fiscal year 1970, for the fiscal year 1971, for the fiscal year 1972, and for the fiscal year 1973" and insert in lieu thereof "for the fiscal years 1974 and 1975 for use for the purposes of chapter 1 of this part and part V of this Act and".

ADMINISTRATIVE POSITIONS

SEC. 5. Chapter 2 of part III of the Foreign Assistance Act of 1961, relating to administrative provisions, is amended as follows:

(a) In section 638, relating to Peace Corps assistance, insert before the period at the end thereof "; or under part V of this Act".

(b) At the end thereof, add the following new section:

"SEC. 640B. COORDINATION.—(a) The President shall establish a system for coordination of United States policies and programs which affect United States interests in the development of low-income countries. To that end, the President shall establish a Development Coordination Committee which shall advise him with respect to coordination of United States policies and programs affecting the development of the developing countries, including programs of bilateral and multilateral development assistance. The Committee shall include the Administrator, Mutual Development and Cooperation Agency, Chairman; the Under Secretary for Economic Affairs, Department of State; the Assistant Secretary for International Organization Affairs, Department of State; the Assistant Secretary for International Affairs, Department of the Treasury; the Assistant Secretary for International Affairs and Commodity Programs, Department of Agriculture; the Assistant Secretary for Domestic and International Business, Department of Commerce; the President, Export-Import Bank of the United States; the President, Overseas Private Investment Corporation; the Special Representative for Trade Negotiations, Executive Office of the President; and the Executive Director, Council on International Economic Policy.

"(b) The President shall prescribe appropriate procedures to assure coordination among representatives of the United States Government in each country, under the direction of the Chief of the United States Diplomatic Mission.

"(c) Programs authorized by this Act shall be undertaken with the foreign policy guidance of the Secretary of State.

"(d) The Chairman of the Development Coordination Committee shall report annually to the President and the Congress on United States actions affecting the development of the low income countries.".

UNITED STATES EXPORT DEVELOPMENT CREDIT FUND

SEC. 6. The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new part:

"PART V

"SEC. 801. GENERAL AUTHORITY.—(a) In the interest of increasing United States exports to the lowest income countries, thereby contributing to high levels of employment and income in the United States and to the establishment and maintenance of long-range, growing export markets, while promoting development of such countries, the President shall establish a fund, to be known as the 'United States Export Development Credit Fund', to be used by the President to carry out the authority contained in this part.

"(b) The President is authorized to provide extensions of credit and to refinance United States exporter credits, for the purpose of facilitating the sale of United States goods and services to the lowest income countries which advance their development. The provisions of section 201(d) of this Act shall apply to extensions of credit under this part. The authority contained in this part shall be used to extend credit in connection with the sale of goods and services which are of developmental character, with due regard for the objectives stated in section 102(b) of this Act.

"(c) The receipts and disbursements of the Fund in the discharge of its functions shall be treated for purposes of the budget of the United States Government in the same fashion as the receipts and disbursements of the Export-Import Bank of the United States under section 2(a)(2) of the Export-Import Bank Act of 1945, as amended.

"SEC. 802. FINANCING.—(a) As may hereafter be provided in annual appropriation Acts, the President is authorized to borrow from whatever source he deems appropriate, during the period from the enactment of this part through December 31, 1977, and to issue and sell such obligations as he determines necessary to carry out the purposes of this part: *Provided*, That the aggregate amount of such obligations outstanding at any one time shall not exceed one-fourth of the amount specified in section 7 of the Export-Import Bank Act of 1945, as amended. The dates of issuance, the maximum rates of interest, and other terms and conditions of the obligations issued under this subsection will be determined by the Secretary of the Treasury with the approval of the President. Obligations issued under the authority of this section shall be obligations of the Government of the United States of America, and the full faith and credit of the United States of America is hereby pledged to the full payment of principal and interest thereon. For the purpose of any purchase of the obligations issued under this part, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchases of the obligations issued under this part. The Secretary of the Treasury may, at any time, sell any of the obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of such obligations shall be treated as public debt transactions of the United States.

"(b) Except as otherwise provided in section 806, the amounts borrowed under sub-

section (a) of this section shall be paid into the Fund and used to carry out the purposes of this part. Any difference between the interest to be repaid on export credits made under this part and the interest paid by the Fund on obligations incurred under subsection (a) of this section shall be paid into the Fund out of receipts specified in section 203 of this Act.

"(a) Receipts from loans made pursuant to this part are authorized to be made available for the purposes of this part. Such receipts and other funds made available for the purposes of this part shall remain available until expended.

"SEC. 803. LENDING CEILING AND TERMINATION.—(a) The United States Export Development Credit Fund shall not have outstanding at any one time loans in an aggregate amount in excess of one-fourth of the amount specified in section 7 of the Export-Import Bank Act of 1945, as amended.

"(b) The United States Export Development Credit Fund shall continue to exercise its functions in connection with and in furtherance of its objectives and purposes until the close of business on December 31, 1977, but the provisions of this section shall not be construed as preventing the Fund from acquiring obligations prior to such date which mature subsequent to such date or from assuming prior to such date liability as acceptor of obligations which mature subsequent to such date or from issuing either prior or subsequent to such date, for purchase by the Secretary of the Treasury or any other purchasers, its obligations which mature subsequent to such date or from continuing as an agency of the United States and exercising any of its functions subsequent to such date for purposes of orderly liquidation, including the administration of its assets and the collection of any obligations held by the Fund.

"SEC. 804. REPORTS TO THE CONGRESS.—The President shall transmit to the Congress semi-annually a complete and detailed report of the operations of the United States Export Development Credit Fund. The report shall be as of the close of business on June 30 and December 31 of each year.

"SEC. 805. ADMINISTRATION OF FUND.—The President shall establish a committee to advise him on the exercise of the functions conferred upon him by this part. The committee shall include the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, the President of the Export-Import Bank and the Administrator of the Mutual Development and Cooperation Agency.

"SEC. 806. PROVISION FOR LOSSES.—Ten per centum of the amount authorized to be borrowed under subsection 802(a) shall be reserved and may be used to cover any losses incurred on loans extended under this part. Receipts specified in section 203 of this Act may also be paid into the Fund for the purpose of compensating the Fund for any such losses.

"SEC. 807. EXPORT-IMPORT BANK POWERS.—Nothing in this part shall be construed as a limitation on the powers of the Export-Import Bank of the United States.

"SEC. 808. PROHIBITION OF LOANS FOR DEFENSE ARTICLES OR SERVICES.—The authority contained in this part shall not be used to extend credit in connection with the sale of defense articles or defense services. This provision may not be waived pursuant to section 614 of this Act or pursuant to any other provision of this or any other Act.

"SEC. 809. DEFINITIONS.—As used in this part—

"(a) 'Lowest income countries' means the poorer developing countries, with particular, but not exclusive, reference to countries in which, according to the latest available United Nations statistics, national product per capita is less than $200 a year.".

REFERENCES TO EXISTING ACT AND ADMINISTERING AGENCY

SEC. 7. All references to the Foreign Assistance Act of 1961, as amended, and to the Agency for International Development shall be deemed to be references also to the Mutual Development and Cooperation Act of 1973 and to the Mutual Development and Cooperation Agency, respectively. All references in the Mutual Development and Cooperation Act of 1973 to "this Act" or to any provisions thereof shall be deemed to be references also to the Foreign Assistance Act of 1961, as amended, or to the appropriate provisions thereof, and references to "the agency primarily responsible for administering part I" shall be deemed references also to the Agency for International Development. All references to the Mutual Development and Cooperation Act of 1973 and to the Mutual Development and Cooperation Agency shall, where appropriate, be deemed references also to the Foreign Assistance Act of 1961, as amended, and to the Agency for International Development, respectively.

SECTION-BY-SECTION ANALYSIS OF THE MUTUAL DEVELOPMENT AND COOPERATION ACT OF 1973

I. INTRODUCTION

The Mutual Development and Cooperation Act of 1973, (the "bill") amends the Foreign Assistance Act of 1961, as amended (the "Act") by making certain changes in provisions relating to development assistance and by adding a separate authority for a fund to finance increased U.S. exports to the lowest income countries. It does not purport to deal in a comprehensive way with all the programs authorized by the Act.

II. PROVISIONS OF THE BILL

Section 2. Mutual Development and Cooperation Act

(a) This subsection changes the title of the basic legislation authorizing the U.S. bilateral foreign economic and military assistance programs from "The Foreign Assistance Act of 1961" to "The Mutual Development and Cooperation Act of 1973".

(b) This subsection changes the name of the agency responsible for administering U.S. bilateral foreign economic assistance programs from the "Agency for International Development" to the "Mutual Development and Cooperation Agency".

Section 3. Policy; Development Assistance Authorizations

(a) This subsection changes the name of chapter 1 of the Act to reflect the fact that the bill adds authorizations for various categories of development assistance to the existing provisions of the chapter, which relate to policy.

(b) This subsection calls for the restructuring of U.S. relationships with developing countries, in the light of progress made and changed conditions, to reflect the new realities, with emphasis on several criteria:

(1) increased concentration of bilateral assistance programs on sharing American technical expertise, farm commodities, and industrial goods to meet critical development problems, and less concentration on large-scale capital transfers, which when made should be in a multilateral framework;

(2) focus on problems in agriculture and rural development, education, health, family planning, and other areas affecting the lives of the majority of the people in the developing countries;

(3) maximum use of the private sector, especially institutions with ties in developing areas, such as educational institutions, cooperatives, credit unions, and voluntary agencies;

(4) collaborative style of administering U.S. bilateral development assistance programs to support recipient countries' own development goals;

(5) highest priority for programs which directly improve the lives of the poorest people and their capacity to participate in development;

(6) availability of bilateral development assistance until multilateral agencies can carry on with no loss of development momentum;

(7) responsibility on the Administrator of the Mutual Development and Cooperation Agency, under the Secretary of State's policy guidance, for coordinating (though not controlling) all U.S. activities relating to overseas development, advising the President on all U.S. actions affecting development, and informing the Congress on U.S. interests in development progress.

(c) This subsection adds seven new sections (sections 103–109) to chapter 1 of the Act, which together constitute a completely new system of authorizing the appropriation of funds for bilateral development assistance. Whereas previous authorizations have provided funds for Development Loans, Technical Cooperation and Development Grants, Alliance for Progress, and Programs Relating to Population Growth, the bill authorizes funds in five categories divided primarily according to sector or field of activity: Food and Nutrition, Population Planning and Health, Education and Human Resource Development, Selected Development Problems, and Selected Countries and Organizations.

The bill provides authorizations for the five categories for the fiscal years 1974 and 1975 in a total amount essentially the same as that proposed by the Executive Branch, but with somewhat different distribution among the five categories. Activities falling into more than one category may be funded from one or more categories, as appropriate. Funds are to be used in accordance with existing provisions of law, but the bill provides for somewhat greater transferability of funds among the five categories than is now permitted among present funding categories in the Act.

The seven new sections are the following:

Section 103, which authorizes the appropriation of $300 million for each of the fiscal years 1974 and 1975 for agriculture, rural development, and nutrition.

Section 104, which authorizes the appropriation of $150 million for each of the fiscal years 1974 and 1975 for population planning and health.

Section 105, which authorizes the appropriation of $115 million for each of the fiscal years 1974 and 1975 for education, public administration, and human resource development.

Section 106, which authorizes the appropriation of $93 million for each of the fiscal years 1974 and 1975 to help solve economic and social development problems in fields such as transportation and power, industry, and urban development.

Section 107, which authorizes the appropriation of $60 million for each of the fiscal years 1974 and 1975 to support the general economy of selected countries, primarily through program lending, or to contribute to certain development programs conducted by private organizations such as the International Executive Service Corps (IESC), the Asia Foundation, cooperatives, credit unions, and voluntary agencies, or by international organizations such as the Organization of American States (OAS).

Section 108, which requires assistance authorized under this chapter to be furnished in accordance with the provisions of law applicable to one of the categories of assistance now in the Act (Development Loans, Technical Cooperation and Development Grants, Alliance for Progress, or Programs Relating to Population Growth), and which assures that the restrictions, criteria, authorities, and

other provisions of law which would have applied to the provision of this assistance, if the funding categories had not been restructured, are not rendered inapplicable as a result of the restructuring.

Section 109, which provides for limited transferability of funds among the five new categories of assistance, permitting up to 15 per cent of the funds made available for any of the five categories to be transferred to any of the other four, provided that the category to which the funds are transferred is not thereby increased by more than 25 per cent (leaving transfers between any of the five new categories and any other funds appropriated under the Act to be governed by an existing provision, Section 610 of the Act).

Section 4. Development Loan Fund

(a) This subsection amends the existing loan receipt reuse authority of Section 203 of the Act to include dollar receipts from loans made under all predecessor foreign assistance legislation.

(b) This subsection extends the loan receipt reuse authority to fiscal years 1974 and 1975 and authorizes reuse for the restructured categories of development assistance contained in the bill as well as for specified purposes of the new United States Export Development Credit Fund created by the bill.

Section 5. Administrative Provisions

(a) This subsection puts the United States Export Development Credit Fund on the same footing as the Export-Import Bank, the Peace Corps, and the Mutual Educational and Cultural Exchange program, by exempting the Fund from prohibitions on assistance to any country contained in the Act.

(b) This subsection adds a new section 640B to the Act, requiring the President to establish a system for coordinating U.S. policies and programs affecting U.S. interests in overseas development and, to that end, to establish a Development Coordination Committee to advise the President, chaired by the Administrator of the Mutual Development and Cooperation Agency, with members drawn from various interested Executive Branch agencies; requiring coordination abroad under the direction of the Chief of the U.S. Diplomatic Mission; asserting the Secretary of State's foreign policy guidance of programs authorized by the Act; and requiring the Chairman of the Development Coordination Committee (the Administrator of the Mutual Development and Cooperation Agency) to report annually to the President and the Congress on U.S. actions affecting development.

Section 6. United States export development credit fund

This section adds a new part to the Act (Sections 801–809), creating a fund for the purpose of increasing U.S. exports to the lowest income countries.

Section 801 (general authority) establishes the Fund, to be known as the "United States Export Development Credit Fund"; authorizes the President to extend credit or refinance U.S. exporter credits, on terms no easier than the minimum terms specified by law for development lending under part I of the Act, to facilitate the sale of U.S. goods and services of a devolpmental character to the lowest income countries; and provides that the Fund shall be treated in the same fashion as the Export-Import Bank for purposes of exclusion from budget totals and exemption from expenditure and outlay limitations, including requirements for transmission of an annual budget and an annual report to the Congress.

Section 802 (financing) authorizes the President, as may be provided in appropriation acts, to borrow up to one-fourth (currently $5 billion) of Export-Import Bank loan, guaranty, and insurance authority, during the period from the enactment of this legislation through December 31, 1977, to be used (except for $500 million of reserves) for the puposes of the Fund. Any difference between the interest the borrowers are to pay to the Fund or export credits extended (at low rates of interest) and the interest the Fund pays on the funds it borrows (at higher rates of interest), which constitutes an "interest subsidy", must be paid into the Fund from dollar receipts from loans made under foreign assistance legislation. Receipts from loans made by the Fund, if not needed to pay interest or repay the principal on the Fund's obligations, may be reused for the purposes of the Fund, and all deobligated funds may be reobligated for the purposes of the Fund.

Section 803 (lending ceiling and termination) places a lending ceiling on the principal amount of loans by the Fund outstanding at any one time amounting to one-fourth (currently $5 billion) of the Export-Import Bank loan, guaranty, and insurance ceiling, and authorizes the Fund to operate until December 31, 1977.

Section 804 (reports to the Congress) requires a detailed report on the operations of the Fund to be transmitted to the Congress semi-annually.

Section 805 (administration of Fund) requires the President to establish an advisory committee consisting of the Secretaries of Commerce, Treasury, and State; the President of the Export-Import Bank; and the Administrator of the Mutual Development and Cooperation Agency.

Section 806 (provision for losses) reserves 10 per cent ($500 million) of the Fund's borrowing authority to cover losses and provides that receipts from loans made under foreign assistance legislation may also be used for that purpose. Any amounts borrowed from the reserve would eventually have to be repaid, and foreign assistance receipts could be used for that purpose. Losses may include loans written off or payments suspended or deferred, or the interest payments required to service funds borrowed in the amount of the loans written off or payments suspended or deferred.

Section 807 (Export-Import Bank powers) provides that this part does not limit the powers of the Export-Import Bank.

Section 809 (definitions) defines "lowest income countries" as the poorer developing countries with special reference to countries where national product per capita is under $200 a year.

Section 7. References to Existing Act and Administering Agency

This section assures that the change of the title of the Act to "Mutual Development and Cooperation Act of 1973" and of the name of the administering agency to "Mutual Development and Cooperation Agency" will not affect existing or future references to either.

May 30, 1973.

Mr. HUMPHREY. Mr. President, the Mutual Development and Cooperation Act of 1973 has received widespread bipartisan support which I would like to bring to the attention of my colleagues. During the testimony on this legislation in the House Foreign Affairs Committee, several witnesses with considerable experience in the problems of development made statements in support of this new approach to foreign aid.

I ask unanimous consent that statements by Mr. Orville Freeman, Mr. James P. Grant, Mr. Douglas Dillon, and Mr. David Rockefeller, along with two articles in the Christian Science Monitor and one editorial in the New York Times be printed at this point in the RECORD.

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

STATEMENT OF ORVILLE L. FREEMAN*

Mr. Chairman and Members of the Committee: First I would like to congratulate the Committee for the proposals under discussion today. In my opinion, they represent the kind of bold new approach to foreign assistance necessary both for the development of the world's less developed nations, and ultimately for the benefit of all nations, rich and poor.

THE PROPOSED EXPORT DEVELOPMENT CREDIT FUND

Available evidence indicates that the United States is rapidly losing ground to other developed nations in the supplying of goods to the world's poorest nations—those with per capita incomes below $200. In many cases the reason for our lagging position is not our inability to produce the needed goods at competitive prices, but our failure to offer the goods on terms commensurate with the ability of the poorest nations to pay. While the Export-Import Bank, which provides credit on only slightly concessionary terms, has provided powerful encouragement for American exports to those nations with incomes above $200, it has had little impact on sales to the lowest income nations. By contrast, Europe and Japan have continually increased their level of concessionary financing for the poorer countries. As a result, the United States has not been able to compete effectively for this growing market, which includes about 60 percent of the world's people.

Therefore I wish to express my emphatic support for the proposed Export Development Credit Fund. This Fund, if established, would permit a significant growth in American exports to the poor countries. This would mean tens of thousands of new jobs for American workers. At the same time the goods and machinery we can supply could serve as a catalyst for sustained economic growth in many poor nations.

This economic growth which is so badly needed in the poor nations can be viewed as a worthy goal in itself. However, a generation of experience also indicates that economic progress in developing nations can lead to a future rapid growth in exports from the more advanced nations. The economic development which today's financed exports can help promote, then, can provide escalating future benefits both for the poor countries and for the United States.

Our 18 years of experience with Public Law 480, the legislation which enabled us to export farm products to low income countries on concessional terms, is instructive in considering this legislation. That legislation had two important objectives: to reduce U.S. farm surpluses and to alleviate hunger in the recipient countries, helping them buy time with which to modernize their own agricultural economies. A large number of these countries have been remarkably successful as is evidenced by the pronounced decline in requests for food aid over the past six or eight years.

An important by-product of PL 480 was the development of dollar markets for U.S. farm exports as various developing countries acquired a capability for commercial imports. Fortunately for our balance of payments, U.S. commercial exports of farm products are soaring, climbing from under $5 billion in 1965 to an estimated $11 billion in the fiscal year ending this month. Public Law 480 exports meanwhile have declined from $1.32 billion to about $1 billion.

Countries which became accustomed to using U.S. farm products when they were available under concessional terms continued to use them as they switched to commercial

*The Views expressed in this testimony are those of the witness, and do not necessarily represent those of Business International Corporation, or others of its Directors, officers, or staff.

purchases. Established working relationships with U.S. exporters also facilitate continuing purchases of U.S. farm products.

In effect, what is being proposed in this legislation is a program to develop concessional markets for U.S. industrial exports in markets where we are losing out to other industrial exporters. Those countries where incomes are below $200 contain a majority of the world's people. Someday they will constitute a large and lucrative market for our exports, as do a number of the richer developing countries today. If we can establish ourselves as suppliers during the early stages of economic development, then we will have an opportunity to remain as suppliers in the future when markets will be far more lucrative than they are today.

If we are to ensure the participation of American producers in the future growth of the developing countries, we must act now to build the healthy trading relationships that are needed. Business experience indicates that export potential will be maximized through long-term buyer familiarity with American products, and American producer familiarity with the particular needs of the buying country. The soft-term financing which would be provided by the proposed Export Development Credit Fund would be an important step in the right direction.

Furthermore, if American firms achieve a stronger position as suppliers of developing country markets, then as these markets grow we can expect to see added opportunities for American investments in many nations. Once countries are using a given piece of imported equipment extensively, whether it be a machine tool or a computer, they often become interested in having it produced domestically once the market becomes sufficiently large. Not surprisingly, investment frequently follows exports.

Recent studies of U.S. corporations with holdings abroad show that significant numbers of jobs at home in the United States, as well as a sizable level of exports, are generated through the need to supply the factories abroad with necessary inputs. Establishment of a position as a supplier of goods is often the prerequisite of successful investment in a foreign country, however. Thus without the kind of impetus to American exports to developing nations which the Export Development Credit Fund could provide, our potential future role in many nations may be foreclosed by the actions of other developed nations, which are currently building profitable economic relationships in these nations with greater care and forethought than we are.

Finally on this subject, I would like to point out the proposed Fund's potential in improving our long-term balance of trade position. Many feel that our growing trade deficits constitute the greatest single threat to the welfare of the United States today. I do not think we would be wise to pass up te opportunity this proposed Fund provides to bolster our future trading position among such a large number of countries.

Our mutual interest in agricultural development

At this point I would like to turn to an additional aspect of the new foreign assistance proposals—the focus on solving certain key problems with a particular effort to reach the poorest sectors of the population *within* developing countries. For many reasons, I think that the new emphasis is highly desirable. Since I have a special interest in the development of agriculture and the world food situation, I will first make some observations on these crucial subjects.

This year, while acting to meet the threat of famine in parts of Africa and India, those concerned with the global food situation have seen world reserve stocks of essential grains sink to their lowest level in more than two decades. The Director-General of the Food and Agriculture Organization of the United Nations, Dr. A. H. Boerma, has noted that the world is currently just one bad harvest away from widespread famine and critical shortages of foodstuffs. Fortunately, the outlook for this season's crops is good in many crucial areas of the world and, outside of portions of sub-Saharan Africa, starvation may be largely avoided.

But while keeping our fingers crossed during the coming year, we need to look forward to the next decade and beyond. In my opinion, the world food outlook is not a bright one. It seems very likely that global food reserves will not soon be rebuilt to the rather consistently high levels of the 1950's and 1960's. The capacity of food donor countries, including the United States, to aid those which are having difficulty meeting their own food needs will be severely diminished. Such a new situation is likely because global demand for many important food commodities may rise considerably faster than our ability to expand supplies in the coming years.

Skyrocketing food prices in our own supermarkets have recently made many Americans aware for the first time of the inexorable logic of supply and demand. The news media have correctly pointed to several factors, including poor harvests in Asia and the Soviet Union, the disappearance of the anchoveta off the coast of Peru, and bad weather in the United States, as contributing to the current short supply of important food commodities. It is my feeling, however, that these short-term factors may be diverting our attention from some more fundamental longer term trends which are altering the dimensions of the world food situation.

Throughout human history, population growth has accounted for nearly all the growing demands which were made on the earth's food-producing capacity. During the seventies rapid population growth continues to generate demand for more food, but in addition we are now witnessing the emergence of rising affluence as a major new claimant on world food resources. Historically there was only one important source of growth in world demand for food, but now there are two.

At the global level, population growth is still the dominant source of growth in demand for food. Expanding at nearly 2 percent per year, it will double in a little more than a generation. Merely maintaining current per capita consumption levels will therefore require a doubling of food output over the next generation.

Population growth is slowing in most rich countries and in a few poor countries, but throughout most of the world it continues to be very rapid. The world currently divides into essentially two groups of countries in demographic terms: the rich countries, which have low rates of population growth, and the poor countries, most of which have rapid rates of population growth. Fully four-fifths of the annual increment in world population of an estimated 70 million occurs in the poor countries.

Some of the relatively small poor countries add more to the world's annual population gain than the larger rich ones. Mexico, for example, now contributes more to world population growth than does the United States. The Philippines adds more people each year than does Japan. Brazil adds 2.6 million additional people in a year while the Soviet Union adds only 2.4 million.

The effect of rising affluence on the world demand for food is perhaps best understood by examining its effect on grain requirements. Grain consumed directly provides 52 percent of man's food energy supply. Consumed indirectly in the form of livestock products, it provides a sizeable share of the remainder. In resource terms, grains occupy more than 70 percent of the World's crop area.

In the poor countries the annual availability of grain per person averages about 400 pounds per year. With only this much grain available, nearly all must be consumed directly to meet minimum energy needs. Little can be spared for conversion into animal protein.

Throughout the world, per capita grain requirements rise with incomes. The amount of grain consumed directly rises with income until per capita income approaches $500 per year, whereupon it begins to decline, eventually leveling off at about 150 pounds. However, total grain consumed, directly and indirectly, continues to rise rapidly as per capita income climbs. As yet no nation appears to have reached a level of affluence where its per capital grain requirements have stopped rising.

Within the United States and Canada, per capita grain utilization is currently approaching one ton per year. Of this total, only about 150 pounds is consumed directly in the form of bread, pastries, and breakfast cereals. The remainder is consumed indirectly in the form of meat, milk and eggs. The agricultural resources required to support an average North American are nearly five times those of the average Indian, Nigerian or Colombian.

There is now a northern tier of industrial countries—beginning with Ireland and Britain in the West and including Scandinavia, Western Europe, Eastern Europe, the Soviet Union and Japan—which are more or less where the United States was in terms of its economic advancement and dietary habits in 1940. As incomes continue to rise in this group of countries containing some two-thirds of a billion people, a sizable share of the additional income is being converted into demand for livestock products, particularly beef. These countries (many of them densely populated, such as the Western European countries and Japan, or suffering from a scarcity of fresh water, as is the Soviet Union), lack the capacity to satisfy the growth in demand for livestock products entirely from indigenous resources. The result is growing imports of livestock products, or of feedgrains and soybeans with which to expand indigenous livestock production.

From both continuing population growth and spreading affluence, then, we can expect pressures on the world's food resources to continue increasing rapidly. I believe that it will be very difficult to adequately meet these rising pressures within the world's present pattern of food production. International stocks of important grains are likely to remain at a dangerously low level. Perhaps two thirds of the roughly 50 million acres of cropland in the United States which were idled under farm programs through much of the sixties, and which in a very real sense have served as the world's food safety valve, are likely to be brought back into near-permanent production. If this situation comes about, developing countries will have nowhere to turn for food aid when bad weather, insects or a disease outbreak sharply diminish or even destroy a year's crop, or if population growth greatly outstrips indigenous producing capacities. Global food scarcity may force us to tighten our belts but in the poor countries it may require forfeiture of life itself.

This unpleasant possibility underscores the need for promoting agricultural development in the developing countries with a special urgency. I support very strongly the inclusion of explicit attention to the problem of food production in the current legislative proposals. The world's greatest reservoir of unexploited food potential is in the developing countries. Rice yields per acre in India and Nigeria are only one-third those of Japan, and corn yields in Thailand and Brazil are less than one-third those of the United States. In these countries and many others, dramatic increases in food supply are possible if farmers are given the necessary economic incentives, agricultural inputs, and technical know-how. The United States has proven its ability to play a valuable role in aiding agricultural development abroad, and

we should take even fuller advantage of our expertise in this domain.

If the food producing capacities of many important developing countries do not increase substantially within the next decade, there are likely to be many unfortunate consequences for the United States. A growing worldwide increase in demand relative to supply will tend to drive food prices upward, not only in international markets, but at home as well. If we should try to isolate ourselves from world scarcity, the situation could arise where famine and misery take a growing toll in many poor countries while we in the United States consume a disproportionately large share of the world's food production—clearly an unpalatable alternative. A policy of isolation on the food front might also seriously jeopardize many crucial foreign supplies of non-food resources, including energy and key raw materials. Yet if we should have to share food scarcity with the rest of the world, our own standard of living would suffer. Clearly, therefore, it is in the self-interest of the United States to aid the development of agriculture in the developing world.

SMALLER FAMILIES THROUGH SOCIAL PROGRESS

Another important factor in the world food situation is of course population growth. Slowing rapid population growth will serve the development interests of the poor countries, and will also serve the interests of the world community by helping to reduce the ultimate number of claimants on the world's finite resources, both food and non-food. In this context, the focus in the proposed law on reaching the poorest sectors within developing countries, and the complementary emphasis on rural development, represent a sophisticated and necessary comprehensive approach to the urgent need for slowing population growth.

History has shown that birth rates do not usually decline voluntarily in the absence of a minimal level of social amenities, including literacy, an assured food supply, a reduced infant mortality rate, and at least rudimentary health services. By placing an increased emphasis on meeting these basic needs, particularly in the rural areas—where the majority of the world's people live—the United States can simultaneously help the world's forgotten majority attain a more decent life and stem the rapid population growth which threatens the well-being of everyone. At the same time, rural agricultural development will help reduce the massive employment and rural-urban migration problems confronting many poor countries.

In the past some have suggested that there is a conflict between the goals of rapid economic growth and the widespread distribution of the benefits of growth among the population. Recent evidence from several nations, however, has proven that this is not necessarily the case. Several Asian countries have combined rapid economic growth with greatly improved income distribution, and have also experienced considerably reduced unemployment and falling birth rates, which have been brought down further with the introduction of effective, national family planning programs.

Looking specifically at agriculture, evidence from various parts of the developing world indicates that intensively farmed small holdings are generally considerably more productive on a per acre basis than larger holdings. Thus the goal of widespread, employment-creating agricultural development goes hand in hand with the need to significantly expand food production in the developing countries and to increase the motivation for smaller families.

POTENTIAL BENEFITS OF THE NEW "PROBLEM SOLVING" APPROACH

I would like to end my testimony by commenting on an aspect of the proposal which struck me—the notion of "problem solving" in specific fields which is substituted for overall country programming and the more general idea of resource transfers of the past. I think the change in approach is a good one. It helps focus more attention on the critical areas which could improve the welfare of the majority of mankind, rather than on GNP totals alone which, while important, have failed to reflect adequately the needs of the poor in many developing countries.

Furthermore, I know from personal experience that a major international effort in a particular problem area can have dramatically beneficial consequences. During the mid-1960's, when I was serving as Secretary of Agriculture, widespread famine in the near future in major parts of Asia was seen as a real possibility. For many it appeared to be a certainty. A concerted effort by many in both the developed and the less developed nations, however, resulted in the rapid development and spread of high-yielding varieties of wheat and rice which has become known as the Green Revolution. While the Green Revolution has obviously not been the final answer to the world's food problems, it has enabled several Asian nations to achieve previously undreamed of levels of grain production. It has been an essential means of buying time with which to slow population growth and further develop agricultural potential. It is an impressive example of man's ability to confront successfully a problem of seemingly super-human proportions.

Such dramatic breakthroughs may not occur in all of the problem areas specified in the proposed legislation. Nevertheless, the focusing of energies and purpose on these key issues holds the promise of greater progress than the less concentrated approach of the past has yielded.

STATEMENT OF JAMES P. GRANT,* PRESIDENT, OVERSEAS DEVELOPMENT COUNCIL, BEFORE THE HOUSE FOREIGN AFFAIRS COMMITTEE, JUNE 12, 1973

Mr. Chairman and Members of the Committee: I appreciate the invitation to testify before this Committee. The proposals made by a bipartisan majority of the Committee for increasing the effectiveness of U.S. assistance to developing countries and to establish a new credit facility for expanding our exports to the one billion people who live in the lowest income countries of Asia, Africa, and Latin America are possibly the most far-reaching and important of any broadly supported Congressional initiative in this field since the launching of the Marshall Plan 25 years ago. I will address separately each of the four major proposals in the bill.

NEW NAME AND TITLE

Changing the title of the legislation to the Mutual Development Cooperation Act and the name of the administering agency to the Mutual Development and Cooperation Agency would make them reflect more accurately the true nature of the relationship now emerging between the United States and the developing countries. As detailed in the Overseas Development Council's recent publication *The United States and the Developing World: Agenda for Action* (February 1973), international politics and power relationships are changing, with security concerns giving way to economic issues among nations. This change will require the United States and other rich nations to pay greater attention to the needs and desires of many developing countries than ever before—for reasons of morality, self-interest, and the development of effective international institutions, which we in the United States in particular require.

Development can be a mutually beneficial process both for the low-income countries in need of outside resources and for the outside countries supplying those resources. This is increasingly true as the world grows more interdependent and as all countries rely more on international cooperative efforts to solve their problems and to achieve their national goals. For example, improving the U.S. balance of payments and increasing domestic employment are two goals that depend on reform of the international trade and monetary systems; in both instances, cooperation by developing countries will improve the prospects for success. The ability, and willingness, of developing countries to cooperate in these areas is likely to be greater if they are making progress toward achieving their national development goals and we are assisting in the process. Similarly, our growing need for relatively assured access to their raw materials frequently requires both improvements in their infrastructure to permit physical access and their continued economic and social progress to maintain their political viability.

"Mutual Development and Cooperation" may be a headline writer's nightmare, but it is a good shorthand way of describing a relationship in which the U.S. perceives a direct self-interest in the success of the development efforts of the low-income countries. It is also a more suitable characterization of a style of administering development assistance which looks to the developing country to take the lead in setting its own goals and planning development activities.

REDIRECTION OF BILATERAL DEVELOPMENT ASSISTANCE

The Committee members have taken a very important and constructive step in increasing and sharpening the focus of the now much diminished bilateral assistance program on acute problem areas, and in emphasizing especially the importance of assisting developing countries in programs and projects which will benefit *the poorest majority of the people* in these countries and which will enable them to participate more effectively in the development process.

The circumstances surrounding bilateral development assistance have changed dramatically in the past 10 years. In the early 1960s, not only was bilateral development aid larger both in absolute amounts and in purchasing power, but it also was a much larger proportion of the total foreign exchange available to low-income countries. Now, however, the developing countries (excluding major oil exporters) have more than doubled their earnings from exports of goods and services, to over $50 billion annually in 1972. At the same time the private investment and aid flows from other developed countries have increased from approximately $4 billion to over $11 billion, and multilateral financial institutions have assumed a much greater role in transferring resources. Thus the diminished amount now available for bilateral development aid—some $1 billion—has a much diminished role both in transferring resources generally and in financing major capital projects.

Over the same 10 years, the global development effort has had remarkable success in increasing the rate of growth in national product. During the 1960s, the developing countries average a 5.5 percent increase in GNP—a rate of growth unequalled by the rich countries at a comparable stage of their development. A number of developing countries have experienced very substantial economic growth, attaining GNP growth rates of 10 per cent or even higher. Some low-income

*The views expressed in this testimony are those of the witness, and do not necessarily represent those of the Overseas Development Council, or others of its Directors, officers, or staff.

agricultural societies have been transformed into industrializing economies in amazingly short periods, and others are following suit. Exports of manufactured goods have shown dynamism; for the developing countries as a whole, they have been increasing rapidly and now account for 23 per cent of their total world exports.

Yet unemployment levels in many developing countries are still increasing, some even exceeding those of our own Great Depression; the income gap between the poorest half of the population and those well-off is actually widening; the bottom two-thirds of the population still have no meaningful access to health facilities; a majority of the rural population are illiterate; and urban settlements are mushrooming because of massive rural migration. In many areas, these problems become less manageable every day because population growth continues unrestrained. Finally, if the debt burden that has built up in a number of major, very low-income countries continues to accumulate, it will become insupportable. This situation has led some people to throw up their hands in despair, others to argue that aid is only "making the rich richer," and still others to state that development is aggravating global environmental and population problems.

These are the real issues which must be met in seeking to answer the question: "Where next with development assistance?" The global community now knows from the experience of the 1960s how to achieve increases in national product when it has the will to devote international and national resources to the task. However, to continue to measure development by GNP increases alone is to forget that, after all, the goal is human progress. Development must now be seen as encompassing the minimum human needs of man for food, health and education, and for a job which can give him both the means to acquire these basic needs as well as the psychological sense of participating usefully in the world around him. Last February in New Delhi, a wise and perceptive Thai set forth the aspirations of Asian man as seen through his life cycle from the womb to the grave. His "Ode of a Developing Country Man" (Annex A) is a most expressive description of the meaning of development. We need to develop ways of achieving this broadened concept of development as successfully as did the global community in accelerating growth in output over the past 10 years.

Fortunately, experience in a number of poor countries during the past 10 years offers some encouraging evidence that an effective combination of domestic as well as international policies can simultaneously create new jobs, increase access to health and educational services, improve nutrition, reduce income disparities, and check population growth. The possibility is best illustrated in East Asia, by countries with very different political and economic systems; namely, the experience of post-1960 China on one side of the ideological barrier, and the experience of South Korea, Taiwan, and the city-states of Hong Kong and Singapore on the other.

Contrary to a common assumption of the 1950s and 1960s, the development record of these countries indicates that policies that enhance social equity need not deter overall economic growth—and that many such policies can even speed it up. Thus, in the smaller East Asian countries just mentioned, growth rates over the past decade have averaged an impressive 10 per cent annually. But in addition, the income, health, and education of the bottom half of the population has improved greatly, the disparity between the income controlled by the upper and bottom 20 per cent of the population has been reduced, birth rates have dropped sharply, and the dependence of these countries on foreign aid has either ended, or, as in South Korea, has been greatly reduced. All of these countries have found a way to increase the ability of the average worker to participate effectively in the development process, thereby helping both the individual and his society.

This has required not only favoring use of plentiful labor over scarce capital-intensive equipment, but also providing the incentives and merchanisms to encourage savings, establishing or supporting institutions to give small farmers and entrepreneurs ready access to capital and technology, and ensuring the availability of rudimentary but meaningful educational and health services for virtually all. Through such policies, these countries have made social justice a major ally of growth. The acceleration of growth through full employment should not surprise us, as it not only means that more people have a stake in society, but that national output is increased by putting idle labor resources to work, and that scarce capital and foreign exchange are used more efficiently. Elsewhere, countries as different as Israel, Ceylon, and Yugoslavia have dealt effectively with some of the problems discussed here.[1]

There also is important new evidence that in an increasing number of poor countries, birth rates have dropped sharply despite relatively low per capita income, and despite the lack or relative newness of family planning programs. The common factor in these countries of Latin America and Asia is that the majority of the population has shared in the economic and social benefits of significant national progress to a far greater degree than in most poor countries—or in most Western countries during their comparable period of development (see Annex B). This evidence demonstates that appropriate policies for making health, education, and jobs more broadly available to lower income groups in poor countries contribute significantly toward the motivation for smaller families that is the prerequisite of a major reduction in birth rates. It is becoming increasingly clear that if the developing countries are to escape the threat posed by rapid population growth within an acceptable time frame, more families must acquire the motivation to limit births, not only be provided with improved means to do so.

In the 1970s, development planners need to give far more attention than heretofore to the effect of alternative development strategies on birth rates. Equally important, the population crisis must be dealt with in the broader context of the development crisis—with more emphasis on the possible ways of treating the basic "disease" of poverty, thereby creating the needed motivation for smaller families. Combining policies that give special attention to improving the well-being of the poor majority of the population and policies that provide large-scale, well-executed family planning programs should make it possible to stabilize population in developing countries much faster than reliance on either approach alone.[2]

It is no accident that most of the non-socialist "development successes" have taken place in societies with broad access to varying combinations of trade, investment, and aid. Nor is it an accident that the major innovations introduced through development cooperation have resulted primarily from U.S. assistance programs—private and public—which explicitly concentrated on particular functional areas. These innovations include the programs such as comprehensive rural development in Korea and, in particular, Taiwan; the "Green Revolution:" the extraordinary spread of public health measures as exemplified by malaria eradication: and the acceptance of the need for large-scale family planning programs.

The bilateral development aid requested by the Administration and supported by the proposed bill is a relative drop in the bucket when contrasted with the total needs of the developing countries (excluding major oil exporters) for more than $70 billion of foreign exchange. However, if bilateral assistance is looked at as a weapon to be targeted primarily on the critical specific problems of development (and particularly on helping the poor majority to participate more effectively in the development process), this amount can be of great significance. President Nixon in his May 3 report on the State of the World, and A.I.D. in its Congressional presentation have both recognized the need for such a greater focus. The proposal now before the Committee will ensure that this shift takes place more rapidly, and more extensively than otherwise might be the case.

I might add that my personal involvement with these hard-core development problems began some 25 years ago as the result of this Committee's initiative to address this range of problems in the rural sector of China, when it authorized the Sino-American Joint Commission on Rural Reconstruction (with its unique collaborative style of 3 Chinese and 2 American Commissioners), and required earmarking of a certain proportion of the funds for its use. I acted as the Commission's Executive Secretary for its first year on the mainland, and again later, briefly, in Taiwan. That early Congressional initiative contributed greatly to the subsequent unique combination of accelerated growth and greatly increased social justice in rural Taiwan, and I hope we will witness the establishment of similar joint groups in other countries to which considerable discretionary authority can be delegated.

COORDINATION

The current bill recognizes that the actions taken by the United States in such fields as import policies, export promotion, international monetary policy, environmental protection, and a regime for the oceans may be more important to some developing countries than our actions on aid. It rightly provides that whenever the United States formulates policies on such subjects, the decision-making process should also take into account the effects on the important U.S. interests in advancing the progress of low-income countries.

A mechanism for assuring efficient use of all major tools affecting the U.S. interest in development is not in operation today despite the fact that President Nixon publicly recognized in 1971 the need for better coordination, with particular reference to the different U.S. entities involved in the aid process through bilateral, international, and multilateral mechanisms. A.I.D., the U.S. agency with the greatest expertise in the development process, is not even a member of the President's Council on International Economic Policy or of the National Advisory Council chaired by the Treasury.

The need for better coordination was identified by Edwin Martin, Chairman of the Development Assistance Committee of the Organization for Economic Cooperation and Development, in his most recent report. Ambassador Martin points out that in many donor countries, the development assistance

[1] Possibly the best general discussion of these new policies is in *Development Reconsidered*, by Edgar Owens and Robert Shaw, D.C. Health (1972).

[2] See *Smaller Families Through Social and Economic Progress*, by William Rich, Monograph No. 7, Overseas Development Council (1973).

agency that is most knowledgeable about development matters is not represented in such policy decisions—and often is not even directly involved in all aid decisions. He called upon governments to correct this anomaly.

The coordination proposals in this bill should meet this need to increase the effectiveness of U.S. policy decisions and expenditures in this important field.

EXPORT DEVELOPMENT CREDIT FUND

The bill establishes an Export Development Credit Fund to make credits available for financing U.S. exports having a developmental value to countries in the lowest income brackets. The Fund could mean a major breakthrough for American exports to a potentially major market and should also prove useful to the lowest income countries. Quite apart from our long neglect of China, the United States in recent years has increasingly neglected the future market potential of the poorest billion people living elsewhere in the developing world. The Fund can help to correct this neglect by providing financing which is competitive with that of other industrial nations and which also increases funds for financing our exports—thereby creating markets for the immediate future and for follow-on orders, as well as helping build stronger economies that can develop into better customers for U.S. goods over the long run.

U.S. exports to less developed countries as a whole totalled over $16 billion in 1972—nearly the same as our combined exports to Japan and the recently enlarged European Community (including the U.K.). These exports have been growing at about 10 per cent a year over the past few years. Yet several facts become apparent if one examines the statistics on U.S. exports to those developing countries with the very lowest annual income—below $200 per capita—and as one reviews the background analysis and descriptive material released at the press conference on this bill:

First, total U.S. exports to the lowest income category of developing countries are not expanding, but actually decreasing. With over 60 per cent of the population of the poor countries, this category now takes only 10 per cent of our exports to developing countries.

Second, other rich countries are expanding their exports to these lowest income countries along with expanding their aid to these countries.

Third, American exports to these countries are heavily dependent on U.S. Government financing, which is not increasing.

Fourth, very little of the financing for the lowest income countries, approximately $100 million in 1972, comes from the Export-Import Bank—most comes from A.I.D. and PL 480, which are decreasing. This contrasts sharply with the financing pattern for our rapidly growing exports to the much less populous, more advanced developing countries for which the slightly concessional Ex-Im terms are suitable, and where its loans and medium-term guarantees have increased to over $2.5 billion in 1972.

Many U.S. exporters believe that a major factor behind our poor performance in these markets is the shortage of financing available on sufficiently concessional terms. Hence the idea of a Fund to make credits available to these markets at more attractive terms appears sound. Nevertheless, a number of questions about the proposed Fund need to be answered.

1. *Where is the line between export credits and development loans?* There is no easy answer to this question, other than the intention of the lender. It is clear, however, that large-scale export promotion to the lowest income countries requires a substantial concessional component, which is not presently available for American exporters.

There is a modest subsidy component in Export-Import loans, which are usually at a rate lower than that at which Ex-Im Bank borrows on the market, with the interest differential being made up from other income available to Ex-Im Bank. There obviously is a large concessional element in the typical IDA loan, and a still large but somewhat smaller element in A.I.D.'s concessional loans, which are on harder terms.

In the United States, Ex-Im Bank loans to developing countries have increasingly begun to resemble development finance as the Bank has extended repayment periods and followed flexible rules. For instance, direct loans by Ex-Im Bank in FY 1970 for conventional electrical equipment had maturities ranging from 5½ years to 16, with a median of about 10. At the same time, A.I.D. development financing has begun increasingly to incorporate elements from export credits, e.g. to shift from untied to tied procurement, from largely grants to mostly loans, and from highly concessional loans to credits on increasingly hard terms. Other industrial countries—such as Canada, Germany, Japan, and France—promote exports to lowest income countries by blending a "cocktail" for individual transactions, using their public aid funds in combination with commercial term funds so as to bring about modifications in the terms and conditions of commercial credits, especially to reduce the rate of interest.

A recent study[3] examining the interaction between development finance and export credits notes:

"Unlike other donor countries, the U.S. government has sought to maintain a fairly rigid line between its foreign aid program and the activities of the Export-Import Bank of the United States. The line is based less on a clear distinction between what the two agencies actually do than on their stated motivations. What Eximbank does is labeled export credit; because the mission of that agency is to promote exports, despite the fact that Eximbank has been making long-term direct loans to developing countries (among others) for a longer time than any other development finance or national export credit agency. What USAID and the World Bank do is called development finance, or foreign aid, because here the motivation is to be bankers of the poor. Yet the loans of these agencies finance exports too, and, as far as the World Bank is concerned, often on terms comparable to those of the national export credit agencies."

It is clear from the text of the proposal that the Export Development Credit Fund is designed to increase U.S. exports that have a developmental character to the populous lowest-income countries. In addition, these credits should help to strengthen the economies of these countries, thus bringing a better life to their people, increasing their ability to meet these future obligations, and assisting them to become increasingly better markets for U.S. industry.

2. *Would the availability of credit on softer terms actually increase U.S. exports?* Or might it merely displace existing financing? Nobody can be certain what will happen in this inexact science, but the bulk of the credit used from this Fund should result in additional exports. We do know that the vast bulk of financing for the market represented by countries with annual per capita GNPs under $200 now comes from PL 480 and A.I.D. loans and grants. Since the Fund is not intended for financing exports of agricultural surpluses, there should be no effect on PL 480. Since A.I.D. loans and grants will be made available on terms generally better than those of the Fund, and since most of the developing countries need more rather than less concessional terms, A.I.D. financing should not be displaced unless the U.S. Government chooses—as a matter of deliberate policy—to withdraw them and substitute Fund credits. It is possible that the $116 million loaned in the most recent year by the Export-Import Bank would be displaced by the Fund, but if so, it would again be a matter of deliberate U.S. governmental decision. Given the heavy debt burden some of the poorest countries carry, it might be good if the softer terms of the Fund were substituted for the harder terms of the Export-Import Bank; in any case, a small amount of exports is involved. There is no way of knowing whether the rather small amount of private financing (about $250 million) might be displaced by Fund credits. To the extent this financing covers sales from parent companies to subordinates, it probably would not be affected. Likewise, exports financed by private equity capital probably would not be affected. My own guess is that the residue of private loan financing that might be displaced by the Fund would be very small indeed.

Is the poor performance of U.S. exports to these markets relative to others due to uncompetitive financing—or to other causes? Clearly the overvaluation of the dollar until recently was a contributory factor, but it must be remembered that this factor did not prevent our exports to the more advanced developing countries from rising rapidly. Another factor has been that the tied aid of other countries to these lowest-income countries has been rising while ours has been falling. Although we do not have comprehensive statistics, there is a great deal of material in the form of known cases of bids lost because of lack of competitive financing. U.S. exporters with whom I have talked in recent weeks believe that the lack of suitable financing is a very important factor in the situation. Many of them point out that exports are often lost because Americans do not bother to bid—believing that they cannot win because of inadequately competitive financing.

Whatever the history and causes of our poor export performance to this category of countries, I think there are two reasons to expect that more attractive financing would help. First, if a line of credit were extended by the Fund to the government of country A for a particular purpose, such as imports of electrical equipment or heavy construction equipment, that government would have an incentive to make sure that American exporters were given a fair opportunity to compete for business. Otherwise, country A would fail to make use of a valuable resource, and in due course the line of credit would be withdrawn. Second, and much more critical, once it became known that there was a substantial line of credit available to country A for imports from the United States, there would be an incentive for U.S. exporters to pay more attention to that market. If this were to happen, some dramatic changes probably would take place. U.S. exporters might be encouraged to send representatives to importing countries or to arrange, where warranted, for a local resident representative to insure that they are notified of tenders to bid, to secure copies of specifications for them, and to represent their interests in general. These basic preliminary steps can be very important in increasing U.S. exports on

[3] "The Bankers of the Rich and the Bankers of the Poor: The Role of Export Credit in Development Finance," by Nathaniel McKitterick and B. Jenkins Middleton, Overseas Development Council Monograph No. 6 (1972).

commercial terms to a particular market on a long-run basis.

Now that there has been a substantial devaluation of the dollar, and that U.S. price indices are trending upward at a slower pace than those of our competitors, there is every reason to expect that American goods will be able to compete on price and quality for these markets. This is precisely the right time for U.S. Government action to make sure that U.S. exports can compete on financing terms as well.

I hope that the Fund would be administered in such a way as to correct more than the deficiency in U.S. financial competitiveness. It should also aim to help provide U.S. business with timely information and encouragement to seek sales in these markets, and it should analyze other obstacles to U.S. exports and make appropriate recommendations as to how they can be removed.

3. *Will this create U.S. jobs?* The Export-Import Bank has done some calculations which show that each additional $12,500 of exports creates one U.S. job. At that rate, if the Fund were to stimulate $1 billion of exports each year, some 80,000 additional jobs would be created.

4. *Is this an unwarranted subsidy of U.S. business?* It need not be, if properly administered. One object is to make U.S. exports competitive in financing terms. But they must still meet the competition from Europe and Japan on price and quality. And there is plenty of competition. In addition, it might prove useful for the Fund to provide a price test prohibiting any exported under Fund financing from charging more for his exports than for his domestic sales.

5. *Is this moving in the direction of tying aid and therefore counter to desirable trends in aid-giving?* This is neither aid nor in substitution of existing aid, but is financing for export promotion. Insofar as bilateral aid to be administered by MDCA is concerned, that is already largely tied and this does nothing to tie it further.

6. *Since developing countries are already saddled with a heavy debt burden, will lending them more increase their problems?* Of course, compared with a grant, any loan is hard. As a supporter of development, I hope that an increasing flow of grant funds will be made available. But it is not reasonable to suppose that all low-income country imports could be financed with grants. Some must be paid for with cash (the hardest form of import), and some with commercial loans and investments. The Fund would add a new dimension between grants and commercial credits. Assuming the imports it finances are of the developmental character required in the bill and are used productively, they should improve the ability of the importing country to manage its debt burden.

In this connection, the question has been raised whether these loans will ever be repaid. Our experience with the developing countries is that they do repay their loans. Occasionally they get into financial trouble and have to ask for debt relief. But they do not normally default on loans. Since the Fund will be extending credit on terms that the borrowers can more easily afford to pay, and for goods and services which strengthen the borrowers' economies, there should be fewer problems of need for debt relief than would be the case if these credits were not available or if they were only available on harder terms.

7. *Will Fund-financed exports help development?* This is a critical question, since not all imports do help development. The proposed bill sensibly provides that the Fund may only be used to finance goods that do advance development. Stating that policy may be as far as the law should go, but in administering the Fund, care would be required to prevent low-utility exports from being financed. I believe that the Fund should have a flexible commodity eligibility test, designed to make certain that its exports-support development in the importing country. Beyond that, there may be good reason for the Fund to verify that the import and investment policies of the importing country are such that Fund-financed exports to that country have a reasonable prospect of being constructively used. Such tests should not lessen the Fund's usefulness as a promoter of U.S. exports, since the range of U.S. goods and services helpful to development is very broad and can range from capital goals to individual raw materials, fertilizer, and food.

In order to take these development considerations into account, the Fund should have some expertise in the development business. In that connection, the Advisory Committee established by the proposed bill should prove valuable, for wherever the President might locate the Fund administratively, the Committee would ensure that the extensive development experience accumulated by the U.S. Government was brought to bear on its decisions. The PL 480 Inter-agency Committee has proven extremely valuable for this purpose with respect to agricultural commodities.

Despite the need for assessment of the developmental impact of the U.S. goods and services financed, the Fund should resist the temptation to try to tell the importing country how to run its internal affairs. For developing countries increasingly are evolving ways of protecting themselves from wasteful and harmful investment decisions. In any case, the functions of the Fund could be jeopardized by overly zealous application of rigid development criteria

8. *What about the use of American ships?* The mandatory use of American ships for certain commodities and certain destinations may make U.S. exports sharply more expensive than they would otherwise be. To prevent our exports from thus becoming uncompetitive, I propose that the bill be amended to permit the Fund to use aid receipts to pay for the *difference* between the cost of U.S. ships and other cheaper ships, whenever that difference is a serious problem.

9. *Which countries should be eligible?* The bill provides that lowest-income countries with less than $200 per capita annual GNP are to be the main recipients of Fund credits, but avoids making per capita GNP a rigid test of eligibility. Although per capita GNP is the best measure we have of poverty, it is not a perfect measure. Nor does it measure precisely the relative ability of countries to borrow on commercial terms or to service debt. Finally, it does not measure accurately the countries where U.S. exports are having particular difficulty. For those reasons, the record on the legislation should make clear the Congressional intent that the Fund be administered flexibly to take account of all relevant factors, including ability to pay, poverty, and the need for a subsidy to support U.S. exports.

CONCLUSION

Finally, Mr. Chairman, I would like to express my support for this work of the majority of the members of your Committee. Their labors have produced a bill which is a vast improvement in substance over present legislation—and which warrants, and I believe will attract, the support of important segments of the U.S. public. In my view, their initiative is, in the words of Congressman Zablocki in introducing this bill on May 30, ". . . in the best tradition of Congressional lawmaking. It embodies a bipartisan consensus on how future foreign aid programs should be structured."

ANNEX A: ODE OF A DEVELOPING COUNTRY MAN

(As told by an Asian humanist to James Grant)

While in my mother's womb, I want her to have good nutrition and access to maternal and child welfare care.

I don't want to have as many brothers and sisters as my parents had before me, and I do not want my mother to have a child too soon after me.

I want good nutrition for my mother and for me in my first two to three years when my capacity for future mental and physical development is determined.

I want to be able to go to school, together with my sister, and to learn a usable trade, and to have the school impart social values to me.

When I leave school I want a job, a meaningful one in which I can feel the satisfaction of making a contribution.

I want to enjoy good health; for this to be possible I need access to low-cost, readily available drugs and medical services, and I expect my government to provide free preventive health services.

I want to live in a law and order society, without molestation.

I want my country to relate effectively and equitably to the outside world so that I can have access to the intellectual and technical knowledge of all mankind, as well as to capital from overseas.

I would like my country to get a fair price for the products that I and my fellow citizens create.

As a farmer, I would like to have my own plot of land, with a system which gives me easy access to credit, to new agricultural technology, and to markets, and a fair price for my produce.

As a worker, I would want to have some share, some sense of participation, in the factory in which I work.

As a human being, I would like inexpensive newspapers and paperback books, plus access to radio and TV.

I need some leisure time for myself, and to enjoy my family, and want access to some green parks, and to the arts, and my cultural heritage.

I would like to have the security of cooperative mechanisms in which I join with others to do things which we cannot do alone.

I want clean air to breathe and clean water to drink.

I need the opportunity to participate in the society around me, and to be able to help shape the decisions of the economic and social as well as the political institutions that so affect my life.

I want my wife to have equal opportunity with me, and I want both of us to have access to the knowledge and means of family planning.

In my old age, it would be nice to have some form of social security to which I have contributed, but best of all would be to have my children able and desirous of providing for me.

These are the fundamentals of life, and what development should seek to achieve for all.

ANNEX B

FERTILITY LEVELS AND SOCIAL INDICATORS FOR DEVELOPING COUNTRIES, 1970

	Crude birth rate (birth/thousand)		Per capita GNP	Percent literacy	Death rate	Life expectancy	Infant mortality (1,000 births)	Extent of family planning programs percent
	1970	1960						
Argentina	21	23.0	[1] 1,068	91	8	67	56	[2] 0.6
Barbados	21	30.0	523(1969)	92	[3] 8	[4] 65	42	
Singapore	[5] 22	[5] 35.6	960	75	5	68	[5] 21	[6] 64.0
Uruguay	22	24.0	833	91	9	69	54	[2] 1.9
Trinidad-Tobago	23	40.0	890	89	6	66	37	[2] 19.6
Taiwan	[5] 27	[5] 37.1	373	85	[5] 5	68	[3] 18	[7] 56.0
Chile	28	35.0	854	84	9	61	92	[3] 11.3
Cuba	29	32.0	280	94	7	69	[8] 41	n.a.
Sri Lanka	[5] 29	[5] 35.1	169	75	8	62	50	
South Korea	[5] 29	[5] 39.3	258	71	[5] 10	58	60	[7] 30.0
Costa Rica	33	48.0	539	84	7	65	60	[3] 17.4
Jamaica	36	42.0	630	82	[8] 7	65	32	[3] 3.3
Brazil	[9] 37	40.0	394	67	[9] 9	64	94	[3] 1.1
Guyana	37	42.9	[9] 330	80	7	61	43	
Egypt	[5] 37	[5] 49.3	200	26	[3] 17	53	[3] 120	[6] 13.0
India	[3] 38	[6] 44.2	96	28	[3] 16	50	[3] 128	[7] 13.2
Malaysia	[3] 38	[5] 41.1	355	43	[3] 10	63	[3] 75	[6] 13.0
Turkey	[3] 39	[5] 41.0	257	46	[3] 13	54	[3] 119	[10] 5.0
Venezuela	41	46.0	[1] 931	76	7	67	46	[3] 6.2
Mexico	[9] 42	45.0	670	76	[9] 9	61	66	[3] 1.0
Thailand	[3] 42	[5] 44.2	174	68	[3] 9	56	[3] 68	[7] 18.7
Colombia	42–44	46.0	320	73	10	60	76	[3] 4.1
Paraguay	[9] 43	41.0	246	74	[9] 10	58	67	[3] 2.3
Peru	[9] 43	46.0	446	61	[9] 12	54	62	[3] .2
Pakistan	[3] 43	[5] 51.3	150	16	16	51	132	
Bolivia	44	44.0	203	40	19	50	108	NA
Ecuador	44	47.0	267	68	11	52	80	[3] 1.8
Philippines	[3] 44	[5] 46.6	266	72	[3] 10	55	[3] 78	[7] 8.1
El Salvador	[9] 44	50.0	294	49	[9] 10	58	63	[3] 10.5
Indonesia	[3] 45	[6] 46.6	105	43	[3] 18	48	[3] 135	[10] .8
Dominican Republic	[9] 48	49.0	356	65	[9] 14	58	72	[10] 6.8
Morocco	[3] 49	[5] 50.1	211	14	[3] 16	51	[3] 149	[7] 4.0
Honduras	49–51	49.0	267	45	17	49	136	[3] 5.9
Kenya	[3] 51	[5] 47.0	141	20–25	[3] 17	48	[3] 115	[11] 2.2

[1] Income distribution in Argentina is better, and in Venezuela worse, than the average for Latin America; in Venezuela the poorer half of the population receives a smaller proportion of total income than any other country of the region. ECLA, Income Distribution in Latin America (U.N. Publication Sales No. E. 71. 11. G. 2), pp. 41–61.
[2] Accumulated acceptors as a percentage of women of fertile age.
[3] 1971 data.
[4] Average of male and female life expectancies, 1951–69.
[5] Average 1960–65 data.
[6] Acceptors as a percentage of married women, 15–44 yrs, in 1972.
[7] Users as a percentage of married women, 15–44 yrs, in 1972.
[8] 1968 data.
[9] 1970 estimate.
[10] Acceptors as a percentage of married women, 15–44 yrs, in 1971.
[11] Users as a percentage of married women, 15–44 yrs, in 1971.

Sources: AID Economic Data Book, Latin America, Oct. 5, 1972. Selected Economic Data for the Less Developed Countries, AID, June 1972. Population Program Assistance, AID, December 1971, p. 210. 1972 World Population Data Sheet, Population Reference Bureau, Inc., Population table 19. Statistical Yearbook 1971, United Nations, p. 76. Data on percentages of accumulated acceptors are from Benjamin Viel, M.D., "Family Planning in Latin America: The Past, Present, and Future Role of IPFF," n.d., p. 8, prepared for the International Planned Parenthood; Federation, Western Hemisphere Region, Inc. United Nations Population Division, Working Paper No. 38, "Estimates of Crude Birth Rates, Crude Death Rates, and Expectations of Life at Birth, Regions and Countries, 1950–65," February 1971. Agency for International Development, "Population Program Assistance, Aid to Developing Countries by the United States, Other Nations, and International and Private Agencies," forthcoming (1972) issue. Dorothy Nortman, "Population and Family Planning Programs: A Factbook," Reports on Population/Family Planning, Population Council, September 1972.

Hon. THOMAS E. MORGAN,
Chairman, House Foreign Affairs Committee, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I regret that I am not able to appear before your Committee to testify in person on the encouraging initiative taken by a majority of the members to improve the effectiveness of U.S. support for the development of low-income countries. Nevertheless, I do wish to associate myself with this endeavor and give it my strong endorsement.

I welcome the emphasis on the human problems of the poorest majority of people living in the developing countries. From my association with the Rockefeller Foundation and the Pearson Commission I can attest to the value of U.S. support for efforts to fight disease, malnutrition, overpopulation and ignorance. These are the most pervasive problems of the developing countries, and the Congressmen wisely emphasize their desire to direct U.S. programs at them.

I also support the effort to assure that the U.S. Government consider the total impact of all its decisions that affect the developing countries. The economic and political power of this country is so great that many of our actions in trade, monetary and investment policies, or our proposals for the regime of the seas or in the international environment do have an important effect on the developing countries. Given our interest in supporting their development, it is well to develop a better procedure for taking into account the totality of those effects.

Finally, I strongly favor the imaginative proposal to create the Export Development Credit Fund. The United States is falling behind other industrialized countries in exports to the lowest income countries and steps should be taken immediately to remedy this decline. I personally believe that many U.S. exporters can improve their performance in this market. Clearly other countries believe that the poor countries have a market well worth pursuing and have developed their policies accordingly. We should do likewise.

I find particularly appropriate the proposal for financing the interest differential between what is borrowed and what is loaned from repayments on old aid loans. That innovation makes it perfectly feasible to finance these export credits from public debt authority. I recall that in 1957 the Administration submitted to the Congress a proposal for public debt authority to finance the Development Loan Fund. It was passed by the Senate and the House Foreign Affairs Committee but failed on the floor of the House. The weakness with that proposal was that annual appropriations would have been required in increasing amounts to cover the differences between the interest the DLF paid and what it charged its borrowers. Now, however, with receipts from previous DLF and other loans coming in, there will be ample funds to meet the costs and make the Fund financially viable without recourse to annual appropriations of new funds. Since we use borrowing authority and investment income to finance exports to Europe, Japan and the more developed low-income countries such as Brazil and Taiwan at slightly subsidized rates, it only makes sense to use a similar authority to finance exports to the poorer countries as well, but at more concessional rates. Otherwise, U.S. exports to those areas will continue to decline. As a consequence, the welfare of American workers also will suffer—and the poorest countries will be deprived of American goods and services they can fruitfully use to advance their development.

The Committee may find some who will object to the proposal on the grounds that creating the Fund would increase the already heavy debt burden of the poorest countries. However, any such objections are met by the injunction in the proposal that these credits be used for goods and services of a developmental character so that over the extended period of repayment the credits will more than increase the ability of recipients to meet these obligations. Properly administered, there is no reason the Fund cannot improve American exports and at the same time significantly promote the development of the low-income countries.

In closing, I would like to say how impressed I am with this farsighted initiative which reflects the realities of the future rather than the outworn dogmas of the past.

Sincerely,

DOUGLAS DILLON.

JUNE 11, 1973.

Hon. THOMAS E. MORGAN,
Chairman, House Foreign Affairs Committee, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: When I learned of the initiative by a bipartisan majority of your Committee on the foreign aid bill, I was most encouraged and wanted to testify in person. Regrettably, previous commitments prevent that. But I believe this letter will record my vigorous support, particularly of two features of the proposal.

First, I believe that it is important that the now reduced American bilateral development aid program concentrate on priority areas in which we have, or can develop, a special expertise, and particularly on those problems

so basic to the broad modernization of the developing countries, including food production, rural development, education, health, and family planning. Such programs should help a larger proportion of the people in these countries participate more effectively in the development process. The Committee's approach commendably gives sharp priority to these fields and actually authorizes funds according to those categories.

Second, I applaud the proposed Export Development Credit Fund. U.S. exports to the lowest income countries with a population of apparently one billion people are doing poorly, in part because these countries lack foreign exchange but also because financing on terms that meet our competition is not available. On price and quality I think our exports would do well now and better in the future, provided financing is available on favorable terms.

The proposal to finance this Fund with borrowing authority would have been more debatable ten years ago. However, there now is available from repayments and interest on existing aid loans a growing stream of funds that can be used to cover the difference between the interest the Fund must pay on its borrowings and the lower rate of interest it will receive on its credits. If that difference had to be met from annual appropriations I would have doubts; but given the availability of receipts from earlier loans, I believe public debt authority is a sound procedure.

It is interesting to note that this same use of borrowing authority and payments on earlier aid loans was recommended by the Peterson Task Force in 1970. In much the same manner the Export-Import Bank subsidizes interest on its loans from its investment income.

I am concerned, however, that the definition of "lowest income countries" not be so interpreted as to exclude the poorest countries in Latin America. I am particularly anxious that countries such as Bolivia, Paraguay, Haiti, and Honduras be eligible at this time for credits on concessional terms since they have difficulty meeting with normal commercial terms.

The Fund is a necessary and useful instrument for American exports to become competitive in this neglected market. The members of the House Foreign Affairs Committee are to be commented for their creativity and foresight in proposing a mechanism which can simultaneously contribute to our need for significantly increased exports and to help accelerate the development of the lowest income countries.

I also applaud the Committee's desire to have an improved system of coordination for United States policies and programs which affect our interests in the development of the low income countries. This need for improved coordination has been noted in the past and still remains largely unmet. This principle is a commendable one at a time when we must consider the totality of U.S. actions affecting the developing countries.

Sincerely,

DAVID ROCKEFELLER.

[From the Christian Science Monitor, June 8, 1973]

REDIRECTING FOREIGN AID TO POOREST OF THE POOR

(By Harry B. Ellis)

WASHINGTON.—Getting United States foreign aid down to the poorest people in the poorest countries is the thrust of a sweeping new proposal by key congressmen.

Growth rates of developing nations often are impressive, the sponsors point out. But generally, within those same countries, the income gap between rich and poor steadily widens.

The existing structure of U.S. foreign aid, experts agree, does little to help millions of Asians, Africans, and Latin Americans mired in the deepest poverty.

A proposal by a majority of the House Foreign Affairs Committee would revamp United States bilateral foreign aid by zeroing in on the root problems—nutrition, health, education, population control, rural development—linked with poverty.

Their bill, introduced as amendments to the Foreign Assistance Act, would not cost American taxpayers more money, but it would redirect the flow of U.S. aid.

IN LINE WITH NIXON

The bipartisan sponsors, numbering at least 26 of the committee's 40 members, stress that their recommendations are in line with President Nixon's own suggestion, voiced in his "state of the world" message of May 3, that aid should move in this direction.

The new House proposal agrees with the Nixon administration's foreign assistance bill, now before Congress, that $1 billion should be allocated to bilateral economic aid in fiscal year 1974, beginning July 1.

This $1 billion is apart from military assistance proposed by the White House. Also separate is the administration's request for $600 million for reconstruction work in Southeast Asia.

Sponsors of the House measure, headed by Clement J. Zablocki (D) of Wisconsin, do not seek changes in military aid or the Southeast Asia funds, but would channel the $1 billion of economic help into projects for the very poor.

These are defined as "food, rural development, and nutrition; population growth and health; and education and human resources development."

"Projects," says a statement by the House sponsors, "would be selected which most directly benefit the poorest majority of the people in these countries. . . .

"We are learning," the statement adds, "that if the poorest majority can participate in development by having productive work and access to basic education, health care, and adequate diets, then increased economic growth and social justice can go hand in hand."

Experience shows that spurts of economic growth in developing lands, spurred by injections of foreign aid, often enrich a relatively small class of people, but do not "trickle down" to the very poor.

The way that social and economic power is shared in many Asian, African, and Latin American countries, experts concur, prevents newly developed wealth from being shared fairly between the urban elite and the rural poor.

PROJECTS AIMED AT POOR

Countless millions of the latter, in the words of Robert S. McNamara, president of the World Bank, "lie beyond the reach of traditional market forces and present public services."

How to reach them? Neither the World Bank, nor the United States Government, nor any other donor, can order a power elite in a developing land to change its way of doing business.

But a beginning can be made, note the House sponsors, if economic aid is aimed specifically at projects directly benefiting the poor.

The problem of equity, or making the "trickle down" work, now is universally regarded as a challenge facing every industrialized nation, or agency, giving aid to backward lands.

Mr. McNamara, sketching the world at the end of this century, foresees affluent Western countries enjoying average incomes per person in the range of $8,000, while some 2.5 billion people in the developing world may receive less than $200 each, and 80 million of these less than $100.

So there is a double gap—between rich and poor nations, and, within the poor lands, between the power elite and the rural majority.

In an effort to keep the rich-poor nation chasm from widening, the United Nations established as a reasonable principle that rich countries should give to poor ones 0.7 percent of their gross national product (GNP).

Collectively, Mr. McNamara told the annual meeting of the World Bank in Washington last year, affluent nations are falling far short of that standard, giving, on average, only half of 0.7 percent.

The United States, whose aid as a percentage of GNP has declined steadily in recent years, does even worse. By 1975, at the present rate, said Mr. McNamara, the U.S. is expected to share only 0.24 percent of its GNP with developing nations.

[From the Christian Science Monitor, June 12, 1973]

EASIER CREDIT TERMS PROPOSED: UNITED STATES EYES EXPORTS TO POOR LANDS

(By Harry B. Ellis)

WASHINGTON.—Last year the United States exported $16.3 billion worth of goods to developing countries, almost as much as the U.S. sold to Japan and the enlarged Common Market combined.

Poor countries, in other words, now buy about as much from the United States as 10 of the world's richest lands together do.

But there is a curious skew to these sales to the "third world," according to a majority of members of the House Foreign Affairs Committee, who hope to revamp the U.S. foreign aid program.

Sales of American goods to the "richer" developing lands, those with per capita annual incomes above $200, indeed are growing. But exports to the poorest countries, those with incomes below $200, are shrinking.

A major reason is financing. The more affluent developing countries, like Mexico, Brazil, Korea, and Taiwan, can afford to borrow money to pay for American goods from the Export-Import Bank.

BANK TERMS TOO STEEP?

The poorest lands, including India, Pakistan, and many African nations, cannot afford standard Eximbank terms. "In many cases," states the House committee panel, "lack of financing on competitive terms, rather than price or quality, explains the U.S. inability to compete for this market."

Meanwhile, exports by Japan, Canada, West Germany, Britain, and some other Western lands to developing countries grow faster than those of the U.S., again partly because of financing.

Other nations, notes the House study, often make it easy for poor countries to borrow money. Trade flows in the wake of this borrowing.

"This market of about 1 billion people (low income countries, excluding Communist areas), whose gross national product has been increasing approximately 5 percent annually, is important at present and promises to grow more important in the future.

NEW AGENCY PROPOSED

"Europe and Japan," continues the House committee report, "apparently believe this and offer vigorous and steadily increasing government financing programs which help develop their markets in these countries.

"If the United States wants to avoid further losses and perhaps increase its share in this market, there will have to be increased government financing on terms that compete."

At least 26 of the 40 members of the House Foreign Affairs Committee believe this should be done through the creation of a new agency, the Export Development Credit Fund.

These congressmen, including Clement J. Zablocki (D) of Wisconsin and several other Midwesterners, have introduced a bill to this end. Their measure is offered in the form of amendments to the Foreign Assistance Act.

In addition to creating the new credit agency, the amending bill would focus $1 billion of U.S. economic aid, requested by

President Nixon for fiscal year 1974, on the projects helping the poorest people in the poorest lands.

ABOUT 80,000 NEW JOBS?

The proposed credit agency would, in the view of its sponsors, "kill several birds with one stone" by enabling U.S. exporters to compete in the poorest lands and extending credit that the latter could afford.

One result, the sponsors believe, would be the creation of "an estimated 80,000 new U.S. jobs," through expansion of American exports.

The fund, which would operate at a level of about $1 billion yearly, would, like the Export-Import Bank, be authorized to borrow from the U.S. Treasury or the public.

This money would be borrowed by the fund at market interest rates. The fund then would finance U.S. exports to the poorest countries on competitive terms, perhaps 30 years' maturity at 3 percent interest, with 10 years of grace.

The gap between the fund's soft-term loans and its harder term borrowing would be covered by repayments of past foreign aid loans now flowing into the Treasury.

MARKET ACCESS WIDER

American taxpayers would not be shouldering an additional burden. U.S. businessmen would have access to wider markets and, in the process, new jobs would be created in the United States.

Over a period of time, according to the bipartisan proponents of the measure, aid-recipient nations, as their economies grew, would tend to increase their purchases of American industrial goods.

The sponsors point to Taiwan as an example. In 1960, they note, U.S. exports to that island nation totaled $100 million, 90 percent of which were U.S. aid-financed. Last year the United States sold more than $800 million worth of goods to Taiwan, very little of which was financed by U.S. credits on concessional terms.

The proposed credit fund, its sponsors suggest, might be administered by the Export-Import Bank, by the Department of Commerce, or independently. An interagency advisory committee would oversee its operations.

PROPOSALS IN THE HOPPER

Separately the committee majority proposes to change the name of the existing Foreign Assistance Act to "the Mutual Development Act," administered by the Mutual Development and Cooperation Agency.

All these proposals now go into the congressional hopper, along with President Nixon's request for $1 billion in economic aid, $600 million for reconstruction work in Southeast Asia, and $1.31 billion for military assistance.

The last two figures are not affected by the proposals emanating from the House Foreign Affairs Committee, which concentrates on the agreed figure of $1 billion for bilateral economic aid.

The committee sponsors want to see that $1 billion redirected to help the poorest Asian, Africans, and Latin Americans, and supplemented by a soft-loan credit agency.

[From the New York Times, June 5, 1973]

OVERHAULING AID

Committees in both houses of Congress have moved in recent weeks to revise drastically President Nixon's foreign assistance program, which Chairman J. W. Fulbright of the Senate Foreign Relations Committee has already dismissed as "a relic of the past."

It is not that the $2.9-billion aid request is extravagant in terms either of this country's ability to pay or the needs of the less-developed nations. Even in the improbable event that the portion of the over-all aid budget allocated to economic assistance—$1.6 billion—were fully funded, it would represent a slippage in this country's already low position among donor nations in aid as a percentage of gross national product.

One basic trouble with the President's aid package is that it remains heavily oriented toward military and related assistance, a hangover from an era of politics that has become increasingly obsolete with the progress of détente, the emergence of a multipolar world and the supposed windup of the Indochina war. Much of the $1.31 billion requested by the President for military assistance is of doubtful utility either for the United States or for its proposed recipients. Ignoring the President's proposals, the Foreign Relations Committee has approved a Fulbright-drafted military authorization bill which would drastically reduce arms aid next year and would eliminate all military grant assistance over the next four years.

Equally sweeping and notably constructive proposals on the economic side have been advanced by a 22-member majority of the House Foreign Affairs Committee. Setting aside for the moment the $600 million earmarked for Southeast Asia, which raises special problems deserving close Congressional scrutiny, the House group has proposed that the remaining $1 billion in economic assistance be redirected to focus on the most acute problems of the poorest nations: rural development, food and nutrition, population growth and health, education and human resources development.

In addition, the Congressmen would establish a new $1-billion Export Development Credit Fund for the lowest income countries which would have the dual purpose of aiding development and stimulating United States exports to nations accounting for one-third of the world's population.

Although these and other new House proposals mark a sharp departure from past aid practices and the Administration's program, they represent, in effect, a thoughtful elaboration on recommendations made by a Presidential task force three years ago and move in a direction Mr. Nixon himself advocated in his last State of the World message.

If United States foreign aid is to serve United States interests and the cause of peace in the "radically different world" which was noted in that Presidential message, its purposes and structure should be radically revised along the imaginative lines that the two Congressional committees have begun to chart.

By Mr. MONDALE:

S. 2027. A bill to amend title 38 of the United States Code to make more equitable the procedures for determining eligibility for benefits under the law administered by the Veterans' Administration, and for other purposes. Referred to the Committee on Veterans' Affairs.

JUDICIAL REVIEW FOR VETERANS

Mr. MONDALE. Mr. President, I am introducing today legislation which would allow veterans judicial review over their disputes with the Veterans' Administration, and would raise to $100 the maximum fee a veteran can pay an attorney for the representation of a veteran claim. An identical bill is being introduced in the House of Representatives by Congressmen EDWARD I. KOCH, Democrat of New York and LES ASPIN, Democrat of Wisconsin.

Under current law, all differences of opinion on veterans' claims are determined administratively. No appeals outside the Veterans' Administration are possible.

This legislation is necessary to extend the right of judicial review, which everyone else enjoys, to veterans. Under the present system, the Veterans' Administration is both a party to a dispute and the judge. It is difficult for the veteran, therefore, to obtain an impartial review of his claims.

Mr. President, this bill also seeks to improve the existing situation with regard to representation by counsel of the veteran. Present law provides that an attorney may charge a veteran no more than $10 for legal services. This provision, purported to safeguard a veteran, in effect denied him the services of counsel. This bill, therefore, would permit a veteran to pay an attorney up to $100 for legal services rendered and, if the matter was the subject of an appeal decided in favor of the veteran, the bill further provides that the Veterans' Administration would be obliged to pay the attorney representing the veteran a reasonable fee for services rendered as well as reimbursing the veteran the $100 first advanced by him.

Admittedly, lawyers should be prevented from depriving a veteran of a substantial part of his benefits by exacting an exorbitant fee, but the $10 ceiling effectively denies a veteran the assistance of counsel, and quite possibly, therefore, benefits.

I was outraged to learn that VA regulations prevent an attorney for a veteran from contacting a Member of Congress for assistance in handling a veteran's claim. The penalty for seeking such congressional assistance is that the attorney can be investigated regarding his competency to represent a claimant and he forfeits his right to a fee. My bill would also correct this violation of first amendment rights; it will open the way for a veteran to take his case to court.

Mr. President, I believe that this bill, if enacted, will go a long way to redress the legitimate grievances of the young men who have served this country in its Armed Forces.

Mr. President, I ask unanimous consent that this bill be printed at this point in the RECORD.

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

S. 2027

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(2) of title 38, United States Code, is amended to read as follows:

"(2) The term 'veteran' means a person who served in the active military, naval, or air service, and who was discharged or released therefrom other than by a discharge imposed by a court-martial."

SEC. 2. (a) Subchapter I of chapter 51 of title 38, United States Code, is amended by inserting immediately after section 3005 the following new section:

"§ 3006. Treatment of claims

"(a) The Administrator shall provide to any claimant for any benefit under law administered by the Veterans' Administrator a list of such documentary information and other evidence which the claimant will likely need to support his claim.

"(b) If at any time after any claim is made for any benefit, any officer or employee of the Veterans' Administration obtains from any military department or agency any military record, including health records, for the purposes of determining eligibility for such benefit, the Veterans' Administration shall immediately mail a copy of that record to the claimant or his representative.

"(c) In the administration of the provisions of this title relating to benefits, any

claimant shall be presumed to be entitled to the benefit claimed. Such presumption must be rebutted by clear and convincing evidence to the contrary."

(b) The analysis of such subchapter I is amended by adding at the end thereof the following:

"§ 3006. Treatment of claims."

SEC. 3. Section 3404 of title 38, United States Code, is amended—

(1) by amending subsection (a) thereof to read as follows:

"(a) The Administrator shall recognize any individual admitted to practice law before the highest court in any State or the District of Columbia to act as an agent or attorney in the preparation, presentation, or prosecution of any claim under laws administered by the Veterans' Administration."

(2) by striking out "section" in subsection (b) thereof and inserting in lieu thereof "chapter"; and

(3) by amending subsection (c) thereof to read as follows:

"(c) The Administrator shall determine and pay reasonable fees to agents or attorneys recognized under this chapter in allowed claims for monetary benefits under laws administered by the Veterans' Administration. Such reasonable fees shall not exceed $100 with respect to any one claim except that in any case in which a claimant for monetary benefits prevails upon an appeal to the Board of Veterans' Appeals or upon review pursuant to section 4010 of this title, the Administrator shall pay all reasonable fees."

SEC. 4. (a) Chapter 71 of title 38, United States Code, is amended—

(1) by amending the last sentence of section 4004(a) by striking out the period at the end thereof and inserting in lieu thereof the following: "; but any such decision is subject to judicial review as provided for in section 4010 of this title.";

(2) by amending section 4004(b) by striking out "When" and inserting the following: "Subject to an appeal under section 4010 of this title, when";

(3) by striking out paragraphs (3), (4), and (5) of section 4005(d) and inserting the following:

"(3) Copies of the 'statement of the case' prescribed in paragraph (1) of this subsection will be submitted to the Board of Veterans' Appeals, to the claimant, and to his representative, if there is one. Submission of the statement of the case by an employee of the Veterans' Administration to the Board of Veterans' Appeals shall initiate review by the Board of Veterans' Appeals. The claimant will be afforded a period of 60 days from the date the statement of the case is mailed to provide to the Board of Veterans' Appeals such supplemental information with respect to his case as he deems appropriate, including specific allegations of error of fact or law. Such 60-day period may be extended for a reasonable period on request for good cause shown.

"(4) After the 60-day period, or longer period if such 60-day period is extended, has expired, and regardless whether or not supplemental information has been submitted to the Board of Veterans' Appeals by the claimant, the Board of Veterans' Appeals shall review the case and will base its decision on the entire record.";

(4) by amending section 4005A(b) to read as follows:

"(b) Upon the filing of a notice of disagreement, the Board of Veterans' Appeals and all parties in interest will be furnished with a statement of the case in the same manner as is prescribed in section 4005. Furnishing of the statement of the case to the Board of Veterans' Appeals shall constitute notice of appeal by the party in interest who filed notice of disagreement. The party in interest who filed a notice if disagreement will be allowed thirty days from the date of mailing of such statement of the case to provide to the Board of Veterans' Appeals such supplemental information as he deems appropriate. Extension of time may be granted for good cause shown but with consideration to the interests of the other parties involved. The substance of the supplemental information will be communicated to the other party or parties in interest and a period of thirty days will be allowed for filing a brief or argument in answer thereto. Such notice shall be forwarded to the last known address of record of the parties concerned, and such action shall constitute sufficient evidence of notice."

(5) by adding at the end thereof the following new section:

"§ 4010. Judicial review

"(a) Any claimant who disagrees with the decision of the Board of Veterans' Appeals with respect to his appeal may at any time before the sixtieth day after the date on which the claimant has received notification in writing of such decision file a petition with the United States court of appeals for the District of Columbia circuit or the circuit wherein such claimant resides for a judicial review of such decision. A copy of the petition shall be forthwith transmitted by the clerk of the Court to the Board. The Board thereupon shall file in the court the record of the proceedings on which the Board based its decision, as provided in section 2112 of title 28.

"(b) If the claimant applies to the court for leave to adduce additional evidence and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceedings before the Board, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Board, in such manner and upon such terms and conditions as the court may deem proper. The Board may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken and it shall file such modified or new findings, and its recommendations, if any, for the modification or setting aside of its original decision, with the return of such additional evidence.

"(c) Upon the filing of the petition referred to in subsection (a) of this section, the court shall have jurisdiction to review the decision in accordance with chapter 7 of title 5, and to grant appropriate relief as provided for in such chapter."; and

(6) by amending the analysis of such chapter by adding at the end thereof the following:

"4010. Judicial review."

(b)(1) Section 211 of title 38, United States Code, is amended by striking out subsection (a) thereof; by striking out "(b)"; and by striking out the side heading for such section and inserting in lieu thereof: "§211. Opinions of Attorney General".

(2) The analysis of subchapter II of chapter 3 of such title is amended by striking out "211. Decisions by Administrator, opinions of Attorney General." and inserting the following:

"211. Opinions of Attorney General."

By Mr. HART:

S. 2028. A bill to regulate interstate commerce by providing for uniform and full disclosure of certain information with respect to the sale of dwellings for occupancy by not more than four families in order to promote sound and effective price competition and to prohibit unfair and deceptive sales and other anticompetitive practices, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

TRUTH-IN-HOUSING

Mr. HART. Mr. President, bills whose titles begin with the words "Truth-in" have an attraction to them, and not just because politicians like to convince people that truth is on their side.

"Truth-in—" bills are attractive, because they have a history of efficacy and because the American consumer has proven remarkedly able to fend for himself provided he has all the facts at hand.

Congress has enacted truth-in-packaging and truth-in-lending laws, and interest is growing in a "truth-in" approach to life insurance.

Today, I introduce a bill to extend that approach to still another field—the field of housing.

The caveat of "let the buyer beware" has long been connected with the sale of housing.

But we are coming to realize that too many unhappy homebuyers have been given that answer after discovering an unsuspected defect in a newly purchased house.

With the rising costs of housing and home repairs, chances increase that such an answer will leave a family a choice between a broken budget or a busted home.

A better response would be a truth-in-housing law requiring that a prospective homebuyer be told the structural condition of the unit before the sale.

Complaints about the "buyer beware" rule are not new, but the need to discard that approach has been highlighted by recent investigations of Federal housing programs.

In one study of units sold under the 235 subsidy program, the General Accounting Office found defects in 24 percent of the new houses inspected and in 39 percent of the existing houses.

The sale of houses with costly defects may be a cause of the abandonment problem afflicting some Federal housing projects for low- and moderate-income families.

Information on the structural conditions of those units might have saved Government dollars by heading off mortgage guarantees and subsidies on houses which were good candidates for abandonment.

But such consumer assistance should not be limited to homebuyers on the lower end of the economic scale. More than a few middle-income families have become distressed, financially and otherwise, when their dream house turned out to be a lemon.

Factual information on defects and estimates of possible repair costs would help a family, regardless of income, decide if it could afford to buy a particular house.

Some private firms now offer an inspection and reporting service, but too few families, particularly first-time buyers, are aware of the existence of these firms or of the need for an inspection.

Further, in a tight housing market the pressure is to close now and inspect later. One way to ease that pressure would be to require that an inspection report be available before closing.

Critics of a truth-in-housing law may point out that the Federal Housing Ad-

ministration now inspects new units before insuring a mortgage and that the home building industry is moving toward a multiyear warranty on new construction.

Unhappily, FHA inspections have been less than adequate and, of course, are not made when sales involve noninsured loans on existing houses.

As welcome as housing warranties are, they are no substitute for providing the consumer with sound product information. Even with a warranty, a prudent buyer wants to know the quality of the product if for no other reason than life is easier if you never have to use the warranty.

So from the point of view of consumer protection alone, the time has come to retire the "buyer beware" caveat.

However, there is an additional and equally valid justification for Federal truth-in-housing legislation—and that is to protect and foster the Federal Government's interest in housing.

Too often amid reports of scandals involving the most recently enacted housing programs, we forget that Federal involvement in this area is neither new nor limited to assisting moderate- and low-income families.

Actually, these programs are extensions of earlier policies, still in effect, which hold that homeownership is one desirable way of meeting the Nation's housing needs.

In the early decades of this century, families had to put down as much as 50 percent of the selling price to qualify for a mortgage, and the life of mortgages were shorter with higher payments.

To encourage lenders to make more housing money available at cheaper rates, thus opening the opportunity for homeownership to more families, the Federal Government provided mortgage insurance.

In conjunction with FHA insurance, the amount of money needed for downpayments has been lowered and the length of mortgages increased.

Also, the Federal Government grants tax deductions for mortgage interest and real estate tax payments which reduce Federal revenues by an estimated $8 billion a year.

If the Nation continues to encourage homeownership as a desirable goal, and if the Federal Government continues to "invest" $8 billion a year in housing through tax deductions alone—as I am sure it will—then the Federal Government should take an interest in helping homebuyers shop wisely and in protecting them against fraud.

The purchase of a house will be the largest financial commitment many families will ever make. Whether you are a family buying the once-in-a-lifetime house or a family which moves often, you still want value for your dollar.

To be fully effective then, a truth-in-housing program should:

Cover every type of sale involving a family unit, regardless of type of financing used and regardless of whether the sale involves private parties only, an agent or a lender;

Insure that the required information be available to a buyer far enough in advance of closing to be useful;

Require disclosure of detectable costly defects;

Offer estimates of repair costs and estimates of the remaining useful life of each major component of the house;

Provide a buyer with an opportunity to recover losses resulting from misrepresentations about the condition of the house.

The truth-in-housing bill I am introducing today attempts to meet those aims in these ways.

The law will be administered by the Federal Trade Commission, in consultation with agencies traditionally concerned with housing and lending.

Every seller, agent, or lender involved in the sale of a one- to four-family house will be responsible for having prepared a written report on any defects in the unit.

Only one report will be required, but it must be presented to the buyer prior to closing. If it is not, the buyer may void the sales contract. Further, if the report is not available more than 48 hours before closing, the buyer has 96 hours after closing to void the contract.

This provision is designed to encourage the responsible parties to prepare the report in advance of the closing date. In the best of situations, a buyer could see the report as soon as he shows any interest in purchasing the house.

The report must disclose any defect which seriously affects the usefulness and livability of the unit. However, the defect must be one which can be detected by a reasonable inspection. An inspector, for example, would not be required to cut through walls to examine every foot of electrical wiring.

All defects in the plumbing, heating, and electrical systems should be reported, in addition to defects in the structure or other major components of the house, as defined by the Federal Trade Commission. The condition of the roof, beams, and the basement could be covered in the last category.

The report would include estimated repair or replacement costs resulting from any defect and estimates of the useful lives of the structure and its components.

The cost of any inspection would be paid by the buyer at closing.

A buyer may sue for damages and costs if the written disclosure includes a false statement or fails to report a detectable defect. The suit may be brought against any or all of the parties responsible for having the disclosure made. Those parties, in turn, may ask the court to determine who should pay and how much.

The purpose in making the seller, the agent, and the lender responsible is to better insure that the required report will be made for every type of house sale.

It is my hope that lending institutions might take the lead in developing sound inspection procedures, for the information should be as useful to them in approving mortgage applications as it will be to a prospective buyer.

Criminal penalties will be established for willful violations of requirements to report serious defects. However, neither the criminal nor the civil liability provisions apply to any part of the report dealing with estimates. This information is for guidance only, and it would be unreasonable, if not impossible, to hold an individual liable for such estimates.

At this point, let me insert the politician's usual disclaimer.

I do not pretend to have exhausted the discussion of this topic or that my bill is a final answer.

To the contrary, several unaddressed questions quickly come to mind.

What controls, if any, should be instituted to guard against inflated charges for inspections?

Will such requirements unduly delay closing house sales?

How should the sale of individual condominium units be handled?

Would such legislation discourage lenders from making mortgage money available?

Should the report contain estimates of utility costs and information about proposed zoning changes or public works projects which affect the value of the house?

In view of these questions—and the others which are certain to arise—this bill is offered more as a vehicle to launch a dialog than as solution. However, we must start such a dialog.

Housing is too important an investment, for the individual and for the Nation, to be left to chance as is too often the case today.

Providing adequate information about the structural condition of a house is one way to reduce reliance on chance.

This approach to achieving that goal is endorsed in the current edition of American Home magazine.

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

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

S. 2028

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

FINDINGS AND PURPOSE

SEC. 2. The Congress finds that competition in the business of selling dwellings for occupancy by not more than 4 families and competition in making mortgage credit available for the purchase of such dwellings would be improved by the uniform and full disclosure of certain information with respect to their condition and useful life and the condition of their components, including, but not limited to, structural components and plumbing, heating, and electrical systems. It is the purpose of this Act to promote sound and effective price competition by minimizing the capacity of advertising and sales practices to deceive the consumer, and by enabling the consumer to obtain the facts necessary to make an informed choice with respect to the cost of purchasing and maintaining such a dwelling.

DEFINITIONS

SEC. 3. For the purpose of this Act, the term—

(1) "Commission" means the Federal Trade Commission;

(2) "substantial defect" means a defect which seriously affects the use and livability of any dwelling unit and which a proper inspection on the date of closing could reasonably be expected to disclose; and

(3) "date of closing" means the date on which the beneficial title to the property is transferred to the purchaser.

GENERAL REQUIREMENTS OF DISCLOSURE

SEC. 4. (a) Any person who sells or acts as an agent in the sale of or who furnishes mortgage credit for the purchase of a dwelling for occupancy by not more than 4 families shall be responsible for the written disclosure, in such form as the Commission may require, to the purchaser of the dwelling of any substantial defects which exist as of the date of the disclosure.

(b) Such written disclosure shall include any substantial defects as of that date relating to—

(1) the structure and the major components thereof;

(2) the plumbing system;

(3) the heating system;

(4) the electrical system; and

(5) such other matters as the Commission may require.

(c) Such written disclosure shall also include the estimated cost of eliminating any such defect, and the estimated remaining useful life of each of the matters enumerated in the preceding subsection.

(d) Any person who sells, or acts as an agent in the sale of, or makes mortgage credit available for the purchase of, a dwelling for occupancy by not more than 4 families shall be reimbursed at the closing by the purchaser for the cost of any inspection relating to such written disclosure.

(e) Any contract for the purchase of a dwelling for occupancy by not more than 4 families, where the written disclosure required by this section has not been made to the purchaser in advance or at the time of his signing, shall be voidable at the option of the purchaser. A purchaser may revoke such contract or agreement within 96 hours, where he has received such written disclosure less than 48 hours before he signed the contract or agreement, and the contract or agreement shall so provide, except that the contract or agreement may stipulate that the foregoing revocation authority shall not apply in the case of a purchaser who (1) has received such written disclosure and inspected the one- to four-family dwelling to be purchased in advance of signing the contract or agreement, and (2) acknowledges by his signature that he has made such inspection and has read and understood such report.

UNLAWFUL SALES ACTIVITIES

SEC. 5. (a) It shall be unlawful for any person to sell, act as an agent in the sale of, or make mortgage credit available for the purchase of, a dwelling for occupancy by not more than four families without conforming to the provisions of this Act.

(b) The sale of, or the furnishing of mortgage credit for the purchase of, such a dwelling in violation of subsection (a) constitutes an unfair and deceptive act or practice within the meaning of section 5 of the Federal Trade Commission Act.

CIVIL LIABILITIES

SEC. 6. (a) If any part of a written disclosure required by section 4(b) contains an untrue statement of a material fact or fails to state a material fact required to be stated therein, the purchaser acquiring the dwelling covered by such written disclosure (unless he knew of such untruth or omission at the time of closing) may bring an action in any court of competent jurisdiction, against the seller or his agent in the sale, and the person who furnished mortgage credit for the purchase of that dwelling.

(b) In any action brought under subsection (a), the plaintiff is entitled to recover actual damages and not more than $1,000 punitive damages, together with court costs and reasonable attorney fees.

LIMITATION OF ACTIONS

SEC. 7. No action shall be maintained to enforce any liability created under section 6 unless it is brought within one year after the later of—

(1) the date of closing,

(2) the date on which the untrue statement or omission of the material statement would have been discovered by the exercise of reasonable diligence.

In no event shall any such action be brought more than 3 years after the closing date on such purchase.

CONTRARY STIPULATIONS VOID

SEC. 8. Any condition, stipulation, or provision contrary to the provisions of this Act, or purporting to bind any person acquiring any dwelling to which this Act applies to waive compliance with any provision of this Act or with any requirement of the Commission under this Act shall be void.

ADDITIONAL REMEDIES

SEC. 9. The rights and remedies provided by this Act shall be in addition to any other legal or equitable remedy that may be available to a purchaser of a dwelling to which this Act applies.

PENALTIES FOR VIOLATIONS

SEC. 10. Any person who willfully fails to make written disclosure in violation of section 4 or who willfully, in such written disclosure, makes any untrue statement of a material fact or omits to state any material fact required to be stated therein, shall upon conviction be fined not more than $5,000 or imprisoned not more than five years, or both.

JURISDICTION OF OFFENSES AND SUITS

SEC. 11. The District Courts of the United States shall have jurisdiction of offenses under this Act, and shall have concurrent jurisdiction with State courts, of all actions brought under section 6. Any such action may be brought in the district to which the defendant is found, or is an inhabitant, or transacts business, or in which the property is located. Process in any such case may be served in any district in which the defendant is an inhabitant or may be found.

ADMINISTRATION

SEC. 12. (a) This Act shall be administered and enforced by the Commission. The Secretary for Housing and Urban Development, the Administrator for Veterans Affairs, and the Secretary of Agriculture shall provide such assistance and information to the Commission as it may require. The Commission is authorized to issue such rules and regulations as may be necessary to achieve the purposes of this Act. Prior to issuance of such rules and regulations, the Commission shall consult with the Secretary for Housing and Urban Development, the Administrator for Veterans Affairs, and the Secretary of Agriculture.

(b) In the exercise of its functions, the Commission may obtain upon request the views of any other Federal agency which, in the judgment of the Commission, exercises regulatory or supervisory functions with respect to any class of persons subject to this Act.

ADVISORY COMMITTEE

SEC. 13. The Commission shall establish an Advisory Committee to advise and consult with in the exercise of its functions under this Act. In appointing the members of the Committee, the Commission shall seek to achieve a fair representation of the public interest and of the interests of any class of persons subject to the Act. The Committee shall meet from time to time at the call of the Commission, and members thereof shall receive not to exceed $100 per day including traveltime, and shall be reimbursed for expenses of travel and subsistence incurred while engaged in the performance of their duties.

COOPERATION WITH STATE AUTHORITIES; JURISDICTION OF REAL ESTATE COMMISSION OR SIMILAR BODY OF STATE

SEC. 14. (a) In the exercise of its functions under this Act, the Commission shall cooperate with State authorities charged with the responsibility of regulating the sale of dwellings subject to the provisions of this Act. The Commission may request the views of any State authority which, in the judgment of the Commission, exercises regulatory or supervisory functions with respect to any class of persons subject to this Act.

(b) Nothing in this Act shall affect the jurisdiction or power of the real estate commission (or any agency or office performing like functions) of any State over the sale of any such dwelling or such persons.

AUTHORIZATION OF APPROPRIATIONS

SEC. 15. There are authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of this Act.

By Mr. WILLIAMS (for himself, Mr. CHURCH, Mr. HATFIELD, Mr. HUGHES, Mr. HUMPHREY, Mr. JAVITS, and Mr. MCGOVERN):

S. 2029. A bill to provide assistance for South Vietnamese children. Referred to the Committee on Foreign Relations.

Mr. WILLIAMS. Mr. President, all of us are very gratified that our military involvement in Vietnam has finally ended, that our prisoners of war have returned home, and that progress is being made in tracking down Americans who are in missing-in-action status.

While I feel enormous relief that our country is no longer pursuing dubious military and political goals in Vietnam, I still have two driving concerns in regard to the situation in Southeast Asia. First, I fear that the administration is unwittingly moving this country toward a similar catastrophic involvement in Cambodia or Laos. In this regard, I trust that we in Congress will be successful in preventing such an unwise reinvolvement in another Asian civil war.

Second, and of equal importance, the priorities our officials have established in providing whatever limited assistance this Nation can provide for South Vietnam after the fighting do not adequately address some of that nation's most pressing human needs. Over the last few years, I have been impressed that the greatest suffering in Indochina, and especially in South Vietnam, is among the children. In a war which has forced tremendous hardships on the civilian population, too frequently it is the children who have suffered the most because they have been the marginal members of families which have been violently disrupted.

Official estimates indicate that there are over 700,000 orphans or half-orphans in South Vietnam. Furthermore, nearly half of the South Vietnamese population is under 15 years of age, and approximately 25,000 of these children had American fathers and are subjected to varying degrees of racial discrimination because of their lighter or darker skin color.

For nearly 2 years I have closely followed this situation in Vietnam and have introduced legislation which would upgrade the priority of attention and resources directed at the various problems of these children. It has been encouraging to note that the efforts of many of us in Congress appear to have stimulated some intelligent responses by the Agency for International Development and the Department of State. Unfortunately, these reactions have not, generally, put the problems which exist there in proper perspective.

In discussing this matter, I think of

a letter to a member of my staff from Dick Hughes, the freelance journalist who temporarily ended his writing career in Vietnam to devote all his time and energy to providing shelter for children living on the streets of Saigon and Danang, the "Shoshone boys." In this letter, Dick said:

My guess of last February was right, unfortunately. We are facing a "the war's all over" donor sympathy. Mail is slackening; those who do write inquire, "What'll you do now that it's all over?" "Coming home, now?"

Of course, nothing could be further from the truth. Although the number of daily casualties has dropped off, the institutions and framework necessary to cope with dire needs of housing, health, feeding, and education of Vietnamese children have not been established. And in their absence, thousands of these young people are homeless, hungry, and sick. Furthermore, I understand that the mortality rate in orphanages is over 80 percent.

Mr. President, significant steps must be taken to stem these problems. And I believe that this is the time for some degree of American participation in this effort. This is especially true in light of the fact that over the last several years, the Vietnamese Government agency responsible for the social well-being of its people has been at the bottom of that Government's administrative structure. And, American activity has reflected a similiar shamefully low priority.

In its data presentation book for fiscal year 1974, AID has set aside $85 million for refugees and social welfare. Of this figure, I am deeply disappointed that only $2.5 million is slated to be spent on child care. Out of such a large amount of funds, it is my view that a more significant commitment should be directed toward the problems of children.

Since a strong commitment to confront and overcome the particular problems of children is necessary, I am today offering a bill which I hope will be considered when the Senate Foreign Relations Committee considers foreign economic assistance legislation. I am most pleased that Senators CHURCH, HATFIELD, HUGHES, HUMPHREY, JAVITS, and MCGOVERN have joined me in sponsoring this bill which does several things to meet this objective. First, it authorizes the expenditure of $2.5 million during fiscal 1974 to assist the Vietnamese Government in the development, staffing, and funding of agencies responsible for providing the direction and continuity for programs essential to improving the health and welfare of South Vietnamese children.

I am hopeful that the present level of relative peace in Vietnam can be sustained and that the South Vietnamese will be able to concentrate on their numerous social problems. Should this be the case and if economic assistance to South Vietnam is continued, our assistance at this time in bolstering such organizations as the Ministry of Social Welfare, which has made a noble attempt at meeting its responsibilities with minimal fiscal support, would be invaluable. This sort of organization must be strengthened as South Vietnam recovers from the devastation of decades of war and as American involvement—military and humanitarian—begins to diminish.

Second, this measure provides $5 million for use by international, United States, or South Vietnamese private voluntary agencies to provide the facilities and means which would allow families to remain intact and hopefully to avoid the abandonment of unwanted children. More specifically, funds under this section would be used to establish, expand, or improve day-care centers, orphanages, hostels, school feeding programs, health and welfare programs, and training related to these programs.

The final section of the bill authorizes the expenditure of up to 10 percent of that $5 million for the facilitation of intercountry adoption of South Vietnamese orphans, and children who have been abandoned or whose parents have irrevocably relinquished parental rights. This provision is envisioned as a solution to the problems of at least one small percentage of the many Vietnamese children who have been disadvantaged by the war. However, it is an important part of the bill for several reasons: Too frequently orphaned or abandoned children who do not have a family die at a young age, especially if they are living in an orphanage; the children who had American fathers often are subjected to racial discrimination in the very color-conscious Vietnamese society; and a large number of Americans have expressed a strong interest in adopting Vietnamese orphans.

Mr. President, I have offered legislation similar to this on three occasions before. I was very pleased to note that after modifying my original bill the Senate Foreign Relations Committee accepted legislation on two different occasions which was very much like the bill we are offering today. I have been encouraged that the able chairman of that committee (Mr. FULBRIGHT) has recognized the special, pressing needs of Vietnamese children and has supported that legislation which would have instructed the administration on the kind and amount of involvement that we in Congress expect to be undertaken on this particular issue. I am hopeful that once again this legislation will enjoy the support of the Foreign Relations Committee when it acts on foreign economic assistance legislation.

After so many years of American involvement in a war which has disrupted and destroyed the lives of millions of Vietnamese, I believe that we must insist that a realistic portion of whatever funds which will be spent in Vietnam be directed at problems which all Americans can feel pride in helping to solve. A vital first step in facing those problems lies in sharing the responsibility of caring for South Vietnam's most innocent victims, the children who are now orphaned, homeless, wounded, hungry, and uneducated. We must take that step now.

Mr. President, I ask unanimous consent that my bill be printed at this point in the RECORD.

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

S. 2029

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 4 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 534. Assistance to South Vietnamese Children: (a) It is the sense of Congress that inadequate provision has been made (1) for the development, staffing and funding of South Vietnamese governmental agencies responsible for providing the direction and continuity for programs related to the health and welfare of South Vietnamese children, (2) for the establishment, expansion, and improvement of day care centers, orphanages, hostels, school feeding programs, health and welfare programs and training related to these programs which are designed for the benefit of South Vietnamese children, disadvantaged by hostilities in Vietnam or conditions related to those hostilities, and (3) for the adoption by United States citizens of South Vietnamese children who are orphaned or abandoned, or whose parents or sole surviving parent, as the case may be, has irrevocably relinquished all parental rights.

"(b) The President is therefore authorized to provide assistance, on terms and conditions he considers appropriate, for the purposes described in clauses (1), (2), and (3) of subsection (a) of this section. Of the funds appropriated pursuant section 532 of this Act for fiscal year 1974, $2,500,000 shall be available solely to carry out the purposes described in such clause (1) and $5,000,000 shall be available until expended solely to carry out the purposes of such clauses (2) and (3). Not more than ten per centum of the funds made available to carry out clauses (2) and (3) may be expended for the purposes, referred to in such clause (3). Assistance to carry out the purposes referred to in clauses (2) and (3) of subsection (a) of this section shall be furnished, to the maximum extent practicable, under the auspices of and by international agencies or United States or South Vietnamese voluntary agencies."

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2030. A bill to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971. Referred to the Committee on Finance.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971, and ask unanimous consent that the letter of transmittal and statement of need be printed in the RECORD with the text of the bill.

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

THE SECRETARY OF COMMERCE,
Washington, D.C., May 29, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill "To exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971," together with a statement of purpose and need in support thereof.

We have been advised by the Office of

Management and Budget that there would be no objection to the submission of this proposed legislation to the Congress from the standpoint of the Administration's program.

Sincerely,

FREDERICK B. DENT,
Secretary of Commerce.

STATEMENT OF NEED

Statement of the Purposes and Provisions of the Draft Bill "To exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971"

Prior to the enactment of Public Law 91-654, approved on January 5, 1971, section 3114 of the Revised Statutes of the United States (19 U.S.C. 257) imposed a 50 percent duty on foreign equipments purchased for and foreign repairs made to vessels documented under the laws of the United States. Remission of the tariff under certain circumstances was provided for in section 3115 of the Revised Statutes (19 U.S.C. 258).

Public Law 91-654, effective January 5, 1971, repealed sections 3114 and 3115 of the Revised Statutes with respect to entries made on or after January 5, 1971, left those sections in effect with respect to entries made prior to that date, and amended section 466 of the Tariff Act of 1930 to reenact the substance of sections 3114 and 3115 of the Revised Statutes with respect to entries made on and after that date.

The purpose of the draft bill is to exempt from duty foreign equipments and repairs made to vessels operated by or for any agency of the United States where entry was made prior to January 5, 1971.

The duty on foreign repairs made to and foreign equipment purchased for American-flag vessels was suspended by Public Law 200, 78th Congress, for the period from December 17, 1943 to December 17, 1945. At the time the suspension expired, the War Shipping Administration (one of the predecessor agencies of the Department of Commerce in maritime matters) had approximately 3,250 vessels in operation through general agents to furnish logistics support to the Armed Forces. These operations ceased on June 30, 1949.

During the Korean War, the Maritime Administration of the Department of Commerce operated vessels through general agents for the same purpose from 1950 to 1953. The maximum number of such vessels in operation during this period was 541.

During the Vietnam War, the Maritime Administration of the Department of Commerce operated vessels through general agents for the same purpose from 1965 to 1970. The maximum number of such vessels in operation during this period was 172.

Many of these vessels were repaired abroad during these periods and substantial duties were incurred which still remain unpaid. The amount is unknown because the paper work to compute it has not been done.

Payment of these duties would serve no useful purpose since it would merely involve a transfer of funds from one Government agency to another. Enactment of the draft bill would save the Government money since it would make unnecessary the work involved in the computation and payment of the duties.

The draft bill is identical to H.R. 11186, 92nd Congress, which was introduced by Mr. Mills and was unanimously reported favorably by the Committee on Ways and Means (House Report No. 92-669).

S. 2030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 3114 and 3115 of the Revised Statutes of the United States (19 U.S.C. 257 and 258) shall not apply to entries made in connection with arrivals before January 5, 1971, of vessels owned by the United States, or bareboat chartered to the United States, and operated by or for the account of any department or agency of the United States.

SEC. 2. On or after the date of the enactment of this Act, no department or agency of the United States shall be entitled to a refund of any duties paid before January 5, 1971, by any department or agency of the United States under section 3114 of the Revised Statutes of the United States.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2031. A bill to amend the Federal Aviation Act of 1958 to remove the criminal penalty from title XI, section 1101, Hazards of Air Commerce. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Federal Aviation Act of 1958 to remove the criminal penalty from title XI, section 1101, Hazards of Air Commerce, and ask unanimous consent that the letter of transmittal and section-by-section analysis be printed in the RECORD with the text of the bill.

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

S. 2031

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IX, section 902(a), of the Federal Aviation Act of 1958 is amended by the insertion of title XI, section 1101, into the first sentence so that it reads in part: "Any person who knowingly and willfully violates any provision of this Act (except titles III, V, XVII, XI, section 1101, and XII) . . .".

SEC. 2. Title I–, section 901(a)(1)(A), of the Federal Aviation Act of 1958 is amended by the insertion of title XI, section 1101, into the first sentence, so that it reads in part: "(A) any provision of titles III, IV, V, VI, VII, XI, section 1101, or XII of this Act . . .".

SEC. 3. Title IX section 901(a)(2), of the Federal Aviation Act of 1958 is amended by the insertion of title XI, section 1101, into the first sentence, so that it reads in part: "Any such civil penalty may be compromised by the Secretary of Transportation in the case of violations of titles III, V, VI, XI, section 1101, or XII . . . .

SECRETARY OF TRANSPORTATION,
Washington, D.C., May 17, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for introduction and referral to the appropriate committee is a draft bill

"To amend the Federal Aviation Act of 1958 to remove the criminal penalty from title XI, section 1101, Hazards to Air Commerce."

This proposal would amend the Federal Aviation Act of 1958 so that failure to comply with title XI, section 1101 would fall under the civil penalty section of the Act, section 901(a). Title XI, section 1101 of the Federal Aviation Act of 1958 requires "all persons to give adequate public notice, in the form and manner prescribed by the Secretary of Transportation, of the construction, or alteration, or of the proposed construction or alteration of any structure where notice will promote safety in all commerce." Currently the applicable sanction section of the Act provides for a penalty under section 902(a). This section establishes a criminal penalty of not more than $500 for the first offense and not more than $2,000 for any subsequent offense.

The purpose of this amendment is to make a failure to comply with section 1101 a civil penalty under section 901(a) and not a criminal penalty under 902(a). Section 901(a) provides for a civil fine of not more than $1,000 for each violation. This amendment would allow the Secretary of Transportation to compromise a civil penalty at his discretion and give the Department a more flexible response to those who fail to give notice as is required by section 1101 of the Act and Part 77 of the Federal Aviation Regulations.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of the proposed legislation to the Congress.

Sincerely,

JOHN W. BARNUM,
Acting Secretary.

SECTION-BY-SECTION ANALYSIS OF A BILL

To amend the Federal Aviation Act of 1958 to remove the criminal penalty from title XI, section 1101, Hazards to Air Commerce.

Title XI, section 1101, as implemented by Part 77 of the Federal Aviation Regulations, requires that an individual who intends to build a structure greater than 200 feet above ground level must give notice to the Secretary of Transportation. Failure to give notice is a violation of the Act and is punishable under section 902(a). Section 902(a) provides for a criminal penalty of a fine of not more than $500 and for any subsequent offenses a fine of not more than $2,000. This bill would substitute a civil penalty under section 901(a), for a failure to comply with section 1101 of the Federal Aviation Act. Section 901(a) provides for a civil penalty of a fine of not more than $1,000 for each violation.

Section I of the bill amends section 902(a) of the Federal Aviation Act so that it includes title XI, section 1101, among those exceptions to which section 902(a) does not apply.

Section II of the bill amends section 901(a)(1)(A) of the Federal Aviation Act so that it includes title XI, section 1101, among those sections to which section 901(a)(1)(A) does apply.

Section III of the bill amends section 901(a)(2) of the Federal Aviation Act so that it includes title XI, section 1101, among those sections to which section 901(a)(2) does apply.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2032. A bill to implement the Shrimp Fishing Agreement with Brazil. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to implement the Shrimp Fishing Agreement with Brazil, and ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2032

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 "Offshore Shrimp Fisheries Act of 1973."

DEFINITIONS

SEC. 2. When used in this Act—

(a) the term "treaty" shall mean the Agreement Between the Government of the Federative Republic of Brazil and the Government of the United States of America Concerning Shrimp, signed on May 9, 1972, including related Annexes, Notes, and Agreed Minutes, as these documents may be amended from time to time:

(b) the term "shrimp" shall mean the shrimp *Penaeus* (M.) *duorarum notialis, Penaeus brasiliensis,* and *Penaeus* (M.) *aztecus subtilis.*

(c) the term "area of agreement" shall mean the area in which United States vessels carry on a shrimp fishery in the vicinity of Brazil, as described by the following boundaries: the waters off the coast of Brazil having the isobath of thirty meters as the southwest limit, the latitude 1° north as the southern limit, the longitude 47° 30′ west as the eastern limit, and a line running from the point of 4 degrees 44 minutes north latitude, 51 degrees 30 minutes west longitude at an azimuth of 17 degrees to the point of 4 degrees 51 minutes north latitude, 51 degrees 28 minutes west longitude and thence at an azimuth of 43 degrees to the point of 8 degrees 58 minutes north latitude, 47 degrees 30 minutes west longitude as the northwestern boundary;

(d) the term "vessel" shall mean every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water;

(e) the term "Secretary" shall mean the Secretary of Commerce or his delegate;

(f) the term "transship" shall mean the transfer of shrimp from one vessel to another vessel, or the receipt of shrimp by one vessel from another vessel;

(g) the term "fishing" shall mean the taking or attempted taking of shrimp by any means whatsoever;

(h) the term "vessel owner" shall mean any person, partnership, corporation or association which is the owner of record of a vessel documented under the laws of the United States, except that, with respect to sections 4 and 5 hereof, the Secretary may issue such regulations as he deems appropriate to cover applications for and issuance of letters of voluntary compliance and permits with respect to vessels owned by corporations which are owned or controlled by one or more other corporations.

(i) the term "regulations" shall mean rules and regulations issued by the Secretary from time to time as he deems necessary to carry out the purposes and objectives of the treaty and this Act.

(j) the term "gear" when applied to any vessel involved in a violation shall mean any single set of net and doors for a single trawl vessel, or for a vessel capable of towing more than one net at a time, as many sets of nets and doors as the vessel is capable of towing; provided that if the vessel owner, master, or other person in charge of the vessel can show that a particular set (or sets) of net and doors was actually involved in the violation, then that set (or sets) shall be deemed to be the "gear" of the vessel involved in the violation.

PERMITS

SEC. 3. (a) The Secretary is authorized to issue permits to vessel owners for vessels documented under the laws of the United States to engage in fishing in the area of agreement: *Provided,* That the number of vessels which are the subject of permits shall not exceed 325 or such other number of vessels as may be specified in the treaty from time to time as authorized to fish in the area of agreement. No vessel owner may be issued a permit with respect to a vessel unless such vessel meets the requirements of the treaty, the Act and the regulations.

(b) Except as provided in section 4(d), a permit shall be valid only for the vessel with respect to which it is issued and shall not cover more than one vessel, except that a vessel owner may, with the prior consent of the Secretary, transfer a permit to another vessel whether or not owned by the same vessel owner.

(c) Permits shall be issued for a calendar year, and may be renewed annually.

(d) Permits shall contain such provisions, and shall be issued upon, and subject to, such terms and conditions as the Secretary deems necessary to carry out the treaty, the Act and the regulations. Permit provisions may include, but are not limited to—

(i) the manner, place, and time of conducting fishing operations,

(ii) the keeping of records,

(iii) the furnishing of information to the Secretary,

(iv) the identification and marking of the vessels,

(v) limitations on transshipment operations,

(vi) restrictions or prohibitions on the employment on any permitted vessel of a master or other person against whom a civil penalty has been assessed pursuant to Section 9,

(vii) prohibited activities,

(viii) revocation of permit for failure to pay a civil penalty assessed against a vessel owner pursuant to Section 9, and

(ix) the maintaining of an office in the United States by the holder of a permit at which all notices, legal documents and other material may be served.

Permits may be suspended or revoked by the Secretary for failure to comply with any of the terms or conditions thereof, or with the treaty, this Act or the regulations. Upon any such suspension or revocation, the permittee shall be afforded a prompt opportunity, after due notice, for a hearing by the Secretary. The decision of the Secretary rendered in connection with such hearing shall be final and binding.

(e) Permits may be returned to the Secretary. In addition, the Secretary may issue regulations requiring the return of unutilized permits under such circumstances and upon such terms and conditions as he deems appropriate. If the Secretary reissues a permit to another vessel owner, a prorated amount of the annual permit fee for the portion of the year during which the permit is held by another vessel owner shall be refunded to the original permittee. Except as specified in this subsection (e) and in section 4(c), permit fees shall not be prorated.

(f) The annual fee for a permit for any year other than 1973 shall be $615 for enforcement services plus an amount of not more than $100, as determined by the Secretary, for the purpose of covering administrative costs. The annual fee for a permit for 1973 shall be $1230 for enforcement services plus an amount of not more than $200, as determined by the Secretary, for the purpose of covering administrative costs: *Provided,* That the annual fee for a permit for 1973 for any vessel first documented in that year or certified as not having been engaged in fishing in the area of agreement in 1972, shall be $615 for enforcement services plus an amount of not more than $100, as determined by the Secretary, for the purpose of covering administrative costs. The amount of any deposit transferred to the Offshore Shrimp Fisheries Fund pursuant to section 5 of this Act shall be credited toward the annual permit fee.

(g) Any permit which has been suspended or revoked, or which is required to be returned, shall be surrendered to the Secretary.

PERMIT PROCEDURE

SEC. 4. (a) Vessel owners may apply for permits to engage in fishing in the area of agreement. The method and time for application shall be announced in advance in the Federal Register.

(b) The owner of any vessel for which application for a permit is refused may petition the Secretary for reconsideration, and shall be entitled to a hearing. The decision of the Secretary rendered in connection with such reconsideration shall be final and binding.

(c) The Secretary may reissue permits which have been returned pursuant to section 3, to vessel owners with outstanding applications, who have not been able to obtain permits under the procedures set out in subsection (d). The fee for such reissued permits shall be the prorated share of the annual fee for the portion of the year during which the new permittee holds the permit.

(d) If application is made with respect to more vessels than the number of permits allowed to be issued under section 3(a), the following procedure for granting permits shall apply—

(1) All vessel owners to whom letters of voluntary compliance have been issued, pursuant to section 5 of this Act, shall have first priority for permits but only as to vessels covered by such letters.

(2) After all vessel owners under subparagraph (1) have been considered for permits, all vessel owners who have been engaged in fishing in the area of agreement, during the last five years, shall have second priority for permits. However, in no event shall a vessel owner be eligible for receiving a permit under this subsection for a given vessel during the first six months after the effective date of this Act if the Secretary determines that such vessel has engaged in activities during the period from May 9, 1972, to the effective date of this Act which would have constituted a violation specified in section 8(a)(3) or 8(a)(5), but only to the extent 8(a)(5) relates to use of fishing gear and the closure of the area of agreement to fishing, if the Act had been in effect during such period. In the event of any such determination, the vessel owner affected thereby shall be given notice thereof and an opportunity for a hearing. The decision of the Secretary rendered in connection with the hearing shall be final and binding.

(3) After all vessel owners under subparagraph (1) and (2) have been considered for insurance of a permit, all other vessel owners who have made application may be considered for permits.

If the number of vessels for which application is made in the categories outlined in subparagraphs (2) or (3) is more than the number of permits available after having accounted for the vessels in the previous category (or in the case of subparagraph (1), if the number of vessels for which application is made in that category is more than the number of permits available pursuant to the Treaty), then the number of permits available shall be proportionally distributed within the applicable category, in a manner provided in the regulations.

SEC. 5. The Secretary shall issue a letter of voluntary compliance to a vessel owner who has had vessels engaged in fishing in the area of agreement at any time subsequent to May 9, 1972, for all vessels of such owner documented under the laws of the United States which meet the requirements of the Treaty, and for each of which the vessel owner has, prior to August 1, 1972, deposited and continuously maintained, until the transfer referred to in the following sentence, $700 in a special account in a bank or trust company insured by the Federal Deposit Insurance Corporation for the purpose of reimbursing the United States for enforcement expenses as provided in Article 6 of the Treaty. On or before the issuance of a letter of voluntary compliance the deposited funds referred to above, shall be transferred in the manner provided for in regulations, through the Secretary, to the Offshore Shrimp Fisheries Fund, established pursuant to section 6 of this Act.

OFFSHORE SHRIMP FISHERIES FUND; ENFORCEMENT EXPENSES

SEC. 6. (a) There is hereby established on the books of the Treasury a separate fund, the Offshore Shrimp Fisheries Fund, to be used by the Secretary to make payments for enforcement expenses as provided in Article VI of the Treaty. The fund shall be credited

with permit fees collected pursuant to section 3 for enforcement expenses, funds appropriated under section 12(a), amounts transferred through the Secretary from deposits in the special accounts referred to in section 5, and amounts collected for minimum penalties pursuant to section 9.

(b) The Secretary of Commerce, through the Secretary of State, shall pay, or cause to be paid, on behalf of the United States the enforcement expenses as provided in Article VI of the Treaty.

(c) In the event that a vessel owner, master, or other person in charge of a vessel, pays on behalf of the United States the unusual enforcement expenses incurred in carrying out the seizure and detention of a vessel, referred to in Article VI of the Treaty, and is not assessed a civil penalty under section 9 of this Act within two years from the date of such seizure in respect to the violation for which the vessel was seized, such vessel owner, master, or other person shall be entitled to reimbursement of amounts so paid. Application for reimbursement shall be made to the Secretary.

INFORMATION AND REPORTS

SEC. 7. (a) Each master or other person in charge of a vessel which is the subject of a permit under this Act shall keep a logbook in the form and manner prescribed pursuant to the treaty and set forth in regulations.

(b) In addition to the logbook, owners of vessels which have permits under this Act shall supply to the Secretary, in such form and at such times as he may prescribe, any other information necessary in order to carry out the purposes and objectives of the Treaty, the Act or the regulations, which information may include data on fishing beyond the area of agreement in order to determine to the extent possible the full potential of the shrimp fishery.

(c) Except as otherwise provided in the Treaty, information obtained pursuant to this Act shall be treated as confidential commercial information pursuant to section 552 of title 5, United States Code.

(d) The Secretary shall have the power to require by subpoena the production of all such logbooks, records, or other information required pursuant to this section. The Secretary may delegate the power to sign subpoenas and to receive documents.

(e) In case of contumacy or refusal to obey a subpoena issued to any person, corporation, partnership, or other entity, the Secretary may request the Attorney General to invoke the aid of any district court of the United States or the United States courts of any Territory or Possession within the jurisdiction of which said person, corporation, partnership or other entity is found, resides, or transacts business to secure compliance.

PROHIBITIONS

SEC. 8. (a) No master or other person in charge of a vessel documented under the laws of the United States shall—

(1) engage in fishing in the area of agreement, unless the vessel is the subject of a permit in force pursuant to this Act;

(2) transship shrimp in the area of agreement, unless each vessel engaged in the transshipment is the subject of a permit in force pursuant to this Act, or is otherwise authorized to fish in the area of agreement pursuant to the treaty;

(3) assault or attempt to prevent any duly authorized officer from boarding, searching, seizing or detaining a vessel in accordance with such officer's duties under the treaty;

(4) engage in fishing in the area of agreement contrary to regulations establishing a procedure for limiting the number of vessels allowed to be present in the area of agreement at any one time to 160 or such other number as may be allowed pursuant to the treaty.

(5) engage in fishing in the area of agreement in contravention of Annex II, as it may be modified from time to time pursuant to Article II of the treaty, or any regulations issued by the Secretary to implement such Annex.

(b) No master or other person in charge of a vessel documented under the laws of the United States shall

(1) fail or refuse to keep or provide any logbooks or any other information required pursuant to this Act, or provide or furnish false logbooks or other information;

(2) violate any other provision of the treaty, this Act, or any regulation promulgated by the Secretary, the violation of which is not covered by subsection (a).

PENALTIES

SEC. 9. (a) Any master or other person in charge of a vessel who violates Section 8 hereof may be assessed a civil penalty by the Secretary, after notice and opportunity for a hearing, of not more than $10,000 for a violation of Section 8(a) and $3,000 for a violation of Section 8(b). Except as provided in this section, the minimum penalty assessed shall be not less than the amount sufficient to cover the unusual enforcement expenses, if any, incurred by the United States pursuant to Article VI of the treaty in connection with such violation; *Provided that* if the person against whom the penalty has been assessed has paid on behalf of the United States such unusual enforcement expenses, the minimum penalty requirement shall not apply. The amount of any such minimum civil penalty assessed shall be deposited directly into the Offshore Shrimp Fisheries Fund. The amount of any such civil penalty over the minimum penalty may be compromised by the Secretary.

(b) The Secretary shall notify any vessel owner involved in a violation of Section 8 of the outcome of any proceeding under subsection (a) above.

(c) The Secretary, after notice and opportunity for hearing, may assess against a vessel owner a civil penalty equal to the value of the catch on board the vessel when detained and the value of the gear involved in a violation of Section 8(a)(1), or involved in a second or subsequent violation of any other provision of Section 8(a) by a person against whom a penalty had previously been assessed under Section 9(a) for a violation involving the operation of a vessel owned by the same person as the vessel involved in such second or subsequent violation. The amount of any such penalty shall be deposited as miscellaneous receipts into the general fund of the Treasury.

(d) Upon failure of the party penalized as provided in this Section to pay the penalty within 30 days of the assessment thereof, the Secretary may request the Attorney General to commence action in the Federal District Court having jurisdiction over the party for such relief as may be appropriated. In any such action for relief, the Secretary's penalty assessment shall be final and unreviewable unless the penalized party has otherwise sought judicial review thereof.

(e) In any hearing held by the Secretary in connection with the assessment of a civil penalty hereunder, the vessel owner, the master or any other person against whom a penalty may be assessed may appear in person or by counsel at such hearing or in lieu of a personal appearance may submit such affidavits or depositions as he deems necessary to the defense of any charges which may be considered by the Secretary at such hearing.

ENFORCEMENT

Section 10.—(a) This Act shall be enforced jointly by the Secretary, the Secretary of the Department in which the Coast Guard is operating, and the Secretary of the Treasury.

(b) Any duly authorized law enforcement officer of the Government of Brazil who is exercising responsibility under Article V of the Treaty shall be empowered to act on behalf of the United States to enforce the provisions of the treaty in the area of agreement as follows: any such officer may board and search any vessel which he has reasonable cause to believe has violated any provisions of the treaty. If after boarding and searching such vessel the officer continues to have reasonable cause to believe that a violation has been committed, he may seize and detain the vessel for the sole purpose of delivering it, as soon as practicable, to an agent of the United States Government at the nearest port to the place of seizure or any other place which is mutually agreed upon by the Government of Brazil and the Secretary of State.

REGULATIONS

SEC. 11. In addition to any specific authority contained in this Act, the Secretary is authorized to issue all regulations necessary to carry out the purposes and objectives of the treaty and this Act. Prior to the issuance of any regulations dealing with the marking of vessels or with the use of radiotelephone frequencies, the Secretary shall consult with the Secretary of the Department in which the Coast Guard is operating.

APPROPRIATIONS

SEC. 12. (a) There is hereby authorized to be appropriated such amounts as are necessary for enforcement expenses pursuant to article VI of the treaty, to be deposited in the Offshore Shrimp Fisheries Fund.

(b) There is also hereby authorized to be appropriated such amounts as are necessary for domestic enforcement expenses and the expenses of administering the provisions of the treaty, this Act and the regulations, to be available until expended, when so provided in appropriation acts. So much of the permit fees as are identified for administrative costs shall be deposited as miscellaneous receipts to the general fund of the Treasury.

SEVERABILITY

SEC. 13. The provisions of this Act shall be severable and if any part of the Act is declared unconstitutional or the applicability thereof is held invalid, the constitutionality of the remainder and the applicability thereof shall not be affected thereby.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2033. A bill to amend the Federal Railroad Safety Act of 1970 and other related acts to authorize additional appropriations, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference a bill to amend the Federal Railroad Safety Act of 1970 and other related acts to authorize additional appropriations, and for other purposes, and ask unanimous consent that the text of the bill be printed in the RECORD.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 212 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441) is amended to read as follows:

"There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this title."

SEC. 2. Section 303 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 1762) is amended to read as follows:

"There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this title."

SEC. 3. The following statutes, relating generally to safety appliances and equipment on

railroad engines and cars, and protection of employees and travelers, are hereby repealed:

(a) The Act of May 30, 1908, as amended (45 U.S.C. 17–21).

(b) The Act of June 30, 1906, as amended (45 U.S.C. 35).

(c) The Act of May 27, 1908, as amended (45 U.S.C. 36).

(d) The Act of May 27, 1908, as amended (45 U.S.C. 37).

SEC. 4. The following sections of titles 45 and 49, United States Code, are amended by striking out the following language,

(a) in section 6 of the Act of March 2, 1893, as amended (45 U.S.C. 6) the words following the word "Act" up to, but not including, the word "provided",

(b) in section 6 of the Act of April 10, 1910 (45 U.S.C. 13) the words following the word "sections" in the fourth line thereof, up to but not including the word "to" in the fifth line thereof,

(c) in section 5 of the Act of March 4, 1907 as amended December 26, 1969, Pub. L. 91–169, section 1 (45 U.S.C. 64a) the words following the word "Act,",

(d) in section 2 of the Act of May 6, 1910 (45 U.S.C. 39) the words following the word "month", and

(e) in section 25 of the Act of February 4, 1887 (49 U.S.C. 26(h)) all of the words following the word "hereunder",

and inserting in each section in lieu thereof the words "shall be liable to a civil penalty, to be assessed by the Secretary of Transportation in such amount, not less than $250 nor more than $2,500, as he deems reasonable. Each day of such violation shall constitute a separate offense. Such civil penalty is to be recovered in a suit or suits to be brought by the Attorney General on behalf of the United States in the district court of the United States having jurisdiction in the locality where such violation occurred. Civil penalties may, however, be compromised by the Secretary for any amount, but in no event for an amount less than the minimum provided in this section, prior to referral to the Attorney General. The amount of any such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged. All penalties collected under these provisions shall be covered into the Treasury as miscellanous receipts."

SEC. 5. Section 6 of the Act of March 4, 1907, as amended, is further amended by adding at the end thereof the following:

"The Secretary is authorized to prescribe, as necessary, appropriate rules, regulations, orders, and standards to carry out the provisions of this Act."

SEC. 6. The provisions of the Act of February 17, 1911 (45 U.S.C. 22–34) are deleted in their entirety and the following inserted in lieu thereof:

"SECTION 1. When used in sections 1–5 of this Act, the terms "carrier" and "common carrier" mean a common carrier by railroad, or partly by railroad and partly by water, within the continental United States, subject to the Interstate Commerce Act, as amended, excluding street, suburban, and interurban electric railways unless operated as a part of a general railroad system of transportation. The term "railroad" as used in said sections shall include all the roads in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease, and the term "employees" as used in said sections shall be held to mean persons actually engaged in or connected with the movement of any train.

"SEC. 2. It shall be unlawful for any carrier to use or permit to be used on its line any locomotive unless said locomotive, its tender, and all parts and appurtenances thereof are in proper condition and safe to operate in the service to which the same are put, that the same may be employed in the active service of such carrier without unnecessary peril to life or limb, and unless said locomotive, its boiler, tender, and all parts and appurtenances thereof have been inspected from time to time in accordance with the provisions of sections 3 and 4 of this Act and are able to withstand such test or tests as may be prescribed in the rules and regulations hereinafter provided for.

"SEC. 3. The Secretary of Transportation shall prescribe as necessary, appropriate rules, regulations, orders and standards governing the safe operation, condition, maintenance and inspection of all locomotives, their tenders and all parts and appurtenances thereof. It shall be the duty of the Secretary to see that the provisions of this Act and the rules, regulations, orders and standards promulgated thereunder are observed by common carriers subject hereto. The Secretary may from time to time make such provisions as he shall deem appropriate authorizing the performance by any officer, employee, or organizational entity of the Department of Transportation of any function provided in this Act. The Secretary is further authorized, under such terms and conditions as he deems appropriate to provide for the inspection of steam locomotive boilers by any competent person or organizational entity outside of the Department.

"SEC. 4. Whenever any inspector of the Department of Transportation shall, in the performance of his duty, find any locomotive, or any apparatus pertaining thereto not conforming to the requirements of the law or the rules and regulations of the Secretary established hereunder, he shall notify the carrier in writing that the locomotive is not in serviceable condition, and thereafter such locomotive shall not be used until in serviceable condition: *Provided*, that a carrier, when notified by an inspector in writing that a locomotive is not in serviceable condition, because of defects set out and described in said notice, may within five days after receiving said notice, appeal to the Secretary by telegraph or by letter to have said locomotive reexamined, and upon receipt of the appeal from the inspector's decision, the Secretary shall assign an officer or employee of the Department of Transportation, or any other competent person other than the inspector from whose decision the appeal is taken to reexamine and inspect said locomotive within 15 days from date of notice. If upon such reexamination the locomotive is found in serviceable condition, the Secretary shall immediately notify the carrier in writing, whereupon such locomotive may be put into service without further delay; but if the reexamination of said locomotive sustains the decision of the inspector, the Secretary shall at once notify the carrier owning or operating such locomotive that the appeal from the decision of the inspector is dismissed, and upon the receipt of such notice the carrier may, within 30 days, appeal again to the Secretary, and upon such appeal, and after hearing, the Secretary shall have power to revise, modify, or set aside such prior decision and declare that said locomotive is in serviceable condition and authorize the same to be operated: *Provided further*, that pending either appeal the findings of the inspector shall be effective."

"SEC. 5. Any common carrier violating the provisions of this Act relating to locomotives, tenders, their parts and appurtenances, or any rule or regulation made under such provisions or any lawful order of any inspector shall be liable to a civil penalty, to be assessed by the Secretary of Transportation in such amount, not less than $250 nor more than $2500, as he deems reasonable. Each day of such violation shall constitute a separate offense. Such civil penalty is to be recovered in a suit or suits to be brought by the Attorney General on behalf of the United States in the district court of the United States having jurisdiction in the locality where such violation occurred. Civil penalties may, however, be compromised by the Secretary for any amount, but in no event for an amount less than the minimum provided in this section, prior to referral to the Attorney General. The amount of any such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged. All penalties collected under these provisions shall be covered into the Treasury as miscellaneous receipts."

By Mr. BIDEN:

S. 2034. A bill to amend the Federal Property and Administrative Services Act of 1949 to require that public buildings be put in a safe condition prior to disposal. Referred to the Committee on Government Operations.

Mr. BIDEN. Mr. President, I am today introducing for appropriate reference a bill that would impose restrictions on the disposal of the General Services Administration of unsafe Federal buildings.

This bill has developed from my work on the Public Buildings and Grounds Subcommittee of the Public Works Committee. That committee, as I am sure my colleagues know, is responsible for reviewing and approving the prospectuses for all leased and lease-purchase Federal buildings. In the course of a discussion recently, the General Services Administration representatives said that they wanted to move from and dispose of a building that had been determined to present a serious hazard in case of earthquake. I raised with them the question of the use to which the building would be put after disposal and specifically whether it might be used for an office building again in its presently dangerous condition. Summarized, the answer seemed to be that since the knowledge of the condition of the building was general, no one would want to use it for an office building. Frankly, I do not feel that we can rely this much on faith in such a serious matter. There was also some indication that local codes might prohibit its reuse after Government offices moved out, but I question whether we should rely on this either.

The Government in its role as a property owner must set a good example for others just as it should in everything it does. If anything, Government has a special obligation to protect not just its employees but every citizen of the country. For this reason, I cannot imagine deciding that a building is unsafe for Government employees, but not taking any positive action to prevent use of the building for other office workers. My bill, therefore, would require the GSA, when it disposes of a building because of unsafe conditions, either to put the building in safe condition prior to sale; to require the new owner to change the use to one that can safely be conducted on the existing premises; or to require that the building must be demolished by the new owner. This bill would not require GSA to make a complete inspection and determine that a property meets all standards before disposing of it. It simply re-

quires that when GSA has already decided that a building is unsafe for Government use, it shall not let someone else use it for the same purposes. I think this is a minimal protection that we can provide for our citizens.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

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

S. 2034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 210 of the Federal Property and Administrative Services Act of 1949 is amended by adding at the end thereof the following new subsection:

"(l) (1) The Administrator may not sell or otherwise dispose of any unsafe building owned by the United States unless he determines that—

"(A) such building will be restored to safe condition, either by the Administrator or by the transferee, prior to its first occupancy after sale or disposal;

"(B) such building will be subject only to uses which do not result in safety consideration; or

"(C) the building is being sold or disposed of for demolition.

"(2) For the purposes of paragraph (1)—

"(A) a building is unsafe if it poses a hazard to the health or safety of employees or visitors of sufficient magnitude that the hazard was a significant reason for the determination to sell or dispose of the building; and

"(B) a sale or other disposal includes any transfer of functions with respect to the operation, maintenance, or custody of any Federal building by the Administrator to any other Federal agency."

By Mr. MAGNUSON (for himself and Mr. LONG):

S. 2035. A bill to amend the Merchant Marine Act of 1936 to establish a nuclear vessel incentive support program. Referred to the Committee on Commerce.

NATIONAL NUCLEAR MERCHANT SHIP PROGRAM

Mr. MAGNUSON. Mr. President, today along with my distinguished colleague from Louisiana, Senator LONG, I am introducing legislation which proposes to amend the Merchant Marine Act of 1936, to provide incentive support on a payback principle for the first several competitive nuclear-powered merchant ships to be built in U.S. shipyards and owned by American operators.

As most of my colleagues know, maritime nuclear propulsion in the United States and, in fact, all of the industrial nuclear power activities in the United States can be traced back to pioneering naval reactors' efforts of the period 1948–58, out of which emerged the civilian nuclear power program starting around 1955.

President Eisenhower's "Atoms for Peace" policy decision of 1955 led to the NS *Savannah* project and evolution of its pressurized water reactor system which was representative of 1956–58 state-of-the-art.

The *Savannah's* NSS was designed and constructed during the period 1958–61, underwent sea trials during 1961–62 and, as you know, operated until 1970. Although *Savannah's* operation was a technical success, the ship was never intended to be economically competitive and, indeed, her inability to meet expenses led to the decision to decommission the ship.

Considerable effort was expended by industry after 1958, upgrading the reactor design but, for the most part, the U.S. Government's funding of the nuclear maritime program was significantly reduced.

Over the period 1966–70, the U.S. nuclear maritime activity was confined to a compartively low level of study effort. During this same period Germany vigorously forged ahead, completing the *Otto Hahn* which today has 3 years of operating experience. The *Otto Hahn* performance was again a technical success for American nuclear technology and serves as the prototype for today's nuclear merchant ship reactor design. The *Otto Hahn* is presently refueling with an advance core design. Also, Japan has built and fueled its N.S. *Mutsu,* an elementary nuclear ship by our standards but, nevertheless, one which will give Japan a technological base from which to build. Recently Japan has announced plans to build a 330-megawatt thermal—MWT—nuclear plant to power a high speed containership.

In 1970, the Maritime Administration and industry initiated a complete reassessment of nuclear propulsion to determine the proper role, if any, of nuclear power in the maritime field.

The reassessment produced three significant points affecting the future role of nuclear propulsion.

First. Powering requirements: The emergence of fast containerships and giant tankers has generated a sharp demand for increased power which is readily understood when one considers the economic advantage gained by increased size. Powering requirements have increased from approximately 20,000 shaft horsepower for the high-powered ship of a decade ago to over 120,000 shaft horsepower for vessels now underway.

Second. Fuel costs: Concurrently with the increase in ship's power has been an associated escalation in fossil fuel costs due to many factors abroad. Just a few years ago bulk oil price was about $2.50 per barrel, now it is around $4 per barrel and all projections are that oil costs may rise to at least the $5 per barrel value within a few years. The problem that a potential shipowner faces in predicting his fuel oil costs over a 25-year period are self-evident and makes it very difficult for the owner to figure a return on investment.

Third. Market: Detailed studies by the Maritime Administration show a world market of approximately 2,500 high-powered ships in the next two decades. As a result, primarily of these factors, the detailed studies by the Maritime Administration and others using marine reactors of large size indicate that nuclear ship reactors are economically competitive today in the approximately 100,000 to 120,000-shaft horsepower level and will become increasingly more competitive in the future at lower power levels as oil costs continue to rise.

I believe that the basic research and development stage of nuclear-powered merchant ships is well behind us. American industry today has the technical skill and capacity to build nuclear ships that can be operated efficiently, safely, and economically.

This legislation should help American shipbuilders and ship operators capitalize on nuclear power to support the rebuilding of our U.S. merchant fleet. It should also be helpful in moving us toward greater fossil fuel conservation.

I ask unanimous consent that the bill be printed in the RECORD. I am hopeful that by using this bill as a working paper, in forthcoming hearings we can develop appropriate means to move ahead in this promising new technology.

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

S. 2035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IX of the Merchant Marine Act, 1936, is amended by redesignating sections 906 and 907 as 907 and 908, respectively, and by inserting after section 905 the following new section:

"SEC. 906. For every nuclear-powered vessel receiving construction differential subsidy under title V of this Act which was contracted for before July 1, 1978, the Secretary of Commerce may provide incentive support payments to cover such portion of the construction cost differences arising from the use of nuclear propulsion units as he may determine is necessary for the purpose of fostering the advance of United States-flag maritime technology. Recipients of incentive support payments under this section shall repay the sums received through governmental recapture of 20 per centum of each vessel's annual net operating income, as defined in the Maritime Administration's uniform vessel accounting system until the entire amount of incentive support payments for each such vessel shall have been recovered by such Administration, except that the vessel owner shall not be liable for recapture of vessel profits for repayment of incentive support payments until after the nuclear-powered vessel in question has become fully licensed, insured, and otherwise completely operational. Further, repayment of incentive support moneys received under this section shall be made exclusively from recapture of annual operating profits as set forth above; owners of such vessels shall incur no liability for repayment of incentive support moneys in those years during which vessel operation does not produce a positive net operating income, as defined in the Maritime Administration's uniform vessel accounting system."

By Mr. MOSS:

S. 2036. A bill to amend the Internal Revenue Code of 1954 to provide for a tax on every new automobile with respect to its fuel consumption rate, to provide for public disclosure of the fuel consumption rate of every new automobile, to provide funding to develop more efficient automotive engines, and for other purposes. Referred to the Committee on Finance.

Mr. MOSS. Mr. President, the bill I introduce is a proposal to place a tax on the sale of automobiles based on their

rated fuel consumption. The proceeds of the tax would be directly applied to a Government-sponsored program to develop more efficient engines within established pollution standards.

The tax is so designed that the standard Pinto probably would pay no tax. The tax rate increases as the fuel consumption rate increases to the point at which the average Cadillac would bear a tax of hundreds of dollars.

American automobile engines are extremely inefficient, because in the past, Americans wanted high power output and low initial cost and did not complain too bitterly if the fuel consumption was high. The American automobile engine industry has been built around the production of high output engines which guzzle great quantities of fuel. This tax and the resulting program seeks to speed the change in the industry design philosophy.

The advantages of the tax are as follows:

First. A strong incentive to produce more efficient engines.

Second. A strong incentive to buy smaller cars.

Third. Money for a program to develop more efficient engines.

Fourth. A longer range solution to the energy crisis by reducing the fuel consuming base.

Fifth. Decrease in highway costs because of smaller cars.

Sixth. Less use of automotive materials because of smaller cars.

Seventh. Less pollution because of less fuel consumption.

Eighth. An easily established and easily enforced tax.

America has tremendous technological wealth. It is our responsibility, through measures such as I am proposing, to create incentives for industry to use our technology to enable us to learn to live better through careful utilization of our resources. Conservation of energy through a better utilization of energy is a highly important, practical and plausible way to alleviate the energy crisis.

By Mr. JACKSON (for himself, Mr. FANNIN, and Mr. ABOUREZK) (by request):

S. 2038. A bill to authorize grants for Indian tribal governments, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, by request, I send to the desk on behalf of myself, the Senator from Arizona (Mr. FANNIN) and the Senator from South Dakota (Mr. ABOUREZK) a bill to authorize grants for Indian tribal governments, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication accompanying the proposal from the Secretary of the Interior be printed in the RECORD at this point in my remarks.

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

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 12, 1973.

Hon. SPIRO T. AGNEW,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a proposal "To authorize grants for Indian tribal governments, and for other purposes".

We recommend that the proposal be referred to the appropriate committee for consideration and that it be enacted.

Briefly stated, the bill provides two categories of granting authority to the Secretary. The first category in Section 4(a) is discretionary general granting authority which would permit the Secretary and any tribe to enter into grant arrangements for the tribe's performance of programs and activities now performed under existing appropriations authorizations by Bureau of Indian Affairs staff. The second category in Section 4(b) is authority for grants from the appropriations authorization contained in the bill and proposed at the $25 million level in the President's Budget for fiscal year 1974. The provisions of the bill are discussed in more detail below.

Section 1 of the proposal provides that the Act may be cited as the "Indian Tribal Government Grant Act".

Section 2 provides for a declaration of policy. Subsection (a) states that the United States repudiates any policy or purpose aimed at terminating its Indian trust responsibilities. Subsection (b) states that the policy of the United States is to promote Indian self-determination and to achieve the greatest possible degree of tribal control in the planning and administration of programs serving their reservations. Subsection (c) states the policy of the United States to assist tribal governments in promoting the welfare and economic well-being of their members by the provision to such governments of financial assistance such as provided for under this proposal.

Section 3 provides definitions of terms used in the proposal.

Section 4(a) provides discretionary general authority for the Secretary to make grants to tribes for Indian tribal programs upon their request from funds appropriated under the Snyder Act (25 U.S.C. 13) and any other Act (except the present proposal) authorizing appropriations for the administration of Indian affairs. The grants would be made to accomplish the general purposes for which the funds were appropriated and would be subject to mutually agreed to terms and conditions.

Section 4(b) provides authority for the Secretary to make grants from the funds appropriated under the appropriations authorized in section 16 under regulations prescribed by him. The regulations may provide for two types of grants under this subsection. The first is an entitlement based on a formula which would be set out in the regulations. The second type of grant would be based on an evaluation of the tribe's plans and needs.

Section 4(c) authorizes revisions or amendments to grants and precludes any grants which would impair the Secretary's ability to perform his trust responsibilities.

Section 4(d) provides that a tribe may end a grant arrangement upon 120 days notice and that if the grant was for a program or activity previously performed by the Secretary, the Secretary would assume the performance of the program or activity. Such an action by a tribe would not prejudice their subsequently receiving grants to perform the same or other programs or activities.

Section 5 requires the Secretary to notify the tribes of the estimated amounts of any grant to which they would be entitled under section 4(b). Such notices would be given as soon as possible following submission of the appropriation request to the Congress.

Section 6 requires the submission of a plan by a tribe before the tribe can receive a grant under section 4(b). The plans will set out the intended uses of any entitlement grants which the tribe has been notified that it may receive if funds are appropriated as requested.

In addition, the plan may include a proposal and request for a grant (or grants) under section 4(a) for the accomplishments of purposes for which the funds were appropriated. The plan may also include a proposal and request for a nonentitlement grant under section 4(b). There is no requirement that a tribe's plan be approved by the Secretary with respect to an entitlement grant.

Section 7(a) sets out the programs and activities which may be included in a tribe's plans and the purposes for which funds granted (on either an entitlement or nonentitlement basis) under section 4(b) may be utilized. The purposes are:

(1) Strengthening tribal government including expenditures for executive direction, comprehensive and other planning, financial management, and technical assistance;

(2) Developing natural resources and construction, improvement, maintenance, and operation of community facilities;

(3) Economic development, employment assistance, work experience, training and related special youth programs; and

(4) Land acquisition in connection with items (1) thru (3) above with the Secretary having the authority to take land in trust if it adjoins on at least two sides land held in trust for Indians by the Secretary.

Section 7(b) requires that funds received as grants be used for programs and activities which directly benefit reservation residents.

Section 7(c) provides that the funds received as grants may be utilized to meet the matching requirements of other Federal programs.

Section 8 authorizes the payments to tribes to be made in installments, with the objective of minimizing the time between the transfer of funds from the United States Treasury and their disbursement by the tribe.

Section 9 sets out the requirements relating to financial controls, records, reports, and audits by the Secretary and the General Accounting Office of the use of the grants by the tribes. Included is a requirement for disclosure by the tribal government to its members of its reports on the use of the funds.

Section 10(a) provides that if a tribe fails to comply substantially with the provisions of the Act, after opportunity for a hearing and a sixty (60) day notice, the Secretary may (1) reduce the amount to be paid the tribe in the same or succeeding fiscal year by an amount equal to any amount not spent in accordance with the Act, (2) terminate payments to the tribe, or (3) limit future payments to programs and activities not affected by the failure to comply.

Section 10(b) provides for a judicial appeal by a tribe of any sanctions imposed by the Secretary under section 10(a).

Section 11 provides that the Indian Civil Rights Act (25 U.S.C. 1302), which includes equal protection provisions as well as other rights similar to those in the Bill of Rights in the Constitution of the United States, shall apply to actions of tribes in using funds granted under section 4.

Section 12 provides that the funds granted to a tribe under section 4 are tribal funds for purposes of 18 U.S.C. 1163 which imposes criminal penalties on whoever "embezzles, steals, knowingly converts to his use or the use of another, willfully misapplies, or willfully permits to be misapplied, any of the monies, funds * * * belonging to any Indian tribal organization * * *."

Section 13 authorizes the Secretary to prescribe rules, regulations and standards and to conduct research to determine the effectiveness of the proposal in the development of Indian rseervations. Tribal governments are to be given an opportunity to review and comment on proposed rules, regulations and standards.

Section 14 provides that Davis-Bacon wage rates are not to be applicable to construction undertaken by the tribe but that such rates are to apply to any contractors or subcontractors of the tribe.

Section 15 requires the Secretary to establish standards for relocation payments and assistance consistent with those under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and provides that the full cost of such payments and assistance may be paid from grants under section 4.

Section 16 authorizes the appropriation of such sums as may be necessary for the purposes of the proposal.

Becasue of the very short time that there will be between submission of a budget amendment or supplemental appropriaton request for the first appropriation under the proposal and the time when the grants will be made, the Secretary is authorized in section 17 to waive any of the requirements of sections 5 and 6 relating to notice to tribes of the anticipated entitlement amounts and the submission by the tribes of their plans.

Sections 4(a) and 4(b) authorizes the grants mentioned by the President in his message of March 1, 1973, to the Congress on Human Resources in which he stated:

"I shall also propose new legislation to foster local Indian self-determination by developing an Interior Department program of bloc grants to federally recognized tribes as a replacement for a number of existing economic and resource development programs. The primary purpose of these grants would be to provide tribal governments with funds which they could use at their own discretion to promote development of their reservations."

The general granting authority proposed in section 4(a) may be used in conjunction with or independent of the grants authorized under section 4(b). The section 4(a) authority would enable the Secretary to permit greater Indian control of and involvement in the planning and administration of the local govermental and other programs now controlled by Federal employees who are responsible to Federal officials rather than to the elected local Indian government. For example, rather than utilizing funds appropriated for housing development to hire a Federal employee to assist the tribe in improving the housing conditions on the reservation, the Secretary could use the authority to grant funds to the tribe so that they could hire their own employee for the same purpose. Of course, in each instance the tribe and the Secretary must agree that a grant will accomplish the purposes for which the funds were appropriated.

Section 4(b) authorizes the Secretary to establish by regulation the basis for the grants authorized. Under the terms of section 13, such regulations would be proposed for review comments by the Indian tribal governments before being finally determined and placed into effect. We believe that this flexible authority is necessary to provide for changes in the new program so that it can be kept most responsive to tribal needs.

The funds would be allocated among the tribes based on population and on economic development needs as reflected by such factors as individual and tribal income. We would apportion 90 percent among the tribe on an entitlement basis and ten percent based upon an evaluation of the tribes' plans and needs.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,

JOHN C. WHITAKER,
Under Secretary of the Interior.

By Mr. TOWER:

S. 2039. A bill to amend section 1402 (a) of title 10, United States Code, to revise the rule for recomputation of retired or retainer pay to reflect later active duty. Referred to the Committee on Armed Services.

Mr. TOWER. Mr. President, I am today offering legislation to correct an inequity in the military retirement roles. During the Indochina war the Department of the Navy, in particular the Marine Corps, had a requirement for certain reservists possessing skills necessary to conduct their mission. Letters were sent out to these men with the promise of a later recomputation of retired military pay should they volunteer to return to active duty.

In the tradition of selfish sacrifice that marks our armed services, these men returned to active duty and performed their duties well. Nevertheless, when time came for the recomputation that was promised them, they were forsaken. The promise was broken.

Retirement laws now provide for a recomputation of retired military pay if a retiree returns to active duty for a period of 2 years. When the system of recomputation was changed in 1958, this period had been 1 year, but it was later changed to 2 years to prevent recomputation on the basis of a very short tour of active duty. The problem is that the wording of the law prevents recomputation unless the basic is unchanged for at least 2 years.

This legislation would affect an estimated 3,500 people at an annual cost of about $1,300,000. Both the Department of Defense and the House Special Subcommittee on Retired Pay Revisions support this bill, which was originally introduced in the House by Congressman SISK. I strongly urge early, favorable consideration of this legislation so we can keep that promise and right this growing inequity.

By Mr. HATFIELD:

S. 2042. A bill to provide assistance in improving zoos and aquariums by creating a National Zoological and Aquarium Corporation, and for other purposes. Referred to the Committee on Rules and Administration.

THE NATIONAL ZOO AND AQUARIUM ASSISTANCE BILL

Mr. HATFIELD. Mr. President, for most of our citizens the zoo forms the only contact they may have with the animal kingdom. Furthermore, as civilization further expands into wilderness areas, zoos may well become the last refuge of many vanishing species.

Though today's zoos thus have a high and increasing educational value, they are presently in need of serious and extensive help.

I wish to share with my colleagues a recent editorial in the Washington Post noting some of the problems that plague the National Zoo in the Nation's Capital. It demonstrates what has happened to a zoo whose budget was stretched to its breaking point, and, then, finally pushed beyond. A similar economic state of affairs afflicts almost every zoo in this country.

The result is not merely that an irreplaceable learning experience is lost; an additional and equally ominous price is the agony and suffering caused animals trapped in such unfortunate environments.

Today I am introducing a bill to create a National Zoological and Aquarium Corporation which would provide badly needed assistance to zoos and aquariums across the Nation.

This Corporation is authorized to devise standards for the accreditation of zoos and aquariums. To enable such centers to meet and surpass those standards, the Corporation is also authorized to provide grants, loans, and technical assistance. The Corporation is further authorized to borrow money and to issue and sell obligations to a maximum aggregate total of $10 million outstanding. Such funds would implement needed modernization of these centers, would train professional staffs, would insure mortgages during construction of projects, and would establish a pilot project for model zoos or aquariums—in short, would preserve and upgrade to an acceptable level these invaluable institutions. Not simply poor and backward zoos and aquariums, but those who are taking the initiative to modernize would benefit from this legislation. Furthermore, the bill establishes a revolving fund which imposes no undue drain on the Treasury.

In introducing this measure, I wish to commend Congressman G. WILLIAM WHITEHURST of Virginia and his wife Genette for their important work in this area and for their efforts to assume this legislative responsibility in the Congress.

Mr. President, I insert the editorial from the April 27, 1973, edition of the Washington Post and ask unanimous consent that it and the text of my bill be printed at this point in the RECORD.

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

S. 2042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is created as an agency of the United States of America a body corporate to be known as the National Zoological and Aquarium Corporation (hereafter in this Act referred to as the "Corporation").

SEC. 2. The Corporation shall have the following general powers:

(1) To have perpetual duration and succession in its corporate name.

(2) To sue and be sued in its corporate name.

(3) To adopt, alter, and use a corporate seal, which shall be judicially noticed.

(4) To adopt, amend, and repeal such bylaws, rules, and regulations as it deems necessary to carry out this Act.

(5) To enter into and perform contracts, execute instruments, and determine the character of, and necessity for, its expenditures.

(6) To determine and keep its own systems of accounts and the forms and contents of

its contracts and other business documents, except as otherwise provided in this Act.

(7) To have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates.

(8) To acquire in any lawful manner such personal or real property, or any interest therein, as it deems necessary or convenient in the transaction of its business, and to hold, maintain, sell, lease, or otherwise dispose of such property or any interest therein; and to provide services in connection therewith and charge therefor.

(9) To accept gifts or donations of services or property, real or personal, as it deems necessary or convenient in the transaction of its business.

(10) To settle and compromise claims by or against it.

(11) To have all other powers incidental, necessary, or appropriate to the carrying on of its functions or the exercise of its specific powers.

SEC. 3. Upon termination of the corporate life of the corporation all of its assets shall be liquidated and, unless otherwise provided by law, shall be transferred to the United States Treasury as the property of the United States.

SEC. 4. (a) The management of the Corporation shall be vested in a Board of Directors (hereafter in this Act referred to as the "Board") to be composed of seventeen members as follows:

(1) The Director of the National Zoological Park, ex officio.

(2) The Comptroller General of the United States, ex officio.

(3) Fifteen individuals to be appointed by the President, by and with the advice and consent of the Senate, as follows:

(A) two officers or employees from the Agricultural Research Service of the Department of Agriculture;

(B) one officer or employee from the Department of State;

(C) one officer or employee from the National Oceanic and Atmospheric Administration;

(D) one officer or employee from the Department of the Interior;

(E) two professors of zoological park management from colleges or universities;

(F) four individuals from among representatives of national humane associations;

(G) four individuals from among directors of zoos.

(b) (1) The members described in subparagraphs (E), (F), and (G) of subsection (a) shall each be appointed for a term of six years, except that, in the case of the members first appointed, one member described in each such subparagraph shall be appointed for a term of two years and one shall be appointed for a term of four years. An individual appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

(2) No individual may serve for more than two terms as a member described in subparagraph (E), (F), or (G) of subsection (a). For purposes of this paragraph, an individual who has served more than one-half of a term shall be considered to have served all of such term.

(c) Members of the Board shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of title 5, United States Code, for travel and other expenses incurred by them in the performance of their functions under this Act.

SEC. 5. (a) The Board is authorized to appoint an Executive Director of the Corporation who shall receive compensation at the rate provided for level IV of the Executive Schedule (5 U.S.C. 5315 and who shall perform such duties as the Board may prescribe.

(b) The Board is authorized, subject to the civil service laws and regulations, to appoint and fix the compensation of such additional personnel as may be necessary to carry out this Act.

SEC. 6. (a) It shall be the duty of the Corporation to establish, and from time to time revise, standards for the national accreditation of zoos and/or aquariums in the several States and the District of Columbia, including roadside parks where animals are displayed in their natural habitat.

(b) The Corporation is authorized to provide technical assistance in the form of the services of Federal officers or employees to assist any zoo and/or aquarium applying therefor in complying with the accreditation standards established under this Act.

SEC. 7. (a) The Corporation is authorized to make grants of funds to any public nonprofit zoo and/or aquarium which meets, or will meet, the accreditation standards established under this Act, on such terms and conditions as it deems appropriate, to provide for—

(1) the training of the professional staff which meets, or will meet, the accreditation standards established under this Act; and

(2) research by the professional staff which meets the accreditation standards established under this Act.

No grant under this subsection shall exceed 75 per centum of the aggregate cost of the training or research, as the case may be, for which the grant is made.

(b) The Corporation is authorized to make grants of funds to any public nonprofit zoo and/or aquarium which meets the accreditation standards established under this Act for the purpose of enabling such zoo and/or aquarium to establish a pilot project for a model zoo and/or aquarium. The Corporation is also authorized to make grants of funds to any public nonprofit agency for the purpose of enabling such agency to establish a pilot project for a model zoo and/or aquarium which will meet the accreditation standards established under this Act. No grant under this subsection shall exceed 50 per centum of the aggregate cost of the pilot project for which the grant is made.

SEC. 8. (a) The Corporation is authorized (1) to insure mortgages (including advances on such mortgages during construction), upon such terms and conditions as it may prescribe in accordance with the provisions of this Act, and (2) to make commitments for the insuring of such mortgages prior to the date of their execution or disbursement thereon.

(b) To be eligible for insurance under this Act, the mortgage shall (1) be executed by a zoo and/or aquarium which meets, or will meet, the accreditation standards established under this Act, (2) be made to and held by a mortgagee approved by the Corporation as responsible and able to service the mortgage properly, and (3) cover a property or project which is approved for mortgage insurance prior to the beginning of construction or rehabilitation and is designed for use as a zoo and/or aquarium facility which the Corporation finds will be constructed in an economical manner, will not be of elaborate or extravagant design or materials, and will be adequate and suitable for the purposes for which designed. No mortgage shall be insured under this section unless it is shown to the satisfaction of the Corporation that the applicant would be unable to obtain the mortgage loan on reasonable terms without such insurance.

(c) The mortgage shall—

(1) not exceed 90 per centum of the amount which the Corporation estimates will be the value of the property or project when construction or rehabilitation is completed;

(2) have a maturity satisfactory to the Corporation, but not to exceed fifty years from the beginning of amortization of the mortgage, and provide for complete amortization of the principal obligation by periodic payments within such term as the Corporation shall prescribe; and

(3) bear interest (exclusive of premium charges for insurance, and service charges if any) at a rate not to exceed such rate as the Corporation finds necessary to meet the mortgage market.

(d) The Corporation shall fix premium charges for the insurance of mortgages under this Act, which charges shall be deposited in the revolving fund created by section 10 of this Act.

SEC. 9. (a) In order to assist zoos and/or aquariums which (1) meet, or will meet, the accreditation standards established under this Act, and (2) are unable to obtain a mortgage loan with insurance provided under section 8 of this Act, to carry out needed projects for the construction or modernization of zoo and/or aquarium facilities, the Corporation is authorized, subject to the limitations contained in this section, to guarantee to non-Federal lenders making loans to such zoos and/or aquariums for such projects, payment when due of principal and interest on loans approved under this section.

(b) No loan guarantee under this section with respect to any construction or modernization may apply to so much of the principal amount thereof as, when added to the amount of any grant or loan under this Act with respect to such project, exceeds 100 per centum of the cost of such project.

(c) Guarantees under this section shall be subject to such terms and conditions as the Corporation determines to be necessary to carry out this Act and protect the financial interest of the United States.

(d) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this section shall not exceed $———.

(e) The Corporation shall fix fees to be charged for the guarantee of loans under this section, which fees shall be deposited in the revolving fund created by section 10 of this Act.

SEC. 10. (a) There is established in the Treasury of the United States a revolving fund which shall be available to the Corporation, without fiscal year limitation and as provided by appropriation Acts, to carry out the provisions of this Act.

(b) The premiums charged for insurance under section 8 of this Act and the fees charged for guarantees under section 9 of this Act shall be credited to and form a part of the revolving fund.

(c) There are authorized to be appropriated to the revolving fund for the fiscal year 1974 such sums as may be necessary to carry out the provisions of this Act.

SEC. 11. (a) The Corporation is authorized to borrow money and to issue and sell such obligations as it determines necessary to carry out the purposes of this Act. The aggregate amount of any such obligations outstanding at any one time shall not exceed $10,000,000,000.

(b) The Corporation may pledge its assets and pledge and use its revenues and receipts for the payment of the principal of or interest on said obligations, for the purchase or redemption thereof, and for other purposes incidental thereto, including creation of reserve, sinking, and other funds which may be similarly pledged and used, to such extent and in such manner as it may deem necessary or desirable. The Corporation is authorized to enter into binding covenants with the holders of said obligations, and with the trustee, if any, under any agreement entered into in connection with the issuance thereof with respect to the establishment of reserve, sinking, and other funds, application and use of revenues and receipts of the Corporation, stipulations concerning the susbequent issuance of obligations or

the execution of leases or lease-purchases relating to properties of the Corporation and such other matters, as the Corporation may deem necessary or desirable to enhance the marketability of said obligations. The issuance of obligations by the Corporation shall be subject to the requirements of sections 102 through 104 of the Government Corporation Control Act (31 U.S.C. 847–849) and of no other law.

(c) Obligations issued by the Corporation under this section—

(1) shall be in such forms and denominations;

(2) shall be sold at such times and in such amounts;

(3) shall mature at such time or times;

(4) shall be sold at such prices;

(5) shall bear such rates of interest;

(6) may be redeemable before maturity at the option of the Corporation in such manner and at such times and redemption premiums;

(7) may be entitled to such relative priorities of claim on the assets of the Corporation with respect to principal and interest payments; and

(8) shall be subject to such other terms and conditions;

as the Corporation determines.

(d) Obligations issued by the Corporation under this section shall—

(1) be negotiable or nonnegotiable and bearer or registered instruments, as specified therein and in any indenture or covenant relating thereto;

(2) contain a recital that they are issues pursuant to this section, and such recital shall be conclusive evidence of the regularity of the issuance and sale of such obligations and of their validity;

(3) be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the United States, and the Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the obligations of the Corporation acquired by them under this section; and

(4) be exempt both as to principal and interest from all taxation now or hereafter imposed by any State or local taxing authority except estate, inheritance, and gift taxes.

SEC. 12. (a) At least fifteen days before selling any issue of obligations under section 11 of this Act the Corporation shall advise the Secretary of the Treasury as to the amount, proposed date of sale, maturities, terms and conditions and expected maximum rates of interest of the proposed issue in appropriate detail and shall consult with him or his designee thereon. The Secretary may elect to purchase such obligations under such terms, including rates of interest, as he and the Corporation may agree, but at a rate of yield no less than the prevailing yield on outstanding marketable Treasury securities of comparable maturity, as determined by the Secretary. If the Secretary does not purchase such obligations, the Corporation may proceed to issue and sell them to a party or parties other than the Secretary upon notice to the Secretary and upon consultation as to the date of issuance, maximum rates of interest, and other terms and conditions.

(b) Subject to the conditions of subsection (a) of this section the Corporation may require the Secretary of the Treasury to purchase obligations of the Corporation in such amounts as will not cause the holding by the Secretary of the Treasury to exceed $2,000,000,000. This subsection shall not be construed as limiting the authority of the Secretary to purchase obligations of the Corporation in excess of such amount.

SEC. 13. For the purpose of any purchase of the Corporation's obligations, the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchases of the Corporation's obligations under this Act. The Secretary of the Treasury may, at any time, sell any of the obligations of the Corporation acquired by him under this Act. All redemptions, purchases, and sales by the Secretary of the obligations of the Corporation shall be treated as public-debt transactions of the United States.

SEC. 14. (a) Notwithstanding the provisions of sections 105 and 106 of the Government Corporation Control Act (31 U.S.C. 850 and 851), the Comptroller General of the United States shall audit the transactions of the Corporation at such times as he shall determine, but not less frequently than once each Government fiscal year, with personnel of his selection. In such connection he and his representatives shall have free and open access to all papers, books, records, files, accounts, plants, warehouses, offices, and all other things, property, and places belonging to or under the control of or used or employed by the Corporation, and shall be afforded full facilities for counting all cash and verifying transactions with balances in depositories. He shall make report of each such audit in quadruplicate, one copy for the President of the United States, one for the Corporation, one for public inspection at the principal office of the Corporation, and the other to be retained by him for the use of the Congress.

(b) A report shall not be made under subsection (a) of this section until the Corporation shall have had reasonable opportunity to examine the exceptions and criticisms of the Comptroller General. The expenses of the audit shall be paid as provided in section 301 of the Government Corporation Control Act (31 U.S.C. 866). Nothing in this chapter shall be construed to relieve the treasurer or other accountable officers or employees of the Corporation from compliance with the provisions of existing law requiring the rendition of accounts for adjustment and settlement pursuant to section 236 of the Revised Statutes of the United States (31 U.S.C. 71), and accounts for all receipts and disbursements by or for the Corporation shall be rendered accordingly.

(c) Subject only to the provisions of this Act, the Corporation is authorized to make such expenditures and to enter into such contracts, agreements, and arrangements, upon such terms and conditions and in such manner as it may deem necessary, including the final settlement of all claims and litigation by or against the Corporation; and, notwithstanding the provisions of any other law governing the expenditure of public funds, the General Accounting Office, in the settlement of the accounts of the treasurer or other accountable officer of the Corporation, shall not disallow credit for, nor withhold funds because of, any expenditure which the Corporation shall determine to have been necessary to carry out the provisions of this Act.

(d) Nothing in this section or in the Government Corporation Control Act (31 U.S.C. 841 et seq.) shall be construed as denying to the Corporation the power to obtain audits of its accounts and reports concerning its financial condition and operations by certified public accounting firms. Such audits and reports shall be in addition to those required by this section.

ELITISM AT THE NATIONAL ZOO

One of the greater pastimes in our town—for resident Washingtonians as well as the swelling numbers of widespread visitors to the Nation's Capitol—is the zoo. It is, after all, the National Zoo, supposedly a unique showcase of animal life. Certainly the diversity of its inhabitants ranks it among the world's fine zoos, especially since the arrival last year of those two furry, elitists from China, the pandas.

But according to reports by Washington Post staff writer, John Saar, the pandas have put quite a crimp in the zoo's modest budget, and many of the park's older inhabitants have been feeling the pinch. It turns out that some $550,000 of the zoo's federal funds for the current fiscal year were spent on the two pandas, amid strong complaints from some of the keepers that the rest of the zoo's 1,800 occupants have been neglected as a consequence.

Neither Ling-Ling nor Hsing-Hsing has yet been declared persona non grata. But there is beginning to be talk about the size of their expense accounts. Specifically, the critics charge that the pandas have been allocated unnecessarily large quarters, displacing other rare and important residents. As a result, the employees say, a quite rare antelope miscarried, and two white rhinos—ranked among the world's rarest animals—were sent on indefinite loan to the San Diego Zoo. Furthermore, say the critics, more emphasis ought to be placed on other financial needs at the zoo; there is overcrowding, there are dilapidated animal living quarters and there is a serious soil erosion problem.

Not all of the zoo's troubles can be laid at the paws of the pandas, however. More serious than the budget problems, in our view, is the complaint of an investigator for the Washington Humane Society that there has been a recurrent pattern of neglect of animals. "It is not deliberate cruelty," said field investigator Mark Kimbrell, "but neglect, and there is something about the way in which the zoo is now operated which allows these things to happen."

Mr. Kimbrell emphasized that the zoo has "tremendous institutional problems over funding and skilled help," but he charged that conditions there are causing animal deaths. Indeed, he stated that justified complaints of animal neglect at the zoo average one a month. In view of the fact that Mr. Kimbrell's organization is specifically chartered by Congress to investigate allegations of neglect or cruelty to animals—and to initiate prosecution when necessary—his charges ought not be taken lightly.

The Humane Society should continue to monitor conditions at the zoo on a regular basis, and should make its findings public. In addition, Congress ought to take into account the heavy budget strain caused by the arrival of the pandas, as well as the urgent need for improvements in living conditions generally at the zoo. Otherwise, it is pointless for zoo officials to keep on acquiring new animals. The capital city of the United States ought to be able to afford a first-class zoo not only for the sake of the people from Washington and around the world who visit it regularly—but for the welfare of the animals who must live there year around.

By Mr. BELLMON:

S. 2043. A bill to amend the Consolidated Farm and Rural Development Act. Referred to the Committee on Agriculture and Forestry.

RURAL LOAN MARKETING ASSOCIATION

Mr. BELLMON. Mr. President, those of us who serve on the Committee on Agriculture and Forestry had great hopes that the Rural Development Act of 1972, which was an extended project of the committee, would provide the "helping hand" needed to give those Americans who choose to live and work in nonmetropolitan areas the opportunity to do so.

It now appears that two things will gravitate against maximum use of the authorities in the Rural Development Act. First, the President's fiscal 1974 budget indicates the administration will authorize only $200 million in loan guarantees for rural business and industrial loans during the coming year.

Second, rural bankers have indicated that even with the guaranteed loan program there will be a need for a secondary market for the guaranteed loans to provide ongoing funds for development of rural communities.

In order to help alleviate these problems I am today introducing legislation to create a "Rural Loan Marketing Association." This legislation is modeled after the Federal National Mortgage Association and the Student Loan Marketing Association which Congress previously created to form secondary markets for home mortgages and insured student loans, respectively.

Specifically, this bill:

Establishes a Government-sponsored private corporation to serve as a secondary market and warehousing facility for loans made by private lenders for any purpose in communities of less than 50,000 population.

Establishes a Board of Directors to be composed of seven representatives of rural banks who would own one class of stock, seven representatives of institutional investors who would own a separate class of stock, and seven citizens of rural communities selected by the President.

Authorizes transfer of $5 million from the Farmers Home Administration's Rural Development Insurance Fund to help establish the Association.

Authorizes the Association to make advances on the security of, purchase, service, sell, or otherwise deal in loans made to public or private organizations or individuals in rural areas.

Authorizes issuance of common and preferred stock and debentures with proceeds to be used for the transactions in rural loans as provided above.

Mr. President, during recent months this Nation has faced for the first time in its history short supplies of certain foods. The result has been sharply increased food prices and controls of various kinds. Such conditions are unnecessary and can be avoided in the future.

If the people of this Nation are to be well fed in the future, food producers must have access to necessary operating capital. The purpose of this bill is to provide access for food producers to the principal supplier of operating funds.

I ask unanimous consent that a section-by-section analysis of the bill be made a part of the RECORD at the conclusion of these remarks.

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

SECTION-BY-SECTION ANALYSIS

Sec. 1. The Consolidated Farm and Rural Development Act is amended by adding a new subtitle.

Sec. 2. Provides for the establishment of a Government sponsored, privately-financed corporation to act as secondary market and warehousing facility for rural loans made by authorized lenders.

Sec. 3. Provides for creation of the Rural Loan Marketing Association, a body corporate to maintain its principal office in the District of Columbia. Exempts the Association from all taxes, with the exception of real property taxes levied by local governments. Authorizes transfer of $5 million from the Rural Development Insurance Fund to help establish the Association. Such advances from the Fund are repayable with interest.

Sec. 4. Establishes a twenty-one member Board of Directors, one designated as Chairman by the President. Establishes an interim Board of Directors, seven representatives of institutional investors, and seven residents of rural areas. The interim Board shall arrange for the initial stock offering.

Sec. 5. When the President determines sufficient stock has been purchased by rural lenders and institutional investors the holders of each class of stock shall elect seven members to the Board.

Sec. 6. Provides for appointment by President of seven public members and annual election of 14 members by stockholders.

Sec. 7. Provides for semiannual meetings of the Board of Directors and authorizes the Board to establish policies and hire personnel.

Sec. 8. Authorizes the Association to make advances on the security of, purchase, service, sell, or otherwise deal in farm or nonfarm loans made by rural lenders.

Sec. 9. Provides for common stock of $100 par value to be issued in classes with rights of cumulative voting for directors and provides for declaration of dividends on common stock after any due dividends on preferred stock are paid.

Sec. 10. Provides for issuance of preferred stock with the usual provisions for preference on dividends and privileges of payment in case of dissolution of the Association.

Sec. 11. Provides for issuance of bonds or other debentures to obtain funds with which to operate.

Sec. 12. Enumerates the powers of the Association which includes the normal powers of corporations.

Sec. 13. Provides for an annual audit.

Sec. 14. Provides that obligations issued by the Association shall be lawful investments, and may be accepted as security for, all fiduciary, trust, and public funds of the United States. Exempts securities issued by the Association from compliance with laws administered by the Securities and Exchange Commission and provides that for purposes of the Federal Reserve Act the Association shall be deemed an agency of the United States.

Sec. 15. Provides that obligations issued by the Association shall be lawful investments under various provisions of the national banking laws.

Sec. 16. Severability.

By Mr. HARTKE:

S. 2044. A bill to extend until September 30, 1975, the suspension of duty on certain dyeing and tanning products and to include logwood among such products. Referred to the Committee on Finance.

Mr. HARTKE. Mr. President, today I introduce legislation to continue for 3 years from September 30, 1972, the suspension of duties on imports of certain dyeing and tanning materials, the domestic supply of which is almost nonexistent.

Legislation for the temporary suspension of duties on certain dyeing and tanning extracts was first enacted in 1957. With various changes, including the addition of other dyeing and tanning extracts, the suspension of duties has been extended on a number of occasions. The last such extension, which terminated on September 30, 1972, was provided in Public Law 91-388.

My proposal would suspend the duty for 3 years from September 30, 1972, on certain dyeing and tanning products of canaigre, chestnut, curupay, divi-divi, eucalyptus, hemlock, larch, tara, mangrove, myrobalan, oak, quebracho, sumac, urunday, wattle, and valonia, and which are provided for in items 470.23, 470.25, 470.55, 470.57, and 470.65 of part 9A, schedule 4, of the tariff schedules of the United States. In addition, the bill includes tanning materials of logwood provided for in item 470.15 of the tariff schedules.

The only vegetable tanning material which has been produced in the United States in significant quantity is chestnut tanning extract. With the continued decline in the availability of chestnut trees, domestic firms producing tanning extract have been unable to secure raw materials. Thus, the domestic availability of tanning extract has steadily declined.

I am informed that the conditions which led to the original suspension of duties on these dyeing and tanning materials continues to exist. Similarly, a lack of domestic availability has developed with respect to logwood extract.

These imported vegetable tanning materials are needed by the tanning and leather industries to convert raw hides and skins into leather. Also certain of the materials are used by the oil well drilling industry as a thinner for fluids used in rotary drilling operations.

In view of the continued lack of domestic availability of these dyeing and tanning materials, the suspension of duties for 3 years from September 30, 1972, as provided in my bill is warranted.

In view of the fact that the previous suspension of duty terminated on September 30, 1972, my bill also provides that the entry or withdrawal of any articles which was made after that date, and on or before the date of enactment of the bill may be liquidated or reliquidated as though such entry or withdrawal had been made after the date of enactment. Such liquidation or reliquidation of any entry or withdrawal is subject to a request being filed therefor with the customs offices concerned on or before the 60th day after the date of enactment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

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

S. 2044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That item 907.80 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by striking out "Canaigre," and inserting in lieu thereof "Logwood, canaigre,";

(2) by inserting "470.15," immediately before "470.23,"; and

(3) by striking out "9/30/72" and inserting in lieu thereof "9/30/75".

SEC. 2. (a) The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from

warehouse, for consumption on or after the date of the enactment of this Act.

(b) Upon request therefor filed with the customs officer concerned on or before the sixtieth day after the date of the enactment of this Act, the entry or withdrawal of any article—

(1) which was made after September 30, 1972, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendments made by the first section of this Act applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 17

At the request of Mr. HANSEN (for Mr. SCHWEIKER) the Senator from Alabama (Mr. SPARKMAN) was added as a cosponsor of S. 17, the National Diabetes bill.

S. 37

At the request of Mr. METCALF, the Senator from Florida (Mr. GURNEY) 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. 650

At the request of Mr. TOWER, his name was added as a cosponsor of S. 650, to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns.

S. 1191

At the request of Mr. MONDALE, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 1191, the Child Abuse Prevention Act.

S. 1304

At the request of Mr. STEVENS, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 1304, to amend certain provisions of title XI of the Organized Crime Control Act of 1970 relating to explosives.

S. 1535

At the request of Mr. BELLMON, the Senator from New Mexico (Mr. DOMENICI) and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 1535, a bill to amend the Internal Revenue Code of 1954 to provide for the recovery of reasonable attorneys' fees as a part of court costs, in civil cases involving the Internal Revenue law.

S. 1637

At the request of Mr. BAYH, the Senator from California (Mr. CRANSTON), and the Senator from Minnesota (Mr. HUMPHREY), were added as cosponsors of S. 1637, to discourage the use of painful devices in the trapping of animals and birds.

S. 1769

At the request of Mr. MANSFIELD (for Mr. MAGNUSON) the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 1769, to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes.

S. 1828

At the request of Mr. ROBERT C. BYRD, the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 1828, to require the advice and consent of the Senate on appointment of the Mining Enforcement and Safety Administration Director.

S. 1852

At the request of Mr. BELLMON, the name of the Senator from Florida (Mr. GURNEY) was added as a cosponsor of S. 1852), the Federal Child Support Security Act.

S. 1963

At the request of Mr. BELLMON, the Senator from Indiana (Mr. BAYH) and the Senator from Arizona (Mr. FANNIN) were added as cosponsors of S. 1963, a bill to provide for legislative budget review by the General Accounting Office.

S. 2045

At the request of Mr. PERCY, the Senator from North Carolina (Mr. ERVIN), and the Senator from New York (Mr. JAVITS), were added as cosponsors of S. 2045, to require that future appointments to the offices of Director and Deputy Director of the Office of Management and Budget, and of certain other officers in the Executive Office of the President, be subject to confirmation by the Senate.

SENATE CONCURRENT RESOLUTION 34—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE ENERGY CRISIS

(Referred to the Committee on Armed Services.)

Mr. DOMINICK. Mr. President, I submit for appropriate reference a Sense of Congress Resolution relating to petroleum usage and the Department of Defense. Previously, on May 10 of this year, I addressed a letter to that Department urging its consideration of a 10 percent reduction in consumption of petroleum products for functions not related directly to national security. My investigation into the Department's consumption figures now leads me to believe that it is appropriate that all Members of Congress have an opportunity to express their approval of such an idea.

Presently all of us are hearing varied and diverse reports about the impact of our energy crisis. What we need now is action of an immediate nature to attempt to alleviate our present problems as well as those which will be arising in the months to come. We are all aware, for example, of the reports of problems for our farmers. In my State, we know that our wheat crop may be imperiled because combiners from other States will not come unless they are guaranteed a fuel supply. In some sections of my State the wheat harvest is no more than 3 weeks away.

In the face of these shortages we are beginning to see the folly of too much reliance on foreign imports to solve our oil problems. Last week we read of the nationalization of a U.S. interest in Libyan oil, an omen of the effects that energy will have on our foreign affairs in the foreseeable future. We need to make our citizens aware of the gravity of our present and future supply situation, and I believe that the Federal Government should lead the way in cutbacks. We cannot ask sacrifices of them without providing the leadership of requiring the Government to do the same.

In addition to my letter to Defense, I have requested the study of the feasibility of a 10-percent reduction in consmption by all Federal agencies. I expect a reply to be forthcoming shortly and I shall seek to maximize such cutbacks whenever and wherever possible.

Mr. President, last summer the entire Denver metropolitan area had only one days reserve of gasoline. Last winter our school system was closed because of heating oil shortages. This year one of the major suppliers has, I have been told, cut off all supplies of butane and propane, fuels which are used extensively in our rural areas.

Some of our gasoline stations are already limiting customers to 10 gallons per customer and others are sharply cutting back their hours of operation or closing entirely.

In view of these warnings, it seems only appropriate that the largest user of oil and gas be required to cut back by 10 percent where such cutbacks would not affect national security or essential training exercises. This resolution does not attempt to formulate the areas of cutback nor does it make such cutback mandatory. If passed however, it would save over 1 billion gallons of petroleum products which would not only set an example, but would materially assist in our efforts to preserve consumption and rein in our galloping demand for energy resources.

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

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

S. CON. RES. 34

Whereas fuel shortages are now being experienced in all parts of our country,

Whereas projections are that such shortages may be anticipated on a much larger scale in the future,

Whereas the Department of Defense is one of the largest single consumers of petroleum products in the United States and the world,

Whereas the Department of Defense in its 1973 estimates will consume the following totals of petroleum products:

Aviation Gasolin , 344,946,000 gallons.

Jet Fuel, 7,636,104,000 gallons.

Motor Gasoline, 480,102,000 gallons.

Distillates (Heating oil, kerosene & diesel fuel), 1,144,920,000 gallons.

Navy Standard Distillate, 805,308,000 gallons.

Residual Fuel, 1,687,770,000 gallons.

Other, 1,512,000 gallons.

Total, 12,100,662,000 gallons.

Whereas a reduction of consumption of petroleum products by the Department of Defense would aid in meeting the energy shortages this country now faces,

Whereas immediate and appropriate action is required to alleviate the energy shortages: Now, therefore, be it

Resolved, That it is hereby declared to be the sense of the Congress that (1) the Department of Defense should implement a 10% reduction of its consumption of petroleum products except where such reductions would be directly related to the national security including essential training programs.

(2) It is further declared to be the sense of the Congress that the Secretary of Defense should within 30 days after the passage of this resolution notify in writing the Armed Services Committee of the Senate and the Armed Forces Committee of the House of Representatives of his plan for implementation of such resolution.

AUTHORIZATION FOR SECRETARY OF THE INTERIOR TO GRANT RIGHTS-OF-WAY ACROSS CERTAIN FEDERAL LANDS—AMENDMENT

AMENDMENT NO. 240

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

Mr. MONDALE. Mr. President, on behalf of myself and Senators BAYH, MANSFIELD, HASKELL, STEVENSON, PERCY, PROXMIRE, MCINTYRE, STAFFORD, NELSON, ABOUREZK, CASE, CLARK, HATHAWAY, HUGHES, KENNEDY, MUSKIE, and PELL, I am introducing an amendment to S. 1081, as reported, to provide for a congressional decision—after a study and negotiations—on the means of transporting North Slope Alaskan oil which would be most in the national interest.

I, along with the Senator from Indiana (Mr. BAYH) and 15 other Senators, have previously introduced legislation dealing with this subject—S. 1565. The amendment which I am introducing today is basically similar to S. 1565.

Both this amendment and S. 1565 have attempted to obtain a speedy resolution of a problem which is now more than 4 years old—how the vast oil deposits on Alaska's North Slope can best be transported to meet the energy needs of the United States. Both have attempted to speed the resolution of the controversy surrounding the Alaska pipeline and bring oil to American markets in the shortest possible time.

I have previously stated that it is my belief that a pipeline delivery system through the MacKenzie Valley of Canada would be the most logical means of transporting this oil to American markets.

A Canadian route would deliver the bulk of North Slope oil resources where they are needed most—in the area east of the Rocky Mountains.

A Canadian route would deliver these resources over an environmentally sounder route than would an Alaskan route.

Costs to consumers for oil in the eastern two-thirds of the Nation would be substantially reduced by a Canadian route.

Finally, I believe the national security interests of the United States would be aided by a Canadian route.

PURPOSE OF AMENDMENT

However, the amendment which I am introducing today does not require that this route for delivery of North Slope oil be taken. All the amendment seeks to do is to give Congress the necessary information it needs to make a well-informed decision on Alaskan oil. Support of this amendment need not imply support for the ultimate feasibility of a trans-Canadian pipeline to transport this oil. All it need imply is a desire to see Congress exercise its responsibilities over national energy policy and over the Federal lands through which any Alaskan oil pipeline will run, and make a decision which will affect American energy policy for decades to come only on the basis of adequate information.

Indeed, if the case for a trans-Alaska pipeline is as compelling as advocates of that route maintan, this amendment will provide a mechanism by which a final decision can be made within 1 year to get construction underway. On the other hand, it gives the unbiased look at a Canadian alternative route which we have not had to date, a study which advocates of a trans-Alaska route seem reluctant to have undertaken.

Central to this effort is our desire to see these resources utilized as quickly as possible. But we must recognize that no pipeline from Alaska will keep our gas tanks full this summer or prevent possible fuel oil shortages this coming winter.

The 10 billion barrels of oil on the North Slope of Alaska are a precious national resource. By the mid-1980's, this field may be supplying up to 10 percent of our annual oil needs. But we must not waste that resource, and we in Congress must not make hasty decisions which may only delay the ultimate delivery of North Slope oil.

TWO PIPELINES?

S. 1081, as reported, contains a provision which holds forth the prospect of two oil pipelines from Alaska's North Slope. It would allow the Secretary of the Interior to issue rights-of-way permits for a trans-Alaska pipeline, and seek negotiations with Canada on the possibility of a second, trans-Canadian oil line at some indefinite date in the future.

This prospect must be seriously examined, however. Less than 1 year ago, the Joint Economic Committee in hearings conducted by the Senator from Wisconsin (Mr. PROXMIRE) heard very strong testimony on the likelihood—or lack thereof—of a second pipeline.

One of the more elaborate arguments put forth by trans-Canada supporters is based upon the hypothesis that a second oil line will be built from Alaska's North Slope to transport additional crude oil to the lower 48. Such speculation borders on fantasy and reveals the absence of even a casual inquiry into the facts.

It is assumed that this phantom oil line will be required for basically three reasons: (1) Extensions to the Prudhoe Bay field; (2) Increases from secondary recovery in the Prudhoe Bay field; and (3) New finds through continued exploration.

To date, 75 developmental wells, excluding dry holes, have been drilled in the Prudhoe Bay field. The balance of the drilling required to fully develop the field will be within the perimeter of the field which has been well defined. The developmental program to date precludes any significant field extension and has substantiated the previously estimated 9.6 billion barrels of recoverable oil.

As to discovery of additional fields through continued exploration, it should be noted that to date no proven commercial oil fields other than Prudhoe Bay have been found, and exploration drilling has either eliminated or revised downward the potential of a number of once exciting projects.

The author of this statement was Edward L. Patton, president of the Alyeska consortium, which wishes to build the trans-Alaska pipeline. No new reserves have been discovered since the date of that statement.

In July of 1972, Secretary of the Interior Morton stated that:

It is uncertain that a second oil line will be needed at all, since additional reserves must be discovered by future drilling. Such a line, in any case, is many years away.

In an analysis prepared by the Department of the Interior and submitted to the Senate Interior Committee in April of this year, the Department clearly states that:

Resources to justify a second oil pipeline have not yet been demonstrated.

Mr. President, I believe the prospect of a second oil pipeline, as Mr. Patton indicated, is a "phantom." We cannot simply state that two pipelines can be built without further analysis of whether that statement bears any relationship to reality. And the strong testimony of supporters of a trans-Alaska pipeline indicates that there is no prospect of this happening in the near future. Indeed, any prospect of it occuring at all is at best a long shot which will not occur until 1990, if ever.

TIME OF DELIVERY

The central thrust of the amendment I am introducing today is to speed the decisionmaking process in delivering Alaskan oil. If S. 1081, as reported, is passed unamended, we face a substantial amount of time in the courts litigating environmental issues of real importance and also face the real possibility of lengthy construction time on an Alaska route.

There are now indications from highly-placed sources that delays on a trans-Alaskan pipeline—both in the courts and in construction time—may be much more than proponents of such a line may thus far have been willing to admit.

On May 17, J. K. Jamieson, chairman of the board of Exxon Corp., the world's largest oil company, and one of the principal partners in the consortium seeking to build a trans-Alaska pipeline, stated that Exxon's most optimistic estimate on when a trans-Alaska pipeline could be completed was late 1978.

Prior to this statement, backers of a trans-Alaska pipeline had been optimistically estimating completion dates of 1976 or early 1977.

Now, there is a growing realization

that as little time as possible should be spent in unending court litigation, provided that Congress has adequate information on which to base its decision. Yet this time in the courts would be the result of passage of S. 1081, as reported from the Interior Committee.

There are also some who would wish to see Congress go on record now as declaring the environmental impact statement completed thus far on the trans-Alaska pipeline as adequate, and remove the courts and the Congress from any further consideration of this issue.

This approach, I fear, would undo years of effort in making the National Environmental Policy Act into an effective means of providing adequate information on which to base crucial decisions. For there is much evidence that the environmental impact statement completed thus far did not adequately consider a trans-Canadian alternative, as required under section 102(2)(c) of NEPA. A variety of factors—including the projected gas pipeline from Prudhoe Bay in Alaska through the Mackenzie Valley of Canada to the Midwestern United States—were not adequately considered in that statement, and to declare this statement to be adopted by the Congress would virtually destroy the validity of NEPA.

THE AMENDMENT

There is an alternative approach, which the amendment I am introducing today exemplifies. That approach is to fill in the many information gaps now missing with regard to a trans-Canadian route by which to transport North Slope oil to the United States, and to build in a congressional decision at the end of this process. This I believe to be the only approach which complies with the spirit of the National Environmental Policy Act, and still offers supporters of both a trans-Alaska and a trans-Canadian pipeline the assurance that a congressional decision—not reviewable in the courts—will be made within approximately 1 year.

The amendment I am introducing today provides the following:

First, negotiations would be conducted by the Secretary of State with the Government of Canada to ascertain the answers to a variety of important questions to which we do not have definitive answers today. The Secretary of State would report the results of these negotiations within 8 months to the Interior Committees of the Senate and House. Points of negotiations would include estimated dates for completion of construction; quantity levels of oil from the North Slope of Alaska which the Canadian Government would guarantee through a Canadian pipeline; the ownership, financing, and regulation of the Canadian sector of a trans-Alaska-Canada pipeline, and other questions of similar importance.

Second, the National Academy of Sciences would be directed to undertake a comparative 11-month study of the environmental, economic, and national security implications of both a trans-Alaska and a trans-Canadian pipeline alternative.

With regard to the environmental risks of the routes which would be studied, the language of the amendment exactly parallels the language of section 102(2)(c) of NEPA. This requires the National Academy to undertake the type of study which should have been undertaken by the Department of the Interior, but which has never been undertaken.

The economic and national security aspects of the study would include the relative effects of a trans-Alaska and a trans-Canadian pipeline on American national security; overall economic effects, including effects on consumers in various sections of the country; and effects on American balance of payments. This part of the study would encompass the particularly important questions of regional dependence on insecure foreign oil sources and the cost effects on consumers of routing the pipeline through Alaska or through Canada.

In preparing this study, the Academy would analyze and compare the relative advisability and feasibility of transporting North Slope Alaskan oil through either a trans-Alaskan or a trans-Canadian route.

In undertaking this task, the Academy would have much information at its disposal. In addition to the Department of the Interior's Environmental Impact Statement, which would be the basic document for description and analysis of the trans-Alaskan pipeline alternative, the Academy could make use of over 100 studies—including a $7 million study prepared by a consortium of 16 major oil companies—on a trans-Canadian route. What we need is an unbiased, professional analysis of this information before Congress makes its decision.

Third, this amendment provides for restrictions on exports of North Slope oil. Under provisions of the amendment, no exports could be made unless the President found an "imminent threat to national security" should such exports not be made. If such a finding were made, authority under it for the President to allow exports would expire at the end of 60 days, unless Congress approves of such action. I believe this provision is absolutely crucial whether Congress decides to opt for a trans-Alaskan or a trans-Canadian route. I also strongly believe that if we do choose a trans-Alaskan route—and fail to forbid exports—that a very substantial percentage of the production of an Alaskan line would be earmarked for Japanese consumption. In 1971, the President of the consortium seeking to build the trans-Alaska pipeline, stated that one-quarter of the production of such a line was earmarked for sales beyond the west coast, most of which presumably would go to Japan.

Recently, University of Washington geology Prof. Eric Cheney, in an article in the Seattle Times, showed that if a trans-Alaskan line is built, the west coast will be unable to absorb the entire production from such a line until 1988.

I believe this provides one more strong reason for a trans-Canadian line. But no matter what decision is ultimately made on the routing of trans-Alaskan oil, we must provide that this oil will stay in the United States—and not fuel foreign industrial competition to American industry during years when American industry will need every gallon of oil it can get.

Fourth, the amendment builds in a procedure to insure a congressional decision within 90 days of receipt of the report of the National Academy.

This decision would not be reviewable in the courts, thereby assuring progress on whichever route Congress selects shortly after that congressional decision is made.

The amendment also prohibits the Secretary of the Interior from issuing rights-of-way permits for any delivery system for North Slope Alaskan oil until Congress has authorized and directed him to issue rights-of-way for a particular route. The amendment does not affect the bill's provisions regarding granting of rights-of-way for any pipeline system other than that from the North Slope of Alaska.

CANADIAN GOVERNMENT

Without doubt, no pipeline through Canada can be built without the cooperation of the Government of Canada. There is no debate on this point. Recently, some have questioned that willingness of the Government of Canada to cooperate in this undertaking. There is no hard negotiating data on this point, once again pointing out the need for negotiations at the earliest possible date.

Should these negotiations prove that the Canadians are not interested, we will have lost nothing, for a final nonreviewable congressional decision would still be made within little more than a year. This decision, while preserving the integrity of the National Environmental Policy Act, would allow construction of a trans-Alaskan pipeline to begin without further delay in the courts if the trans-Canadian route is proven to be unfeasible.

However, I believe that the Canadian Government will express interest in a trans-Canadian oil pipeline, inasmuch as it avoids dangerous tanker traffic off the west coast of Canada and spurs the development of potential oil reserves in the northwestern sections of Canada. As recently as May 14 of this year, Prime Minister Trudeau stated on the floor of Parliament that:

> We do not favour the route from Alaska which would take oil tankers over the ocean into waters that are very narrowly confined between the United States and Canada. That is still our policy, and our policy is still to indicate that the Mackenzie route is one which we would be prepared to consider if there is application made in the proper form, and that we would be very happy to follow up on that.

And on June 8, speaking in the House of Commons, Minister of Energy, Mines and Natural Resources, Donald Macdonald stated again that:

> Our distinct preference is to have a Mackenzie route. . . .
>
> The United States administration, of course, insists on handling its own resources

in a different way. We have made clear to the United States the possibilities of a Canadian route, but I do not think we are really in a position to direct them as to how they should dispose of their resources within their jurisdiction.

In sum, the Canadians are receptive—if we in Congress show that the attitude of the American administration is not the attitude of the American people.

Whatever the answer to Canadian willingness to cooperate, we should and must find out quickly. The amendment we are proposing today would enable us to do just that.

In sum, this amendment expresses the desires to proceed as rapidly as possible—consistent with the spirit of NEPA—to develop North Slope Alaskan oil. It will give the Congress the intensive negotiations and study of a Canadian alternative route that we need to make an informed decision. It will enable Congress to make the final decision on how this vast oil resource is best to be transported to the United States, thereby exercising the responsibility we must shoulder for framing national energy policy.

It offers backers of the trans-Alaskan pipeline the assurance that if negotiations with Canada prove unsuccessful, or if Congress for whatever reason decides that an Alaskan route is the wisest means to move North Slope Alaskan oil, that construction of such a pipeline could begin in little over 1 year. It offers backers of a trans-Canadian line the full and fair study that has not yet been done on this alternative, and the ability to get that information to the Congress.

Mr. President, I ask unanimous consent that the text of this amendment be printed in the RECORD at the conclusion of my remarks.

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

AMENDMENT NO. 240

Strike out all after line 20 on page 31 through line 23 on page 35 and insert in lieu thereof the following:

TITLE II—DELIVERY OF ALASKA NORTH SLOPE OIL

SEC. 201. Congress hereby finds and declares that—

(a) the question of how the oil resources of Alaska's North Slope can best serve the needs of the Nation raises issues of national importance;

(b) a continuing legal controversy exists as to whether the Interior Department has complied with its obligations under the National Environmental Policy Act to study and describe a trans-Alaska-Canada transportation corridor as an alternative for an Alaskan land and maritime route for the delivery of North Slope oil;

(c) this controversy poses the threat of continued litigation that could significantly postpone the implementation of any delivery system for North Slope oil;

(d) it is the will of the Congress to avoid the uncertainties of continued litigation and to facilitate the delivery of North Slope oil resources in the manner that will best serve the environmental, economic and national security needs of the Nation; and

(e) recognizing its constitutional responsibility to regulate interstate and foreign commerce (article I, section 8) and to protect the public interest in the public lands (article IV, section 3), the Congress hereby seeks to insure that sufficient information is made available promptly to facilitate the congressional decisions as to which delivery system for North Slope Alaska oil will best serve the overall national interest.

SEC. 202. (a) The "Academy" means the National Academy of Sciences.

(b) The "Academy President" means the President of the National Academy of Sciences.

(c) A "corridor" means an all-land trans-Alaska-Canada utility corridor, including any pipelines contained therein, for the delivery of North Slope Alaska oil to markets in the 48 coterminous States of the United States.

SEC. 203. (a) The President of the United States is authorized and requested, utilizing the services of the Secretary of State, to enter into negotiations with the appropriate officials of the Government of Canada immediately upon enactment of this Act to ascertain within sixty days from the date of enactment of this Act:

(1) the willingness of Canada to receive applications for the construction of a corridor, and

(2) should such willingness exist, the route which would be preferred by the Canadian Government for the Canadian sector of a corridor (hereinafter, the "preferred Canadian route").

(b) If, as a result of the preliminary negotiations authorized under subsection (a) of this section, no preferred Canadian route is determined within sixty days after enactment, the Academy shall designate a preferred Canadian route for purposes of the study to be undertaken pursuant to section 205 of this title.

(c) The Secretary of State is directed to report to the Interior and Insular Affairs Committees of the House and Senate within seventy days from the date of passage of this Act the results of the preliminary negotiations authorized under subsection (a) of this section.

(d) For purposes of determining the feasibility of construction, operation and maintenance of a corridor, the President of the United States is authorized and requested, utilizing the services of the Secretary of State, to enter into negotiations with the appropriate officials of the Government of Canada immediately upon the conclusion of the preliminary negotiations undertaken pursuant to subsection (a) of this section.

(e) Within 240 days from the date of passage of this Act, and based on the negotiations conducted pursuant to subsection (d) of this section, the Secretary of State shall submit to the Interior and Insular Affairs Committees of the House and Senate, his findings on—

(1) the need for understandings, agreements or treaties to protect the interests of the Governments of Canada and the United States and any party involved with construction, operation and maintenance of a corridor;

(2) the estimated costs of construction and operation of an oil pipeline in a corridor;

(3) the estimated feasible date for commencement and completion of construction of an oil pipeline within a corridor;

(4) the quantity levels of oil from the North Slope of Alaska which the Government of Canada would guarantee through a corridor;

(5) the willingness of the Government of Canada to increase its exports for oil to the United States during the period of time before a corridor is in operation;

(6) the ownership, financing and regulation of the Canadian sector of a corridor; and

(7) any other results of the negotiations which he may deem relevant.

SEC. 204. Within thirty days following passage of this Act, the Director of the National Science Foundation shall contract with the Academy President for the performance by the Academy of a study in accordance with the requirements set forth in section 205 of this title.

SEC. 205. (a) The Academy shall undertake a comparative study of the following alternatives for the delivery of North Slope Alaskan oil:

(1) an Alaskan land and maritime route, as outlined in the Department of the Interior's Final Environmental Impact Statement on the trans-Alaska pipeline system, and

(2) a corridor from the North Slope area of Alaska across land in the State of Alaska, connecting with the preferred Canadian route to the Canadian-American border, and then to Seattle and Chicago.

(b) The study of the Academy shall include, for each of the routes in subsection (a) above, a detailed statement on:

(1) the actual and potential effects on the environment, including, but not limited to

(A) the environmental impact of the proposed route;

(B) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(C) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(D) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented;

(2) the effects of such a route on the national interest of the United States, including, but not limited to—

(A) effects on national security;

(B) overall economic effects, including effects on consumers; and

(C) effects on American balance of payments.

(3) such other factors as the Academy may deem relevant.

(c) The Academy, for each of the factors above, shall analyze and compare the relative advisability and feasibility of transporting North Slope Alaskan oil through the routes studied under this section.

(d) For purposes of this study, the Secretary of State is authorized and requested to periodically inform the Academy President of the progress and interim results of the negotiations authorized by section 203 of this title.

(e) In carrying out the study, the Academy—

(1) is directed to solicit and take full account of relevant views of and materials from members of the public, government agencies, citizen groups, and all others concerned with the delivery of North Slope oil to the forty-eight coterminous States of the United States and the effects thereof;

(2) is authorized to use to the extent deemed advisable the Department of the Interior's final environmental impact statement on the Trans-Alaska pipeline system for describing and evaluating the route described in subsection (a)(1) of this section;

(3) is authorized and requested to cooperate, and develop and exchange appropriate information, with public and private bodies in Canada with a view toward insuring that the environments of both nations are protected, legal and regulatory uncertainties are reduced, and the energy requirements of the people of the United States and the people of Canada are adequately met;

(4) is directed to utilize to the maximum extent feasible information currently available for purposes of describing and evaluating the route described in subsection (a) (2) of this section;

(5) is directed, when describing and analyzing the alternative routes in subsection (a) of this section, to consider the relationship of environmental, economic and other effects of a projected natural gas pipeline from the North Slope of Alaska through Canada for markets in the 48 coterminous States

of the United States to the factors set forth in subsection (b) of this section.

(f) Within three hundred and thirty days after passage of this Act, the Academy President shall submit simultaneously to the Director of the National Science Foundation, the President of the Senate and Speaker of the House of Representatives, and the House and Senate Committees on Interior and Insular Affairs, the study of the Academy, together with his findings and conclusions based thereon, pertaining to the relative advisability and feasibility of transporting North Slope Alaskan oil through the routes studied under this section.

SEC. 206. (a) In conducting the study pursuant to section 205 the Academy President is authorized to enter into contracts and other agreements with such persons, institutions or agencies as he may determine necessary and appropriate to carry out the purposes of this title.

(b) The Academy President is authorized to secure from any department, agency or instrumentality of the Federal Government any information he deems necessary to carry out his functions under this title. Upon request of the Academy President, the head of any Federal department, agency, or instrumentality is authorized—

(1) to furnish the Academy President such information as may be necessary for carrying out his functions to the extent it is available to or procurable by such department, agency or instrumentality, and

(2) to detail to temporary duty with the Academy President, on a reimbursable basis, such personnel within his administrative jurisdiction, as the Academy President requests, each such detail to be without loss of seniority, pay or other employee status.

SEC. 207. (a) Notwithstanding the provisions of this or any other laws, no rights-of-way over, upon, or through the Federal lands shall be granted, issued or renewed for any delivery system to transport the oil resources of the North Slope area of the State of Alaska to other states in the United States until the completion of the negotiations provided for in section 203 of this title, and the Academy study provided for in section 205 of this title, and until and unless the Congress has enacted legislation specifically authorizing and directing the Secretary to grant such rights-of-way.

(b) Notwithstanding any other provision of law or regulation, no crude oil, finished products or unfinished oils (as defined in Presidential Proclamation No. 3279, of March 10, 1959, as amended and modified) produced from the geographical area in which the President is authorized to establish special national defense withdrawals by section 10(b) of the Alaska Statehood Act (Act of July 7, 1958; 72 Stat. 339) shall be exported from the United States or any of its territories or possessions unless the President makes and, within three days thereafter, publishes an express finding of an imminent threat to national security should such exports not be made, *provided that* should such a finding be made and published, the authority thereunder shall expire no more than sixty days after date of the publication of said finding, unless the Congress shall within said period approve such exports in whole or in part, under such terms and conditions as it may deem desirable.

SEC. 208. (a) Within 30 days of receipt of the study provided for under section 205 of this title, and after determining, based on the results of said study, and results of the negotiations provided for under section 203 of this title, which delivery system for North Slope oil will best serve the overall national interest, the House and Senate Committees on Interior and Insular Affairs shall report legislation to the full House or Senate, as the case may be, authorizing and directing the Secretary to grant rights-of-way needed for the transmission of oil from the North Slope area of the State of Alaska along one of the routes described in section 205(a) of this Title.

(b) Legislation reported under subsection (a) of this section shall be highly privileged in each House. It shall be in order at any time after the third day following the day on which such legislation is reported to move to proceed to its consideration (even though a previous motion to the same effect has been disagreed to). Such a motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(c) Debate on such legislation shall not exceed 10 hours, which shall be divided equally between those favoring and those opposing the legislation. Debate on amendments shall not exceed 5 hours, divided equally between those favoring and those opposing the amendment. A motion further to limit debate is not debatable. A motion to recommit the legislation is not in order, and it is not in order to move to reconsider the vote by which the legislation is agreed to or disagreed to.

(d)(1) Motions to postpone, made with respect to the consideration of legislation reported pursuant to subsection (a) of this section, and motions to proceed to the consideration of other business, shall be decided without debate.

(2) Appeals from the decisions of the Chair relating to the application of the Rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to such legislation shall be decided without debate.

(e) If, prior to the passage by one House of legislation pursuant to section 207(a) of this title, that House receives from the other House legislation of such other House passed pursuant to said section, then—

(A) the procedure with respect to the legislation of the first House shall be the same as if no legislation from the other House had been received; but

(B) on any vote on final passage of the legislation of the first House, the legislation of the first House shall be voted on as an amendment in the nature of a substitute to the legislation received from the other House.

(f) (1) There shall be a conference of the two Houses to resolve any differences between the legislation as passed by each House.

(2) A conference report shall be highly privileged in each House. It shall be in order at any time after the third day after which such a conference report is reported to move to proceed to its consideration (even though a previous motion to the same effect has been disagreed to). Such a motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(g) Debate on the conference report shall be divided equally between those favoring and those opposing the conference report. A motion to recommit the conference report shall not be in order and it shall not be in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(h) Motions to postpone, made with respect to the consideration of such conference report and motions to proceed to the consideration of other business, shall be decided without debate.

(i) Appeals from decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to such conference report shall be decided without debate.

(j) Legislation authorizing and directing the Secretary to grant rights-of-way pursuant to section 207(a) of this Title shall be agreed to no later than 90 days following receipt by the House and Senate Interior and Insular Affairs Committees of the study provided for in section 205 of this Title.

(k)(1) The provisions of this section are enacted by the Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

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

(2) Any rule provided in this section may be waived or suspended by the Senate or the House of Representatives only by a vote of two-thirds of the Members voting, a quorum being present.

(3) If a point of order is made in either the Senate or the House of Representatives, and sustained by the Presiding Officer of that House, that any bill, resolution, amendment, motion, or other matter is not in order by reason of any rule provided in this Title, the decision of the Presiding Officer may be overruled only by a vote of two-thirds of the Members voting, a quorum being present.

SEC. 209. After the Congress has determined, based on the information obtained pursuant to sections 203 and 205 of this Title, which delivery system for North Slope Alaskan oil will best serve the overall national interest, and in furtherance of that determination has authorized and directed the Secretary to grant the rights-of-way needed for the transmission of oil from the North Slope area of the State of Alaska, the Secretary, pursuant to such Congressional mandate, shall grant such rights-of-way.

SEC. 210. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Title.

Mr. BAYH. Mr. President, the amendment which the able senior Senator from Minnesota (Mr. MONDALE) and I are introducing today will result in a binding, fully informed congressional decision within 14 months on the most desirable means of delivering Alaskan oil to the lower 48 States.

Unfortunately, there has been some misinformation spread regarding the objectives of the Mondale-Bayh amendment. Thus it may be worthwhile, Mr. President, to state at the outset some of those things our amendment does not do.

It does not preclude a subsequent congressional decision to proceed with the proposed trans-Alaskan pipeline. Indeed, it lays the foundation for a final decision on the merits of that approach in a fixed time frame.

It does not make a commitment to a trans-Canadian pipeline. Indeed, it recognizes the necessity of gathering more information on that possibility.

It does not contain delaying mechanisms. Indeed, it could well lead to faster delivery of Alaskan oil than S. 1081 as reported.

We proceed, Mr. President, from the clear recognition, which we believe is

shared by our colleagues, that the substantial oil and natural gas in Alaska should be utilized as soon as possible, in a manner consistent with our national interest. Our amendment is aimed directly at that goal.

The amendment, which we are introducing for ourselves and a bipartisan group of 16 other Senators, is a modified version of legislation (S. 1565) we introduced earlier this year. Our amendment deals only with the delivery of Alaskan oil, it does not affect the general rights-of-way issues in S. 1081.

Mr. President, we feel that the question of whether Alaskan oil is delivered by the proposed Alaskan land-sea route or by an all-land Canadian route is an issue of utmost concern to the American people and therefore should be decided by Congress.

However, because of the prejudgment of this matter by the Department of the Interior and Department of State, and the out-of-hand dismissal of the Canadian alternative, we do not today have adequate information about the feasibility and desirability of the Canadian alternative.

To gather information about that alternative, to retain for Congress final authority on this matter, and to facilitate speedy construction of a delivery system, our amendment contains the following provisions:

First. As a first step, the State Department would enter into preliminary negotiations with Canada to determine where, if an oil pipeline is to be constructed through Canada, the Canadians would most prefer it.

Second. Based on the Canadian indication of a preferred route the National Academy of Sciences would undertake an exhaustive study of that route, considering all economic, environmental, and related issues.

Third. While this study is in process, the State Department would continue negotiations with Canada, this time with the broader purpose of assessing the overall desirability and feasibility of an oil pipeline from Alaska to the lower 48 States. Under negotiation would be the whole range of relevant issues including financing for a pipeline and Canada's willingness to increase oil exports to the United States during the construction period.

Fourth. The results of those negotiations and the conclusions of the National Academy study would be available to the Congress in 11 months, at which time the Congress should have 3 months to make a final decision on what rights-of-way should be granted across public lands for the delivery of Alaskan oil.

It is extremely important to emphasize here, Mr. President, that such a congressional decision would not be subject to litigation. Construction could begin as soon as Congress acts. For those who are concerned about not delaying the delivery of Alaskan oil, as I am, this fixed maximum 14-month process is far more appealing than the delay of 2 years or more which will result if S. 1081 is passed as reported.

Moreover, Mr. President, S. 1081 as reported asks Congress to abdicate its proper decisionmaking role on the matter of how Alaskan oil will be delivered to the lower 48 States. The bill would simply give the Secretary of the Interior expanded authority to grant wider rights-of-way on public lands that he currently has under the Mineral Leasing Act.

It was this maximum width for rights-of-way issue that brought the question before Congress. The Interior Department and oil companies, despite ample warnings from opposing litigants, sought a go-ahead from the courts in direct violation of the Mineral Leasing Act. It was this shortsighted attitude that has caused the delays to date in bringing Alaskan oil to the lower 48 States.

Now if the Congress gives away the final authority on this question, the Secretary of the Interior can be expected to grant rights-of-way for the Alaskan pipeline. This will trigger the pending litigation—which will take 2 years or more to resolve—on the adequacy of the environmental impact statement on the pipeline.

Instead of accepting further delay in the resolution of this question, and to preserve a final decision for Congress, we can adopt the Mondale-Bayh amendment and in 14 months, with adequate information, choose to go ahead with either the Alaskan or Canadian delivery system. That decision can be made solely on the merits with due attention to the following important issues: actual date of oil delivery, location of the greatest energy shortages, environmental damage and risks, balance-of-payments implication, impact on national security and any other factor the Congress deemed appropriate.

Mr. President, there is a crucial point to be found in the vehement oil company opposition to the Mondale-Bayh amendment. If the Congress were to decide next year after weighing all available information that it wanted to go ahead with the Alaskan pipeline, the oil companies would have their approval many months sooner than if they go back into the courts, as S. 1081 would have them do.

Thus, if the oil companies felt they could win this issue on the merits a year from now, if all their claims about delays and problems with a Canadian line are well founded, they would serve their own interests by supporting the Mondale-Bayh amendment.

One can only conclude that they do not have sufficient confidence in the merit of their position to take this approach. Instead, they are seeking a course of action in which the decision on a oil delivery system is made by the Secretary of the Interior, already committed to the position of the oil companies.

Mr. President, on the basis of the information thus far available, the oil companies' fear that they could lose this issue, if it is decided on the merits a year from now, is justified. We already have the following information which argues for a Canadian delivery system, rather than the Alaskan line:

First, The Pacific region, which would be the prime beneficiary of an Alaskan pipeline, currently provides most of the petroleum it consumes. The situation in the Midwest and the East is quite different, with demand many times local supply. Because of this, a barrel of crude oil in 1971, the last year for which reliable figures are available, cost 64 cents more in the Midwest than on the west coast. If the Alaskan land-sea route is adopted that price discrepancy, still relevant, will more than double to $1.43 per barrel. On the other hand, if an all-land trans-Canadian route is used to deliver the oil, the discrepancy will be cut in half.

Second. Since it is generally agreed that the natural gas from Prudhoe Bay would have to transverse Canada, it would make sense to explore fully the possibility of a single corridor for the oil and gas with significant cost savings in rights-of-way, parallel road construction, and other expenses associated with the construction and operation of fuel pipelines.

Third. There have been authoritative reports that the oil companies involved in the venture are contemplating the sale of as much as 500,000 barrels per day—25 percent of the oil from Alaska—to Japan. To export oil at a time when there is a serious shortfall between domestic supply and demand strikes me as ludicrous and I have been concerned by the absence of adequate assurances from the oil companies that none of the Alaskan oil would be exported. Our amendment contains strong limitations on the exportation of Alaskan oil.

Fourth. While recognizing that it will be impossible to utilize Alaskan oil and gas without incurring some environmental damage and risk, I think we must minimize that risk, even as we consider economic factors, consumer requirements, national security, delivery dates, and the overall national energy situation. It appears, in this regard, that the Canadian route is far more preferable on environmental grounds.

We have been subjected, Mr. President, to repeated and purportedly authoritative comments by private American interests about what Canada will and will not require as conditions for a trans-Canadian oil line. These comments are presumptuous; they are not authoritative. The lack of certainty about Canada's attitude toward an oil pipeline, which would probably go through the Mackenzie Valley, was recently highlighted by the vastly different statements made by certain of our colleagues after a visit to Ottawa.

The fact is that we have not conducted proper bilateral negotiations with Canada, so no one can speak with confidence about what conditions Canada will seek if American oil is to transverse that country. We must be wary of those who presume to relate to us the policy of the Canadian Government.

Yet there are public statements by Canadian officials on the record over a period of more than 2 years. The Canadian Minister of Energy, Mines, and Resources made a typical statement this March in a televised interview. Minister MacDonald said:

If the Americans came back and said to us, look, we've had second thoughts on that

trans-Alaska pipeline, we would like to take you up on your willingness to entertain an application about the oil line through the Mackenzie route, I think the interests of the West Coast (or Canada) would dictate that the Government of Canada should enable that kind of application to go ahead.

That is an extremely open-minded statement; one which augurs well if bilateral negotiations are undertaken in good faith by our State Department.

Despite the available information which suggests to me that a trans-Canadian line would be more desirable than the Alaskan line, I wish to reiterate that support of the Mondale-Bayh amendment by any Senator does not imply opposition to the Alaskan line, nor a commitment to the Canadian line.

As indicated earlier, this is an issue which can only be resolved by the Congress when all information has been made available to us. Thus the need for adoption of this amendment.

I urge my colleagues, no matter what their position on the delivery of Alaskan oil, to give this amendment their most serious consideration with due attention to the important goals of expediting delivery of Alaskan oil, which we could accomplish, and reserving for Congress a final decision on this matter which is basic to our entire national energy policy in an era when energy is in the forefront of major domestic issues.

Mr. PROXMIRE. Mr. President, I am delighted to take this opportunity to associate myself with the remarks of my distinguished colleagues in support of this amendment.

The amendment to be offered to S. 1081 which has just been introduced goes to the heart of the issue which is at stake here: the Alaskan pipeline controversy.

I know that virtually everyone here agrees on the importance of bringing the vast supplies of oil and natural gas which have been discovered in northern Alaska into the American market. However, the controversy continues as to the best route for transporting these vital resources into the United States.

A consortium of major oil companies has developed a plan for routing a pipeline from Prudhoe Bay across the State of Alaska to the city of Valdez in the south and from there by tankers to the west coast. This project has already been approved by the Interior Department on behalf of the Nixon administration. Passage of S. 1081, unamended, would give the go-ahead to these plans by ending the right-of-way problems.

However, any renewed construction of the trans-Alaskan line would be short-lived inasmuch as the environmental questions have yet to be resolved by the courts. The amendment which we are introducing recognizes the continuing legal controversy which exists as to whether or not the Interior Department has fulfilled the requirements of the National Environmental Policy Act to study and describe a trans-Canadian route for the delivery of Alaskan oil. Even if the Senate votes in favor of legislation which would remove the obstacles of the Mineral Leasing Act with regard to rights-of-way, further litigation over the NEPA issue will hold up delivery of Alaskan oil for at least another year and possibly more.

The importance of our amendment is that it would limit further construction delays to a period of 1 year. During this time the requirements of NEPA would be met by a comprehensive environmental and economic study of the Canadian route by the National Academy of Science. At the same time, negotiations would be opened with the Canadian Government to determine its willingness for a trans-Canada pipeline, thus clearing the way for construction to begin on one route or another when Congress makes the final decision at the end of 1 year. These provisions would end the need for any further court litigation and enable the Congress to make an informed decision in the matter of route selection.

Mr. President, up until now we have been bombarded with arguments in favor of the trans-Alaskan route. Too little attention has been given to the merits of the alternate possibility of a pipeline across Canada. We have been told that construction of a trans-Canadian pipeline system would involve time-consuming negotiations with Canada, that it would be far more costly than the Alaskan route, and would prove more destructive of the environment. Predictably, the catch-all rationale of "national security" has also been advanced to support the trans-Alaskan route.

But what are the facts of the case? In the absence of an official and comprehensive study comparing the two routes, the arguments of the Interior Department stand on shaky ground.

On the other hand, a number of carefully researched independent studies have been made. The results of the studies substantially challenge the claim that a trans-Alaskan route would best meet the energy and security needs of the United States. In fact, these studies make a compelling case for the environmental and economic superiority of a trans-Canadian pipeline. To complicate the situation we see that some of the same companies who have argued strongly against the feasibility of a trans-Canadian route have themselves issued a study indicating just the opposite. Early in 1973 a consortium of 16 major oil companies released a 4-year study of the feasibility of a trans-Canadian pipeline. Their conclusions indicated that—

1. Construction and operation of a 48-inch diameter crude oil pipeline from the arctic coasts of Alaska or Canada to Edmonton, Alberta, is technically feasible.

2. Such a pipeline can be built and operated without major or irreparable damage to the arctic environment.

3. It can be designed, built, and in operation within a period of four years after a final decision to proceed, providing final governmental approvals are granted within the first year.

4. Northern residents should benefit from economic development in their region. The size of the project is such that training and employment can be offered to all northern residents who wish it.

5. The 1738 mile pipeline, with pump stations and terminal facilities, can be built for about $3,400 million on the basis of the construction timetable shown in Exhibit 6-4.

6. At a volume of 1.8 million barrels per day, crude oil can be transported from Prudhoe Bay to Edmonton on a 7 percent flow-through net income basis at a 30-year average tariff of $1.15 per barrel. It can be delivered from Prudhoe Bay to the Chicago area for an approximately average tariff of $1.55 per barrel, and to Puget Sound at about $1.40.

7. A feasible route, compatible with the concept of a transportation corridor and having minimum effect on the environment, can be established. A general route that meets these conditions has been selected on the basis of aerial and ground reconnaissance and soil borings in permafrost areas.

8. The pipeline can be designed to withstand the moderate seismic ground accelerations to be expected along its route. Further research may reveal areas of potential fault displacement that the route should avoid or for which special design would be required.

It is thus clear that further study of this controversy is vitally needed if the Congress is ever to have the opportunity of making an objective and informed judgment.

Mr. President, we have an obligation to represent our constituents in the Senate with wisdom and responsibility. We cannot fulfill that obligation responsibly on this issue until all of the facts have been given a thorough and impartial study in accordance with the language of the National Environmental Policy Act. The amendment which we have introduced provides for such a study. It does not formulate a decision in favor of either of the two routes.

If proponents of the trans-Alaskan route are, indeed, convinced of the superiority of that choice, they should have nothing to fear from an objective analysis of the Canadian route. They have nothing to lose from a 1-year moratorium which would permit such a study since litigation on the NEPA question insures at least a 1-year delay in any case, and either pipeline can be built in approximately the same length of time after Congress makes the final decision a year from now.

Mr. President, I urge the Senate's support for this amendment.

AUTHORIZATION OF DEFENSE ARTICLES AND SERVICES FOR FOREIGN COUNTRIES—AMENDMENTS

AMENDMENT NO. 241

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

Mr. MONDALE (for himself and Mr. ROTH) submitted amendments, intended to be proposed by them, jointly, to the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations.

LAND USE POLICY AND PLANNING ASSISTANCE ACT OF 1973—AMENDMENTS

AMENDMENT NO. 242

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

Mr. MUSKIE submitted 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.

AMENDMENT NO. 244

(Ordered to be printed.)

Mr. HANSEN (for himself, Mr. FANNIN and Mr. BARTLETT) proposed an amendment to Senate bill 268, supra.

AMENDMENT NO. 245

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

Mr. BUCKLEY submitted amendments, intended to be proposed by him, to Senate bill 268, supra.

ESTABLISHMENT OF FEDERAL FINANCING BANK—AMENDMENT

AMENDMENT NO. 243

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

Mr. JAVITS submitted an amendment, intended to be proposed by him, to the bill (S. 925) to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 232, TO S. 268

At the request of Mr. HUMPHREY, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of Amendment No. 232 to S. 268.

NOTICE OF HEARING ON GUARANTEED STUDENT LOAN PROGRAM

Mr. PELL. Mr. President, the guaranteed student loan program, under which the Government guarantees loans made by private banks to students, was the subject of special legislation last year. This special legislation was made necessary due to a difference in interpretation of the so-called needs test by the Office of Education. It was thought that this difference was suitably resolved so that the banks could easily make loans to students.

Information received by the Subcommittee on Education indicates that students this year are again experiencing difficulty in getting the guaranteed student loans from banks, in that the banks are stating that the need statement supplied by the school acts as an effective bar to the granting of a loan. This is a misinterpretation of the law. As written, it provides for a "needs test," which is advisory to the bank but not mandatory.

To ward off a crucial situation causing great anxiety to students and their parents, I have scheduled a hearing of the Subcommittee on Education for Friday morning, June 22, 1973, at 9:30 a.m. in room 4232, to discuss this matter, and I invite all interested parties to contact Stephen J. Wexler, counsel to the Subcommittee on Education, at 225-7666.

ADDITIONAL STATEMENTS

UNITED STATES-SOVIET TRADE

Mr. HUMPHREY. Mr. President, one of the agreements coming out of the visit of Soviet General Secretary Brezhnev is an agricultural-research accord including improved information and statistics on each country's crops.

These improved data will permit U.S. farm planning to project potential exports. When Senator BELLMON, Congressman REUSS, and I were in Moscow in November-December 1972, we made specific recommendations to Soviet leaders, urging that agricultural statistics be included in any joint agreement. We then transmitted our feelings on this subject to Presidential Science Adviser Dr. Edward David, Jr.

We are pleased to have played a part in this area of U.S.-U.S.S.R. progress. We might also note that this modest progress illustrates two principles worth keeping in mind: First, the Soviet Union, when pressed in areas where cooperation is of mutual value, can be expected to change even long established practices. This suggests we press hard for other reciprocal data on commercial and financial affairs. Second, this agreement proves that when the U.S. Congress and the executive branch work together, their combined efforts may provide greater chances of success—even in U.S.-U.S.S.R. relations.

I ask for unanimous consent to print a recent article from the New York Times, a joint letter to former Presidential Science Adviser Dr. Edward E. David, Jr., and the text of the United States-Soviet agreement in the RECORD.

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

FIVE PACTS REPORTED READY FOR BREZHNEV'S U.S. VISIT

(By Bernard Gwertzman)

WASHINGTON, June 2.—The United States and the Soviet Union plan to use the visit by Leonid I. Brezhnev to this country next week to announce five or six specific agreements intended to promote further cooperation between the two nations, Administration officials and Soviet diplomats said today.

Officials from both countries were busy today discussing unresolved questions so that the accords, enlarging upon last year's Nixon-Brezhnev meeting in Moscow, would be ready by the time the Soviet Communist party leader arrived in Washington this weekend for the official visit June 18 to 26.

At the same time, Administration officials disclosed that Mr. Brezhnev, while in Washington next week, planned to have at least two lunches at Blair House, his official residence here, to meet some Americans not in the Administration.

LUNCH WITH LEGISLATORS

Members of the Senate Foreign Relations Committee will be invited to one lunch—tentatively set for Tuesday—and about 40 business executives to the other. On both occasions, Mr. Brezhnev is expected to stress his desire for closer ties between the two countries, particularly in trade.

Mr. Brezhnev has been encouraged by the White House to meet with the Senate committee because of Congress's concessions unless Moscow allows free emigration of Jews and others from the Soviet Union.

The Administration has not given much publicity to the contemplated agreements, preferring to maintain some surprise for next week when the accords are expected to be signed, provided unresolved questions are settled by then.

The agreements include the following:

An accord on oceanography, including provisions for joint exploration and exchange of information, in matters dealing with deep waters.

A widening of the current two-year renewable cultural exchange program to include broader contacts and ties.

An agreement in the field of transportation by which experts in auto, rail and air transportation would exchange visits and experiences.

An income-tax agreement to accommodate the growing number of nationals from each country expected to be working in the other.

An agricultural-research accord that would include information and statistics on each country's crops, making it easier for the United States to project Soviet needs in a given year.

SCIENTIFIC ACCORD LIKELY

In addition, several officials said the two sides were working on a significant scientific agreement, but it was not possible to find out what it was about.

These agreements would be in addition to any understanding that Mr. Nixon and Mr. Brezhnev might reach toward a further limitation of strategic arms, or in various projects aimed at promoting commerce between the two countries.

Mr. Nixon and Mr. Brezhnev will also discuss the Middle East, Indochina and Europe, but no specific public agreements are expected to result from those talks.

A Soviet advance group arrived in Washington Sunday night, and has been meeting with American officials about the itinerary. Late this afternoon, it was still not known whether Mr. Brezhnev would arrive in Washington Saturday or Sunday.

FORMAL GREETING MONDAY

Tentatively, Mr. Brezhnev is expected to be greeted formally at the White House Monday morning and to be the guest at an official dinner that night. He will stay in the Washington area through Thursday before leaving Friday for San Clemente, Calif., to be Mr. Nixon's guest at the California White House. He is scheduled to return to Washington on Monday, June 25, and leave for Moscow on June 26. He is expected to stop in Houston to visit the space center.

Mr. Brezhnev's visit has been criticized by Senator Henry M. Jackson, Democrat of Washington, as poorly timed. The Senator has suggested that it should be postponed because of the Watergate atmoshpere here.

But today Senator Hugh Scott, the Republican leader, defended the visit in a Senate speech. He said that it was "naive" and "unfortunately partisan" to suggest that Mr. Nixon was disabled because of Watergate.

"The coming Brezhnev visit is intended to be the epitome of more than a year's arduous preparation," he said. "Its product will almost certainly be solid progress in improving U. S. relations with the Soviet Union and a strengthened détente."

AMERICAN EMBASSY,
Moscow, December 1, 1972.

Dr. EDWARD E. DAVID, JR.,
Office of Science and Technology, Executive Office of the President, Executive Office Building, Washington, D.C.

DEAR DR. DAVID: As a result of our Congressional Delegation visit here during the week of November 27–December 2 inclusive, it is

abundantly clear that the Soviet government as a matter of policy restricts the timely dissemination of the type of crop information we normally publicly provide and consider minimally essential.

As the U.S. Congress will be considering prospective Soviet agricultural purchases from the United States in preparing new agricultural legislation it is imperative that we move mutually toward improvement in this area of information. If the United States farmer can not plan better to meet future Soviet purchases this potentially beneficial market may lose a good deal of its attractiveness.

In accordance with the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics, signed May 24, 1972, on cooperation in the Field of Science and Technology specific understandings are now being worked out. We the undersigned members of the United States Congress recommend inclusion in the Memorandum of Cooperation on Science and Technology Research in the Field of Agriculture the following problem area, i.e. improved techniques for developing technical and statistical systems for crop reporting on a timely, accurate and reciprocal basis.

In our meeting with Minister Maskevich this matter was specifically discussed. It is our understanding that he would agree to support this if it were included as a specific program area in the Memorandum of Cooperation.

Yours truly,

HUBERT H. HUMPHREY,
U.S. Senator.
HENRY BELLMON,
U.S. Senator.
HENRY REUSS.
U.S. Representative.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF SCIENCE AND TECHNOLOGY,
Washington, D.C., December 20, 1972.

Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUMPHREY: I greatly welcome you and your colleagues interest in the President's Cooperative Program in Science and Technology with the U.S.S.R. I thank you for the suggestion, in your letter of December 1, to propose "Improved techniques for developing technical and statistical systems for crop reporting on a timely, accurate, and reciprocal basis," as an area of U.S.-Soviet cooperation. We will follow this up through our Working Group on Agricultural Research.

In a recent meeting with the Soviets, our proposal for cooperation on agricultural economics, including methods of analysis, did not lead to agreement. I very much hope that your conversations with Minister Matskevich will have increased the chances of success in this general area.

Please let me know at any time if you have further interest in our rapidly developing cooperative program.

Sincerely,

EDWARD E. DAVIS, Jr.,
Director.

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON COOPERATION IN THE FIELD OF AGRICULTURE

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics;

Taking into account the importance which the production of food has for the peoples of both countries and for all of mankind;

Desiring to expand existing cooperation between the two countries in the field of agricultural research and development;

Wishing to apply new knowledge and technology in agricultural production and processing;

Recognizing the desirability of expanding relationships in agricultural trade and the exchange of information necessary for such trade;

Convinced that cooperation in the field of agriculture will contribute to overall improvement of relations between the two countries;

In pursuance and further development of the Agreement between the Governement of the United States of America and the Government of the Union of Soviet Socialist Republics on Cooperation in the Fields of Science and Technology of May 24, 1972, and in accordance with the Agreement on Exchanges and Cooperation in Scientific, Technical, Educational, Cultural and Other Fields of April 11, 1972, and in accordance with the Agreement on Cooperation in the Field of Environmental Protection of May 23, 1972;

Have agreed as follows:

ARTICLE I

The Parties will develop and carry out cooperation in the field of agriculture on the basis of mutual benefit, equality and reciprocity.

ARTICLE II

The Parties will promote the development of mutually beneficial cooperation in the following main areas:

1. Regular exchange of relevant information, including forward estimates, on production, consumption, demand and trade of major agricultural commodities.

2. Methods of forecasting the production, demand and consumption of major agricultural products, including econometric methods.

3. Plant science, including genetics, breeding, plant protection and crop production, including production under semi-arid conditions.

4. Livestock and poultry science, including genetics, breeding, physiology, nutrition, disease protection and large-scale operations.

5. Soil science, including the theory of movement of water, gases, salts, and heat in soils.

6. Mechanization of agriculture, including development and testing of new machinery, equipment and technology, as well as repair and technical service.

7. Application, storage and transportation of mineral fertilizers and other agricultural chemicals.

8. Processing, storage and preservation of agricultural commodities, including formula feed technology.

9. Land reclamation and reclamation engineering, including development of new equipment, designs and materials.

10. Use of mathematical methods and electronic computers in agriculture, including mathematical modeling of large-scale agricultural enterprises.

Other areas of cooperation may be added by mutual agreement.

ARTICLE III

Cooperation between the Parties may take the following forms:

1. Exchange of scientists, specialists and trainees.

2. Organization of bilateral symposia and conferences.

3. Exchange of scientific, technical and relevant economic information, and methods of research.

4. Planning, development and implementation of joint projects and programs.

5. Exchange of plant germ plasm, seeds and living material.

6. Exchange of animals, biological materials, agricultural chemicals, and models of new machines, equipment and scientific instruments.

7. Direct contacts and exchanges between botanical gardens.

8. Exchange of agricultural exhibitions.

Other forms of cooperation may be added by mutual agreement.

ARTICLE IV

1. In furtherance of the aims of this Agreement, the Parties will, as appropriate, encourage, promote and monitor the development of cooperation and direct contacts between governmental and non-governmental institutions, research and other organizations, trade associations, and firms of the two countries, including the conclusion, as appropriate, of implementing agreements for carrying out specific projects and programs under this Agreement.

2. To assure fruitful development of cooperation, the Parties will render every assistance for the travel of scientists and specialists to areas of the two countries appropriate for the conduct of activities under this Agreement.

3. Projects and exchanges under this Agreement will be carried out in accordance with the laws and regulations of the two countries.

ARTICLE V

1. For implementation of this Agreement, there shall be established a US-USSR Joint Committee on Agricultural Cooperation which shall meet, as a rule, once a year, alternately in the United States and the Soviet Union, unless otherwise mutually agreed.

2. The Joint Committee will review and approve specific projects and programs of cooperation; establish the procedures for their implementation; designate, as appropriate, institutions and organizations responsible for carrying out cooperative activities; and make recommendations, as appropriate, to the Parties.

3. Within the framework of the Joint Commitee there shall be estabilised a Joint Working Group on Agricultural Economic Research and Information and a Joint Working Group on Agricultural Research and Technological Development. Unless otherwise mutually agreed, each Joint Working Group will meet alternately in the United States and the Soviet Union at least two times a year. The Joint Committee may establish other working groups as it deems necessary.

4. The Executive Agents for coordinating and carrying out this Agreement shall be, for the Government of the United States of America, the United States Department of Agriculture, and for the Government of the Union of Soviet Socialist Republics, the Ministry of Agriculture of the USSR. The Executive Agents will, as appropriate, assure the cooperation in their respective countries of other institutions and organizations as required for carrying out joint activities under this Agreement. During the period between meetings of the Joint Committee, the Executive Agents will maintain contact with each other and coordinate and supervise the development and implementation of cooperative activities conducted under this Agreement.

ARTICLE VI

Unless an implementing agreement contains other provisions, each Party or participating institution, organization or firm, shall bear the costs of its participation and that of its personnel in cooperative activities engaged in under this Agreement.

ARTICLE VII

1. Nothing in this Agreement shall be interpreted to prejudice or modify any existing Agreements between the Parties.

2. Projects developed by the US–USSR Joint Working Group on Agricultural Research which were approved at the first session of the US–USSR Joint Commission on Scientific and Technical Cooperation on March 21, 1973, will continue without inter-

ruption and will become the responsibility of the US-USSR Joint Committee on Agricultural Cooperation upon its formal establishment.

ARTICLE VIII

1. This Agreement shall enter into force upon signature and remain in force for five years. It will be automatically extended for successive five-year periods unless either Party notifies the other of its intent to terminate this Agreement not later than six months prior to the expiration of this Agreement.

2. This Agreement may be modified at any time by mutual agreement of the Parties.

3. The termination of this Agreement will not affect the validity of implementing agreements concluded under this Agreement between institutions, organizations and firms of the two countries.

THE JOB CORPS CUTBACK—THE CASE OF TONGUE POINT

Mr. PACKWOOD. Mr. President, on June 12, Secretary of Labor Brennan announced his plan for implementing the major reduction in the Job Corps which was provided for in the President's budget for 1974. In essence, the budget calls for a 20 percent cutback in both funds and enrollment capacity for 1974 but the Secretary's implementation plan calls for a 55 percent cut for the Women's Job Corps Center at Tongue Point in Astoria, Oreg.

I know that it is usual for Senators to object to budget cuts that affect activities in their home State and that arguments that cuts should be made somewhere else are often viewed with skepticism. However, the allocation of the budget cuts among the different Job Corps Centers has been arrived at in such a peculiar manner that I believe it is legitimate in fact necessary, to determine whether there is any objective evidence to support the drastic reduction that has been applied to the Tongue Point Center. The need for close examination is particularly cogent in light of recent commendations that have been accorded the center. Based on its proven capacity as an achiever of both goals and subsequent awards, Tongue Point has enjoyed strong support from the people it serves, the community to which it belongs, and from the very guardian of its well-being, the Department of Labor.

In his statement announcing the implementation of the cutback, Secretary Brennan said:

> Performance has been and will continue to be, the key factor in any decision we have made, or will make in the future, relative to the status of any Job Corps center.

I applaud that statement and, in stressing the fiscal responsibility of Congress, I will continue to support cuts that are based on objective performance standards in getting the most out of a program for every single dollar spent in its maintenance.

When the major cutback in the Job Corps was made in 1969 by Secretary Shultz, the Labor Department announced publicly the criteria that were used for assessing the performance of the different camps and gave ratings for each of them. It should be noted that no such data are available from the Labor Department concerning this cut and it is hard for me to understand how cuts can be based on performance if the Department does not have performance ratings for each camp. While I do not have data on each camp. I have been supplied with performance data comparing the Tongue Point camp with average data for all women's centers and that data does not support cutting Tongue Point by 55 percent while cutting the combined total of all other women's centers by less than 15 percent. Mr. President, I ask unanimous consent that the available statistics be printed in the RECORD at the conclusion of my remarks, as further evidence of the disproportionate nature of this reduction.

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

(See exhibit 1.)

Mr. PACKWOOD. Before I discuss that data, let me revert quickly to the criteria that were used in allocating the cuts in 1969. At that time the Department of Labor used four criteria: costs, length of stay, the 30-day loss rate, educational gains and placement rate. The placement rate was considered the most important and was given double weight in arriving at the performance index. So that there can be no question as to the appropriateness of the criteria, I will use the same criteria to discuss the allocation of this year's cut.

Let us look first at the costs—an issue which should command our utmost scrutiny and an area where Tongue Point appears vulnerable; however, after the necessary examination the Center proves itself of comparable worth and not of weakness. The man-year cost at Tongue Point has averaged 6 percent higher than that for all Women's Job Corps Centers over the last 2½ fiscal years. This appears like a substantial adverse factor for the Center—but appearances often belie reality. The cost of living is higher in the Far West than in the United States as a whole and the most objective figure that I can find to measure that regional differential turns out to be exactly 6 percent. This 6 percent figure is not mine—it is that of the Department of Labor. It comes from the latest annual family budget figures published by the Department of Labor which show that family consumption items average 6 percent more in nonmetropolitan areas of the West than they do in such areas taking the United States as a whole. Thus while Tongue Point does have a higher unit cost than all women's centers, it seems to me that that is little more than a reflection of the higher cost of living.

In the second criterion, average length of stay, the Tongue Point Center rated substantially below the average but in the other criterion measuring holding power of the center—the dropout rate in the first 30 days—the Center rated slightly above the national average. In the most important of all the factors, and that is, or at least was, the Department of Labor's opinion, Tongue Point rated above the national average. Since the placement rate of Tongue Point exceeded that of all centers, I just cannot understand how, in the face of this higher placement rate, the Department of Labor can justify such an enormously larger reduction in funds.

I do not have any figures relating to educational success, which was the other factor used by the Department of Labor in 1969, but from my own knowledge of the excellence of the educational program there, I cannot doubt that if educational achievement data were available, Tongue Point's comparative record would be outstanding.

I have touched only briefly on a number of elements for concern prompted by Secretary Brennan's announcement. I ask unanimous consent that further questions regarding this grave matter, as contained in a letter to Mr. William H. Kolberg, Assistant Secretary for Manpower, be printed in the RECORD immediately following my remarks.

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

(See exhibit 2.)

Mr. PACKWOOD. We all know that these are times of budgetary stringency and we must recognize that no Senator's State is immune when budget cuts are applied to individual programs. But, as the administration has repeatedly stated, budget cuts are to be used to weed out the inefficient programs. If we are to wield the ax, let us use the discriminating blade of an open mind, sharpened by the recognition of success. Tongue Point by this rule deserves no deep cut, for the center more than adequately meets the standard of efficiency.

The Department of Labor should review its action, discard arbitrary determinations, and reassert its well-founded pride in Tongue Point by revising its reduction to a justifiable level. The Department should do so with all possible dispatch and within the firm presence of objectivity.

EXHIBIT 1

MANPOWER ADMINISTRATION—COMPARATIVE STATISTICS—TONGUE POINT JOB CORPS CENTER FOR WOMEN AND ALL WOMEN'S CENTERS

	Fiscal year 1972	1st quarter, fiscal year 1973	1st half, fiscal year 1973
TONGUE POINT			
Category I and II terminations (percent)	41.59	40.31	44.14
Category III terminations (percent)	58.41	59.69	55.86
30-day loss rate (percent)	32.53	20.92	22.53
Average length of stay (months)	3.73	3.98	3.98
Placement rate, all categories	72.50	NA	78.00
Man-year costs	$5,605	$5,584	$5,841
ALL WOMEN'S CENTERS			
Category I and II terminations (percent)	55.38	56.60	55.90
Category III terminations (percent)	44.63	43.40	44.11
30-day loss rate (percent)	23.83	22.07	23.92
Average length of stay (months)	6.1	6.3	6.3
Placement rate, all categories	78.8	74.8	77.7
Man-year costs	$5,276	$5,276	$5,472

EXHIBIT 2

JUNE 18, 1973.

Mr. WILLIAM H. KOLBERG,
Assistant Secretary for Manpower,
Department of Labor,
Washington, D.C.

DEAR MR. KOLBERG: On Tuesday of last week, June 12, 1973, Secretary Brennan announced plans for a "smaller but more effec-

tive Job Corps". In this time of particular budgetary constraints, such a move is consistent with the Administration's desire to trim proven excess and consolidate that which is good in federal programs. And, while I support the general intent of this announcement, I am disturbed by the specific implementation of Secretary Brennan's proposal as it pointedly relates to the Women's Job Corps Center at Tongue Point in Astoria, Oregon.

Without additional statistics and information, I am confused as to why the Tongue Point facility will suffer a 55% reduction compared to a less than 15% reduction in trainees for the ten other Women's Job Corps Centers. This concern is prompted by a number of considerations.

What sort of qualifications were utilized in making the reduction decisions? In 1969, apparently, a "performance index" was used in the objective examination of each Job Corps Center. Was the same system used in formulating Secretary Brennan's decision of June, 1973? If so, were the centers ranked numerically? What was Tongue Point's position compared to the other ten centers? These questions are of particular concern when they are juxtaposed alongside the record of Tongue Point, for recent statistics from the Department of Labor would seem to indicate that the Tongue Point Women's Job Corps Center's performance places a cut of 55% in question and would lead me to believe that it is disproportionate in nature. Therefore, in the interest of precision in this matter, I would appreciate performance data for Tongue Point and each additional center now operating, the telling information utilized in making reduction determinations.

I believe this drastic cut must be supported by objective Department of Labor statistics. If the evidence is not discernible, if it is not concrete, then, revisions must be made.

There are additional factors that contribute to the difficulty of fair and even-handed evaluation. Reluctantly, comparisons are inevitable between the Tongue Point facility and other centers. My interpretation of recent information compares Tongue Point favorably with the average of all Women's Job Corps Centers. I have been informed that in addition to "performance" (Secretary Brennan's "key factor in any decision we have made"), cost is also a major consideration. But, what sort of criteria are used in weighing the "man-year costs"? Classification is needed in determining whether differences in the cost of living between the West Coast and other sectors of the country are significant to the degree of altering the man-year costs for different centers. That the West Coast cost of living is cited by some to be as much as 6% higher than other sectors of the nation would, thus, have significant impact.

Related to the issue of man-year costs is the unclear status that a less than capacity complement of trainees may lend to higher costs. Specifically, does Tongue Point operating at 650, instead of a full complement of 730, significantly alter man-year costs? Is this fluctuating number of trainees dependent on individual center policy or is the level maintained from out of Washington, D.C.? Depending on the determination and the importance of a full complement, man-year costs may be more dependent on the output of the Department of Labor in Washington than the input of the Center at Tongue Point.

One additional point. How is this transition to a reduced enrollment to take effect in a smooth and an orderly fashion by July 1, 1973? Secretary Brennan asserts that "no present Corpsmember will be left high and dry because of center closures", yet the reduction of Tongue Point from its present enrollment of 650 to 330 trainees in such a short time provides the ideal atmosphere for confusion, despite the assurances of an orderly transition.

I realize the complexity of this situation, but the Secretary's proposal creates a web of complex ramifications, not the least of which tremendously alters the Women's Job Corps Center at Tongue Point.

Your close attention and consideration of this matter is most appreciated.

Cordially,

BOB PACKWOOD.

NORTHEAST RAIL CRISIS

Mr. RIBICOFF. Mr. President, on June 15 I testified before the Senate Commerce Committee's Subcommittee on Surface Transportation about the rail crisis in the Northeast. Ironically only minutes before I appeared I received news from Torrington, Conn., that the Penn Central Railroad had on the previous day announced that beginning this week freight service to Torrington would be reduced from 5 days to 2.

Service cutbacks and abandonments are becoming a daily occurrence in Connecticut and its neighboring States. Even now the threat of a complete collapse of the Penn Central and the five other major bankrupt railroads in the area is imminent.

Congress must act and act quickly to head off such a disaster by developing a rail system that meets tomorrow's needs.

I ask unanimous consent that the full text of my prepared remarks before the Subcommittee on Surface Transportation be printed in the RECORD.

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

STATEMENT BY SENATOR RIBICOFF

America is facing the most serious transportation crisis in its history. We have been able to weather temporary interruptions in our transportation systems before. Now, however, there is the strong possibility that rail freight service to many sections of the populous northeast will cease entirely.

At the moment, 6 major railroads serving the 17 northeastern states are in bankruptcy. They are the Penn Central, Lehigh Valley, Boston and Maine, Central New Jersey, Reading, and the Erie Lackawanna. The trustees of the Lehigh Valley Railroad have already proposed that line's liquidation. The mammoth Penn Central faces a similar fate. Even before a decision on liquidation is made, that company may be forced by a pressing cash deficit to shut down.

It is almost impossible to imagine what will happen if these railroads—that serve over ½ the American people—cease functioning.

The Penn Central alone moves a daily average of 770,000 tons of freight through the northeast. We simply do not have the trucks or the highway capacity to absorb even a fraction of that load.

Possibly the most critical aspect—as evidenced by this week's heat wave—is the impact a shutdown would have on our energy supplies. The power companies are already finding it difficult to meet peak summer demands. If their supplies of oil and coal—much of which is delivered by rail—are suddenly interrupted, we could experience a prolonged blackout covering the entire northeast.

The situation today is the result of years of railroad mismanagement, inept government regulation, and the complete absence of any comprehensive national transportation policy.

This is not the first time however that the railroads have been in trouble.

For years we have seen rail passenger service deteriorate and disappear. In Connecticut, a train trip used to be a relaxed and enjoyable affair. Now you are lucky to even get a train.

When you do, there is a good chance it will be late, the cars will be overcrowded and there will be no heat in the winter or no air conditioning in the summer.

As bad as driving is in the northeast corridor, it is no wonder that millions of former riders left the train and joined other automobile commuters on crowded highways.

To help save what remains of intercity rail passenger service Congress created Amtrak. While Amtrak has not been as successful as we had hoped, the record of its Metroliner between New York and Washington is proof that rail travel can still be a viable method of transportation. If offered reliable, economical and relatively swift train service, the public has shown it will patronize it willingly.

It is ironic that at a time when we are concerned about the environment and a shortage of energy we as a nation are allowing the transportation system that uses less fuel and pollutes less to atrophy.

Look at the facts. The automobile uses 2½ times the energy per passenger-mile of a train. Far less air pollution is created per passenger by the most heavily travelled diesel or electric railroad than a car carrying an equal number of people. A similar comparison can be made of truck and rail freight traffic.

A few years ago it would have been unimaginable that the Penn Central and other major railroads would be on the brink of collapse.

Even today I doubt that many people realize the seriousness of the present crisis.

This is no longer a regional problem, but one with national consequences. If these lines collapse the total national transportation system will be in chaos.

This Subcommittee and the full Commerce Committee are acting to head off a disaster by authorizing the ICC to direct one carrier to operate over the lines of another carrier. While such an order would stretch the resources of the other railroads, it would mean that no section of the country would be completely without rail service.

In addition loans to help meet the present cash shortages are available under the Hurricane Agnes legislation, the Emergency Rail Service Act of 1970 and Amtrak's authorizing legislation.

If all are called into play we may be able for the moment to head off the system's collapse.

We cannot, however, rely on emergency legislation forever, but must also develop permanent solutions.

Neither of the plans offered by the ICC or the Department of Transportation that you are now studying insures adequate service to the northeast. DOT would establish a new private corporation to reduce the present system to a central core of profitable lines. The ICC would grant itself the authority to choose essential rail lines in the northeast and supervise their operation.

Both these plans imply *less* rail service. I don't think we can afford a cutback if we expect to preserve a market for the rail system we hope to build in the future or if we hope to keep the American economy knit together.

I believe, any new system should be based on the premise that rail service should be preserved and upgraded. This is the reasoning behind your proposal, The Essential Rail Services Act, which I have cosponsored. Under this plan a Northeast Rail Line Corporation would be established to purchase tracks and roadbeds in the northeast. By relieving

the railroads of this costly burden, we will place them on a more competitive basis with the trucking industry which has had the use of public roads for years.

We presently have the technology to build extremely fast passenger and freight trains, but very few miles of track able to handle them. It would be a major task of the new corporation to upgrade the track to accommodate the rail service Europeans and Japanese have had for years and Americans have a right to expect.

At this date no one can know what the final version of any legislation will look like. More than likely it will comprise the best features of the several bills now before you.

During this transition period, we would not, however, permit more lines to be abandoned, but instead should insure their potential usefulness by preserving them.

It has been the industry's practice to allow lines they find expendable to deteriorate. Then they claim the expense of improving them would be too great and petition for their abandonment. This has happened all over the Northeast—only recently I asked the ICC to refuse Penn Central's request to abandon service on the last line serving the Upper Housatonic River Valley of Connecticut.

Some lines may eventually have to be dropped, but we should declare a moratorium until we know what the final bill looks like.

Whatever the final language, it is going to have to reflect basic changes in our present public and private railroad policies.

We must realize that rail service that serves all the people will be expensive, but not nearly as expensive as no service at all. Those nations with great rail service have made a national commitment to support it with whatever funds are necessary. We must do the same.

The old concept of railroad ownership and management has failed. As your Committee's staff study revealed, the Penn Central system with its complicated leased lines and overlapping jurisdiction was a managerial quagmire. While a total government takeover may not be needed, it is clear that this national problem demands strong directives and assistance from the federal government to eliminate the duplication and waste inherent in the present system.

In a way, the collapse of the Penn Central and the other lines may be a blessing in disguise. For years commuters in the northeast have known that the railroads were not doing their job efficiently or effectively. The shock of the Penn Central has, however, alerted the rest of the Nation to the need to review and revamp our entire rail transportation system. If Congress acts positively and promptly, America can once again have rail service it can be proud of.

We must use this opportunity to break with the past and develop rail systems that are responsive to today's and tomorrow's needs.

THE ENERGY CRISIS

Mr. STEVENS. Mr. President, I ask unanimous consent to have printed in the RECORD two articles which appeared in the Washington Post on June 13 covering the increased use by Middle East countries of oil as a political weapon and the need for more crude oil by some of our independent refineries.

With serious problems like these occurring, it is indeed difficult to understand how we can idly stand by and quarrel about whether Alaska's vast oil resources should be tapped and, if so, should a pipeline be built through Alaska or should an alternate route through Canada be studied and considered.

The Nation needs Alaska's oil as soon as possible and the trans-Alaska pipeline provides the most satisfactory answer to transporting this oil. We must stop arguing and get on with the business of seeing that it gets built promptly.

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

[From the Washington Post, June 13, 1973]

ENERGY EXPERTS FEAR USE OF OIL AS WEAPON

(By Marilyn Berger)

Libyan President Muammar Qaddafis' explicit linkage of U.S. support for Israel with Libya's nationalization of an American-owned petroleum company caused mounting concern yesterday among energy experts who saw the move as the consummation of a threat to use oil as a political weapon.

The Libyan action was the first by an Arab nation in which American policy in the Middle East was used as a main reason for expropriation. While the amount of oil involved is not significant, experts in the oil industry expressed concern that Libya's move would put pressure on other oil-producing nations, especially Saudi Arabia, to carry through on their threats to limit oil production.

Egyptian President Anwar Sadat, in Tripoli to discuss the forthcoming union of Egypt and Libya, called the nationalization of the Nelson Bunker Hunt oil company "the beginning of a battle against American interests in the whole Arab region."

He said: "America must fully realize that it cannot protect its interests if it continues defying the Arab nations and supporting Israel without limitations."

Sadat said that "if America wants to entrust Israel with the task of protecting its interests, Israel will not be able to protect herself nor American interests in the area." The expropriation, he said, is "a fundamental part of the formidable conflict and . . . the first spark triggering the start of the battle."

[Radio Tripoli has announced that Libya has set up a committee to estimate compensation, with money due from the firm in fees, taxes and debts to Libya deducted from the compensation, according to Reuter.

[Libyans employed by Bunker Hunt were advised to join the Arab Gulf Exploration Co., which would take over the U.S. firm.]

Because of statements like this, and earlier threats, industry officials are taking the Libyan expropriation extremely seriously. The White House, however, had no immediate comment, referring reporters to the State Department. At the State Department, spokesman John King said "we are studying the remarks" made by Qaddafi.

Qaddafi's remarks left little to speculation. Speaking on the third anniversary of the ouster of U.S. forces from Wheelus Air Force Base, he said: "The time has come for us to deal America a strong slap in its cool, arrogant face."

He said "it is high time the Arabs take serious steps to undermine American interests in the region . . . American imperialism has exceeded every limit . . . The Americans support our Israeli enemy."

Past threats from the Arab world had been generally understood to be directed toward inducing a more "evenhanded" American policy in the Middle East. Paradoxically, the Libyan expropriation came only 11 days after the state Department announced U.S. readiness to sell a "limited number" of F-4 Phantom Jets to Saudi Arabia.

That decision was seen as an effort to improve the U.S. position in the biggest oil producing country in the Arab world. Libyan relations, however, have never been very warm with the conservative Saudi regime.

Libya's action followed earlier support to the front-line Arab states consisting of funds and, more recently, the transfer of Mirage supersonic jets to Egypt. The concern among oil experts is that with Libya taking concrete actions, other countries will feel compelled to escalate their support to the so-called confrontation states by carrying out old threats.

Saudi Arabian Petroleum Minister Sheikh Ahmad Zaki Yamani, they recall, has said his country would not significantly expand its present oil production unless Washington changes its pro-Israeli stance in the Middle East. Kuwait has already said it would not expand production.

These experts point out that to meet projected energy needs for 1980 there would have to be a significant increase in production.

REFINERIES SEEK MORE CRUDE OIL

(By Morton Mintz)

The gasoline shortage would be greatly eased or would end altogether if the giant oil companies would supply available crude to half-idle refineries owned by independent firms, a petroleum executive testified yesterday.

While refineries owned by the majors are running about 90 per cent of capacity, those owned by independents are operating at only about 50 per cent, M. B. Holdgraf, executive vice president of the independent Hudson Oil Co. in Kansas City, Kan., told the Senate Antitrust Subcommittee.

It is "very difficult to understand" why refineries in Kansas and Oklahoma, for example, cannot obtain crude being produced right next to them, Holdgraf said under questioning by subcommittee chairman Philip A. Hart (D-Mich.).

Holdgraf, a former marketing vice president of one of the largest companies, Shell, told of a recent "catastrophic" dislocation caused when Triangle Refineries, a subsidiary of Kerr-McGee, withdrew from a Midwest pipeline system after supplying gasoline at the rate of 4 million gallons per month.

"Where has the diverted product gone?" Hart asked.

To find out, Holdgraf suggested, ask Triangle to identify the sources of the gasoline it supplied, and then ask these Triangle suppliers what they are now doing with the gasoline, and so on up the line. Hart directed his staff to act on the suggestion.

Holdgraf made a prediction about the ultimate finding: that the eight biggest companies will be shown to have been exchanging the gasoline among themselves in order to increase each other's marketing strength in particular regions.

In a dialogue with Sen. Edward M. Kennedy (D-Mass.), Holdgraf expressed doubt that the giant integrated companies—mainly the eight that produce and refine crude and control all operations up through retailing—have engaged in an antitrust conspiracy, as was contended by several state attorneys general last Friday.

Rather, Holdgraf said, they act, consciously, in parallel. He compared them to elephants at a circus. The largest enters, followed by the next largest. And so on, nose to tail, until all are in the tent.

At the same time, the Justice Department should answer "absolutely" the question whether there is collusion, Holdgraf said.

The witness, testifying for the Independent Gasoline Marketers Council, said the best answer to the problem is divest the production and sale of crude oil from marketing in order to create "a free market in crude oil and a free market in finished products."

If the giants will not be divested, the question is whether the oil industry can remain in the private sector, Holdgraf said. "Nationalization or regulation as a public utility may be unavoidable," he testified.

In preparing testimony, Holdgraf warned that independents will disappear within six months unless the government intervenes.

TRIBUTE TO D. MICHAEL HARVEY

Mr. JACKSON. Mr. President, yesterday the Secretary of the Interior issued a Citation for Meritorious Service to Mr. D. Michael Harvey, who is now a Special Counsel to the Committee on Interior and Insular Affairs. The citation was an award for Mr. Harvey's outstanding service with the Department of the Interior where he served as Chief of the Division of Legislation and Regulatory Management in the Bureau of Land Management.

The Committee on Interior and Insular Affairs is extremely fortunate that a young man of Mike Harvey's ability and skill is serving on our staff, and in the brief time that he has been with the committee, he has amply demonstrated the skills and devotion to public service which earned him this high award by the Department of the Interior. I ask unanimous consent that the citation be printed in the RECORD.

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

CITATION

Citation for meritorious service to D. Michael Harvey in recognition of outstanding skill and performance of duty in the field of legislation and regulatory management.

Mr. Harvey began his Federal career on February 1, 1960 in the Bureau of Land Management. Demonstrating outstanding ability he progressed to the position of Chief, Division of Legislation and Regulatory Management. He has spearheaded an extremely comprehensive and complex legislative and regulatory program. During the last five years he played a leading role and was deeply involved in the submission to Congress of five major legislative proposals involving the management and protection of the National Resource Lands. Most significant of these was the National Resource Lands Management Act of 1971 an Organic Act for the Bureau of Land Management. He has participated in policy discussions at the highest levels in the Department, with the Office of Management and Budget, the Council on Environmental Quality and many other Federal agencies.

Mr. Harvey also played a significant role in assuring that the Department's views and problems were considered by Congress in the settlement of the long-pending Alaska Native Claims. Mr. Harvey has been able to combine high technical skill with energetic drive, and has demonstrated an ability to inspire and retain confidence among persons within and outside the Department.

His broad knowledge of Departmental policies and Bureau programs has enabled him to secure full understanding and cooperation of the Office of Legislative Counsel, Congressional Committee staffs and the Office of Management and Budget. He has served with distinction as a Department witness at Congressional hearings on many legislative proposals. For his consistent record of outstanding service and achievements Mr. Harvey is granted the Meritorious Service Award of the Department of the Interior.

ROGERS C. B. MORTON,
Secretary of the Interior.

DR. FRED L. BEACH

Mr. BEALL. Mr. President, it has been called to my attention that an esteemed scholar who resides in my State of Maryland is retiring after 30 noteworthy years of service to the Federal Government in the field of education. I would like to insert the following information in today's RECORD as a small tribute to this man in particular, and, in general, to the many Americans who devote a substantive part of their lives, energy, and wisdom to the performance of public services in one or more governmental functions. My fellow Marylander who is retiring from public service is Dr. Fred F. Beach who resides with his talented wife, at 6696 Glenbrook Road, Chevy Chase, Md.

Dr. Beach has served in the U.S. Office of Education since 1941. As a matter of fact, when Dr. Beach joined the Federal Government, there was no Department of Health, Education, and Welfare; rather the educational interests of the Government were carried out as a part of the functioning of the Federal Security Agency. Dr. Beach joined the Federal Government after having served in teaching and administrative positions in the New York State educational system in the 1920's and 1930's. He is a native of the State of Pennsylvania and attended undergraduate schools in both Pennsylvania and New York. His master's and doctoral degrees were awarded by Syracuse University and Columbia University, Teachers College, respectively. His fields of specialization were educational curriculum and administration.

During his years of impressive service to the Federal Government in education, Dr. Beach served as the administrator of that portion of the Federal education establishment dealing with the administration of our school systems and institutions. For years, he served as the chief of what was titled the State School Administration Unit. Over that period of time, it was Dr. Beach's goal to represent on the national scene the emerging functions and responsibilities of State Departments of Education, State Boards of Education, and their administrative heads whom we know today as Chief State School Officers. During the 1940's, 1950's, and 1960's, State school systems enjoyed a very rapid and strategic period of development in our rapidly growing total effort to provide better educational opportunity for the youth of this great Nation.

During this same period, Dr. Beach planned, organized, conducted, and published many research papers on the emerging patterns of State school administration across the Nation. Much of his research and writing stands today as landmark contributions in the field of educational administration. He and members of his staff, over the years, have probably presented the Nation with one of the more significant bodies of new knowledge relative to the influence and importance of State school administration.

In later years as the role of the Federal Government in education has shifted to one of giving financial support to many sectors of the educational community, Dr. Beach has applied his intelligence and sophistication to making portions of that support system operate more efficiently and effectively. He has been recently serving as the Assistant Director to the Division of State Agency Cooperation in the U.S. Office of Education which has as its primary responsibility the administration of title V of the Elementary and Secondary Education Act of 1965. This program provides Federal financial assistance for the strengthening of State Departments of Education and for conducting special studies related to major educational issues confronting the States and, in turn, the Nation. Currently, this latter portion of the program is carrying out investigations of such timely and important issues as school finance, accountability in education, educational governance at the State level, and others.

It gives me great pleasure today to acknowledge the outstanding contribution which my fellow Marylander has made through providing 30 years of distinguished service to the Federal Government and through this Government to the youth of the Nation. May his commitment, contribution, and dedication to public service be replicated and strengthened by those of us who remain to carry on one of the primary functions of government—that being to provide an equal and adequate opportunity for the youth of this Nation to assimilate and improve upon our great cultural and technological heritage.

TWENTY-FIVE YEARS SINCE U.N. VOTE ON GENOCIDE

Mr. PROXMIRE. Mr. President, in less than 6 months, the United Nations will celebrate a silver anniversary of sorts: On December 9 of this year, it will be 25 years since the General Assembly adopted the Genocide Convention by a vote of 55 to 0. Since then, 75 nations have signed the treaty, and I am sorry to say that the United States is not among them.

The failure of the United States to ratify the Genocide Convention is puzzling, to say the least. Nearly two centuries ago, our country was founded on the principle of enabling every citizen to enjoy "life, liberty, and the pursuit of happiness." We, Americans, cherish each and every individual life, and yet we cannot publicly ally ourselves to the principle that genocide is a crime under international law which we would undertake to prevent and punish.

If the decade of the 1920's was known as the age of innocence, then perhaps the decade of the 1970's should be known as the age of complexity. With life and government becoming increasingly complicated, and with our globe becoming more heavily populated, it is all too easy for people to lose sight of our most basic values. Therefore, it is imperative that we incorporate whatever safeguards we can guarantee a person the opportunity to live a full, productive life.

There are those who say that a situation similar to the persecution of the Jews during the last World War can never occur again. But such complacency is sad—and dangerous. We must do ev-

erything within our power to prevent such an experience from being repeated, and one concrete avenue of action is the Genocide Treaty. For a nation that prides itself on efforts to further the cause of human rights, our lack of action on this agreement is a disgrace. For the sake of humanity, the Genocide Convention must be ratified without delay.

NEED TO TAP ALASKAN OIL AND GAS

Mr. STEVENS. Mr. President, I would like to emphasize the widespread support the trans-Alaska pipeline is receiving. It is apparent that energy companies from some of our Northeastern and Midwestern States are in wide disagreement with their representatives in Washington who advocate a trans-Canadian pipeline.

Leaders in the energy field believe that the trans-Alaska pipeline should be built now and that consideration should be given to building a second oil pipeline through Canada. The other day, I shared with the Senate letters I received from energy companies located in Iowa, Michigan, and Wisconsin. Today I would like to share letters from energy companies located in Connecticut, Illinois, Massachusetts, and New Jersey.

I ask unanimous consent that these letters be printed in the RECORD.

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

SOUTHERN CONNECTICUT GAS CO.,
June 4, 1973.

Hon. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: This is in reply to your letter of May 24 relative to the construction of the Trans-Alaska Pipeline.

It is essential to the best interests of this country that we make adequate provision for its energy needs. In our opinion, these needs require the construction of both the Trans-Alaska Pipeline and the Trans-Canadian Pipeline.

We support efforts to proceed forthwith in the construction of the Trans-Alaskan Pipeline and with all reasonable dispatch with respect to the Trans-Canadian Pipeline.

Very truly yours,
RICHARD H. BOWERMAN.

NORTHERN ILLINOIS GAS CO.,
Aurora, Ill., June 8, 1973.

Hon. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: Thank you for your recent letter in support of the Trans-Alaska pipeline.

As the sixth largest gas distributor in the Nation, we heartily support the all-Alaska route as the quickest and most economical method of tapping needed Alaskan energy supplies to help ease the national energy crisis in this Nation.

We have made a concerted effort to communicate this need to our senators and congressmen, with mixed results. Your efforts to build support for the early approval of this vital project are greatly appreciated.

Sincerely,
C. J. GAUTHIER,
Chairman and President.

HAVERHILL GAS CO.,
Haverhill, Mass., June 7, 1973.

Hon. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: We are interested in your support for the construction of Trans-Alaska pipeline. Of course, we in the east would like to see the Trans-Canadian line built and hope that it will be someday. In the meantime, we are glad to support any effort to bring additional fuel into the lower 48 states. I hope every effort will be made to expedite the Trans-Alaskan line.

I am sending a copy of this letter to Senators Kennedy and Brooke and hope they will support you in your effort.

Very truly yours,
J. J. FAHEY,
President.

ELIZABETHTOWN GAS CO.,
Elizabeth, N.J., June 4, 1973.

Hon. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: I am pleased to respond to your invitation to write you in support of the construction of the Trans-Alaska pipeline.

I am aware that the proposed construction of the proposed oil pipeline from Prudhoe Bay to Valdez, Alaska, has been extensively studied as to its environmental and economic impact by the Department of Interior and other interested Federal and Alaska agencies. As a result, the construction of such a line has been found by the Secretary of the Interior to be appropriate and in the national interest.

Therefore, I can find no reason for any further delay whether for studying other routes or for other reasons, and I feel the Secretary of the Interior should be authorized to issue the necessary permit so that construction can commence as quickly as possible.

Sincerely,
JOHN KEAN,
President.

PRESCRIPTION FOOD

Mr. HUMPHREY. Mr. President, because of the vital message it contains, I would like to enter into the RECORD a transcipt of the "Prescription: Food" film document, along with recognition of the organizations that are currently supporting this special national communication effort, organized and coordinated by John Blair Co.

NATIONAL COMMUNICATIONS PROJECT
CHRONOLOGY

"Prescription: Food" was presented as a community service, in each of the below listed communities—without commercial interruption:

In Memphis, Tenn., by by the General Foods Corp., on March 14, 1972, over the facilities of WMC–TV, the Scripps-Howard Broadcasting Co. station that produced the documentary film;

In Cleveland, Ohio, by Abbott Laboratories and Ross Laboratories in cooperation with the American Academy of Pediatrics on December 7, 1972, over the facilities of WEWS-television, the Scripps-Howard Broadcasting Co. station which developed the pilot communications project designed to present this filmed message city-by-city, nationally; and in Washington, D.C., by Abbott Laboratories and Ross Laboratories in cooperation with the American Academy of Pediatrics and the District of Columbia Children Hospital, on June 5, 1973, and again on June 10, 1973, over the facilities of WMAL–TV, the Evening Star Broadcasting Co.'s station, which has launched this vital communication project nationally.

I ask unanimous consent that the transcript of this excellent and timely film, dealing with an urgent and too often overlooked national problem, be printed in the RECORD.

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

PRESCRIPTION FOOD

ANNOUNCER. The following program is brought to you without commercial interruption as a public service by Ross Laboratories, a dvision of Abbott Laboratories, in cooperation with the American Academy of Pediatrics.

FRED THOMAS. Good evening. I'm Fred Thomas. Welcome to "Prescription Food," a documentary look at the problems of malnutrition among the very young. We believe the documentary you are about to see and the panel discussion to follow will point the way to some opportunities to overcome the corrosive effects that malnutrition has on our nation's young. Now, "Prescription Food."

Dr. FRAZIER. I'm Dr. Robert Frazier, Executive Director of the American Academy of Pediatrics. This film concerns hunger among children. More importantly, it portrays some of malnutrition's devastating effects—small stature, weak, underdeveloped muscles and anemia, and it points to some of the newer findings relating malnutrition in early childhood to retarded mental development.

The film suggests a solution to these problems of hunger and malnutrition, adequate nutrition in early childhood, and makes the point that such nutrition is available to any concerned community. While the people in this film are of just one city, similar problems are likely found everywhere. It remains, then, for doctors, nurses, welfare workers, for government, for hospitals, for every citizen to make their contribution toward wiping out malnutrition among children in the United States.

NARRATOR. St. Jude Hospital, just north of downtown Memphis, is the children's research hospital founded by entertainer Danny Thomas. It is known throughout the world as a pioneer in the treatment of leukemia, a rare form of cancer which afflicts children. Because cancer patients usually have nutritional problems, many of St. Jude's staff, such as Dr. Paul Zee, are specialists in the field of nutrition. Three years ago, Dr. Zee began treating a number of children who were not victims of leukemia. In fact, they appeared to be normal children, except that they did not seem to be getting enough to eat.

Dr. ZEE. Well, I have seen malnutrition as a child in Holland, and I have seen it—on a professional basis—in South America, and I have seen severely malnourished, small and stunted children, well known from care pictures, and when you go through the city here, these are not the kind of children that you find, but once we started looking into it, we saw these children coming into the clinic, we found that a child who we thought was eight years old turned out to be ten years old, then we started comparing them to normal charts, we found how stunted in growth they were. When we looked at the biochemistry, we found how low many of the values were. Of course, these are not written all out, all over them, but on the inside, we found how undernourished they were, and secondly you drive through poor Memphis, what

I didn't recognize was behind the houses I was driving by, there was another alley, and behind that alley, there were even—there were conditions I have never heard of. Memphis is just as bad, if not worse than many of the other big cities with big urban areas.

NARRATOR. The children treated at St. Jude were referred to the hospital by a long established community self-help organization called Memphis Area Project South. All of the children lived in the MAP South area, composed of nine census tracts which run south from Deal Street. The MAP South area is in that part of Memphis politely referred to as the inner city. It is old, poor and crowded. Most of its inhabitants are black and the median family income is $2,600 a year. Using MAP South's nine census tracts as the test area, pre-school age children were selected at random and given routine examinations and blood tests. They were also weighed, measured and sometimes disturbed from their routines.

Dr. DONALD PINKLE. The early years that we learn about malnutrition through its effect, one cannot sit with the children each day and see how much they eat, but one can measure such things as height and weight and hemoglobin levels and vitamin A levels, and from our knowledge of effects, one can then reason that there is a lack of nutritious food in sufficient quantity in their diet, and we discovered a shocking degree of malnutrition, an epidemic in our own city of Memphis, among low income families.

Dr. ZEE. Did you find how—did you get in the camera how thin she is? See how her shoulders come out? How thin she is? See how thin her arms are, and let's show your legs. See, three millimeters. That is—even I have more than that. I have more on my wrists. And see how loose those shoulders are? See how loose?

NARRATOR. Dr. Zee's survey of a random sample of children found that, first of all, in layman's terms, the children from MAP South area of Memphis are small for their ages. In fact, when their measurements were plotted on a growth chart, on which an average child's height and weight is 50 percentile, half of the children were below the 25th percentile; 16 per cent of the children were below the third percentile for height and weight, meaning 16 per cent of the children were severely stunted in growth, stunted to a degree usually found only in undeveloped nations with a very limited food supply.

Secondly, blood tests revealed 90 per cent of the children under three years of age were anemic, and among those three to five years old, 75 per cent were anemic, causing them to be weak, drowsy, slow to respond.

Thirdly, in addition to finding most of the children retarded in growth and anemic, St. Jude's survey revealed that one-fourth of the children suffered from infections of the skin or respiratory tract—a common effect of malnutrition, which not only increases susceptibility to disease, but impairs the body's ability to heal itself of minor injuries and infections.

But the most serious handicap Dr. Zee found in the children of MAP South has to do with the effect of malnutrition on the brain. Doctors have known for some time that the soft skull of an infant grows only as much as is necessary to accommodate the brain. The head gets larger only as the brain cells multiply and enlarge. Thus, in small children, the measurement of the size of the head indicates the size of the brain. When the children surveyed by St. Jude were measured and figures plotted on a normal growth chart, 15 per cent of the children had head circumstances below the second percentile, meaning 15 per cent of the children had brains severely stunted in growth.

This degree of stunting below the second percentile indicates strongly these children will have some type of mental disability, and perhaps more important, the brain will not catch up if the child is well fed later in life.

St. Jude's research confirms what has been shown in earlier studies: the brain does almost all of its growing very early.

Dr. ZEE. The brain grows most in a human—for instance, grows most in the first six months after birth, and the last six months before birth, so before and after birth, for six months on each side, there is a rapid growth of the brain, and as it grows, if you interfere with it nutritionally, it cannot be reversed and it has been definitely shown in animal studies.

Here, we have what for all practical purposes looks like a newborn baby. However, this baby is two months old, it weighs five pounds and nine ounces, and it was born with a weight of five pounds and eleven ounces, so in the last two months, it only has—in fact has lost two ounces of its birth weight. The baby was born in a hospital locally, and the mother was sent home three hours after the baby was born. There's no subcutaneous fat whatsoever. For instance, the buttocks—they're severely malnourished. There's no fat whatsoever there. The head circumference is rather small; the soft spot is rather small. And it has been shown that babies who are severely malnourished like this child was—many of them have been shown to be mentally retarded. This was not in our country, but it was in South America, where conditions are much more severe.

Of course, now we have two months; we still have four months left of brain growth. If we actively push it, we may reverse some of the damage that's been done at this point. It is possible that a child will continue to be smaller than normally, and there may be—is less intelligent than normally. But we cannot say for sure.

NARRATOR. And so Dr. Zee found himself with hundreds of young patients who not only were apathetic and slow to learn; they were also small, anemic, and suffering from an assortment of minor colds and skin infections. For the disease which held them back, he prescribed no exotic medicines or vaccines—only food—in this case surplus food from the United States Department of Agriculture. Once a month, cereal, orange juice, evaporated milk, and other items, are distributed by MAP South workers to about a thousand families in South Memphis. The food is provided under the federal government's food supplement program. Government regulations say the USDA surplus food must go only to families with incomes of less than $3,000 a year, and only enough food may be allotted to feed those members of the family who are under six years of age.

Despite these limitations, the program is a start, and it does move some 200 tons of food into South Memphis each month.

St. Jude Hospital adds to the prescription baby food and an iron-enriched infant formula called Similac. Once the children were getting better food and more of it, the next step was to follow up with routine medical care.

MAP South's nine census tracts were divided into four areas, and a nurse practitioner was assigned to each one. The nurses have become family doctors, and they have renewed a practice seldom seen these days—house calls.

NURSE. She really looks better, Mrs. Berritt. Seem like she is picking up some weight. What is she eating?

Mrs. BERRITT: She eats off the table, Ma'am.

NURSE. Oh, something like what—like what did she have for breakfast?

Mrs. BERRITT. She eat two—an egg and a half. She eat some cereal, and a glass of milk.

NURSE. She really looks much better. Tina, we're going to see what a big girl you are. That's it, that's beautiful. Now stand nice and tall. Don't hold on to anything. Okay, twenty-three pounds. My!

Okay, I'd like to show you where that is on the growth schedules—

SPEAKER. One of the major problems in our poverty—in the poverty society is that there is no access to medical care. And by building up a relation between the nurse practitioner and her—and the patient, we have now an access between the two. They—if there is a child that's sick, she can call the nurse practitioner and then has access to whatever needs to be done. And they don't have to take a bus to the city hospital, wait a long time, get a doctor they don't know, get referred to another doctor they do not know. And they—it is inconvenient in a line.

NURSE. There are many advantages in going in to the patient and seeing them in their own environment, getting that rapport that you get only by being in a natural environment. The patients are happy to have us come. I think it's perhaps my first experience in really seeing a medical person go to the patient. And I find going into the home you get an entirely different view and picture of a child.

Mrs. Granberry is the mother of seven children. Her husband has just finished his term in the service, and he's employed for a minimum of 85 dollars a week, but he's working for a nursery, which of course—if the weather is inclement he doesn't get an income. And he is expected to pay for—fifty dollars a month for rent, on the average of 25 to 35 dollars for utilities, and he's just above the food stamp eligibility. So there's just nothing—well, a minimum of about twenty dollars left for food for the month—for seven children. Not being eligible for food stamps, there's just no way of stretching the food dollar. So the Granberrys really don't have sufficient to provide for the family.

I believe that we've gained another concept of what we can really do for a child by seeing them in their own environment. We can understand better how unrelated some of the directions and orders that we give to the family on homegoing—after a child is rehabilitated to a degree, they leave the hospital, and the—an awareness that they're going back to the environment from which they came is going to give us a different—well, put the orders in a different framework, for example.

For example, there are many skin conditions that we see, and you advise the mother to soak the foot three times a day, as it's common when a child has stepped on a nail. Well, it's important to know that there is probably, in many of these homes, no hot water. Some don't have plumbing at all. Some don't have a pan or utensils to soak the foot in. And so you think in terms of providing for that; if you really want that wound to heal, you'll see about providing a pan to soak the foot in.

SPEAKER. We have a number of children who are under five years old, who are severely stunted in growth. We have—or the MAP South community does have a supplementary food program, and these children are on the food program. And they receive medical care at our place. And despite their and our effort, we cannot make these children catch up in the growth that they are lacking. And we have recognized that part of this environment. And through the help of St. Peter's and the—and one lady who volunteers her services—Mrs. Hajjar—we are able to bring five children—and now at least seven children—in for supervised play and three meals a day, five days a week. At night they go home, and in the morning they come back.

NURSE. It's actually to see what we can recoup from malnutrition. We know that the damage done is permanent; quite a bit of it is permanent. So we thought, what could we do for a child if we had them in a controlled

situation for a ten-hour period each day, and expose them—although we fed them well; it's excellent food that they get here—we also exposed them to a very healthy atmosphere, with plenty of room to play, other children to play with, nice, clean little beds to sleep in for nap time, and to see whether that would help in promoting better health, and particularly in gaining weight, because these kids haven't gained weight in a long period of time.

The children are from rather poor families, and it is a fact that in some cases they don't have a wide range of food of the variety that we can offer them here, and the plentiful supply of milk, and the very healthy atmosphere where they can really run around. Their homes are quite congested, and no opportunity for them to play, as here. Some people have asked why have the parents neglected them, and that isn't so at all. They have, in most cases, very loving parents and loving families. It's just a case of not having the proper food in the correct amount.

Our program is restricted to children under six years old who, even when food is provided to a family, who's desperately in need of food, naturally our youngster is competing with other family members for that food, and this is another problem. And particularly in a very young child, when he doesn't even know how to eat by himself, and is perhaps on the bottle too long, doesn't know about solid food—his chances of really getting in there and getting at the food are very slim. So we try to teach them to handle food by themselves—become self-sufficient.

Dr. ZEE. And it is amazing to see how much these children open up, how they—ebullient they become, how joyful, cheerful they become. It is really remarkable how they open up, and it is sometimes tragic to see how these children—they can—go home again, how they withdraw into themselves again. And in the second place, they gained weight more than we expected them to, and they gained in height more than we expected. The only problem is, a program like this must be done for at least a year, if not more, for the children to catch up the severe lack of growth that they have.

And unfortunately, they're only able to do it for two months. We do it for two months because the waiting line is too long. If we have more children—or more places—we would put them in for three months or six months. But we're really making a compromise. It should be done for a whole year and more.

NURSE. But the two major causes of poor pregnancy that stand out above all these others are poor nutrition and the youth of the mother. And so that's why we want to spend a lot of time on talking about how to obtain a good diet. And the purpose of the clinic is primarily to give good prenatal care to these ladies who before have not been able because of money or transportation, to get the kind of care that they have needed. And most of the ladies that we see here in the clinic have not had access to this care, and usually they would go to John Gastin or to one of the city hospitals when they were ready to deliver, with no previous prenatal care.

So we've been trying to have a concerted effort to pick out the ladies that are pregnant, to bring them into the clinic as soon as we find out that they are, and to start them with instruction on how to care for themselves with prenatal vitamins, and the nurse teaches them about the physical problems that they will encounter. And I teach them about their nutritional needs and how to plan their diet so that they will get an optimal diet. And the doctor sees them each time in the clinic—the same doctor—to check any problems that they have.

They are delivered at St. Joseph Hospital, and then their babies are followed in our nutrition program.

Dr. ZEE. They come from an area where three years ago there was an enormous high infant mortality. And the effect of this has been that instead of the census-take of being eight deaths—eight infant deaths that year, we have—that is, three years ago—we have now one death. We also find that the children that are born are not quite as small as other children are, but we do find a large number of—term—that is, nine-month infants—which are severely undergrown. And we have followed those children for one year now, and it is amazing how well they do.

NARRATOR. Dr. Zee and his coworkers have learned a great deal during the last three years about the effects of malnutrition. They have, of course, shown again what was already known—when a child is deprived of food, he may be physically and mentally crippled for life. But more important, they have proven that a surprisingly small and inexpensive amount of food prevents malnutrition.

The nutrition clinic's food by prescription program is a model of practical research, but it is only a beginning. St. Jude Hospital is a research institution. It can only study a disease and find a cure; then it is up to others to carry out the treatment. There are indications that this is happening. The organization known as the Fund for Needy School Children has used St. Jude's findings to get government funds for a highly successful free lunch program in Memphis city schools. The Memphis and Shelby County Health Department, at first slow to respond to St. Jude's research, now has taken over and expanded the hospital's infant feeding program.

Through the Health Department, babies born in low income families at city of Memphis hospitals are given the infant formula Similac for one year.

The staff of St. Jude's nutrition clinic is encouraged by these and other examples of a growing concern for the children of Memphis. Yet, much remains to be done.

SPEAKER. We need more food, and many of the low income families still do not have adequate food, in spite of food supplement programs, infant formula program, and food stamps. A large proportion of low income families, for one reason or another, are not able to get food stamps. The food stamps themselves do not provide an adequate amount of food at the prices we have today. The food supplement is inadequate. So what is needed for improved nutrition among low income families in Memphis is more food. Now you can put more food into their hands by providing a higher income, or by improving our food stamp program or food supplement program, making these more liberal than they are.

I'm in favor of the food supplement program; I think it should be increased considerably. More families should be included in it, and more food should be made available to each family enrolled in the food supplement program.

Dr. ZEE. If you could provide a mother who is pregnant with a proper diet, and her child in the first years of life with a good diet, you might—may actually prevent a number of problems, such as children who are inferior in the sense that they don't perform well; they don't get their high school education, so you get the problems of unemplcyment, public works, correction institute. As you well know, poverty is typically related to the high number of mental retardants—cerebral palsy and other neurological disorders. And each of those disorders takes a large amount of money to correct or to maintain. Mental institutions, corrections, judicial systems, police force and the like—they are very expensive compared to three meals a day and a can of milk a day.

SPEAKER. We have an epidemic of malnutrition in progress in Memphis and throughout these United States, that is largely unrecognized and uncared for. If this were smallpox or diphtheria or—why, we would all be up in arms, and we would be now taking all measures to eliminate this epidemic that we are dealing with—an epidemic of malnutrition, which is every bit as bad as an epidemic of smallpox or diphtheria, in terms of mortality, disease and disability, and we're doing very little to correct this epidemic, to stop this epidemic, in relationship to its severity, extent, and future damage to the American pepole.

THOMAS. The problems of hunger and malnutrition that you've just seen are not confined to Memphis. They are present in the District, in nearby Virginia and Maryland—including Montgomery County, one of America's richest counties. In a moment we'll take a filmed look at hunger in our own back yard. Meantime, if you would like more information about the problem and what you can do about it, write Prescription Food, Box 311, Washington, D.C.

The Nation's Capital is blessed with a unique medical center and staff who care deeply about children. They are the men and women from the Children's Hospital National Medical Center. One of them is Dr. Annette Heiser.

Dr. ANNETTE HEISER. The life begins for many Washingtonians right here in the newborn nursery, and it's here that the most important thing this little baby is doing is eating, many times a day, and he's eating well, because one of the first orders a doctor writes for him is his diet. He's using up more calories in his first few days and weeks of life, proportionately, than he'll ever use up, because he's growing so fast and he's using up lots of energy. And for that reason that—it's important that as pediatricians we tell mothers something about eating, about nutrition. We can't take it for granted. Each of us eats three times a day at least, and how often do we think about how well we're eating? We don't see many of the gross forms of malnutrition, fortunately, in our clinics, because even though we may be poor, we have opportunities for getting good food.

And since we spend so much time every day, and money, on eating, we should be selective and educated as to what we choose, in order to get the maximum of good health.

THOMAS. The work of Children's is not confined within hospital walls. Children's Hospital serves ten thousand people in its neighborhood through its comprehensive community health care program. Nutritionist Lilia Parekh sees the problems first-hand.

LILIA PAREKH. We are trying to be the private—I shouldn't say trying—this is what we aim to be—the private physician for this particular geographic or service area. And this includes pediatrician services, the nurse, social worker, nutrition. We have a dental clinic, speech and hearing services, also mental health services. We feel that we provide a very comprehensive service to the parents; I shouldn't say parents—for the children. This is, right at this point, probably one of our weaker points, where we cannot provide adult services. Right now we are a pediatric clinic, except for the eyeglass and prenatal program.

We have tried to provide health care to the families within our area, not on our own terms, but try there to see where it is convenient for the family to come in. And this is why we have tried evening clinics, we have tried opening our clinics on Saturdays; also right now we have a 24-hour a day telephone service, where families can call our pediatrician in case they need a doctor. Now I think this is a very big help for them, to know that anytime of the day they can call one of our doctors.

(Scene of nurse attempting to give treatment to a small patient.)

NURSE. Okay, now wait a minute. Open your hand. I won't hurt it. I just want to make a little picture on it. I want to take the ink pen and make a small picture on your arm.

(Child cries.)

NURSE. Let me just put this on. That's it. Now let's make a little circle. Okay? Yes, you have to leave that on until Wednesday, hear? Okay?

MOTHER. Now that's going to stay there till Wednesday. Now will it come off if you wash it?

NURSE. Yes, try not to wash around where the circle is.

PAREKH. We feed a number of babies who, for various reasons, fail to develop as they should, because the food is not available in the home, or the mother is not there to feed the baby properly.

NURSE. And we do get a chance to go to the warehouse, and we do our marketing at the Safeway.

PAREKH. First of all I think I want to come in, not as a nutritionist, really, not as an employee of Children's Hospital, but as a friend of this mother, to show her that I'm really concerned. I'm not going in there to check up why she didn't make her appointment, but really to show her that I'm concerned why Imani was not in the clinic. And when I can establish myself as a friend to her, she's more likely not to tell me anything that is not true. I don't mean to say that they tell me lies, but sometimes a parent is—tell us what they think we like to hear. But I think in a relationship where it is friendly relationship and she knows I'm not going to point my finger at her, then she tells me the truth. And it takes a while to establish this relationship—sometimes three or four visits—and this is why I like being able to follow through on patients, through the first year, not just seeing them one time.

QUESTION. Now can you tell me what kind of milk Imani is taking?

MOTHER. Whole milk—carton milk.

QUESTION. How much does she take at one time?

MOTHER. An eight-ounce bottle with each meal, and one with her nap, and maybe at bedtime.

QUESTION. What does she eat from the table now?

MOTHER. She eats everything from the table. She doesn't eat any more baby food. She eats breakfast, which is eggs and applesauce or maybe—

PAREKH. I see. Okay. Well, I brought some things here for you. Since Imani is a little over eight months now, she should be eating—we should make sure that she should be eating foods that are high in iron. And you know, we talked about iron and what it's used for, and here's a little pamphlet—Why Do Children Need Iron? We have very many young mothers who come to our clinic, and unlike probably many years back where they had grandparents and aunts with whom they lived with, to learn how to care for babies, most of the time these young mothers live alone or with their girlfriends, who are as young as they are. So I think it's very important that we do talk to the mothers about the total child care, not only feeding but the nurse gets involved with them; social worker gets involved with them.

THOMAS. Through Mrs. Parekh and others, Children's Hospital spreads the word about D.C. food stamp and supplemental food programs. Although Washington's supplemental food program is one of the most successful in the country, many pregnant women, mothers with young infants, do not take advantage of the food that is available.

FHA HOME LOANS

Mr. TAFT. Mr. President, last month I read an article in the Wall Street Journal which describes a situation I believe to be of utmost importance.

The article, entitled "Backing Off," indicates that the Federal Housing Authority may have overreacted to the housing scandals revealed last year by imposing such strict and cumbersome regulations that program operations have been unduly hindered. The regulations have discouraged mortgage lenders from participating in the programs and may have unnecessarily prevented many low and moderate income Americans from obtaining decent housing.

The last few years' experience emphasizes the importance of administering the FHA programs carefully, but excessive administrative caution is counterproductive. Particularly during the present moratorium on federally subsidized housing, it would be tragic to allow those few FHA programs which are operative to be hamstrung in this manner.

I ask uanimous consent that the May 14 article be printed in the RECORD.

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

[From the Wall Street Journal, May 14, 1973]

BACKING OFF: LENDERS SHARPLY CUT THEIR WRITING OF FHA-BACKED LOANS

(By Edward Foldessy and Timothy Schellhardt)

The harsh regulations adopted by the Federal Housing Administration in the wake of the scandals that swept the agency last year are causing some equally harsh side-effects. Many of the nation's mortgage lenders have cut back sharply their writing of FHA-insured home loans, while others have abandoned the market entirely.

In the process, lower-income and middle-income families, the very people the various FHA programs were designed to help, are finding it more difficult to obtain home financing.

Bankers and other lenders insist they don't want to penalize any potential home buyer, but some say the new rules and accompanying red tape make it almost impossible for them to stay in the FHA arena.

One rule imposed last year, in effect, requires that lenders certify the accuracy of all statements made to the FHA by appraisers and others. "They wanted us to certify things we have no way of knowing," says a New York banker, "so we're just not making any FHA loans."

Figures supplied by the Federal Housing Administration reflect the disenchantment. Applications by lenders for FHA mortgage insurance in the first quarter of this year amounted to only 139,790, down more than 50% from 293,909 a year earlier.

The decline mainly hurts families with modest incomes—persons who could afford to buy a home with an FHA mortgage but who simply can't qualify for a conventional mortgage. Most lenders, for example, won't issue a conventional noninsured mortgage to a prospect if more than 20% to 25% of his income is needed to meet house payments. By contrast, the FHA will allow up to 35%. Thus, a buyer has to have an annual net income of $11,200 to $14,100 to qualify for a $25,000, 25-year conventional mortgage carrying a 7½% interest rate (and that assumes a relatively low $600 in annual real-estate taxes). By contrast, a person with annual net income of only $8,100 could get a similar FHA mortgage.

According to some estimates, FHA-backed mortgages accounted for less than 10% of all loans written last year on homes housing one to four families. That contrasted with about 40% in 1970.

"CLASSIC CASE OF OVERREACTING"

Increased competition from private mortgage insurers and a relatively low 7% yield to lenders on FHA loans (compared with 7½% to 7¾% on conventional mortgages) may account for some of the decline. But FHA officials admit last year's scandals in a number of cities have been a major factor in the slowdown of the agency's insurance activities.

Those scandals basically involved schemes by real-estate speculators who bought up marginal housing and then sold it at hefty markups to low-income families. The families soon found they couldn't meet payments on the FHA-insured loans, and, as a result, there were massive defaults. It was charged at the time that the speculators were aided by some FHA officials who didn't demand accurate appraisals or thorough credit investigation before approving applications. Federal investigators obtained more than 50 indictments against real-estate firms, contractors, builders, FHA employes and others in cities across the nation, including Philadelphia, Chicago and New York.

After the scandals were uncovered, George Romney, then Secretary of Housing and Urban Development, ordered stiffened regulations for obtaining FHA insurance. Appraisal procedures were tightened, and mortgage lenders had to certify that homes had been properly inspected—that the heating, plumbing and electrical systems and the roofing were in good repair—and in some instances that repairs had been made with FHA-approved materials.

"It was a classic case of overreacting," charges one Philadelphia lender who claims the red tape and "overly cautious" attitude adopted by the local FHA office have forced his company out of FHA mortgages.

CHECKING THE PLUMBING

Another big lender, Philadelphia Savings Fund Society, expresses similar sentiments. "We have continued in the FHA market to the extent we can," says M. Todd Cooke, president. "But as a practical matter it has proved virtually impossible" because of the new regulations, he adds.

Dollar Savings Bank of Pittsburgh was so taken aback by the regulations that it called a meeting of the executive committee to consider pulling out of the FHA market. It decided to stay. "We didn't want to penalize the potential buyer who couldn't qualify for a VA (Veterans Administration) mortgage or afford a conventional loan," a spokesman explains. But the bank, which had been one of the largest VA and FHA lenders in Pittsburgh, is writing few FHA loans now. "In the last six months we've handled about a dozen," the spokesman says, adding that Dollar Savings Bank currently has only three FHA applications being processed out of 153 home loans it is working on.

"In almost every application the seller had to get a plumber and an electrician to verify that the plumbing and electricity were in good repair," the Dollar Savings official says. After those conditions were met, "We encountered what we felt was a lot of nit-picking on credit" matters—"a lot of little things we didn't think important."

"Undoubtedly, part of the slowdown in our activity has been due to these new requirements. All the things we did made additional processing necessary," says Woodward Kingman, acting FHA administrator. Mr. Kingman says the FHA has been concentrating on "getting quality rather than quantity," but he admits that approach hasn't worked well as private mortgage insurers siphon off the good business and leave the FHA "with the dregs of the business." He adds: "There's just too

much red tape still, and we've got to do something to correct that. The FHA just can't continue to get only the dregs of the business."

People in Washington say that HUD brought on much of the problem when it decentralized its housing operations and gave the 79 HUD district offices authority to interpret the loan regulations themselves.

"You're getting 79 different interpretations of the regulations, and as a result many mortgage bankers don't want to go through that hassle of understanding all the various requirements," says a mortgage banker.

According to one private consultant who has investigated some of the HUD offices, homes often are being appraised far below their actual value now. "Because of the scandals, HUD officials are afraid to make any decisions for fear their jobs will be on the line," he says.

He cites the requirement by one HUD office in California that one of its investigators travel 170 miles to Redding, Calif., to make sure that a hot-water facuet didn't leak before it approved the loan application. It didn't leak.

Others place the blame for the FHA's problems on the fact it began to offer housing subsidies in late 1968. "The effort was well intentioned . . . but its results have been unhappy to say the least," says Everett Mattson, president of the Mortgage Bankers Association of America. "It has undermined the normal lender-borrower relationship; and, within the FHA organization, it has generally made poor welfare workers out of once good credit examiners and vice versa."

Miles L. Colean, consulting economist for the association, puts it another way: "The federal government's housing and mortgage programs are suffering from an advanced stage of bureaucratic schizophrenia, and neither policy makers or administrators can tell whether they are credit examiners or social workers."

The FHA became part of HUD in 1965, and the mortgage bankers association now has called for the return of the FHA to the status of an independent federal agency. The association has argued that the "FHA can't perform its private market function well so long as it is under the jurisdiction of HUD, which is also responsible for a long list of nonmarket functions."

WELCOME AMBASSADOR KAUL

Mr. CHURCH. Mr. President, India has sent as its new envoy to Washington, the distinguished and experienced diplomat, Mr. T. N. Kaul. Those of us familiar with Mr. Kaul would agree with the Christian Science Monitor that his long "record puts him in the forefront of the world's diplomats."

Although here for several weeks now, he has been unable to present his credentials at the White House, a delay not missed by those interested in the improvement of United States-Indian relations and United States-Asian relations, as a whole. I, for one, welcome the assignment and arrival of Mr. Kaul to the United States, and hope that his efforts here will better the communication and mutual understanding between the world's two largest democracies. I hope President Nixon will receive Ambassador Kaul as soon as possible in order that India's representative can get on with the critical transactions between the two Governments, as our representative in New Delhi, Ambassador Moynihan appears to be doing.

It is a fact that cultural and economic relations between the peoples of India and America are thriving, but that political relations are not as good. Someone of Mr. Kaul's stature is a welcome gesture on the part of India in furthering the official "serious diaglog" the President himself called for in his Foreign Policy Report of May 3, 1973.

More important than personalities or protocol, however, is the recognition by the U.S. Government on all fronts that India's future and its part in Asia's future is of utmost consequence. As the Christian Science Monitor properly editorialized on June 19:

India's importance as the dominant power on the Indian Subcontinent and as a strategically placed neighbor of China entitles her to a high place in America's diplomatic considerations.

I ask unanimous consent that the editorial entitled "Indian Envoy Kept Waiting," be printed here in the RECORD.

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

[From the Christian Science Monitor, June 19, 1973]

INDIAN ENVOY KEPT WAITING

Patrick J. Moynihan was sent to New Delhi in February as the new American Ambassador to India and an opener in an effort to improve relations between the world's most populous and the world's most powerful democracies.

Indian Prime Minister Indira Gandhi responded to Washington's olive branch by naming one of her closest political friends and supporters, Triloki Nath Kaul, as her Ambassador in Washington.

Eight days after his arrival Mr. Moynihan was received by President Giri for the ceremony of presenting his credentials and he had his first meeting with Mrs. Gandhi herself two weeks later. Mr. Kaul's reception in Washington was "correct" but different. He finally got to see President Nixon one month after his arrival, and then he was received at the White House for the formal presentation of credentials along with the ambassadors of six other countries. The six were: the Yemeni Arab Republic (North Yemen), Nepal, Malawi, the Sultanate of Oman, Cambodia and Jordan.

No diplomat could fail to notice that the head of the new Chinese mission (not even a titular ambassador) was received by President Nixon less than 24 hours after flying into Washington.

The contrast makes it clear that Mr. Nixon does not attach as much importance to his relations with India as he does to those with China.

It is not unusual for a new ambassador to wait several weeks before presenting his credentials to the White House. The practice of grouping several ambassadors together for the credentials ceremony was introduced under President Johnson as a time-saving measure, and to cope with the big influx of envoys from newly independent countries. Foreign diplomats do not much care for being herded together in a batch for the ceremony, but have to live with the way things are done in Washington today.

While this system may be practical from the President's point of view, one can see how national sensitivities can be hurt by it. Couldn't an exception have been made in the case of Mrs. Gandhi's envoy? Mr. Kaul's record puts him in the forefront of the world's diplomats. He has been Ambassador in Peking, Moscow, and London, and his last post, before coming to Washington, was permanent head of the Indian foreign ministry. But more than that, India's importance as the dominant power on the Indian subcontinent and as a strategically placed neighbor of China entitles her to a high place in America's diplomatic considerations.

Unfortunately Washington has been responsible for a series of gaffes in its handling of relations with India, dating from the Indo-Pakistani crisis of 1971. Mr. Moynihan's appointment to Delhi went some way to make amends. It was a "pat on the back" in the words of one Indian spokesman. But Delhi felt its usefulness was undercut by Washington's subsequent decision to resume arms sales to Pakistan.

Mrs. Gandhi's choice of a diplomat of Mr. Kaul's stature for the Washington post was a welcome gesture. The least the White House can do is to give him the hearing and the attention he deserves.

FUTURE OF AMERICAN ENERGY NEEDS

Mr. STEVENS. Mr. President, Mr. Stephen A. Wakefield, Assistant Secretary of the Interior for Energy and Minerals, delivered a major address before the 27th annual meeting of Texas Independent Producers' & Royalty Owners' Association at San Antonio, Tex., last May 29.

In this address Mr. Wakefield predicted the future of American energy needs. This future was forecast by many in the oil industry years ago. The independent producers have long advocated increased domestic exploration. So have many of us in Congress.

The fact of the matter was however until very recently, because of very cheap prices for foreign crude, domestic exploration took a back seat to importation.

This Nation, said Mr. Wakefield, has 230 billion barrels of oil and 1,000 trillion cubic feet of gas, at an estimate, discoverable and recoverable onshore in the Lower 48. That estimate was made by the U.S. Geological Survey. The National Petroleum Council estimates 200 billion barrels of oil. The Potential Gas Committee estimates 600 trillion cubic feet. These figures differ. But the fact remains their is a great deal of as yet undiscovered petroleum and hydrocarbon fuels available.

Mr. Wakefield stressed the need for the trans-Alaska pipeline. He said:

We badly need this production, not only as a source of refinery feed, but for the dollars it can save us.

He estimated that when the pipeline was flowing at full capacity, it would save the United States "at least $2.5 billion annually in its balance of trade." This is a lot of money. And these estimates are only at current prices. If the price of foreign crude rises, the trans-Alaska pipeline will save this Nation—and each oil-consuming American—a great deal more.

Mr. Wakefield spoke of a problem I believe to be at least as critical if not, if not more so, than any other major economic problem facing this country. This is the relation between the "energy crisis" and "balance of payments crisis." He pointed out that there is presently no connection between the two "crises" in the mind of the general public. He said:

I submit that they are *directly related*, and that within the next year or two this relationship will be glaringly apparent to everyone. A major threat to the soundness and stability of the dollar over the next decade will come from the payment require-

ments for oil imports, which may range between $25 and $30 billion annually by 1985.

Mr. Wakefield indicated that our payments for imported oil alone this year, 1973, will be $9 billion. Next year it will be over $10 billion. By 1975—in only 2 years—it will be increasing at an annual rate of $2 billion a year.

The best answer to the problem is to increase domestic exploration. Says Mr. Wakefield:

The Nation will need all the oil and gas it can get and the older onshore provinces are going to have to supply their share.

Alaska, offshore, and deep basins, as well as exotic fuels must be developed. My colleagues know my feelings on this. But this does not absolve the Lower 48—the traditional and proved oil sources—from producing their fair share. There is no other way we will be able to keep this country moving.

We will also need to improve our recovery techniques. A great deal of oil is still in place and unable to be produced because we have not developed the technology we need to get out every drop of oil from our presently producing traps.

This is a challenge equal to any challenge ever faced by geologists and petroleum engineers. It is a challenge Mr. Wakefield has made to the independent producers. I think it is one that must be made to the entire country.

I request unanimous consent to print in the RECORD a press release summarizing the speech and the speech of Mr. Steven A. Wakefield of May 29.

There being no objection, the press release and speech was ordered to be printed in the RECORD, as follows:

[Department of the Interior news release, May 29, 1973]

INTERIOR OFFICIAL WARNS OF OIL IMPORT COSTS

The threat of rising oil imports to the Nation's balance of payments was stressed today by Stephen A. Wakefield, Assistant Secretary of the Interior for Energy and Minerals, at a meeting of Texas independent oil men held in San Antonio, Texas.

Speaking to the Annual Meeting of the Texas Independent Producers' and Royalty Owners' Association (TIPRO), Wakefield stated that the Nation's 1973 oil imports will cost $9 billion, and forecast a figure in excess of $10 billion for 1974. These amounts would be reduced by $2.5 billion annually, he added, if the Alaskan pipeline were delivering its ultimate capacity of 2 million barrels a day of crude oil to U.S. markets.

By 1975 Wakefield said, the Nation's bill for foreign oil would be increasing at a rate of two billion dollars a year. "The major threat to the soundness and stability of the dollar over the next decade will come from the payment requirements for oil imports, which may range between $25 and $30 billion annually by 1985," he declared.

Citing geological estimates of large volumes of oil and gas yet to be found in the United States, Wakefield urged development of the Nation's domestic energy resources as the alternative to mounting dependence on foreign oil sources with its attendant financial and security problems. He reviewed the energy programs announced April 18 by President Nixon in his second energy message, and stressed the importance of domestic oil and gas development. "This is no time for the independent oil man to chuck the business and go fishing," he told the audience. "With the demand we clearly foresee for energy, and the costs of buying energy from abroad, the Nation will need every drop of oil it can find within its territorial limits."

Wakefield praised the independent oil producer's contributions to the economy, calling him a key figure in the development of the Nation's petroleum resources. "The nature of petroleum occurrence in this country is such that we need the boldness, the initiative, the variety of approaches, and the sheer numbers of those thousands of participants who will get out and find the elusive pockets of oil and gas that are needed to replace the quantities we use," he said.

REMARKS OF STEPHEN A. WAKEFIELD

By now the people of America have at last reached the settled conviction that they have an energy problem on their hands, and for what dubious satisfaction there is in it, you have every right to say "Dammit, we told you so!" Of all the voices raised in warning against exactly what has happened, the earliest and the loudest were those of the independent oil producers in Texas. The ugly visions you so clearly foresaw ten years ago are now realities: we now have an outright shortage in gas that will get precipitately worse over the next few years. Moreover, despite unrestricted access to the world market, we also have a shortage in oil, which will probably get better, but only at the cost of rapidly rising dependence on foreign sources and a critical drain on our balance of payments.

The irony of all this is that while we are curtailing natural gas and allocating gasoline in an effort to share the misery occasioned by short supply there are literally hundreds of billions of barrels of oil and hundreds of trillions of cubic feet of gas here under our very feet waiting to be discovered and produced. We are sitting at a banquet table, and yet we starve.

It is true that authorities disagree quite widely as to the volume of undiscovered oil and gas remaining to be found in the United States. The thing they do agree upon, however, is that these amounts—whatever they are—are extremely large.

The U.S. Geological Survey estimates that 230 billion barrels of oil and 1,000 trillion cubic feet of gas can be found and recovered onshore in the Lower 48 States.

The National Petroleum Council, assisted by the Association of American Petroleum Geologists issued a report a few years ago which held that at least 200 billion barrels of crude oil could be found and recovered in the lower 48 in the onshore provinces.

The Potential Gas Committee, in its current report, estimated that we could expect 600 trillion cubic feet of gas to be found and produced onshore in the Contiguous United States.

I'm not especially in love with numbers, but I hope the ones I have just used may be worth something to convey the essential truth that there is a whale of a lot of oil and gas here in the United States, onshore, which is a target for the independent prospector. The resources are there. The hang-up is in the economics of turning them into proved reserves. If we can cure the hang-up, then it seems to me that the amount of oil and gas we shall have available from domestic sources in the future depends entirely upon how energetically and intelligently we look for it and develop it.

The President's energy message of April 18 is directed toward removing these economic hurdles that have been keeping venture capital from going into businesses that are devoted to developing our domestic energy resources.

The oil import program has been completely overhauled to assure that domestic oil will not be crowded out of its markets, while at the same time giving the consumer access to the world market for oil that cannot be supplied at home.

The President has asked Congress for legislation to restore free market conditions to the wellhead pricing of all new gas, and all old gas under expired contracts.

He has directed the Secretary of the Interior not only to accelerate leasing on the Continental Shelf, but to develop a long-term leasing program for *all* energy resources on public lands.

He has requested legislation to remove the restrictions on right-of-way width which now bar further action toward constructing the Alaska pipeline. While the environmental issue must still be resolved in the courts, the action sought by the Congress will, if granted, at least dispose of one formidable obstacle to our needed access to the vast oil reserves of Alaska's North Slope. We badly need this production, not only as a source of refinery feed, but for the dollars it can save us. At its full delivery capacity of 2 million barrels a day, the Alaska pipeline will save the United States at least $2.5 billion annually in its balance of trade. This is what an equivalent volume of foreign crude oil would cost us in dollar exchange at current prices. Obviously, in view of steadily rising prices of foreign oil, the ultimate savings will be a great deal more.

A number of proposals having to do with nuclear power development, oil shale and geothermal energy, and converting coal to environmentally acceptable fuels are also included in the President's message. These are a few years further down the road than the more immediate proposals aimed at stimulating the expansion of our domestic oil and gas industry. They are important segments of our energy supply picture, and they will become much more important as we approach the close of this Century. But the most critical period we face is the one between now and 1985, and we must not forget for one second that by far the greatest part of our energy supply must come from oil and gas for the foreseeable future. If it doesn't come from our own wells at home, it must come from abroad.

I am aware—and so are you—of all the arguments that have been presented against imported oil, and I'm not going to rehearse them here. But there is one aspect of oil imports that has not been given the attention it deserves, and I want to speak briefly to that point here.

The talk of "energy crisis" is all over the news media, and you can hear some expression of public concern about it at also every meeting you attend. Periodically, we also hear talk about a "dollar crisis" or a "balance of payments crisis," mainly as it affects our relationships with other large industrial and trading nations. But there has as yet been no linkage of the two "crises" in the public mind. I submit that they are directly related, and that within the next year or two this relationship will be glaringly apparent to everyone. The major threat to the soundness and stability of the dollar over the next decade will come from the payment requirements for oil imports, which may range between $25 and $30 billion annually by 1985.

We fret today about our balance of payments deficits, we go to extraordinary lengths to stimulate increases in exports and we are highly gratified if these efforts result in added earnings of as much as a billion dollars a year. Yet this year—1973—our payments for imported oil alone will be nine billion dollars. Next year it will be well over ten billion dollars, and by 1975 it will be increasing at an annual rate of two billion dollars a year.

Now, if what I have said so far is true—and I believe it is—it means that this is no time for the independent oil producer to

chuck the oil business and go fishing. With the demand we can clearly foresee for energy, and the costs of buying that energy from abroad, the Nation will need every drop of oil it can find within its territorial limits. It is one thing to recognize that we will have to increase our imports of oil—and gas. It is something else to simply give way in the marketplace so that our reliance on these foreign imports is greater than it absolutely needs to be.

I am saying that there is a role for the independent producer, and moreover, he has some choice in what that role will be. For the small operator who has no call to become a big operator, the outlook is certainly no worse than it has been on many past occasions, and in my opinion, it has prospects of becoming better.

I submit that the independent has some significant things going for him. His small size—so often thought of as a liability—brings him some important assets. Being small, he is likely to be much more flexible and imaginative than a large company is permitted to be with its committees and boards and other trappings of institutionalized management. He simply must be. He lives a lot closer to the margin, and alertness is the prerequisite to his survival. I do not have to remind you that among participants with limited resources in a high-risk business there are only two kinds of operators: the quick and the dead.

Despite the lack of any sensational advances, petroleum technology does, year by year, continue to extend the industry's capabilities and enhance its prospects of finding and producing oil and gas. Rarely is any technique of the past ever completely outmoded or abandoned. Far more often, the new knowledge and new techniques combine with the old to improve the total capability of finding and recovering petroleum. The result is that each year, hundreds of new pools and new fields are found, developed, and produced that would have been submarginal under the technology existing a few years before. They may—at least most of them—be too small to attract the interest of larger companies. But they may be well worth the resources committed to them by smaller operators, and I predict that this process will continue as technology continues to enhance the oil finder's art.

If I have seemed to lean hard on gagetry as a solution, I did not intend to do so. One of the most refreshing things that has happened to the science of onshore exploration in recent years has been the renewed interest in geology, particularly subsurface geology, as an approach to oil finding. For forty years, the fair-haired boy of petroleum exploration has been the geophysicist with his reflection seismograph, and tens of billions of barrels of oil have been found by the squiggles on seismic records that indicated the presence of structural traps. But these instruments, even after a half century of development, still remain largely blind to trapping mechanisms that do not present a subsurface relief profile. Yet we know that vast amounts of oil and gas have been found—largely by pure chance—in stratigraphic traps which present no relief detectable from the surface by instruments now available.

It is becoming much too costly to find these stratigraphic traps through random drilling on a hit-or-miss basis. There is, accordingly, a need for an exhaustive kind of detective work which utilizes all evidence that can be related in any way to the occurrence of oil and gas in such formations—including seismic evidence. It is out of such hard intellectual effort, coupled with new and imaginative approaches to oil findings, that have come some significant new onshore discoveries in recent years.

Let me repeat: the Nation will need all the oil and gas it can get, and the older onshore provinces are going to have to supply their share. The newer provinces—Alaska, the offshore, and the deep basins like Delaware and Anadarko—have gotten most of the headlines and the interest, and a lot of the drilling money over the past several years. They are the new horizons, and it is understandable that people tend to expect a great deal of them, because they do have a great potential. But the fact is that these new frontiers will supply only a part of our total future oil and gas needs. The prolific Louisiana offshore, for example, has been under development for twenty-five years, and during all that time it has added less than six billion barrels of crude oil to proved reserves compared with seventy billion that has been added from onshore fields in the Lower 48 during the same period of time. The deep basins will make a welcome contribution—to our gas supply, not to oil. But as better technology and concepts improve our capabilities for both discovering and recovering petroleum hydrocarbons, the previously unexploited potential of the old areas will continue to yield billions of barrels of oil and trillions of cubic feet of gas for the markets of the future.

For the past several years, a steadily increasing portion of oil added to proved reserves has come from improved recovery practices—a cash dividend from the conservation practices that many of you in this room have helped to develop. I believe this trend will continue, and that a recovery rate of 50% of original oil in place is not an unrealistic goal to shoot for. While the tried and true waterflood will probably be the mainstay of our increased recovery efforts for years to come, the potential for miscible solvents and thermal methods offers exciting prospects for extremely high recovery rates. The stake is four billion barrels of oil for each percentile we can raise the recovery rate above the present 31 percent. Fourteen billion dollars that need not be subtracted from our balance of payments. In the context of rising demand and rising prices for oil, the attractiveness of these previously submarginal sources is greatly increased.

Throughout the President's energy message there is repeated reference to the great potential of our domestic energy resource base and the need for developing and expanding its capability to supply our needs. The independent, whose range is the domestic oil patch, is therefore a key figure in the development of our nation's petroleum resources, and he is due to remain so. The nature of petroleum occurrence in this country is such that we need the boldness, the initiative, the variety of approaches, and the sheer numbers of those thousands of participants who will get out and find the elusive and widely scattered pockets of oil and gas that are needed to replace the quantities we use. And because the job will be more difficult in the future than it has been in the past, we will need the independent's unique contribution even more. There is a definite and important role for him to play, although the forces of change will leave their mark on him, as they will upon every participant in the economic process. If he adapts to the new requirements, and meets the new demands upon his talents and resources, he will continue to be an honored and essential member of a vital industry—and the Nation will be stronger and more secure because of him.

IMPOUNDMENT—COURT ACTION AND HISTORY

Mr. HUMPHREY. Mr. President, the issue of congressionally appropriated funds has been at the center of the controversy between the executive branch and the Congress. Recent court cases on the matter of impoundment have resulted in a series of decisions overruling the White House and the Office of Management and Budget. A recent article in the Washington Star entitled "Courts Reject Impoundment in Eight of Nine Cases" provides an overall review of some of the impoundment issues that have been ruled on by the Federal courts. These cases clearly indicate that the executive branch has overreached its authority and violated both the law and the Constitution.

Congressman J. J. PICKLE, from the 10th District of Texas, has given us further insight into the issue of impoundment in a splendid article in the New York Times of June 10.

The Congressman has given us a historical analysis and review of the attempts on the part of Presidents to impound appropriated funds. Congressman PICKLE has stated the issue in clear and unmistakable terms:

> We have today the choice, as we did in 1951, of enacting new legislation. In that legislation we can legalize the new form of policy impoundments we see today or we can put the impoundment authority back into a historical perspective, with the Congress clearly in charge
>
> The decision which path we take is in the hands of the Congress and the courts.

We are indebted to Congressman PICKLE for his scholarly research and incisive definition of the issue.

I ask unanimous consent that the articles I have mentioned from the Washington Star and the New York Times be printed in the RECORD.

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

[From the Washington Star-News, June 10, 1973]

COURTS REJECT IMPOUNDMENT IN EIGHT OF NINE CASES

(By Fred Barnes)

The Maryland Department of Employment and Social Services, its treasury increased by some $20 million, will send out welfare checks as usual tomorrow.

But the stipends will be provided only because two federal courts last week forced the Nixon administration to fork over the $20 million, which it had impounded for several weeks.

The Social Security Act required the administration to hand over the money, said Judge Edward S. Northrop of U.S. District Court in Baltimore in ruling on a suit filed by Maryland officials.

And the 4th U.S. Court of Appeals, rejecting a request by Justice Department attorneys representing the administration, refused to block Northrop's order while the administration works up a formal appeal.

The Maryland case represented another embarrassing court defeat on impoundment for the administration—its eighth loss in a row.

Federal judges have ruled that impoundment was unlawful in cases involving water pollution, highway, Indian education, veterans education, housing and welfare funds.

Clearly, impoundment has turned into a legal disaster area for the administration. Its overall court record is 1–8, with the lone victory coming in April 1972 when a federal judge in San Francisco upheld the impoundment of federal housing funds.

Besides the Maryland case, the administration has suffered these recent court defeats on impoundment:

The 8th U.S. Court of Appeals, in a ruling

chastising the administration for changing its argument in midstream, declined to tamper with an order instructing the administration to turn highway construction funds over to Missouri officials.

Prodded by Judge Gerhard Gesell of U.S. District Court here, the administration was forced to begin spending $25 million appropriated to spur college enrollments by Vietnam veterans. The money had been impounded after Congress refused to withdraw its appropriation of the funds.

Judge Robert R. Merhige Jr. of U.S. District Court in Richmond, calling impoundment a "flagrant abuse of executive discretion," ruled that the administration must immediately release Virginia's share of impounded water pollution control funds.

The political or ideological persuasion of the federal judge involved in an impoundment case apparently makes little difference. Both liberals and conservatives have ruled against impoundment.

Gesell and Merhige, for instance, are two of the most liberal judges in the federal judiciary. But Northrop and the judges on the 4th U.S. Court of Appeals are among the most conservative.

For the administration, things may soon get worse. At least a dozen impoundment suits are now pending and others are expected to be filed by state and local governments whose hopes have been bouyed by the recent rulings.

In a suit filed in U.S. District Court here on Friday, Pennsylvania and the cities of Philadelphia and Pittsburgh are seeking $380 million in impounded education funds.

The other pending impoundment suits involve funds for highway construction, water pollution control, education, environmental assistance, rural electrification and land grant colleges.

The administration has already appealed what is perhaps its worst impoundment defeat in court. That was the ruling by Judge Oliver Gasch of U.S. District Court here that the administration must release $6 billion in water pollution control money.

The Gasch ruling has been challenged before the U.S. Court of Appeals. The Maryland case, once it is appealed by the administration, will be heard quickly by the 4th U.S. Court of Appeals, with a ruling expected late this summer.

[From the New York Times, June 10, 1973]

MYTH AND DISTORTIONS

(By J. J. PICKLE)

WASHINGTON.—During recent debate over Presidential authority to impound funds, constant repetition has almost made fact of the myth that our third President began the practice long ago. The charge is that President Jefferson refused to build fifteen gunboats to patrol the Mississippi River.

A portion, however, of his fourth annual message to the Congress (Nov. 8, 1804) reads: "The act of Congress of February 28th, 1803, for building and employing a number of gunboats, is now in a course of execution to the extent there provided for."

Similarly, research proves the undoing of nearly all the impoundment precedents paraded about these days.

In his comments (Op-Ed page May 25), Senator Hugh Scott proposed a case for impoundment which he purported to base on historical precedent, including the Jefferson incident, on constitutional and legislative authority, on common sense and on judicial ruling, or the lack of it, in this field. I believe a closer reading of the history books and the facts of the matter show none of his assertions provide the carte blanche authority for impounding of funds which the present Administration assumes.

When one reads beyond President Jefferson's 1803 message—he said he was deferring funds for building fifteen gunboats—and proceeds to his 1804 message, one finds that *defer* the money—not impound it—was precisely what he did.

A further reading into the history of the period sheds more light on the situation. Building the gunboats was Jefferson's idea in the first place—he preferred them to expensive forts and ships of war to defend our coastal cities. And he originally proposed to build 250 such gunboats. But the first ones built proved unwieldly, and changes in the international situation brought about by the purchase of the Louisiana territory gave the frugal Jefferson time to wait until more usable gunboats could be designed.

What is really important in the Jefferson gunboat incident is that he obviously felt a strong duty to inform the Congress when and why he was deferring the money and to inform the Congress again in 1804 that he had carried out its law.

Between President Jefferson and the twentieth century, only one other so-called impoundment precedent has been found—that of President Grant withholding some river and harbor funds Aug. 14, 1876. This case is most notable for its isolation. Most impoundments were so isolated and so sporadic as to weigh very little in the history of Federal spending.

Senator Scott is correct that the original theory of impoundment was rooted in common sense. If a project or program can be executed for less than the amount Congress appropriated, then no legislator, no citizen, no President would want to spend that extra money.

In 1941, President Roosevelt announced that because of the war emergency he was not going to allocate funds for any water resource project that did not have an important national defense value. In this, the only case of massive impoundments until the present times, Congressional outcry was massive and bitter.

Concern by both the executive and legislative branches over the legality of wartime impoundments under President resulted in the Hoover Commission of 1949 and a recommendation that further legislation be enacted to grant the President authority "to reduce expenditures under appropriations, if the purposes intended by the Congress are carried out." Again it was emphasized the President was to have authority to save money if and only if he were still carrying out the mandates of the Congress.

The Hoover Commission report resulted in the 1951 amendments to the Anti-Deficiency Act. The language of the amendments was vague and easily stretched to read as control of the race or tempo of program implementation. And it is only one step from controlling the rate of program implementation to controlling the achievement of the program at all, which is where we stand today.

The Administration seems to assume when the word "management" was added to the budget office this gave them clear authority to manage Federal funding even if it meant ignoring Congressional directions. A simple reading of the reorganization act and Executive order setting up the new Office of Management and Budget shows there is no such authority included there.

We have today the choice, as we did in 1951, of enacting new legislation. In that legislation we can legalize the new form of policy impoundments we see today or we can put the impoundment authority back into a historical perspective, with the Congress clearly in charge.

The decision which path we take is in the hands of the Congress and the courts.

MIA'S

Mr. THURMOND. Mr. President, the signing of the January 27 cease-fire agreements evoked deep emotions from a war-weary Nation. We were grateful when the last remaining ground forces were brought home from South Vietnam. We breathed a long sigh of relief when the POW's returned and we shared in the joy as they were reunited with their families.

Our happiness and sense of accomplishment, however, were tempered by the knowledge that some 1,300 American men are still listed as missing in action. Because of the agreements, which explicitly provide for expedient and accurate accounting of the MIA's, we still had high hopes of determining the fate of the brave men. It has been almost 6 months now, and our efforts have been constantly thwarted by the Communists.

The families and friends of the MIA's remain in doubt. They are living on the fringes of hope—still clinging to the slim possibility that their loved ones have survived. With this hope, however, is the dread fear that they might not be so fortunate. The overriding concern of the MIA families is to obtain concrete information on what has happened to the men. I have heard many relatives say they could take bad news, but the real mental anguish is not knowing.

Mr. President, many Americans are being cruelly tormented by the delay tactics being employed by the Communists. The agreements set up sophisticated machinery to obtain information about American MIA's and the administration is doing everything possible in this regard. We must have cooperation from the other side, however, if our efforts are to be fruitful.

It is impossible for the Communists to dodge their responsibilities in this matter. The agreement signed January 27 is unequivocal. It says:

> The parties shall help each other to get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action.

Mr. President, the Joint Casualty Resolution Center and the Four-Power Joint Military Team, set up by the agreements to account for MIA's, have done the best they can under the circumstances. They have been kept out of many areas where many men were thought to be missing. They are being kept out of Communist-held territories in Laos, where 300 Americans are missing, and Cambodia, where at least 20 men were lost.

Furthermore the Communists will not permit National Red Cross teams to inspect places where American prisoners were held. They have not yet made arrangements to return the bodies of 55 men who died in captivity. I repeat again, Mr. President, this is contrary to their written pledges.

Even with full cooperation from the Communists, the task before the inspection teams will be different. There are some 1,300 men still unaccounted for in Southeast Asia and 1,100 others who have been declared officially dead but whose

remains have not been recovered. More than 1,900 of the composite 2,400 in these two categories are the results of air crashes. There are approximately 1,000 such crash sites involving over 50 different models of aircraft. These sites are scattered throughout rugged terrain, including uninhabited jungles and mountains. Some 90 percent of these sites are in militarily contested areas or areas controlled by the other side. Unexploded booby traps and hostile guerillas present danger to the teams.

President Nixon has undertaken an historic effort to establish better relations with all nations, Communist countries included. General Secretary Brezhnev is in Washington this week in intensive negotiations which, hopefully, will further this goal. Before meaningful relations can be established, there must exist mutual trust between countries. This would be an opportune time for the Communists to prove that they can be trusted by helping use in our search for the MIA's.

EXCESS PROPERTY PROGRAM

Mr. EAGLETON. Mr. President, last year the General Services Administration announced its intention to terminate the eligibility of Federal grantees for excess property and the support functions of the Federal Government. When the proposed amendment to the Federal Property Management Regulation was published in the Federal Register, interested parties were invited to comment on the proposal. Because of the large number of comments received by GSA, the deadline for comments was extended for an additional 30 days, until July 31, 1972.

Despite this extension and despite the fact that comments on the regulation changes were still being received, the Department of Health, Education, and Welfare unilaterally terminated its excess property program for HEW grantees on July 14, 1972.

After careful review, the General Services Administration determined to continue its policy on acquisition and use of excess property pending completion of a study to determine the need for modification of the program. Thus, other Federal agencies are still operating under the excess property program, but as of July 14, 1972, no applications for excess property by grantees are being porcessed by HEW.

The HEW decision to terminate the program is contrary to existing Federal regulations. It violates the expressed intent of GSA to give further study to the merits of the program.

Mr. President, I find it ironic that at a time when the administration is concerned about inflation and fiscal responsibility, it is eliminating one of the most effective and most justifiable cost reducing programs of the Federal Government in one of its largest agencies.

In my own State of Missouri, institutions of higher education have received millions of dollars worth of valuable property—and I emphasize that is property the Federal Government no longer has use for—since the program began. The machinery and equipment acquired under the program have made it possible to carry on instructional and research programs with sophisticated materials. Strict budgetary limitations prevent these institutions from paying market prices for such equipment. Without the excess property program, the schools are unlikely to be able to obtain the kind of equipment which has so significantly enriched their programs in the past.

I believe the saving to the taxpayers through the excess property program is great. The alternative to this program is to greatly increase expenditures for higher education so that institutions can afford to pay market prices for the equipment needed to preserve the quality of instructional and research programs.

Mr. President, an excellent report on this subject entitled "Current Status of the Missouri Excess Property Program" has been prepared by the Missouri Commission on Higher Education. I ask unanimous consent that the full text of this report be printed at the end of my statement.

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

CURRENT STATUS OF THE MISSOURI EXCESS PROPERTY PROGRAM

DEVELOPMENT OF THE MISSOURI EXCESS PROPERTY PROGRAM

The Missouri Commission on Higher Education learned in mid-1971 that excess federal property could be transferred from holding agencies to grantees to support federal grant objectives for scientific research and for educational programs. The possibility of substantial benefit to programs at Missouri institutions of higher education warranted the establishment of a formal program to encourage the utilization of excess property. The initial funding of the program was through voluntary contributions from public and private institutions.

In December, 1971, two full-time staff officers were hired. From the outset, the complexity of transferring federal property was apparent, from insuring adherence to federal regulations, to developing property accountability systems, to establishing credentials at installations throughout the country. Locating sources of property was a major task in the initial months of the program. Nevertheless, over $3 million in excess property was transferred during the first year.

Thirty-nine institutions of higher education in the state had grants which could be supported by the transfer of excess property. Each of these submitted want lists, which were then consolidated. In keeping with federal requirements, requests were carefully reviewed to insure that equipment and supplies to be transferred were directly applicable to a current and open federal grant. Some institutions which received excess property chose not to participate in the Missouri Excess Property Program. Comments in this report refer only to the experience of institutions of higher education participating in the program.

Prior to suspension of Department of Health, Education, and Welfare participation, grants by the Office of Education under Titles I and II (facilities) and Title VIA (equipment) were supported. Thereafter, the principal grants supported have been those of the National Science Foundation. Occasionally transfers of property are also made in support of grants and contracts from the Law Enforcement Assistance Administration, the Department of Commerce, the National Aeronautics and Space Administration, the Bureau of Mines, and Department of Defense agencies.

By mid-1972, many additional schools were eligible for support of newly awarded grants. The initial establishment of a sound program had been achieved. Unfortunately, it was just at this time that the Department of Health, Education, and Welfare decided to suspend participation.

IMPACT OF DHEW SUSPENSION OF PARTICIPATION

On July 14, 1972, the Department of Health, Education, and Welfare announced that DHEW approval of excess property transfers would be suspended until completion of an interdepartmental study of such transfers. Despite General Services Administration recommendations to the contrary, and despite thousands of letters of protest from grantees, the decision has remained in effect.

The immediate results were quite damaging to Missouri grantees. Only 14 institutions remained eligible for support under National Science Foundation and other federal grants. Had DHEW participation continued, over 26 Missouri institutions would have been eligible for support of Title VIA and Title I grants.

In the seven months prior to July 14, 1972, excess property worth $1.2 million was transferred to 25 of the 39 eligible Missouri institutions. In the ten months after that date, $2.4 million in excess property has been transferred to 14 Missouri institutions, mostly in support of National Science Foundation grants. Requests for support of research grants and contracts from other agencies have been increasing over the past two months.

Before the cutoff date, over 80 percent of transfers were in support of Office of Education grants. Excess property transfers in support of Office of Education grants were often of benefit to entire colleges or programs. By comparison, National Science Foundation grants directly benefit a narrower group of programs and far fewer students. The provision of specialized equipment for scientific research has, of course, great national significance.

The impact of Office of Education grants was greatly enhanced by the utilization of excess federal property. Title VIA equipment grant funds of $300,000 were supplemented by $640,000 in excess property. Excess Property support of Title I and II facilities grants was also significant, amounting to about $400,000. Cost overruns in building projects have, in practice, been met in part by utilizing funds intended for equipping the new facilities, so that few new buildings are equipped as planned in the initial grant. Excess property could have supplied much of the equipment deficit, thus helping meet the federal objectives of the projects.

The total negative impact cannot be comprehended from the dollar amounts involved. Many new sources of property had just been located and a broad range of grant programs was just becoming eligible for support when DHEW participation was suspended. The negative impact of the decision was heightened by the fact that the General Services Administration and DHEW officials had been encouraging grantees to make the utilization of excess property an integral part of their planning, particularly for equipment grants, right up to the announcement date. Furthermore, in view of the stringent controls on educational budgets at the federal and state level, in an inflationary period, cancellation of the excess property program at this point seems to be an ill-timed decision.

ANALYSIS OF THE REASONS FOR DHEW SUSPENSION

Replies to inquiries concerning the suspension of participation have generally referred to an Office of Management and Budget position paper dated July 19, 1972, on "Use of Federal Supply Sources by Federal Grantees." The principal reasons given are:

1. Grantees are given priority access to

useful and valuable property, thus reducing the availability of surplus property for donation under the Federal Property Act.

2. Adequate inventory and accountability procedures are costly.

3. Use of personnel to screen property is costly.

Each of these points is subject to serious question. To the extent that problems do exist, administrative remedies are available. Termination of the entire excess property program because of minor problems is unwarranted.

The first assertion is also the least tenable. Federal grantees are indeed in a favored position. By virtue of awarding grants and contracts, the government of the United States has confirmed that the activity supported is of sufficient benefit to merit national support. Excess property represents a major way in which federal program impact may be substantially enhanced without major additional public expenditures. Moreover, in higher education, the type of property required for support of grantee activities is unlikely to reach the stage of surplus donation. Area utilization officers of the General Services Administration in Florida, California, Texas, Missouri, Virginia, and Illinois have stated that it is their responsibility to see that federal agencies utilize excess property to the fullest extent possible. They deny that the more desirable equipment and supplies will reach the point of surplus property donation.

In addition, the report of the Task Force on Procedural and Organizational Changes of the National Association of State Agencies of Surplus Property dated December 12, 1972, acknowledges difficulties in equitable allocation and distribution of surplus property:

"The geographical sub-division of the organization into various HEW regional operations has resulted in establishing barriers which discourage and handicap the personnel from providing their services beyond regional boundaries. Furthermore, the system of H.E.W. Regional staffing does not take into account the concentration of federal property in the country with the result that system does not provide adequate means to accomplish equitable allocation and distribution."

This has not been a problem in the acquisition of excess property by institutions of higher education in Missouri.

The second problem, maintaining inventory and accountability for property, has not proven to be a major problem. Procedures are well-defined and estabished and fit in with normal agency and institutional programs. In the case of property transferred in support of National Science Foundation grants, the institution usually acquires title to the property.

The third assertion, that personnel for screening property are costly, is actually quite a complex matter. But it should be obvious that no rational system would invest in a service which returns less than it pays. In Missouri, the ratio of return to investment ran over 60 to 1 the first year. The problem of screening property applies to surplus property too. Representatives of each institution must visit the State Agency to select material. The use of a central service, as in Missouri, is an economic solution to obtaining excess property. Excess property is not an unlimited commodity, and competition among agencies is keen for more desirable items. The limited screening staff available to most State Agencies for Surplus Property has its hands full with the location of surplus property. A major savings in cost comes from the lack of any need for warehousing facilities for excess property. Charges to the institutions involve screening, transportation, and sometimes packing, crating, and handling. No expensive warehousing facilities and staff are involved, however, as is the case in surplus property operations.

Please note that all these comments relate to the experience of institutions of higher education only. The operations of secondary schools and vocational education programs are different administratively, as well as different because of the less sophisticated programs and far greater numbers of people involved.

EXCESS PROPERTY AND THE PUBLIC INTEREST

The utilization of excess property is of national public benefit for several reasons. The program ensures that equipment purchased by tax dollars is used to public benefit. Utilization of excess property by institutions of higher education permits those institutions to enhance, extend, and sophisticate their programs. In many instances, while quite sophisticated equipment was needed for proper education, excess property has been the only source for such equipment in view of limited budgets. This is particularly true in the case of electronic equipment for instructional purposes.

Continuation of the federal excess property program is in the national interest. Participation in the program should be resumed by the Department of Health, Education, and Welfare. Agencies not currently utilizing federal excess property in support of their grant activities, such as the National Institutes of Health, should be encouraged to initiate participation. Higher education, government-sponsored research, and utilization of public property would all benefit from an expanded federal excess property program.

EXHIBIT 1. INSTITUTIONS PARTICIPATING IN THE MISSOURI EXCESS PROPERTY PROGRAM PRIOR TO JULY 14, 1972

Avila College.
Central Missouri State University.
East Central Junior College.
Florissant Valley Community College.
Forest Park Community College.
Jefferson College.
Kansas City Art Institute.
Lincoln University.
Meramec Community College.
Missouri Southern State College.
Missouri Western State College.
Northeast Missouri State University.
Northwest Missouri State University.
Park College.
Penn Valley Community College.
Southeast Missouri State University.
Southwest Baptist College.
Southwest Missouri State University.
Stephens College.
St. Louis University.
St. Mary's College of O'Fallon.
University of Missouri—Columbia, Kansas City, Rolla, St. Louis.

EXHIBIT 2. INSTITUTIONS CURRENTLY PARTICIPATING IN THE MISSOURI EXCESS PROPERTY PROGRAM

Central Missouri State University.
Columbia College.
Northeast Missouri State University.
Northwest Missouri State University.
Park College.
Southwest Baptist College.
Southwest Missouri State University.
St. Louis University.
The Lindenwood Colleges.
University of Missouri—Columbia, Kansas City, Rolla, St. Louis.
Washington University.

EXHIBIT 3. LIST OF EXCESS PROPERTY ITEMS TRANSFERRED

Abrasive wheels.
Accelerometers.
Airplane.
Amplifiers, various.
Asher, low temperature.
Audio recording tape.
Audio signal generator.
Automatic dispensing burrettes.
Balance.
Barrels, syringe.
Bi-directional counter.
Blood gas analyzer.
Bookcases.
Brass sheet.
Bulletin boards.
Cable, coaxial.
Cages, animal.
Calculators.
Calibrators, electronic.
Cameras.
Centrifuges.
Chairs.
Chemicals, laboratory.
Circuit breakers.
Citizen band transceivers.
Clarinet.
Cloth.
Colorimeter.
Connectors.
Coulter electronic counter.
Cryoflask.
Crystal mixer.
Cystoscope.
Degreaser.
Desks, office.
Desks, student.
Dessicator, plates.
Developer, photographic
Developer, xerographic.
Digital counter-timer.
Digital multimeter.
Dissecting scissors.
Distillation apparatus.
Distortion analyzer.
Drill presses.
Drums.
Drum heads.
Duplicating machine.
Dynograph.
Electrolytic hygrometer.
Electrophoresis cell.
Electron tube test set.
Ellipsograph.
Environmental chambers.
Expanded scale meter.
Fans.
Filing cabinets.
Film, photographic.
Fire extinguishers.
Flame photometer.
Flutter meter.
FM calibration unit.
FM signal generator.
Forceps.
French horn.
Frequency counters.
Frequency meters.
Furnace, micro-combination.
Furnace, tube.
Gages.
Galvanometer.
Gas chromatograph.
Gaseous oxygen transfer unit.
Generator, square wave.
Gold wire.
Grommets.
Hardness tester.
Heating unit.
Helium cart.
Honing machine.
Hydraulic press.
Hydraulic test console.
Hydrogen flame detector.
Incubator.
Indicator.
Indicator light.
Jet aircraft simulator.
Keypunch, IBM 56.
Kit, wash test.
Klystron power supply.
Laboratory stools.
Light box.
Light bulbs.
Linear variable transformer.
Magnetic eraser heads.
Magnometers.
Map cabinets.
Medical books.
Microdensitometer.

Microfiche reader.
Micrometer.
Microphone.
Miscroscopes.
Microvoltmeter.
Milling machines.
Miscellaneous electronic parts.
Miscellaneous office supplies.
Miscellaneous tools.
Modulator.
Monitor system.
Motors.
Motor generator.
Multilith offset press.
Multimeter test leads.
Nikon camera lens, 55mm.
Null balance detector.
Oboe.
Open fault locator.
Optical comparator.
Optical prism.
Oscillators.
Oscillogram processor.
Oscillograph.
Oscilloscopes, various.
Oscilloscope plug-in modules, various.
Oscilloscope cameras.
Outboard motor skiffs and trailers.
Panel meters.
Panendoscope.
Paper, various.
Pen points, drafting.
PH meters.
Photometer, flame.
Photomultiplier.
Photostat machine.
Planimeter.
Platinum.
Platinum crucibles.
Polishing compound.
Pot, 60 quart.
Potentiometer.
Power supplies, various.
Power supply modulator.
Precision drafting machines.
Pressure regulator assemblies.
Pressure/vacuum unit.
Projector, movie.
Projectors, slide.
Projectors, opaque.
Projectors, overhead.
Pulse generators.
Pump, water.
Pumps, vacuum.
Pyrometers.
Q meter.
Quartz Lamps, infra-red.
Radio interferometer.
Receiver subassembly.
Recorder, chart, various.
Recorder, tape.
Recorder, thermal writing.
Recorder, television.
Rectifier.
Reflectometer.
Refractometer.
Resistance meter.
Respirators.
Reversible motor.
RF test sets.
RF tuners.
Rivet spinner.
Rotary file.
Roto-tellite switches.
Saxophone.
Scintillation detector.
Sensitive video VTVM.
Sewing machine.
Shower, emergency.
Sieves, standard.
Sieve shaker.
Signal generators, various.
Small parts cabinets.
Sonic measuring system.
Sousaphone.
Spectrophotometer.
Spectrum analyzer.
Splints.
Sterilizers.
Suction appartus.
Surgical scissors.
Surface plate, granite.
Sutures.
Tables, drafting.
Tape recorder test set.
Telescopes.
Teletype unit.
Temperature chamber.
Temperature recorder.
Tester, dead weight.
Theodolite.
Thermometer.
Thermocouples.
Time meter.
Timer.
Titrator.
Transducer and strain gauge.
Transient light detector.
Transistor test set.
Trombone.
Truck.
TV cameras.
TV monitors.
Typewriters, various.
Ultraviolet lamps.
Vacuum chamber.
Vacuum ovens.
Valves.
Vectorscope.
Vibrotest Megohmeter.
Video mixing and gating controls.
Vidicon tubes.
Voltage calibrator, AC.
Voltmeters, various.
Wall clock.
Watt meters.
Waveguide probe.
Wire gauge.
X–Y recorder system.
Zeiss metallograph.

CHOLESTEROL AND THE LAW

Mr. SAXBE. Mr. President, Dr. Richard N. Podell of the Harvard School of Public Health has done extensive research to determine the effects that current government policy and food laws have upon efforts of physicians to persuade the American people to reduce their intake of high cholesterol foods. His conclusion is that many of our laws today actually hold back the development and sale of appetizing low cholesterol, low saturated fat food. Dr. Podell has prepared a paper on the subject entitled, "Cholesterol and the Law," and I ask unanimous consent to print it in the RECORD.

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

CHOLESTEROL AND THE LAW

(By Richard N. Podell, M.D.)

In 1965 the American Heart Association recommended that the public restrict intake of cholesterol and saturated fat. Recently the A.M.A. Council on Food and Nutrition endorsed a similar policy.

Will Americans be able to accept these recommendations despite a clear preference for foods which are high in cholesterol and saturated fat? Perhaps, but only if the foods which are low in cholesterol and saturated fat meet the public's demand for good taste at a reasonable price. Fortunately, we have the technology to produce most of our favorite high cholesterol, high saturated fat foods in versions which have less cholesterol and saturated fat. Yet many of these desirable products are not generally available. Why?

Food laws and government policy have held back the development and sale of appetizing low cholesterol, low saturated fat food. As a result individuals are forced to choose between foods they enjoy and the foods their doctor recommends. In effect we have unintentionally established a powerful "procholesterol" national food policy. We can examine the effects of this policy on the nation's eating habits in four major areas.

First is the problem of insufficient information on food labels. On January 19, 1973 the Food and Drug Administration announced that it will begin to allow the cholesterol and saturated fat content of foods to be printed on their label. Previously a statement of cholesterol or saturated fat content had been forbidden. Now the manufacturer may declare it, but is not required to do so. He still may make no "claim indicating suggesting or implying that the product will prevent, mitigate or cure heart or artery disease . . ."

The January 19th regulations are a major step forward, but, they do not go far enough. One doubts that manufacturers of foods high in saturated fact or cholesterol will so label them voluntarily. Therefore even the alert consumer still will not know whether to avoid these foods, or how to choose the best among several high cholesterol brands.

For example, most of the non-dairy "creamers" are made largely from coconut oil, which is a highly saturated fat. Their labels could state that coconut oil content. Instead almost all the brands are described as made with "vegetable fat" or "vegetable oil", suggesting to many that they have little saturated fat. It does not seem likely that these manufacturers will voluntarily disclose their products' content of saturated fat.

The consumer would be much more likely to obtain the information to choose a cholesterol-saturated fat restricted diet if we *require* a statement for those foods which are high in cholesterol or saturated fat.

A second problem has been the legal restrictions on the sale of substitutes for important high saturated fat foods.

For example, milk may be prepared using vegetable oil in place of the highly saturated milk fat. This is called filled milk. If the vegetable oil is predominantly unsaturated, filled milk can be an excellent food for persons on a cholesterol lowering diet. Yet filled milk has been illegal in interstate commerce. The federal Filled Milk Act of 1923 states:

"It is hereby declared that filled milk is an adulterated article of food, injurious to the public health and its sale constitutes a fraud upon the public . . . It shall be unlawful for any person to . . . ship or deliver for shipment in interstate or foreign commerce any filled milk."

In November, 1972 a United States District Court ruled that the Filled Milk Act violates the Constitution. At this writing, the Filled Milk Act is not being enforced, but it is not clear whether the government intends to appeal the decision to a higher court. If the decision stands an important barrier to the development of an excellent food will fall. However other legal barriers remain. Several states have their own versions of the filled Milk Act. Also, the United States Department of Agriculture requires that filled milk sell at an artificially high price, thus decreasing its attractiveness to the consumer.

Cheese is another important dairy product which is relatively high in saturated fat. Cheese can be made from skim milk, but most people prefer the taste of fattier cheese. Fortunately simple "filled" cheeses are excellent alternatives to standard cheese. (Adequate substitutes for the more exotic varieties have not been developed). Yet most of the supermarket managers I interviewed had never heard of filled cheese. None were stocking it on their shelves.

Part of the reason may be the federal Filled Cheese Act. This law sets a small but bothersome annual tax on every grocery or supermarket selling filled cheese. In addition it provides that:

"Every wholesale dealer and every retail dealer in filled cheese shall display in a conspicuous place in his sales room a sign

bearing the words 'Filled Cheese Sold Here' in black faced letters not less than six inches in length. . . "

Individual states have also passed laws which inhibit the sale of filled cheese.

Ice cream is another favorite high saturated fat food. However its calories are more than one quarter saturated fat. Ice milk contains less saturated fat, but even so saturated fat contributes fifteen percent of its calories.

Mellorine is a name for ice cream in which the saturated milk fat is replaced with vegetable oil. Mellorine has far less cholesterol raising effect than ice cream. Yet mellorine is *illegal* in many states.

Until recently it was even illegal to replace the saturated fat of hot dogs with unsaturated vegetable fat.

The third problem area concerns the incentives for food companies to pursue the development of new low cholesterol, low saturated fat foods. Food development and marketing is expensive. The cost of a nationally marketed failure is five million dollars or more. Private companies face particularly difficult decisions if their new low cholesterol products compete with their own high cholesterol foods. Such factors discourage innovation. Even so we have learned to produce excellent low saturated fat, low cholesterol foods.

This ability was strikingly demonstrated at the St. Paul's School of Concord, New Hampshire. A team of nutritionists from the Harvard School of Public Health helped St. Paul's modify the recipies for their usual foods. Major food companies cooperated, providing products which include vegetable oil filled hot dogs, a cholesterol-free egg mix, a corn oil substituted cheese, a highly poly-unsaturated margarine and a soybean oil non-dairy creamer. Vegetable oil substituted ice cream was made on campus as was a low butterfat milkshake. The result was good food, student acceptance and a substantial drop in the boys' serum cholesterol. The National Diet Heart Study demonstrated similar results for several hundred middle aged volunteers.

Each new food product requires a major selling point. For the low cholesterol, low saturated fat foods the major selling point is obviously the probable benefit of lowering blood cholesterol. However in recent years regulations have severely restricted marketing efforts based on this theme. Perhaps the regulatory agencies are now prepared to accept a more realistic approach to the marketing of low cholesterol food. How far they have advanced is not yet clear.

If marketing is inhibited then sales are limited, costs rise and storeowners are reluctant to give valuable shelf space to the new product. Therefore, long term demand is not likely to develop. Faced with such prospects many prudent companies will decide not to market low cholesterol-low saturated fat products at all.

The vicious cycle just described must be broken if Americans are to have a realistic opportunity to choose a low cholesterol diet. This can be done in several ways. The company's financial risk can be shared through government research and development grants or contracts. Responsible, honest, but aggressive advertising must be allowed and encouraged. The public and the medical profession should have access to a list of low cholesterol, low saturated fat substitute foods. Physicians and consumer groups should encourage local food stores to reserve a section where customers can locate low cholesterol diet foods.

The fourth problem area involves the policies of the major institutions which directly choose the recipes and menus for many Americans. For example, the United States Government supplies meals to millions of servicemen and civil servants. State governments, hospitals, universities and major businesses serve millions more. An important illustration of an institutional food policy is provided by the School Lunch Program.

Each year government provides billions of lunches to school children. Two years ago nutritionists reported an analysis of the fat content in a sample of school lunches. On the average fifty percent of the fat was saturated, a value higher even than that in the average American diet. Certainly no one deliberately tried to raise the cholesterol of the nation's school children, but that was the effect.

The explanation for our pro-cholesterol food policy is complex. The most restrictive legislation was passed before we began to understand the relationship between diet and heart disease. Its purpose was to protect the consumer from deception and certain producers from competition. It is not clear why this policy has not been completely revised in the light of current medical recommendations. However one important reason may be that the motivation behind food policy is usually economics or protection from fraud. Health implications are considered important only occasionally. Until recently few physicians and fewer politicians had looked at the impact of food policy on national eating patterns. Therefore the effects of food legislation on cholesterol have not been a focucs of major concern.

Ultimately each individual should be free to adopt a high or low cholesterol diet as he or she wishes. But the policies of government and industry profoundly influence the comparative attractiveness of the alternatives. Present policy unnecessarily encourages eating patterns which lead to high cholesterol levels. Physicians spend much time treating the effects of atherosclerosis and much energy urging patients to practice preventive medicine. Therefore physisians have a special interest in laws and policies which support rather than hinder these efforts. I believe we also have a special responsibility to speak out on the issues.

ARTS AND THE OLDER AMERICANS

Mr. CHURCH. Mr. President, Congress must, of necessity, deal with harsh problems facing so many older Americans: inadequate retirement income, health care costs that keep rising despite Medicare's essential assistance, nutritional inadequacies, nursing home deficiencies, and much more.

We should and will continue our efforts to deal with such problems, but it seems to me that we should also keep watch over positive developments which make life not only better, but more enjoyable, for the elderly of this Nation.

One of the most heartwarming of these developments is occurring in Idaho and in growing numbers of communities and regions of the United States.

I am referring to programs which bring the elderly together with arts of all kinds. In some cases performing artists visit the elderly; in some cases the elderly are the performers; in many other cases, other talents and skills of older persons are being developed or renewed.

In the words of the National Council on the Aging:

As our society moves closer to enabling the aged to gain an adequate income, decent housing or secure dependable health services, it must also assure that the family of man and its institutions includes them in opportunities to enjoy the full human experience.

The "full human experience" has certainly been broadened in my home State by an "Arts for Idaho's Senior Citizens" which has made impressive strides in less than 2 years.

The Idaho Arts Commission, the Idaho Office on Aging and Boise State College have formed a partnership which concentrated at first upon bringing entertainment to senior citizen audiences. As of May 1, 88 cultural and artistic programs had been completed in the Treasure Valley area of the State; 22 different performers had entertained 30 different audiences in 10 different communities. An expansion program to the Magic Valley area had, by May 1, completed 10 programs involving 4 different performers for 6 different audiences in 6 communities. Some entertainers are young persons just beginning their careers; others are seasoned artists. All of this is done at no cost to senior citizens and it is available at their request. To judge by the comments made by the elderly at the end of such performances, the programs are enthusiastically received and well attended.

The success of the program has led directly to the first annual Idaho Senior Citizen Talent Show, held eve of this year's annual State conference on aging last month in Boise.

Mr. President, I ask unanimous consent that the program for that event be printed at the end of my remarks. It will give some idea of the magnitude of the event and the number of persons who participated in the actual show and the preparations for it.

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

(See exhibit 1.)

Mr. CHURCH. It is impossible in this statement to describe the complete success of the show; suffice it to say that it was a smash hit in which older persons from all parts of the State—the winners in regional contests held earlier—took enthusiastic part. Some of the entertainers displayed talents which had been developed over a period of decades. Others—such as a group of five blind persons who sang, danced, and played musical instruments—had come into being only within a period of months.

It is clear that the show will become an annual event and an Idaho tradition. Dr. Gerald Reed, talent show organizer and director of special projects for Boise State College, even hopes that 1974 efforts will include a "Festival of Heritage Arts" to display handwork talents of Idaho's elderly.

One of the significant features of the Idaho arts project is that Dr. Reed and many others of those involved are donating their time and talents. There is a multiplier effect at work here: the modest funds provided by the Arts Commission and Office on Aging are yielding big dividends because community interest and support runs so high.

I have described the Idaho program and talent show in some detail because I believe that they have set an example which could be followed elsewhere.

It also seems to me that the Idaho experience makes persuasive arguments for broadened interest at the Federal

level in activities that increase cultural opportunity for the elderly.

A promising beginning has already been made. Last year, when I suggested to the Administration on Aging that it encourage programs similar to Idaho's, I was told that the AoA was working with the John Kennedy Center for the Performing Arts on a survey of the elderly and the arts. A distinguished advisory committee and the National Council on the Aging were also involved. Their interest led to the publication of an excellent booklet, "Older Americans and the Arts: A Human Equation," written by Mrs. Jacqueline Sutherland of the NCOA staff. Another step was taken recently when the NCOA established a Center for Older Americans and the Arts. Mrs. Sutherland has been called upon, with increasing frequency, to give technical advice in many parts of the Nation. She has been to Boise and has selected the Idaho project as a fine example of what can be done to bring the arts and the elderly together. That center is now funded with a 6-month grant from the National Endowment for the Arts.

A recent report from the NCOA Center gives several examples of growing interest in arts and the elderly. I ask unanimous consent to have an excerpt from that report printed at this point in my remarks.

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

DETAILS OF EXAMPLES OF CONSULTATION

1. An arts component has been added to the curriculum of the Aging Section of the Division for Continuing Education of Catonsville Community College, Catonsville, Maryland as the result of discussions initiated by us. We further suggested formation of "The Autumn Players Troupe", identified a funding source and helped write the proposal which resulted in a $9,000 grant.

Now in its planning stage, this creative dramatics project is involving retired persons of the area in the entire gamut of play production and APT's tour throughout Maryland in Summer, 1973 will extend statewide living proof of the positive effects of engaging in creative expression. Further this art activity is being purposely utilized by the school to reach and inform older persons of the opportunities for continuing education at the college.

2. Kankakee Community College, Kankakee, Illinois added an arts component to the curriculum of the on-going pre-retirement seminars offered around the State to businesses and unions following several discussions with Center staff and has employed retired persons as staff to implement this new phase of their activity.

3. Artists-in-residence are now housed in an untold number of Senior Centers throughout the nation. This is a direct result of a memorandum issued by the National Institute of Senior Centers, a program of NCOA followed by consultation by Senior Center program people with our Project Director. The objective is three-fold:

(a) Expose older persons to qualified instruction;

(b) provide them opportunity to share a relationship with the young;

(c) give young artists field work experience and introduce them to a totally new opportunity for employment upon graduation.

4. Problem: Neighborhood cultural centers of the Model Cities Program, are becoming aware that far more older people live in their neighborhood than when the program began six years ago. Originally geared to serve the young, they now seek ways to also serve older persons.

Solution: When a Denver, Colorado group visited our office, we—

(a) recommended program content;

(b) informed them as to funding mechanisms in the field of aging;

(c) established, as a continuing resource, contact for them with the Regional Office of NCOA in Denver, located just two blocks from their own office but about which they had no knowledge. This contact resulted in establishing a pattern of response and service by us with Model Cities personnel in major cities throughout the nation, such as New York City, Seattle, Wash., Atlanta, Ga., etc.

5. Arts forums held in major cities are now including the aged and their talents and needs as part of any agenda taken to the community for the first time. Staff has participated in several forums held in the states of Georgia, Maryland, New York and Florida. Invitations have been accepted to appear as a panelist or resource person in Kentucky, Tennessee, Illinois and Colorado during the next three months.

6. The Rhode Island State Arts Council and the State Commission on Aging have held a combined *Arts and the Aging Conference.* Staff initiated and participated in the conference held in November, 1972, after we learned that no dialogue had ever existed between the two groups. The resources of both are now being employed to achieve "Older Americans and the Arts" objectives.

One of our long-range goals will be to spark similar relationships between Arts Councils and Aging Commissions in every state.

Mr. President, I believe that the National Endowment, the Administration on Aging, and the Kennedy Center are to be commended for the support and leadership they have provided thus far. I also believe that the time has come for broadened Federal effort to provide modest amounts of support to encourage grassroots interest and support of the kind that has yielded such rich dividends in Idaho.

As soon as funding is provided for the Older Americans Act Amendments of 1973, now Public Law 93-29, I intend to ask the new Commissioner of Aging, Dr. Arthur Flemming, to review AoA plans to build upon the foundation they have already provided. It seems to me that AoA should have a major leadership position in this area.

As chairman of the Senate Committee on Aging, I will also do what I can to encourage the development of other programs intended to enrich the lives of older Americans by the display of their own talents or by enjoyment of the talents of others.

EXHIBIT 1

PROGRAM: FIRST ANNUAL IDAHO STATEWIDE SENIOR CITIZEN TALENT SHOW

Welcome and Opening Remarks.

Dr. Jerry Reed, Director, Talent Show, and BSC Office of Special Projects (Mrs. Barbara McGowan, Secretary and Assistant Director, Talent Show).

Introductions.

Suzanne D. Taylor, Executive Director, Idaho Commission on the Arts; Mr. Wil Overgaard, Deputy Director, Idaho Office on Aging; Mr. Tim Bird, Program Technician, Idaho Office on Aging; Mr. Ed Wimmer, Grants Management Specialist, Idaho Office on Aging; Marjorie Lynch, Regional Director, ACTION.

Mrs. Cecil Andrus, Judge.
Mr. John Collias, Judge.
Mr. Kenneth Hill, Judge.
Mrs. Len Jordan, Judge.
Mrs. Marion Tanner, Judge.
Miss Suzanne Taylor, Judge.
Mr. Carl Warner, Judge.
Mr. Bob Gibb, Master of Ceremonies.

(1st Special) Oinkari Basque Dancers.

1st Place Winner, Lewiston Regional Contest.

(Hod Kincaid, Oral Presentation).

2nd Place Winner, Pocatello Regional Contest.

(Cecile Chambers, Violin Solo).

1st Place Winner, Twin Falls Regional Contest.

Belua Russel, Gay Nineties Dance.

2nd Place Winner, Treasure Valley Regional Contest.

(Musical Misfits, Musical Selections).

(2nd Special) David Six, with Joan Immesberger at the piano.

1st Place Winner, WICAP Regional Contest.

(Fred Haun on the Dulcimer).

2nd Place Winner, Lewiston Regional Contest.

(Ben Bear, Recitation).

1st Place Winner, Pocatello Regional Contest.

(Fulton Caldwell, Vocal Solo).

2nd Place Winner, Twin Falls Regional Contest.

(Zella Pace, Ragtime Piano).

(3rd Special) Mr. Carroll Meyer, at the piano.

1st Place Winner, Treasure Valley Regional Contest.

(The Blind Five, Musical Selections).

2nd Place Winner: WICAP Regional Contest.

(4th Special) "The Blackfoot Hotfooters".

Awards.

A SUMMARY OF THE WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

Mr. DOMENICI. Mr. President, I am very proud of the roles of leadership various individuals, educational institutions, and organizations from New Mexico are playing in dealing with problems of national consequence. As an example of the kind of leadership I am referring to, I am pleased today to request the printing in the RECORD of a document entitled "A Summary of the Federal Water Pollution Control Act as amended, October 18, 1972."

This document was prepared for a seminar series on the Water Pollution Control Act Amendments of 1972 by the New Mexico Environmental Institute under the direction of Prof. John W. Hernandez, Department of Civil Engineering, College of Engineering of New Mexico State University in Las Cruces, N. Mex.

I commend this summary to the attention and consideration of my colleagues and ask unanimous consent that it be printed in the RECORD.

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

A SUMMARY OF THE FEDERAL WATER POLLUTION CONTROL ACT AS AMENDED, OCTOBER 18, 1972

(By John W. Hernandez)

ACKNOWLEDGEMENTS

This summary and analysis were prepared by John W. Hernandez, Department of Civil Engineering, New Mexico State University, under a Title I, Higher Education Act grant. Parts of the text, particularly sections under Title V were taken from a publication titled

Federal Water Pollution Control Act Amendments of 1972—An Analysis of PL 92-500, by David E. Gushee, Analyst for the Congressional Research Service, The Library of Congress.

TITLE I: RESEARCH AND RELATED PROGRAMS

Section 101. Goals and Policy

Goals: In the Act, Congress has shown clear intent to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. Two significant National goals are enunciated:

(1) that by July 1, 1985, wherever attainable, water quality will be maintained that will provide for the protection and propagation of fish, shellfish, and wildlife, and provide for recreation in and on water; and

(2) that by December 31, 1985, the discharge of pollutants into all navigable waters will be eliminated.

Policy: The Act contains a number of policy statements, including:

(1) that the discharge of toxic pollutants in toxic amounts be prohibited;

(2) that Federal financial assistance be provided to construct publicly owned waste treatment facilities;

(3) that area-wide planning be implemented for waste treatment management; and

(4) that public participation be provided for in the development, revision, and enforcement of any regulation, standard, effluent limitation, plan, or program.

Section 102. Comprehensive Plans and Program

The Act places particular emphasis on the concept of a continuing planning process that involves all concerned parties and that leads to the development and updating of comprehensive pollution control plans by river basins. In each basin where a significant water quality problem exists, a planning agency will be designated by the governor(s) of the state(s) concerned to prepare a comprehensive management plan. An example of a part of such a plan for a basin would be the development of recommendations for the location and nature of treatment works to provide the most effective and economical means of pollution control within the basin. Another element of a basin plan would be recommended means of encouraging both multi-municipal and industrial use of such treatment works (see also Section 208).

Section 104. Research investigations, training, and information

Special studies and research are provided for in the Act (not all are listed in Section 104) that range from studies of the Great Lakes, lake pollution, and estuary studies to pesticide studies. Among programs worthy of note are the following:

Surveillance System—Federal agencies are to cooperate with states, and their political subdivisions, to monitor and report on the quality of navigable waters, groundwaters, the contiguous zone, and oceans.

Oil Pollution Studies—EPA, with the Coast Guard, is to engage in research, studies, experiments, and demonstrations for control of oil and hazardous substances and to report (in the Federal Register) on specifications and technical information on chemicals used to control and remove these substances. Studies are also to be conducted on the long-term chronic biological effects of the disposal of oil wastes.

Vessel Wastes—The Coast Guard is to conduct studies on the equipment to be installed on vessels to receive, retain, treat, or discharge human wastes, particularly from small recreation vessels.

Section 106. Grants for pollution control programs

Under this Section, states are eligible to receive what EPA determines to be the reasonable costs of developing and carrying out a pollution control program. Beginning in fiscal 1974, to qualify for a grant each state will be required to set up the equipment and procedures to evaluate water quality throughout the state and a procedure for an annual updating of these data. By January 1, 1975, and annually thereafter, each state agency must file (with EPA) a report on actual water quality in the state and compare it to that set by water quality standards. The report must include an analysis of how the existing water quality provides for the protection of aquatic life and for recreation and recommendations for additional actions for continued improvements in water quality. Also required is an estimate of costs and benefits of meeting a clean water goal and a proposed plan of action to bring non-point sources of pollution under control.

Section 115. In place toxic pollutant

EPA, with the Corps of Engineers, will identify and remove in-place harbor and waterway pollutants. (Possible examples of such pollutants include sludge beds or sediment deposits that constrict the waterway or tend to constitute a contributing source of organic pollutants.)

TITLE II: GRANTS FOR THE CONSTRUCTION OF TREATMENT WORKS

Section 201. Purpose

The purpose of Federal grants for publicly owned waste treatment works (POTW) is to insure that management plans and practices are employed that provide for the application of the "best practical waste treatment technology" available.

ELIGIBILITY FOR CONSTRUCTION GRANTS

The EPA is authorized to make construction grants to any state, municipality, or intermunicipal or interstate agency up to the time that comprehensive area-wide basin plans have been developed and approved and appropriate management agencies designated and approved. When these plans and agencies have been approved, no grant will be made unless the proposal issues from an approved agency and conforms to an approved plan.

For grant purposes "construction" includes feasibility studies, engineering, economic analyses, surveys, designs, plans, working drawings, specifications, construction, modifying or extending facilities, and buying existing facilities to make them part of an area-wide waste-treatment management system.

The term "treatment works" includes facilities used in storage, treatment, recycling, and reclaiming of liquid municipal or industrial wastes. Also included are such related facilities as waste-water collection systems, pumping equipment, standby units, and land acquisition for either the treatment facilities or ultimate disposal of residues. It can also include other approaches to preventing, abating, reducing, storing, treating, separating, or disposing of municipal wastes such as storm-water runoff or industrial waste, inluding waste in combined stormwater and sanitary sewer systems. Any grant application involving these latter elements, however, should provide evidence that these other aproaches are a cost-efficient alternative to the more conventional treatment works.

For a sewer collection system to qualify it must be a replacement or major rehabilitation of an existing system necessary to the total integrity and performance of the system, or in the case of a new collection system in an existing community there must be sufficient existing or planned capacity at the sewage treatment works to handle the additional flow.

BEST PRACTICAL WASTE TREATMENT TECHNOLOGY

There is no concise definition of the term "best practical waste treatment technology" in the Act. This Section of the Act indicates that the application of "best practical technology" in the design and operation of sewage treatment plants will include the consideration of advanced waste treatment technology, but it does not specifically call for the application of tertiary treatment. The Act contains two specific requirements that must be met, and EPA can not make grants after June 30, 1974, unless both are satisfied. These are that:

(1) alternative waste management techniques have been studied and evaluated and that the proposed works are based on the best practical technology over the life of the work, and

(2) proposed works take into account and allow, to the extent practical, the application of technology at a later date that provides for reclaiming or recycling of water or elimination of the discharge of pollutants.

EXCESSIVE INFILTRATION

In addition to the two provisions on "best practical technology," no grant may be approved after July 1, 1973, unless it can be shown that the sewer collection system discharging into the proposed treatment works is not subject to excessive infiltration.

EPA is authorized to award grants for studies of existing sewer systems to evaluate infiltration.

ENCOURAGE WASTE TREATMENT MANAGEMENT

The Act lists a number of management practices to be encouraged, including:

(1) management on an area-wide basis that provides control over all point sources and non-point sources of pollution, including in-place or accumulated pollutants;

(2) multiple-user revenue producing facilities that provide for recycling and reclamation of waste waters; and

(3) management that combines "open-space" and recreational use of water and lands.

Section 202. Federal Share of Construction Costs

Federal grants are normally for 75 percent of eligible project costs. Federal grants for all sources for a project cannot exceed 80 percent of the total project costs.

Grants awarded after January 1, 1971, and before July 1, 1971, on which actual construction had not begun by July 1, 1971, will also be increased to 75 percent on request of the applicant, provided that the project has associated with it an ongoing or proposed waste-water collection system costing as much or more than the treatment works and provided further that the state water pollution control agency certifies that adequately treated effluents from the treatment plant must be returned to the groundwater in order to insure that groundwater supplies will be sufficient and suitable for the area's water supply needs.

Publicly owned treatment works on which construction was started after June 30, 1966, but before July 1, 1972, will be reimbursed for the difference between the amount they did get as Federal financial support and 50 percent of total cost, provided the project was approved by the appropriate state water pollution control agency and met the requirements of the Water Pollution Control Act in effect at the time the project was initiated. If the project was, in addition, constructed in conformity with a comprehensive metropolitan treatment plan, it gets an additional 5 percent of total cost.

Section 203. Plans, Specifications, Estimates, and Payments

Each applicant must submit to the EPA for approval plans, specifications, and estimates for each proposed project. EPA approval is deemed a contractual obligation of the United States for payment of its proportional contribution to such project. As work on the project progresses, partial payments for construction costs incurred may be made. These payments may not exceed the Federal share of the cost of construction incurred

to the date plus the Federal share of the value of the materials which have been stockpiled. After completion of the project and approval of the final payment by EPA, EPA will pay the remaining balance of the Federal share for the project.

Section 204. Limitations and Conditions on Federal Grants to A Public Agency

USER CHARGES

The EPA has issued guidelines applicable to payment of waste treatment costs by certain industrial and non-industrial recipients of waste treatment services that establish classes of users and criteria against which to determine adequacy of treatment service charges imposed on various classes of users. One requirement is that the charge must reflect all factors influencing cost of waste treatment.

Before a public agency can obtain a grant for any treatment works, the public agency must adopt a system of charges that provides:

(1) that each recipient of services pay its proportional share of operating, maintenance and replacement costs; and

(2) that industrial users pay for that portion of construction costs which is allocable to the treatment of the industrial waste and an appropriate share of the Federal portion of the costs of construction.

Section 208. Area-wide planning

DESIGNATION OF AREAS HAVING WATER QUALITY PROBLEMS

Based on EPA guidelines, each state will identify areas that have substantial water quality problems because of urban-industrial concentrations or other factors. The governor(s) of the state(s), after consultation with local governmental officials, must designate (a) the boundaries of the area, and (b) a single organization capable of developing effective area-wide waste treatment management plans for the area. If this has not been done by July 18, 1973, designation of such areas can revert to a local government through local initiative.

PLANNING PROCESS

The planning organization for an area has one year from the date of designation to establish a continuing area-wide waste treatment planning process. Elements of the management plan are:

(1) Provision for management of all area waste waters, including runoff;

(2) provision for considering management alternatives;

(3) provision for treatment works to handle present and anticipated municipal and industrial wastes for a 20-year period, including waste-water and storm-water collection systems, land required for treatment purposes, and financing arrangements;

(4) establishment of priorities for construction of these facilities;

(5) establishment of regulations to insure that applicable pretreatment requirements are met for industrial and commercial wastes entering the waste treatment system;

(6) establishment of programs to identify non-point sources such as mine drainage, agricultural runoff, salt water intrusions, and construction activities, and to control these sources;

(7) establishment of procedures to control disposal of residual wastes; and

(8) establishment of means for carrying out the plan, including program financing and timing.

CERTIFICATION OF PLAN

Within two years after the planning process is initiated for an area, waste treatment plans for the area must be certified by the governor(s) of the state(s) involved; an annual certification that the area-wide plans are consistent with basin plans is provided for in subsequent years. Area plans are submitted to EPA annually for approval.

PUBLICLY OWNED TREATMENT WORKS MANAGEMENT AGENCIES

The governor(s) of the state(s), after consulting the area planning agency, will designate waste treatment management agency(s) for the area at the time that the initial area-wide plan is submitted to EPA for approval. EPA has four months to accept or reject the designation; grounds for rejection are that the designated management agency does not have adequate authority to function. Regional waste treatment management agencies are the operators of the area's publicly owned treatment work and must be able to:

(1) enter into contracts to design and construct waste treatment facilities;

(2) manage, operate, and maintain these facilities;

(3) assess charges and accept funds, grants, and other monies, to man short and long-term indebtedness, and to repay debts and be fiscally self-sustaining;

(4) assess participating communities their proportional share of treatment costs;

(5) accept industrial wastes for treatment and refuse to accept wastes from communities that do not meet charges, assessments, pre-treatment requirements, or other elements of the area-wide plan.

TITLE III: STANDARDS AND ENFORCEMENT

Section 301. Effluent Limitations

EFFLUENT LIMITATIONS AND WATER STANDARDS—THE GENERAL CASES

The Act provides for the establishment of regulations, by EPA, for standards and for effluent limitations for discharges originating from a number of different sources under a variety of conditions; the various standards and limitations are designed to accomplish different goals at different times. Procedures for EPA establishment of standards and regulations are spelled out in different parts of the Act (Sections 301, 302, 304, 306, 307, 311, 312, 316, 402, 404, and 405); the general approach and the factors considered vary slightly depending on the regulation. Control and enforcement will be based on limitations, not standards.

EFFLUENT LIMITATIONS FOR NONPUBLICLY OWNED TREATMENT WORKS

(1) Effluent limitations imposed on nonpublicly owned point-source discharges will be based on the following conditions. An effluent limitation will:

(a) apply to a specifically designated industry, category of industrial waste or to a type or class within an industrial category;

(b) apply within a specified-frame;

(c) establish the degree of effluent reduction attainable through the application of a specified level of technology to a particular category of waste-water source in terms of the amount of constituents and the chemical, physical, and geological characteristics of pollutant; and

(d) specify the factors to be taken into account in determining the control measures and practices to be applicable to a point-source from a designated industrial category.

(2) Effluent limitations for non-publicly owned treatment works will require the following:

(a) the application of the best practicable control technology currently available to the treatment of point-source discharges by July 1, 1977; or

(b) the achievement of any more stringent limitations by July 1, 1977, including those necessary to meet water quality standards, treatment standards, or schedules of compliance established by any state or by other EPA regulations (see Section 302); and

(c) the application by July 1, 1983 of the "best available technology economically achievable" (for the particular category of point-source) that will reasonably result in progress toward the national goal of eliminating the discharge of all pollutants; and

(d) the application by July 1, 1983 of "best available technology" to eliminate the discharge of all pollutants if EPA finds that elimination is technically and economically achievable for the particular category of point-source.

MODIFICATION OF EFFLUENT LIMITATIONS FOR NONPUBLICLY OWNED SOURCES

For a permit application filed after July 1, 1977, to make an effluent discharge, EPA can modify effluent limitations calling for the application of "best available technology" if the discharger proves to EPA that the modified requirements will:

(1) represent the maximum use of technology within the economic capacity of the owner or operator making the discharge; and

(2) result in reasonable further progress toward eliminating the discharge of pollutants.

EFFLUENT LIMITATIONS FOR PUBLICLY OWNED TREATMENT WORKS (POTW)

Effluent limitations for point-source discharges of pollutants must require the following:

(1) the application of secondary treatment (as defined by EPA) at all POTW approved for construction prior to June 30, 1974 (four years will be allowed for construction after approval) or in existence on July 1, 1977; or

(2) the application of appropriate technology necessary to meet any more stringent limitations (by July 1, 1977) applied in order to meet water quality standards, or to meet treatment standards that are a part of a schedule of compliance established by a state or other Federal regulation (see Section 302); and

(3) the application of "best practical waste treatment technology" by July 1, 1983, which includes assurance that alternative waste management techniques have been evaluated.

PROHIBITION AGAINST DISCHARGE OF WARFARE AGENTS

In addition to limitations placed on effluents, there is an absolute prohibition on the discharge into navigable waters of any radiological, chemical, or biological warfare agent or any high-level radioactive waste.

POSSIBLE APPLICATION OF EFFLUENT LIMITATIONS TO FEDERAL ACTIVITIES

Any point-discharge from any Federal activity must over the life of the treatment works, meet requirements imposed by local, state, interstate, and Federal regulations on discharges to navigable waters (see Section 313). The various effluent limitations described in this section apply to Federal facilities in a variety of ways. Four sample cases are described in terms of the anticipated effects of applicable effluent limitations:

Case 1: A Federal agency owns and operates a waste-water treatment facility that receives what would be classed as essentially domestic sewage. The discharge would be a "point source" from a "non-publicly owned treatment works" and the "category of source" might be described as a "small non-public community." EPA will establish what constitutes "best practical technology" for each category of source, and in this case it would probably be the same as that required for POTW on that particular date.

Case 2: A Federal agency has a small metal-working plant that treats its industrial waste waters before discharging them to a stream. EPA will set effluent limitations that are applicable to all small chrome plating plants (the applicable category of source) so that:

(a) if the Federal plant is in existence on July 1, 1977, it will have to meet limitations based on what EPA has determined to be best practical technology available to treat chrome wastes. If the plant is built after October 18, 1972, alternative management techniques

must have been considered and the possibility of adding recycle or reclamation facilities provided for; and

(b) if the new plant is in existence on July 1, 1983, it must meet EPA limitations based on what EPA believes to be the best treatment technology available for chrome plating wastes. If EPA finds that it is economically and technically feasible, it may require that the discharge of wastewaters from small chrome plating plants be totally eliminated.

Case 3: When either of the two facilities described in Cases 1 and 2 discharges into a water that a state or EPA has identified as one where the EPA effluent limitations do not provide sufficient protection for the receiving water to meet applicable water quality standards, then more stringent regulations may be applied (Section 302). A state may also adopt a time-table setting earlier compliance dates.

Case 4: A Federal facility that has offices, housing, food handling facilities, and some industrial activities discharges its wastewaters into a sewer system belonging to a local or regional public body. The facility must meet a number of criteria with respect to those waste-waters:

(a) it must pay a proportional share of operating and maintenance costs and certain capital cost (Section 204);

(b) it must limit infiltration into the system (Section 201);

(c) it must meet pretreatment standards set by EPA for each particular category of source (at a large facility pretreatment) (see Section 307); and

(d) it must not discharge wastes that EPA has designated as toxic pollutants, or combination of pollutants, into a POTW such that an effluent limitation or standard cannot be met by the POTW.

Section 302. Effluent Limitations Related to Water Quality

There will be receiving waters where, because of the use of the water and because of urban and industrial concentrations, the EPA effluent limitations will not be sufficient to protect water quality standards. These areas must be identified by the state(s) and priority rankings for the identified navigable waters must be established based on the uses made of the water and the severity of the pollution. EPA is to publish a list of pollutants for which it has developed suitable correlations between maximum daily loads of pollutants and the achievement of water quality objectives. The state(s) will then establish the maximum daily load for each pollutant (including thermal loads) at a level necessary to implement the applicable water quality standards where seasonal variations, other variable factors, and controllable pollutant inputs are considered, and a margin of safety provided to allow for unknowns in the relationships between effluent limitations and water quality. These maximum daily loads for each critical area on a navigable water, and the priority rankings, are submitted to EPA for approval. If approved they become part of a continuing, ongoing compliance plan for that water. EPA may decide that it is necessary to establish more stringent effluent limitations, including alternative effluent control strategies for point source(s) to meet applicable water quality standards. Public hearings must be held on proposed limitations to determine feasibility and the relationship between costs and benefits. The proposed limitation will not become effective if, at the hearing, someone affected by the limitation proves that there is no reasonable relationship between the costs and the benefits obtained.

Section 303. State Water Quality Standards and Implementation Plans

Based on EPA established criteria, the states are to continue to develop and adopt water quality standards for both inter- and intra-state waters. The Act contains provisions for adopting new standards, for periodic review and revisions at least every three years and for approval by EPA. If a state fails to adopt adequate inter- or intrastate standards, there is a procedure in the Act for EPA to establish appropriate standards. Dates and time-tables are specified in the Act as to when standards become effective under various circumstances.

The states must maintain an EPA approved continuing-planning process to meet the objectives of the Act. Elements of the plan are the following:

(1) effluent limitations that are at least as stringent as those of EPA;

(2) regulations and standards (National Standards of Performance, toxic materials standards, pretreatment standards, regulations for discharge of oil and hazardous substances) that are at least as strict as those recommended by EPA:

(3) plans for each of the area-wide waste treatment management areas;

(4) basin plans that give priorities for the achievement of water quality goals through the various area-wide plans, including priorities for plant construction;

(5) limitations, by areas, of total maximum daily thermal and pollution load for those waters identified as having a problem meeting water quality standards;

(6) controls for the deposition of all residuals from any waste-water treatment process.

(7) an implementation process that includes schedules for compliance;

(8) provisions for monitoring, submission or reports, and water quality inventories; and

(9) procedures and time-tables for review and revision of all of the elements of the plan.

Section 306. National Standards of Performance

NATIONAL STANDARDS USED TO DEFINE "BEST AVAILABLE"

EPA is charged with developing criteria, guidelines, standards, and information for a number of concepts embodied in the Act; these guidelines will, in many cases, define what is meant in the Act. The National Performance Standards are, in effect, to define what is meant by "best available" demonstrated control technology. A standard of performance is an estimate of the greatest degree of effluent reduction achievable through the application of "best available" technology to a particular category of point source. National Performance Standards will be set industry by industry, with differentiation among classes, types, sizes, and processes. The concept of "best available" technology includes processes, operating methods, other alternatives, and, where practical (technically and economically feasible), no discharge of pollutants. EPA will promulgate standards after following a specified procedure, and has already done so for a number of categories of sources. In establishing and revising standards, EPA must consider the cost of achie ing effluent eductions, energy requirements, and other nonwater quality environmental impacts.

NEW SOURCES

Standards apply only to new sources. A new source is a discharge where construction on the facility began after the publication of a proposed National Standard applicable to the source, and where that standard is finally promulgated. Standards will be applied and enforced by the state(s) except in the case of Federal facilities. A new point source constructed to meet all applicable standards of performance cannot be subject to more stringent standards of performance during the 10-year period following its construction, or during the period of depreciation or amortization as defined by the Internal Revenue Code for such a facility, whichever period ends first.

Section 307. Toxic and Pretreatment Effluent Standards

TOXIC EFFLUENT STANDARDS

The Act authorizes EPA to promulgate standards on the discharge of toxic materials (or combination of toxic pollutants). In adopting standards, EPA considers public health and aquatic toxicity of the pollutant, persistence, degradability, usual or potential presence in any water of affected organisms, the importance of the organisms, and the nature and effect of damages to these organisms. The standards may include a prohibition of the discharge of a toxic pollutant or combination of pollutants. In all cases, the standard should be set at a level that includes a margin of safety sufficient to cover unknowns. Standards are applicable to particular categories of sources (the Act identifies only one specific category, "dredged materials").

PRETREATMENT STANDARDS

These are EPA promulgated standards that apply to industrial, commercial, and non-publicly owned sources which discharge into a sewer system that is part of a publicly owned treatment works.

The pollutants for which pretreatment standards will be adopted are (a) those that pass through conventional POTW treatment works because they are not susceptible to treatment, and (b) those that will interfere or be incompatible with the operations of the treatment works. A pretreatment standard will apply to a specific category of source. State or local agencies may adopt additional and more stringent pretreatment standards. New sources (as defined for National Standards of Performance) that discharge into a POTW are subject to pretreatment standards. When EPA develops a National Standard of Performance or an effluent limitation for a category of source, pretreatment will also be specified.

Section 308. Inspection, Monitoring, and Entry

States are given the basic responsibility for carrying out the inspection, monitoring, planning, and enforcement activities through a designated state water pollution control agency. In return for support funds for EPA these agencies must maintain required studies, reports, and surveillance programs. Associated with each program are time-tables and deadlines.

As discussed in Sections 102, 208, and 302, state agencies must designate areas (waters) where EPA effluent limitations are not sufficient protection to meet the applicable water quality standards. In part, the designation of these waters will be based on data collected via the state's surveillance system. Beginning January 1, 1975, the law requires that states submit annual reports to EPA comparing measured stream quality with water quality standards. This report is to include evaluations of (1) the relationship between existing quality and use of the water for recreation and propagation of aquatic life, (2) actions necessary to improve water quality, (3) the estimated cost-benefit relationship in achieving the objectives of the Act, and (4) the nature and extent of non-point sources of pollution and estimates of the cost of controlling these sources (see section 106).

The states will develop EPA approved procedures for entry, surveillance, monitoring, inspection, and reports. These state requirements apply to both publicly owned and non-publicly owned sources of discharge, except for Federally owned or operated sources.

EPA will specify the records that operators of point-source discharges must establish, maintain, and submit. It will also describe monitoring equipment or methods that must be installed, employed, and maintained. Effluent sampling requirements will be established. EPA has the right of entry, at reason-

able times, to the premises of an effluent source to inspect equipment and see, copy, and make public records that do not compromise company trade secrets.

Section 309. Enforcement

Enforcement is left first to the state(s) concerned and then to EPA if a state should fail to abate a violation of the Act, or a violation of a regulation adopted under the Act. The Act provides for significant penalties under both civil and criminal actions. If EPA brings a civil action against a municipality, the state becomes a party and is liable for payment of any judgement if state law prevents the municipality from raising revenues needed to comply with the judgement.

The procedures outlined in the Act for enforcement require that (1) if EPA finds a source in violation, (2) EPA then notifies both the state and operator of the source, and (3) if no appropriate action is commenced by the state within 30 days, EPA will issue an order to the operator to comply with specified conditions and limitations. Continued violation will result in civil action for permanent or temporary injunction.

EPA has the authority, after following a specified procedure, to enforce permit conditions and regulations in a state where permit violations are common or where the state has taken insufficient action enforcing permit conditions and limitations (see also Section 402).

Under another section of the Act (504), a designated state agency or EPA can bring a suit to stop any action that constitutes an imminent and significant danger to public health or to the livelihood of a person or persons.

Section 313. Federal Facilities Pollution Control

Federally owned or operated sources are, in general, not subject to state or local inspection, surveillance, or entry regulations (Section 308), nor to state enforcement of Federal standards of performance and limitations (Section 306). However, Federal facilities making either a point source or a non-point source discharge of pollutants must comply with Federal, state, interstate, and local requirements to the same extent that any person is subject to these rules. The President may, for one year periods (renewable), exempt a Federal facility except for toxic substances, new sources, and pretreatment requirements, or where Congress has appropriated funds for corrective action, if he finds it paramount to the National interest to do so.

Section 316. Thermal Discharges

EPA's authorization to issue effluent limitations and standards under Sections 301, 302, and 306 also includes the right to promulgate limitations on thermal discharges. If, at a public hearing, the operator of a point source whose discharge is subject to an effluent limitation because of a thermal component demonstrates to EPA's satisfaction that the proposed effluent limitation is more stringent than necessary to assure the propagation of a balanced, indigenous population of shellfish, fish, and wildlife in or out of the particular body of water, then EPA may impose a less restrictive effluent limitation that will assure adequate protection. Thermal effluent limitations applicable to point sources may require that the location, design, construction, and capacity of cooling-water intake-structures reflect the best technology available for minimizing adverse environmental impact. If a point source having a thermal component is modified to meet all applicable thermal limitations, then this source cannot be subject to more stringent thermal effluent limitations during the 10-year period following completion of modification or during the amortization or depreciation period as defined by IRS Code, whichever period ends first.

Section 318. Agriculture

The Act makes special provisions for pollutants discharged from aquaculture projects that are state or Federally supervised. After public hearing, EPA may issue a permit allowing the discharge of specific pollutants for approved projects that fall into this category. EPA is to issue guidelines and procedures for processing applications for permits under this Section.

TITLE IV: PERMITS AND LICENSES

Section 401. Certification for Federal Licenses

A waste-water discharge (actual or potential) who is an applicant for, or who operates under, a Federal permit or license must provide a certificate from the state in which the discharge originates (or will originate) to the Federal licensing agency showing that any such discharge complies with applicable state and Federal effluent limitations, toxic effluent standards, and standards of performance. The state water quality agency must establish procedures, which include public notice and public hearings where appropriate, for processing certificates. If a state does not have the legal authority to issue such a certificate, then the responsibility reverts to EPA. A state or EPA, as the case may be, must act on a request for a certificate within one year: if it fails to act within this time, the requirement for a certificate is waived.

Section 402. National Pollutant Discharge Elimination System

THE FEDERAL PERMIT SYSTEM

Under the Act, it is unlawful to discharge any pollutant from any point source, including those from publicly owned waste treatment works, unless the discharger has a permit which certifies that the discharge complies with applicable effluent limitations, water quality standards, effluent limitations based on toxicity, and pretreatment standards for discharge into publicly owned waste treatment works. A permit is also required for the discharge of any pollutant for which there is no established effluent limitation or limitation by reason of toxicity: in these cases, the permit certifies that no such limitation exists.

Permit holders (for all point sources other than publicly owned treatment works) are required to achieve, not later than July 1, 1977, effluent limitations which require the application of best practicable (waste) control technology currently available. Publicly owned treatment works are required to achieve secondary treatment by the same date. In addition, all point source discharges must comply with applicable water quality standards requirements.

Dischargers required to obtain permits include, among other point sources, municipal and other publicly owned waste treatment works, industries discharging directly to navigable waters, and concentrated animal feeding operations: industrial, commercial, and residential discharges to municipal or other publicly owned waste treatment works, properly functioning marine engines, and certain discharges to wells associated with oil and gas production are among exclusions listed in EPA regulations as not requiring permits. Prior to the 1972 amendments, permit granting activities related to water pollution were administered under the Refuse Act of 1899 by the Corps of Engineers in cooperation with EPA. EPA is now responsible for permit granting activities, with one exception. The Corps of Engineers will continue to issue dredge and fill permits in accordance with criteria comparable to the ocean discharge criteria adopted by EPA. EPA may restrict that discharge of dredge material in specified sites if EPA determines that such discharge will have an unacceptable adverse effect on municipal water supplies, fishery resources, or recreational areas.

EPA may reassign the responsibility of issuing permits to a state through approval of a state program. Permits granted under the 1899 Refuse Act will remain in effect for their term. Applications for permits under the Refuse Act on which decisions had not been reached by October, 1972, become applications for permits under the amended Act.

Regulations have been drafted by EPA with respect to permit applications (Federal Register, Vol. 38, No. 7, Thursday, January 11, 1973). (There will be special categories of permits for certain discharges such as the disposal of pollutants into wells and the disposal of sewage sludge into a navigable water.) Permit application regulations specify the following;

(a) an applicant for a permit must secure the required application form(s) from, and file them with, the EPA Regional Administrator;

(b) any person making a discharge not covered by the Refuse Act Permit Program but which is now covered under the new permit program must apply for a permit on or before April 16, 1973;

(c) any person wishing to make a discharge after June 16, 1973, must apply for a permit not later than 180 days in advance of the date on which it is desired to commence the discharge. A person who desires to make a discharge on or before June 15, 1973, must give a minimum of 60 days notice: if such notice is impossible, he must apply to the EPA Regional Administrator for a variance;

(d) an application submitted by a corporation must be signed by an official of the rank of corporate vice president or above. In the case of partnership or sole proprietorship, the application must be signed by a general partner or the proprietor, respectively. In the case of a municipal, state, Federal, or other public facility, the application must be signed by the official having responsibility for the overall operation of the facility;

(e) except as provided below, a fee of $100 will be charged in connection with each application for a permit which involves no more than one outlet from which the discharge will flow. If there is more than one outlet, an additional $50 will be charged for each. Agencies or instrumentalities of Federal, state, or local governments will not be required to pay any fee in connection with the filing of an application for a permit;

(f) the application fee for minor discharges is $10 per application. A minor discharge is one that is less than 50,000 gallons on all days of the year unless their environmental impact (as determined by the EPA Regional Administrator) is significant. If there is more than one discharge from a facility and the total aggregate discharge from all outlets exceeds 50,000 gallons on any day of the year, then none of the discharges will be considered to be minor. Where an application is filed for a permit for a minor discharge and where, after review of the application, the EPA Regional Administrator believes that due to the particular characteristics of this discharge it should not be considered to be a minor discharge, the applicant shall be advised of this determination, and within a reasonable time (not less than 30 days) he must complete the normal application forms and provide the normal fees specified in the regulations; and

(g) permittees who wish to continue to discharge subsequent to the expiration date of their permit must apply for reissuance of the permit, using proper forms, not less than 180 days prior to permit expiration.

STATE ADMINISTRATION OF THE PERMIT SYSTEM

A state water quality agency may be authorized by EPA to administer the permit programs. EPA has issued guidelines and application forms for its permit granting program. For the approval of a state permit

program, the state, in its application to EPA for approval, must indicate:

(a) that the state has the requisite authority to issue permits containing effluent limitations, abatement schedules, and monitoring requirements;

(b) that the state can establish effluent limitations requiring the application of "best practicable control technology currently available" for industrial sources, and secondary treatment for municipal sources or compliance with applicable water quality standards, whichever is more stringent, by July 1977; and

(c) that the state agrees that all outstanding state permits will be reexamined and re-issued to conform to the requirements of the Act.

The state permit granting agency must notify the public and the EPA of each application for a permit and must provide an opportunity for public hearing before making a decision. EPA must notify any affected downstream state(s) so that such a state has an opportunity to express its views.

Permits granted by a state agency are for a fixed term that can not exceed five years. A permit must set forth the applicable effluent and other limitations plus the monitoring requirements needed to demonstrate compliance.

The state water quality agency notifies EPA of each action taken on all permit applications, including the decision to grant a permit. Even after approving a state program, EPA retains the right to review and approve any proposed permit unless it specifically waives that right at the time it approves the state program. If EPA determines, after public hearing, that a state agency is not administering its permit granting program properly, it can withdraw its approval of the program and take over these functions if the state does not correct the problem within 90 days.

States with approved permit granting programs have authority to force compliance with the terms under which any permit has been issued. Such a state may order the cessation of any discharge for which a permit application has not been made. The state can issue administrative orders requiring compliance, or it may proceed with civil suits. Willful violation of permit conditions, false statement, and tampering with monitoring equipment are subject to criminal penalties.

EPA will monitor the effectiveness of state agencies in enforcing the provision of their permits. EPA has the authority to intervene in individual cases by notifying the person or organization in violation or by issuing an order for the offender to comply. An order for compliance will specify a time within which compliance must occur. If EPA finds that a state's enforcement activities are ineffective, it must notify the state. If the state does not correct its program within 30 days, EPA will give public notice of the agency's ineffectiveness and take over its enforcement activities until the state's program is improved to meet EPA's standards.

TITLE V—GENERAL PROVISIONS

Section 504. Emergency powers

Upon receipt of evidence that a pollution source or combination of sources is presenting an imminent and substantial endangerment to the health, welfare, or livelihood of anyone, EPA may bring suit on behalf of the United States in district court to immediately restrain the person causing or contributing to the alleged pollution to stop the discharge of pollutants or to take such other action as may be necessary.

Section 505. Citizen suits

Any citizen or group of citizens that have an interest which is or might be adversely affected—as interpreted in Sierra Club vs. Morton, 50 U.S.L.W. 4397 (1972). This decision includes aesthetic, conservational, and recreational values as well as economic values—may, after a 60-day notice (intended to give the appropriate administrative agencies a chance to act and thus make the civil action unnecessary), commence a civil suit in the district court against any alleged violators of effluent standards, limitations, or of orders issued with respect to standards or limitations by either EPA or state control agencies, except in those situations where the appropriate control agency is already prosecuting the case.

Similarly, any interested citizen or group may commence action against EPA where there is alleged a failure of EPA to perform any act or duty which is not discretionary.

Section 509. Judicial review

Interested persons or groups can obtain a review of decisions made by EPA and by state agencies with respect to effluent limitations, standards of performance, pretreatment standards, toxic effluent standards, and issuance or denial of discharge permits. Application is to be made within 90 days of the administrative decision to the Circuit Court of Appeals for the Federal judicial district in which the appellant resides or transacts business.

Section 511. Environmental impact statements

Applicants for grants for construction of publicly owned treatment works (primarily waste treatment management agencies) and applicants for discharge permits for new sources (both waste treatment management agencies and industrial concerns) must comply with provisions of the National Environmental Policy Act (NEPA), including the filing of environmental impact statements that document the applicants' consideration of alternative approaches to fulfillment of their operating objectives. Applicants for discharge permits for existing sources, however, are exempted from NEPA requirements.

The EPA is exempted from NEPA requirements in its activities leading to setting of new source performance standards, developing effluent limitations, developing guidelines for water quality standards, and establishing "best practicable" and "best available" treatment standards. Similarly, state, regional, and interstate planning agencies are exempted from NEPA, even though impact statements have been required heretofore. The bill's specified requirements for the planning processes and for the factors to be considered in developing guidelines and establishing standards include wording similar to the intent of NEPA.

DEFINITIONS

Act: The Federal Water Pollution Control Act, as amended, Public Law 92-500.

Applicable effluent standards and limitations: All state and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.

Applicable water quality standards: All water quality standards to which a discharge is subject under the Act and which have been (1) approved or permitted to remain in effect by the EPA.

Contiguous zone: The entire zone established or to be established by the United States under Article 24 of the Convention of the Territorial Sea and the Contiguous Zone.

Discharge: When used without qualification includes a discharge of a pollutant(s).

Discharge of pollutant(s): (1) Any addition of any pollutant to navigable waters from any point source; (2) any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.

Effluent limitations: Any restriction established by a state or the EPA on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into navigable waters, the waters of the contiguous zone, or the ocean, including schedules of compliance.

Interstate agency: An agency of two or more states established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more states, having substantial powers or duties pertaining to the control of pollution as determined and approved by the EPA.

Municipality: A city, town, borough, county, parish, district, association, or other public body created by or pursuant to state law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency.

National pollutant discharge elimination system: The system for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone, and the oceans, by the EPA.

Navigable waters: The waters of the United States, including the territorial seas.

New source: Any building, structure, facility, or installation from which there is, or may be, the discharge of pollutants, the construction of which is commenced after the publication of proposed regulations prescribing a standard of performance which will be applicable to such source if such standard is thereafter promulgated.

Permit: Any permit or equivalent document or requirement issued to regulate the discharge of pollutants.

Person: An individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, or any interstate body.

Point source: Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

Pollutant: Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. It does not mean (1) "sewage from vessels" or (2) water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the state in which the well is located, and if such state determines that such injection or disposal will not result in the degradation of ground or surface water resources.

Pollution: The man-made or man-induced alteration of the natural chemical, physical, biological, and radiological integrity of water.

Schedule of compliance: A schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an effluent limitation, other limitation, prohibition, or standard.

Sewage: Human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes.

Sewage sludge: The solids and precipitates separated from wastewater by unit processes.

State water pollution control agency: The state agency, designated by the governor, having responsibility for enforcing state laws relating to the abatement of pollution.

Trade secrets: A secret method or process, not patented, known only to certain indi-

viduals using it in compounding some article of trade having a commercial value.

Treatment works: Any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature necessary to recycle or reuse water at the most economical cost over the estimated life of the works.

WALK A MILE FOR YOUR HEALTH DAY—SUNDAY, JULY 1

Mr. PROXMIRE. Mr. President, it is sad but true that most Americans are physically out of shape. A recent nationwide survey shows that almost 50 million adult Americans get no physical exercise except that required by their jobs. This poor physical fitness takes its toll: in heart disease, in poor health, in declining ability to cope with life. More than half of all deaths in the United States are caused by some form of heart disease.

Regular, moderate exercise has many benefits. For example, it has been shown that such exercise can be a big help in preventing heart disease and other illnesses. So it is important that Americans start to get in shape.

Walking is great exercise. It is so simple that everyone can do it, except the disabled and very young. It requires no special equipment. It is fun. And it is not likely to lead to overexertion, which can be worse than no exercise at all.

Because of the benefits and joys of walking as exercise, an effort is well underway to urge Americans to observe Walk a Mile for Your Health Day on Sunday, July 1.

On this day, Americans are urged to get outdoors and walk a mile, alone or with family or friends, to symbolize a commitment to get in shape. We hope it will be the beginning of a regular habit of exercise.

This day has been endorsed by the American Heart Association, the American Medical Association, the President's Council on Physical Fitness and Sports, the Amateur Athletic Union, and doctors and athletes.

These organizations, as well as health and physical fitness proponents in the Congress and elsewhere, join in urging all Americans to get in shape. This does not mean just those who have a good athletic background and are likely to keep physically fit anyway. This means everyone, of any age or occupation. We all can benefit from regular exercise.

Part of the effort to bring Walk a Mile for Your Health Day to the attention of Americans is a short walk of interested Senators and others tomorrow morning at 9:30 on the Senate steps of the Capitol. I would like to urge all my distinguished colleagues who care about health and physical fitness to join us for this important event.

Mr. President, I hope we all will use Sunday, July 1 as a day to start getting in shape, or to underline our commitment to keep in shape.

I ask unanimous consent that the letters and proclamations endorsing Walk a Mile for Your Health Day, from organizations, doctors, and athletes, be printed in the RECORD.

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

CHATHAM, MICH., *January 18, 1973.*

DEAR SIR: My name is Bruce Ruska. I'm 24 years old and single. Today is the 18th of January 1973. I don't know where you are, but I'm in Alger County and it's a really great day for winter. My girl friend and I just came back from a mile hike down the highway in Forest Lake, Michigan. As I was walking I began thinking what would it be like if we set aside one day during the summer, probably a Sunday, when people would walk instead of drive. We could call it, "Walk A Mile for Your Health".

This would be so helpful in so many ways; physical fitness would probably be the first. But just think of all the other ways—pollution from automobiles—I really don't know how much it would help pollution but it should in some way. I know it wouldn't be possible to stop all people from driving; people do have emergencies. But if people would sit down and just think about it, what harm could it do? Setting aside one day a year for this purpose sure wouldn't be asking much.

I just wonder how many people drive to the corner store maybe a mile away for a pack of cigarettes, a quart of milk, a loaf of bread, or a Sunday paper. Why can't people walk? How about a Sunday walk in the area around you? I know that in the area I live in, Alger County, in the Upper Peninsula, I haven't seen all the beauty of nature within a couple of miles of my home town. People can learn many beautiful things from nature. People can have picnics and outings, getting together, talking to people, forgetting everyday problems, out in the fresh air of nature, while we still have some fresh air left to breathe.

Walking and driving are two different things. What do you think about when you are driving? Do you think about the trees or the sky or how beautiful nature is? How about the beer cans and debris along our highways! I don't know about you, but my mind is on my driving, do I need gas, maybe a quart of oil, do my tires have enough air in them? I hope you get my point.

Now let's take a look when people are walking. Maybe you're walking down a highway, you talk about how beautiful the big blue sky is, the color of trees, heck, you could place those beer cans in a neat pile alongside a highway so the clean-up crew can do a better job at keeping our highways cleaner. How about teaching your children to be better citizens! How about walking down a trail on a beautiful summer day with your family and friends! Maybe you're going on a picnic or may just be walking along a nice fishing stream. Stop and think about it, if not for you, how about your children!

It's hard for me to put down on paper the feelings I had while I was walking down that highway on this beautiful winter day. I know many people who should read this will probably joke about it. People will probably think I'm one of those nature lovers, but I'm not, I'm just an average human being like you. So stop and just think about it for a second, "Walk A Mile For Your Health".

I would be very pleased if you would write back and let me know how you feel on this subject. I would also like to know if you plan to pursue this very important subject or whatever. Thank you.

Sincerely yours,

BRUCE RUSKA.

WALK A MILE FOR YOUR HEALTH DAY—BY THE PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS

A PROCLAMATION

Whereas appropriate physical exercise on a regular basis is instrumental in promoting good health and in preventing heart disease;

Whereas walking is a safe, inexpensive and effective form of exercise which is available to everyone except the disabled and the very young;

Whereas a recent national survey by the President's Council on Physical Fitness and Sports showed that 49 million adult Americans get no exercise beyond that required by their jobs; and

Whereas there are many urgent personal and economic reasons for placing greater emphasis on preventive health care;

Now, therefore, the President's Council on Physical Fitness and Sports does endorse and proclaim Sunday, July 1, as Walk-a-Mile-for-Your-Health-Day. States, municipalities and other local jurisdictions, and sports clubs and organizations, are urged to promote activities appropriate to this observance, and all individual Americans are urged to walk a mile on that day, alone or in company with others, as the first step toward a regular program of physical fitness.

In witness whereof, I have hereunto set my hand this fourteenth day of June, in the year of our Lord nineteen hundred seventy-three.

AMERICAN HEART ASSOCIATION,
New York, N.Y., May 23, 1973.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: We are delighted by your plan to promote the benefits of physical fitness by establishing July 1 of this year as Walk a Mile for Your Health Day. We are especially pleased that you will be promoting walking rather than some form of strenuous exercise which might pose some risk to someone unaccustomed to any regular exercise—as too many of us are.

The American Heart Association has a Committee on Exercise, and an important result of that committee's work was the publication last year of a booklet entitled, "Exercise Testing and Training of Apparently Healthy Individuals: A Handbook for Physicians." I am enclosing a copy for your review. The committee is now working on an exercise booklet designed for the individual with heart disease, and other echelons within the organization are developing educational material as well as actual exercise programs for the general public.

If you feel it would be helpful, we would be pleased to distribute a copy of your letter to all Heart Associations. This would serve to inform them of your plans and to give them the opportunity to participate in their local communities if they wish to do so. If you like the idea, as a practical matter it would be helpful if you would send us another copy of your letter on a single sheet of your stationery.

We appreciate being given the opportunity to cooperate in this project.

Sincerely,

WILLIAM W. MOORE, *Executive Director.*

AMERICAN MEDICAL ASSOCIATION,
Chicago, Ill., June 8, 1973.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR PROXMIRE: On behalf of the American Medical Association, I would like to commend you for your efforts to encourage persons to establish a continuing exercise program leading to personal physical fitness and good health. Your proposed "Walk A Mile For Your Health Day" would seem to be an appropriate means to draw attention to the value of maintaining a regular exercise program.

The AMA has long supported the need for exercise, within personal limitations, as an important component of total health. In 1966, the Association's House of Delegates urged "state and local medical societies to

emphasize, through all available channels, the need for physical activity for all age groups and both sexes. Other organizations and agencies concerned with the health of the public should be informed of the interest, support and activities of the American Medical Association in this area and should be encouraged to join the Association in promoting physical fitness through all appropriate means."

As part of our activities in the health education of the public, the Association has developed a series of "Timely Tips on Health and Safety" which have been available to physicians to enclose in mailings to their patients. One of these flyers is concerned with walking. I am enclosing a copy for your information.

We are happy to offer our support of your proposed "Walk A Mile For Your Health Day" and we hope that it will receive wide support and participation.

Sincerely,

ERNEST B. HOWARD, M.D.

THE COOPER CLINIC,
Dallas, Tex., May 30, 1973.

Senator WILLIAM PROXMIRE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PROXMIRE: I am happy to learn of the planned "Walk a Mile for Health Day" schedule for 1 July 1973. I heartily endorse such activity and believe that it will help to make Americans more conscious of the value of exercise in maintaining good health.

Being the author of many publications dealing with exercise and health, I know the true value of walking. Therefore, I am happy to add my name to the list of supporters of this nationwide event and will co-operate with you in any way.

Sincerely,

KENNETH H. COOPER, M.D.

LAMPKIN, WOLFE, BURGER, ABEL,
MCCAFFERTY & NORMAN,
Oklahoma City, Okla., May 4, 1973.

Senator WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This letter comes to express my entire support for your Walk A Mile For Your Health Day. I am a great believer in physical fitness and I sincerely hope that more people will embark on a regular exercise program for walking for their health.

Please do not hesitate to contact me if I can help in any other way. Good luck and much success.

Sincerely yours,

WAYNE WELLS.

SEATTLE, WASH., *May 15, 1973.*

U.S. SENATE,
Committee on Appropriations,
Washington, D.C.

Attention: Senator William Proxmire, Wisconsin.

DEAR SENATOR PROXMIRE: Thank you so much for the honor of your request to endorse your excellent idea of "Walk a Mile for Your Health Day" on July 1.

You are so right when you say many people have lost sight of the importance and almost our Constitutional right to exercise. It's so easy, like brushing your teeth, if one makes a habit of it.

I would like to point out that if people would do some sort of physical activity during each day, there would be no need to take sleeping pills at night, pep pills in the morning, their appetites would be healthier and they wouldn't believe how much more alert their minds would be. Their whole mental, emotional and physical self would be for the better. Everyone would enjoy the whole idea of living!

This isn't just for the ears of older folks, either. Our youth is taking advantage of their young bodies. So many high school students are out of shape, especially girls, because girls are not really encouraged into sports. We must start more programs for them. If young adults would just climb the stairs instead of taking the elevator, walking to school or such instead of hitch-hiking and playing volleyball instead of watching TV all Saturday afternoon, they would be healthy human beings instead of wheezing old people at the young age of 60.

Thank you, sir, for the chance to say my part. I am so glad some of our leaders are real leaders like you, Senator! And I will certainly do my share to talk up your Day in the Seattle area and get people going.

Sincerely,

PATTY JOHNSON.

INCREASE IN PAY FOR MEMBERS OF CONGRESS

Mr. FANNIN. Mr. President, recently in the press there have been reports that the Commission on Executive, Legislative, and Judicial Salaries will recommend that the pay for Members of Congress be raised to $55,909 per year.

Such a recommendation would be irresponsible at this time when we are attempting to bring inflation under control.

A pay increase of almost 30 percent for Congress would cause very justified indignation at a time when the Government is attempting to encourage our workers to settle for a maximum of 5.5 percent.

Congress has been criticized for failing to do its part, to carry its burden, in the leadership of America. If we allow ourselves a $25,000-a-year increase in salary then the Congress will again demonstrate the fiscal irresponsibility that has caused the erosion of respect for the Congress.

Mr. President, just 4 years ago, over the strong objection of many of us, congressional salaries were raised by 41 percent. If a boost to $55,000 is now allowed, then it will mean congressional salaries will have been raised more than 83 percent in the past 4 years.

Word that the pay for Members of Congress could be raised to $50,000 or $55,000 per year has resulted in outrage around the Nation. The Arizona Republic, in an editorial last Thursday, referred to the suggestion as "Madness on the Potomac."

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD so that my colleagues in the Congress will have some reading as to the reaction to any such pay raise.

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

MADNESS ON THE POTOMAC

Members of the United States Senate and the House of Representatives are the only organized working groups who get the nation's highest pay raises by simply not asking for them.

It is a slick technique. And unless cost-pinched voters of America sway Congress with a deluge of outrage, the august lawmakers may pull off another salary coup.

A special federal salary commission has recommended new pay levels of $55,000 per year for senators and congressman. That's nearly a 30 per cent pay increase over the $42,500 they now receive.

The present salary is 41 per cent over the $30,000 paid up until 1969 when the most recent increase went into effect.

Under rules of Congress, salary increases take effect without approval or disapproval of the members. Thus, no congressman can be accused of seeking a boost. Without any vote being recorded, a congressman might even claim to constituents that, alas he really didn't want the raise.

One attempt was made in 1969 by Rep. H. R. Gross, R-Iowa, to vote down the raise to $42,500, but House leaders defeated any roll call.

A few voices of reason still rise in Congress. Rep. Ronald Brotzman, R-Colo., is attempting to change the rule, and force congressmen to vote yea or nay on any pay raise. Taxpayers would know the nest-featherers at a glance.

But beyond the technique Congress uses to grease through pay raises is the question of equity. Few members in Congress could explain to taxpayers why wages out in the hinterlands are held by law to 5.5 per cent, while Congress can approve its own 30 per cent windfall.

Members of Congress also enjoy excessive emoluments of the office, in relation to the work. Congressional Quarterly notes that the speaking and writing circuit is a gold mine for those who don't want to sit and conduct the nation's business while on the public payroll.

Sen. Hubert Humphrey earned $83,451 in 1971 in speaking and writing fees—while also collecting $42,500 in salary. Sen. Mark Hatfield pulled in $39,338 for speaking and writing. And so the list goes.

Haircuts for congressmen are less than $2, while senators get theirs free. Hospital care at government hospitals is based on a small room charge. Steam baths and swimming facilities are on premises in Washington.

And heaven knows the number of other cost-free services rendered to lawmakers by taxpayers and interested lobbyists and Washington hangers-on.

The hint that a $55,000 pay level is needed is an outrage.

Approving it would be madness.

Mr. FANNIN. Mr. President, it should be pointed out that the system under which pay raises are granted to Congress was concocted to fool the public. It allows all Members of the House and Senate to disclaim any responsibility for hefty increases. There is some irony in the fact that this scheme was devised by those very legislators who are the most vocal advocates of a more open system in which all Members of Congress stand up to be counted.

It is evident that this system has not worked. An increase of 41 percent in 1969 was disastrous—I am convinced that it was one of the actions which helped fire the inflationary spiral President Nixon has been trying to check.

An increase of 25 to 30 percent at this time would be unconscionable.

Earlier this year, on April 6, it was my privilege to join in sending a letter to the President urging that no salary increases in the senior levels of the executive, legislative, and judicial branches be recommended this year.

Mr. President, I ask unanimous consent that the text of this letter be printed in the RECORD.

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

APRIL 6, 1973.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Commission on Executive, Legislative and Judicial Salaries will be making recommendations on salary increases in their report to be issued after June 30, 1973. It is our understanding that at the April 9 meeting, or subsequent to that date, a tentative recommendation of salary increases of 25% is likely to be forthcoming.

While we recognize the necessity for periodic review of the salary structure of those in the senior levels of the Executive, Legislative and Judicial Branches, it is the belief of the undersigned that any public recommendation for salary increases at this time would be inappropriate.

Your efforts to hold the line on inflation while faced with rising labor costs, increased prices and a difficult international monetary environment have found wide support among us, and it would appear to be very counterproductive to seek any increase in salaries under the purview of this Commission in the immediate future.

For that reason, we urge you to hold in abeyance any actions recommended by the Commission through the remainder of this calendar year and until the inflationary spiral is sufficiently under control to justify increases throughout the economy. We cannot support any proposal for such increases while the nation is seeking to stabilize its economic position both domestically and in the international community.

Mr. FANNIN. Mr. President, this letter was signed by myself and 17 other Senators.

SENATOR McGEE DISCUSSES THE UNITED STATES AND THE UNITED NATION

Mr. HUMPHREY. Mr. President, the United Nations has come under a severe attack from many Americans, yet it has promoted numerous noteworthy accomplishments and promises a great deal of hope for the future. The list of achievements and the explanation for an optimistic attitude toward the U.N. are clearly evident in an address by my distinguished colleague, Senator McGEE, entitled "The United States and the United Nations: An Urgent Need for a Greater U.S. Commitment." I heartily endorse Senator McGEE's conviction that the U.N. must be made more effective and that the United States must play an active and constructive role in the process.

Senator McGEE is uniquely qualified to comment on the role of the United States in the U.N., having recently completed his assignment as a Senator delegate to the 27th General Assembly. He acknowledges that the United States does not succeed in having its wishes approved in every vote within the United Nations, and he admits that the United States has been subject to much criticism from other member states. But the spirit of dialog that is fostered by this international body frequently prevents military and diplomatic involvement by the United States that would be more costly in terms of both money and good will.

Moreover, while the United Nations is castigated for failing to control every outbreak of hostilities in the world, peacekeeping interventions in Kashmir, Cyprus, the Middle East, and the Congo attest to the beneficial qualities of U.N. oversight. If only one such conflict had been controlled as a result of U.N. action, the saving in human suffering averted would far outweigh the monetary cost involved.

There are those who question the need for such an organization. They claim that it represents an impediment to the achievement of its original goal, and that the world would be better off if it were dissolved. But these critics should examine the list of accomplishments that Senator McGEE presents. Besides its peacekeeping role, the United Nations can count tremendous successes in both the economic and social fields. The World Bank provides billions of dollars in credit to developing nations for growth, the food and agriculture organization program has directed its resources at overcoming the age old problems of malnutrition and starvation, disarmament has been encouraged through numerous treaties conducted under the aegis of the U.N., and it has lessened the strains which newly acquired independence often creates. This partial list illustrates the endless valuable projects that would cease without the coordination provided by the United Nations.

Mr. President, the Congress must renew its interest in and support for the United Nations. I can only echo Senator McGEE's sentiments when he remarks that its future "rests with our ability to exercise foresight and wisdom to insure that it will indeed become more effective and more efficient." The future of mankind depends on the strength of a body which offers a forum for international dialog and which is responsive to international problems.

I ask unanimous consent that Senator McGEE's remarks be printed in the RECORD.

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

THE UNITED STATES AND THE UNITED NATIONS: AN URGENT NEED FOR A GREATER U.S. COMMITMENT

(By Senator GALE McGEE)

The United Nations is suffering from a declining interest and support on the part of the United States. Indeed, there is a great danger that the United States could be responsible for the unraveling of the United Nations unless we recommit ourselves to making it more effective and more efficient.

In Congress, we are witnessing an erosion of support for the U.N. The Executive branch of government is no less culpable in this regard, for it has not provided the leadership to stem the increasing Congressional hostility to the U.N., let alone promote a greater spirit of support for, and understanding of, the institution. Both Congress and the Administration are guilty of placing the United Nations far down the list of their respective priorities.

My concern for the future viability of the United Nations stems from my longtime belief in, and support of, the organization. My belief in the U.N. was further enhanced when I had the privilege of serving as a member of the U.S. delegation to the 27th General Assembly last fall. I went to the United Nations as a blind devotee and returned as a constructive critic. Yet, I returned firmly convinced that it must be made more effective and that the United States must play an active and constructive role in this process. Indeed, it would be a great tragedy if the United Nations should wither away due to neglect on our part.

I believe the growing disenchantment with the U.N. in this country stems from our overexpectations and misconceptions of the institution, particularly in the area of peacekeeping. We have often lost sight of the effective peacekeeping role it has been able to play over the past 25 years, in spite of its many limitations and the numerous obstacles with which it has been confronted. We have also lost sight of those less glamorous aspects of the U.N. operations which rarely make headlines, but which are the very foundation of future worldwide stability.

In the area of peacekeeping, the entire world has been spared much tragedy and potential suffering by United Nations operations in Kashmir, Cyprus, the Middle East and the Congo. Although considerable criticism has been leveled at the United Nations for its inability to completely control every outbreak of hostilities, I believe it is important to keep in mind that if the U.N. can act to ease tensions in just one area of the world, it has served its purpose well. If it can prevent local conflagrations from escalating into potential major power confrontations, as it did in the Congo, mankind is spared the tremendous tragedy associated with the vast expenditure of human and natural resources during a widespread outbreak of hostilities.

Much criticism is leveled at the United Nations because many Americans believe that it no longer acts in our best interests or is an effective tool of U.S. foreign policy. To begin with, the organization was never intended to be a "playground" of the United States. Yet, the "China vote" during the 28th General Asembly admitting the People's Republic of China and expeling the Taiwan government provoked widespread outrage in the U.S. However, while I favored a "two-China" policy in the United Nations, I also felt very strongly that many people and their representatives in this country exercised a great lack of international sophistication and maturity. Slogans such as "Get the U.S. out of the U.N. and the U.N. out of the U.S." certainly do nothing to enhance our prestige or our image as an international leader. Just because the United States may from time to time lose a vote in the United Nations is certainly little reason for us to pick up our marbles and go home, so to speak. I would hope that our nation has evolved beyond this very narrow view of the world.

My point is this—the United Nations is truly responsive to the views of the U.S. on many issues; but in order for the U.S. to succeed in gaining acceptance of its position, we are going to have to be willing to put considerable effort into such an undertaking. One of my principle assignments as a Senate delegate to the 27th General Assembly was to obtain approval of the U.S. resolution asking for a reduction in our assessed contribution from 31.52% to 25%. Going into the 27th General Assembly few people gave us much of a chance to gain support for our position. Yet, when it came to the final vote by the Assembly, some 81 nations lined up on our side, with only 27 nations against us and 22 abstentions. This victory required an immense amount of behind-the-scenes effort not only in New York but also in the foreign capitols of the world. The members of the U.S. Permanent Mission to the United Nations, who were responsible for planning and carrying out the strategy to reduce our assesed contribution, did an outstanding job in seeing this issue through to its final resolution. We won because we felt the issue was important enough for us to put forth an all-out effort. This demonstrates a very important fact—we get out of the United Nations what we are willing to put into it.

While the U.S. finds itself the object of much criticism from many other nations at the U.N., we are no less so than the other major powers, particularly the Soviet Union. For example, the Soviets were the target, on many occasions during the 27th General Assembly, of very vitriolic diatribes from the People's Republic of China. However, it would be hardly intelligent for the U.S. to base its foreign policy upon reaction to criticism. Some of the criticism with which we are confronted at the U.N. is justified. Much of it is not. Just the same, it is a healthy sign when nations engage in dialogue, no matter how vitriolic or how unwarranted the accusations may be.

And that brings us to the less glamorous aspects of the United Nations operations—those things it is doing in the field of human development. The future stability and harmony of the world rests with the ability of the international community to make this planet a better place in which to live for all—whether one is Tanzanian, Indonesian, Indian, Brazilian, French, Russian, or American.

The United Nations is approaching universality where the world can at long last have a truly international institution. This has been, perhaps, one of the most important developments in the history of the institution. The growth of the United Nations from some 50 nations 27 years ago, to its present size of 132 nations, has enabled the organization to focus its efforts on a larger view of the world. In so doing, the international community is coming to grips with those problems which promote instability and, therefore, provide the seeds of conflict. The needs of the common man all around the world must be met if we can ever hope to achieve true peace and harmony. The remarkable achievement of the United Nations is that 132 nations have determined that this time it will work.

During my service at the United Nations, it became increasingly apparent to me that one of the most vital functions served by the institution was its ability to act as a safety valve. It serves as an international forum for the underdeveloped nations where they can prick the consciences of the rich nations. For many of these nations, the U.N. provides them with the only vehicle in which their voices can be effectively heard. It is in this forum that the developing nations can win critical trade concessions, present their cases for aid, economic assistance, emergency relief, and make the big powers more responsive to their problems.

By promoting a spirit of dialogue among nations, worldwide tensions are often times eased. It is far better for the United States and the other rich nations to be objects of criticism, rather than being drawn into hostilities because the avenues to dialogue are closed. It is this spirit of dialogue which saves the United States from the military and diplomatic involvement that is much more costly and we gain as a nation in the broader fields of improving the standards of living of the peoples of the world.

The United Nations, indeed, has scored outstanding successes on the economic and social front. Yet, it is these crucial developments which are not generally appreciated by the U.S. public and many of the elected representatives. I would briefly like to discuss some of these accomplishments on the economic and social fronts.

Because of the United Nations health programs, we are on the verge of wiping malaria from the face of the earth. Through UNESCO, we are coming to grips with a major plague of mankind—illiteracy.

The U.N. Development Program surveys have turned up mineral deposits of over $13 billion in value, most of which have been discovered in the developing nations. The United States has a direct national interest at stake with this program as we are confronted with dwindling natural resources and find ourselves in the midst of an energy crisis.

Last year the World Bank and the IDA provided loan capital credits of more than $2 billion to the development nations. Target of $12 billion has been established for the five year period beginning last year. This program is vitally important in providing the capital desperately needed to enable developing nations to achieve economic viability.

The Food and Agriculture Organization programs are aimed at fighting the problems of malnutrition and starvation which have plagued mankind throughout his history.

The United Nations has played an important role in treaties curbing the arms race such as the Test Ban Treaty, the Outer Space Treaty, the Non-Proliferation Treaty, and the treaty against emplacement of weapons of mass destruction on the sea bed.

During the 27th General Assembly, the Stockholm Declaration on the Human Environment received overwhelming endorsement of the member states. The principles of the Stockholm declaration were accepted and the first U.N. machinery to carry out a global effort in the critical field of trying to save the world from the destruction of its environment has been set up.

An important law of the Sea Conference has been set for Santiago, Chile, in 1974, as man attempts to preserve the sea bed and ocean floor and their resources for peaceful purposes.

Finally, since its inception, this organization has played an instrumental role in easing the transition of almost a billion people on this earth from colonial to independent status. This was achieved with very little violence.

All these efforts are extremely important to the future stability of the world. In recent years, we have come to discover that our social, economic, and political problems are no longer endemic to the nation-state, but are supranational in scope. Scientific and technological development is no respecter of national boundaries. Poverty and disease are not confined to national boundaries. Environmental problems associated with air and water pollution can be found in every Western nation. If man is to survive on this planet, he must also find solutions to the overwhelming problems associated with his dwindling natural resources and an efficient use of these resources. No one nation can do this alone. It requires international cooperation and commitment. The United Nations represents the only international organization in the world today which is equipped to handle these problems. But its success in meeting these challenges rests solely with the member-states.

I was very impressed, during my service at the United Nations, with the importance that other nations almost universally attached to the institution. I was also very impressed with the caliber of the members of the U.S. Permanent Mission to the U.N. and the intense commitment they have to the success of this institution. Yet, I am equally disturbed that this commitment is not manifested in either Congress or the Executive branch of our government. We have all the tools to make the United Nations a truly effective organization. But we lack the most important ingredient—the commitment from the Congress and the President.

It has been said that the United Nations is what the nation-states make it. If we are disappointed that it has not become what we had hoped it would become, we must keep in mind that the member-states have given the United Nations very little sovereignty or power. Therefore, it is up to the member-states to make it a viable institution and it is the responsibility of the United States to take the lead in this effort. Making the United Nations effective requires patience and considerable effort. We are not above criticism and we as a nation are not above losing on issues from time to time. Yet, I believe that the time has long passed when the world's greatest democracy feels it has to engage in immature chauvinism. Recently, we have witnessed too many instances of the Congress and the President engaging in these kinds of exercises which are neither becoming our heritage and tradition, nor are they in our own best interests.

The United Nations is presently at the crossroads of its development as an international institution. What it will come to be in future years rests with our ability to exercise our foresight and wisdom to insure that it will indeed become more effective and more efficient. But it will require a much greater commitment and involvement than we have recently been willing to devote to the U.N. One of the most critical needs right now is for the United States to demonstrate its unequivocal support for the organization. I can think of no better way to achieve this than if the President would address the 28th General Assembly when it convenes this next fall. This act, in itself, would go far to allay legitimate fears on the part of many other nations that the U.S. is losing interest in the U.N. I also believe that it is extremely important for the Congress to upgrade, considerably, our voluntary contributions to the U.N. While I recognize that the resources the U.S. has made available to the United Nations have not been efficiently utilized in many instances, we must not let this deter us from playing a vital role in seeing that the needs of these programs are adequately met. This does not mean we cannot demand that numerous wasteful practices be eliminated. In my estimation, we have come a long way in seeing that the resources of the United Nations are efficiently administered. Yet, this requires considerable patience on our part. The U.N. is not the only governmental body that has been plagued with inefficient use of resources. We in the United States have had this problem brought into increasing focus of concern as we come to grips with considerable waste in the administration of our own domestic programs.

It is also my recommendation that any Congressman or Senator who has presidential aspirations should serve as a delegate to the General Assembly because of the valuable political experience they would gain through dealing with foreign representatives at the United Nations. This experience provides one with a broader and more meaningful view of the world today, which is so critical for an effective conduct of our foreign policy.

The United Nations represents a crucial hope for the future of mankind. I believe it is worth fighting for as our future as a nation depends on its effectiveness in coming to grips with supranational problems. Our relations with other nations simply cannot be effectively conducted apart from this international organization. The U.N. must always play an integral role in U.S. foreign policy.

In conclusion, I would like to quote from Inis L. Claude, a prominent American educator, political scientist, and international affairs expert, who once observed:

"Only one thing seems to me reasonably certain: the future peace of the world depends more heavily upon the vigilance, farsightedness, wisdom, courage, persistence, and power of the United States than upon any other factor. The founders of the League of Nations and the United Nations were on the right track, I think, when they undertook to make those organizations serve as symbols of an American commitment to active leadership in the quest for a just and lasting peace."

FOODGRAIN SHORTAGE IN BANGLADESH

Mr. SAXBE. Mr. President, as my colleagues are all aware there has been and there continues to be a desperate foodgrain shortage in Bangladesh. There is agreement among those involved with this problem that before the largest of the Bangladesh rice crops is harvested in November there will be foodgrain shortages that if not met will result in the starvation death of literally millions of people.

The chaos of mass starvation will be accompanied by intensely violent political activity that threatens to throw not only Bangladesh, but large parts of West Bengal into political turmoil. Such turmoil may well involve the United States both directly and indirectly.

It has become apparent during the past weeks that there will be two critical food shortage periods this year in Bangladesh. In normal years there is a food scarcity in the period just before the November harvest; that is, from late September through mid-November.

This year there will be an earlier critical food shortage period as well. This period will be from middle July through middle August. This July shortage is the result of the failure of the major rice crop of last year, which usually allows the Bengali population to survive until the rice crop is harvested in mid-August.

In December of last year the United Nations issued the Chandler report which estimated the overall imported food need at 2.5 million tons. One-third of this amount, or 850,000 tons, was to be purchased by the Government of Bangladesh, spending one-third of the national budget for the purchases, and two-thirds or 1.7 million tons was to be donated by the international community.

Earlier this year it became clear to the Government of Bangladesh that the international community was not responding to its commitment. Immediately the Government of Bangladesh began buying even more food than had been asked of them. To date they have purchased over 1.2 million tons of food grains, spending over $140 million from a total government budget of little more than $200 million.

To date the United Nations operation has delivered approximately 700,000 tons of food to Bangladesh, for a deficit in their commitment of nearly 1 million tons.

The United Nations, supported by the United States, has mounted a large importation program that until May of this year was importing an average of over 300,000 tons of food grains into Bangladesh each month. In May, however, the importation fell off precipitously. This is true of the present month as well. Further, as importations schedules now stand, July will also fail to meet the previous importation levels. In total, for the 3-month period of May, June, and July, the total amount of food grains imported will be some 400,000 tons.

This represents a deficit of 500,000 tons from the previous importation rates, which would have delivered more than 900,000 tons in any 3-month period.

The result is that from the middle of July until the middle of August the Bengali population will suffer from a food deficit that will approach 35 percent of their minimal survival need.

This part of the world has suffered famine before. During the 1943 Bengal famine the food deficit was 6 percent, and more than 2 million people starved to death. We are here confronted with a food deficit of 35 percent that threatens a starvation death for many millions of men, women, and children.

In order to prevent the impending starvation and the political upheaval, some 500,000 tons of food grains must be delivered to Bangladesh before the last week in July, with first arrivals reaching Bangladesh as soon as is possible.

As you all know, the United States cannot provide this quantity of food in this short time period, both for lack of wheat and for lack of adequate rail, port, and shipping capacities.

Each month the Soviet Union is receiving more than 1 million tons of food grains from the United States. The diversion of 500,000 tons, then, represents less than 2 weeks of food-grains diversion, and a very small percent of the total Soviet purchase of last year.

The worldwide food grain shortage has made it impossible for normal donor nations to aid the people of Bangladesh at this time. The total available food grains that could arrive in Bangladesh from Canada, Australia, Japan, the EEC, and Thailand within the necessary time would meet only a small part of the 500,000-ton minimum need.

Even at this late date, however, there is a solution to the desperate situation in Bangladesh. The solution is to have wheat presently going from the United States to the Soviet Union diverted to Bangladesh.

It should be appreciated that the present plight of Bangladesh is in part the result of the unavailability of food grains on the international market which was caused by last year's United States-Soviet wheat sales which accounted for 65 percent of all the wheat that moved around the world.

Wheat presently on the seas and being loaded in the ports can get to Bangladesh within the required time, but only if the decision to divert the wheat is made within the next few days.

It is clear that any delay will seriously reduce the possibility that such a diversion will save the people of Bangladesh from mass starvation.

With this in mind, I am calling for your help in bringing this problem and this solution to the immediate attention of the President, so that he may enter immediately into discussions with Chairman Brezhnev and forthwith take the necessary steps to assure that starvation in Bangladesh is prevented and that the people of Bangladesh are helped in their struggle to establish a viable and peaceful society.

While Secretary General Brezhnev is in Washington it would be a humanitarian effort of the first magnitude if he and President Nixon jointly showed their interest to aid Bangladesh by diversion of some shipments.

I will circulate among you a letter to the President and Secretary General Brezhnev calling for this action. I hope you will recognize the severity of the crisis and join in this letter.

JACKSON CHALLENGES BREZHNEV ON EMIGRATION

Mr. JACKSON. Mr. President, the visiting lobbyist, with notebooks of facts and figures, with briefing papers, charts, displays and a fistful of statistics is a part of daily life in the Nation's Capital.

At noon each day the best restaurants in Washington are filled with lobbyists who have something to sell, and with Washington officials who come to hear them out.

Yesterday, with all the skill of an industrial lobbyist, the General Secretary of the Communist Party of the Soviet Union entertained a number of Senators at lunch. And with the familiar tactics that accompany such lunches, he offered an elaborate display of statistics and extenuation. According to Brezhnev, emigration from the Soviet Union is virtually free.

What is so curious about all this is that if Mr. Brezhnev is right—if virtually all those Soviet citizens wishing to emigrate are in fact free to go—then he need not fear, he need not even object to the Jackson amendment: for all that amendment does is condition trade concessions on free emigration. The amendment—printed at page 11549, CONGRESSIONAL RECORD, April 10, 1973—which is sponsored by 77 Senators and more than 280 Members of the House, provides that the extension of most-favored-nation treatment and U.S. Government credits, credit guarantees or investment guarantees to the Soviet Union and other Communist countries cannot take place unless the President reports to the Congress that the country in question does not deny its citizens the right or opportunity to emigrate. Therefore, if emigration from the Soviet Union were truly free, the addition of the Jackson amendment to the statute books would not limit the President's authority to make trade concessions to the Soviet Union. In fact, it is my great hope that by the time our amendment is enacted into law—and we intend to see that it is—the practice in the Soviet Union will be such as to permit the President without hesitation to make the statutory report of compliance.

But the truth is that the Soviet Union continues to deny its citizens the right and opportunity to emigrate.

The statistics that Mr. Brezhnev cited at lunch yesterday are wrong and misleading. Perhaps Mr. Brezhnev himself has been misled. Perhaps his chief of staff, his domestic adviser and his Kremlin counsel have shredded the real records and doctored the rest.

Mr. Brezhnev reported that last year 61,000 persons applied to emigrate and that 60,200, all but 800, were granted permission to leave. The fact is that in all of 1972 only 31,700 persons left the Soviet Union for the West. Thus, Mr. Brezhnev has overstated by nearly 100 percent the number of visas granted and the per-

centage of applicants permitted to go in 1972.

Mr. Brezhnev reported that, in the first 5 months of 1973, some 10,100 exit permits have been granted. What he failed to say was that this represents a decline in the rate of emigration from last year, a slowing-down since the Moscow summit. Note: 10,100 in 5 months is an annual rate of 24,240, well below the 31,700 of 1972. Moreover, Mr. Brezhnev failed to mention that the rate for the last several weeks shows a steep decline. In the first half of June, the number of visas dropped to a rate of 1,700 a month. Equivalent to annual rate: 20,400 vs. 31,700 in 1972.

These are not just numbers that Mr. Brezhnev is speaking about. These are the lives and the liberty of innocent men and women who desire only to be free.

More than the numbers themselves are wrong and misleading. What the Brezhnev numbers cover up is an organized system of repression in the Soviet Union that terrorizes and intimidates those who wish to emigrate to the point where many are afraid to apply. Applicants are immediately fired from their jobs, and often the elderly lose their pensions and the young are often expelled from school. Applicants are brutally harassed and mistreated by the secret police, and many have been sent to the infamous labor camps, to prison and to mental institutions.

Despite these inhuman measures, more than 110,000 brave men and women have placed themselves in jeopardy by securing from abroad the documents necessary to file emigration applications. And there they remain, in the Soviet Union, making a mockery of Mr. Brezhnev's assertion that 95 percent of those wishing to emigrate are free to do so. How many thousands more would apply if emigration were as free as Mr. Brezhnev says it is cannot be estimated.

Finally, there are several hundred persons in the Soviet Union, Jewish and gentile, who have requested in vain permission from their government to be reunited with close relatives in the United States. Their number may not be significant to the Soviet leadership—Mr. Brezhnev did not even bother to mention these individuals—but the importance of each and every one of them to their American families cannot be overstated.

RAILROAD RETIREMENT LEGISLATION

Mr. SCHWEIKER. Mr. President, yesterday the Senate passed by a voice vote a bill on railroad retirement, H.R. 7200. After the other body passed this bill, it was referred jointly to three committees: Labor and Public Welfare, Finance and Commerce. My interest in and work on this legislation was as a member of the Committee on Labor and Public Welfare and as ranking minority member of the Subcommittee on Railroad Retirement of that committee. I wish at this time to present my own views on this vital legislation.

From the standpoint of the Committee on Labor and Public Welfare, these were the crucial provisions of this bill:

First, the temporary benefit increases for railroad retirement annuities are extended for an additional 18 months, until December 31, 1974.

Second, railroad employees who have reached age 60 and have served in the industry for 30 years are eligible for retirement annuities.

Third, the tax levied on each railroad worker to finance the railroad retirement annuities, instead of costing the worker 10.6 percent of wages and the employer an equal amount, will now be apportioned so that the worker's share is 5.85 percent and the employer's share is 15.35 percent. This reduces the worker's payment down to the same tax he would pay if he were covered by social security.

And fourth, there is to be a tax increase of 7.5 percent added on to the existing taxes after January 1, 1975.

Mr. President, I was in full accord with the provisions of the bill H.R. 7200 as it was amended by the Committee on Labor and Public Welfare, except for the additional 7.5 percent tax provided for in section 121 of the bill.

In the full committee, I proposed an amendment to strike entirely this section from the bill, but the vote was a tie at 8 to 8, so the amendment failed to pass.

I wanted to see the tax provision struck from the bill because it was the overwhelming view of both labor and management witnesses before the subcommittee that if this provision stayed in the bill, it would interfere with a truly remarkable process of collective bargaining which is in progress between labor and management in this often embattled railroad industry.

Mr. President, labor and management have already made tremendous strides, by free collective bargaining, to negotiate a way out of the serious dilemma being posed by the condition of the railroad retirement fund. Congress should certainly do nothing that would hinder this progress.

Thus far, labor and management have reached the agreement that from now on, railroad employees will pay a payroll tax that is only equal to what their payroll tax would be under social security—with the balance of the cost being assumed by the rail carriers. This is a tremendous breakthrough, because it signals the first recognition within the railroad industry that the railroad retirement fund must be streamlined into a two-tier pension package—the first tier being like social security, the second tier being like any other private pension plan in industry. The confusion between these two functions over the years has been what has dogged the railroad retirement fund and helped lead to its financial difficulties.

Each railroad worker is now saving 4.75 percent of his wages—the difference between the 10.6 percent he formerly paid in payroll taxes and the 5.85 percent he will pay now. A 4-percent wage increase was also part of the same package. What has made this latest round of negotiations different from previous negotiations between labor and management in the rail industry is that in this round the matter of wages and the matter of pensions were negotiated together, in the same context.

Mr. President, I fear that inclusion of the 7.5 percent additional tax will only serve to upset this delicate balance that has been achieved thus far by this unprecedented round of comprehensive bargaining between rail labor and rail management.

Here is how this tax provision would undermine the collective bargaining process. Labor has just come away from the bargaining table with a tax saving for each worker of 4.75 percent. But if the workers anticipate a tax increase in 18 months, they can expect that it will erode away at least part of the saving they have won at the bargaining table. This will mean that in the coming bargaining, they will not be as flexible as otherwise. They will try to hold on to whatever they now have. And this rigidity will hurt the free give-and-take that is absolutely necessary if labor and management are to settle this dispute themselves, instead of dropping it in the lap of Congress.

In short, Mr. President, a negotiating process has begun between rail labor and rail management. It has gone far and accomplished much but it is not yet finished. In my opinion, Congress would be making a grave mistake to throw any obstacles, such as this tax provision, in the path of this partially completed bargaining process.

Mr. President, I take the view that this tax of 7.5 percent being included in H.R. 7200 will be counterproductive, because it will interfere with the free collective bargaining process that has, happily, begun in the railroad industry. This tax is sought neither by the representatives of management nor the representatives of labor. Although the tax provision does not specify which share of the tax will be borne by each side. I still feel it is not conducive to a final labor-management negotiated settlement of this important problem.

THE GERMANYS AND THE U.N.

Mr. McGEE. Mr. President, in yesterday's—June 19—publication of the Washington Post, there appeared an editorial commenting on the applications of both West Germany and East Germany for admission into the United Nations.

The editorial comment on this event should be quite enlightening for many Members of the U.S. Senate who are of the opinion that the U.N. has fallen into disfavor all around the world.

As the editorial noted:

> If the U.N. did not exist, it would have to be invented. West Germany's and East Germany's eagerness to join proves the point again.

Contrary to views expressed in this body last week, I do not see calls from other nations for dissolution of the United Nations, nor do I see one single member of the U.N. withdrawing from participation in the organization. These facts, and the fact that both Germanys strongly desire to become members of the

United Nations, is the strongest evidence one could compile that the U.N. still commands immense support among the international community. Attempting to portray it as being otherwise is nothing more than engaging in sheer fantasy.

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:

THE GERMANS APPLY AT THE U.N.

Groucho Marx once said he wouldn't want to join any club that would have him for a member but fewer and fewer nations take that approach to membership in international organizations. On the contrary, from the general organization, the United Nations, to the smaller specialized agencies dealing in health, weather and the like, the tendency is to make membership representative of all political elements on the world scene. The United States contributes to some 70-odd groups, down to (up to?) the "International Agreement Regarding the Maintenance of Certain Lights in the Red Sea." Membership in this and better known organizations is generally deemed essential to the prestige and other specific interests of their members—to the limit of their budgetary and bureaucratic capacities.

The United Nations, of course, has been the chief beneficiary, if that is the correct word, of the urge for "universality." For 25 years the United States enforced the arbitrary standard that good behavior, *as defined by the United States*, was a requisite for membership, but that standard went by the boards when the People's Republic of China was admitted two autumns ago. It then became only a matter of time and maneuver to bring in governments of the three other states left divided by World War II. One such pair, West and East Germany, filed their formal applications last week, having composed their sharpest differences to their own satisfaction. If only because they will pay about eight per cent of the U.N.'s budget when they are voted in next fall, they are especially welcome. The two Koreas and the two Vietnams offer special problems but not insoluble ones. Of the four, only North Vietnam does not yet belong to at least one of the U.N. halfway houses, the specialized agencies. U.N. membership remains the best available access to the benefits of belonging to the international community, and sooner or later, one can confidently predict, the Koreans and the Vietnamese will be there.

Over the last quarter century, many—perhaps too many—of the energies of international organizations have been spent on issues of membership. What with the proliferation of nations and organizations since World War II, the trade has been very brisk. At the beginning of that period, there was a certain tendency to hope that mere membership would answer or ease the questions that had led the organization to be formed in the first place. It would be difficult to prove this is so but it would be more difficult to prove that things would be made better by disbanding the organization. As it is, the simple existence of an organization like the U.N. creates pressures on nations to justify their national policies in terms of their professed ideals. The United States, for instance, is regularly called on to demonstrate that it is not abandoning the goals or the procedures of the U.N. No one pretends that such pressures are stronger than other factors which feed national policy, or that they uniformly should be, but on balance it is good to have those pressures applied. If the U.N. did not exist, it would have to be invented. West Germany's and East Germany's eagerness to join proves the point again.

THE RED CROSS AND FRANCIS STANTON

Mr. SYMINGTON. Mr. President, I ask unanimous consent that an outstanding address by an outstanding American, Frank Stanton, formerly head of the Columbia Broadcasting Corp. and presently chairman of the American Red Cross, an article that has to do with the aims and accomplishments of that great organization, be printed in the RECORD.

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

CLOSING PARAGRAPHS OF FRANK STANTON'S INAUGURAL ADDRESS

In closing this, my first report to you my co-workers in the Red Cross, I would like to make some general observations that seem to me worth keeping in mind as we move into a future that is bound to make heavy demands not only upon our resources, but also upon our dedication. This country is now going through an agony of constitutional crisis, unparalleled since the bleak days of "Reconstruction" following the Civil War. Good men and women of all parties, of all ages, of all sections of the country are profoundly disturbed that crisis stems not from any external incursion upon our freedoms or even from threats of such incursion, nor from any natural disaster that has overcome us. It stems from an internal erosion of the high sense of responsibility that is a necessary concomitant of the idea of freedom and a necessary condition of the exercise of any freedom worth having. To me, ever since as a schoolboy during the first World War, I first became aware of the Red Cross as a clear and bright ray of humanity in a world darkened with conflict, the Red Cross has been a luminous symbol of that sense of responsibility—in the classical words of the liturgy, "An outward and visible sign of an inward and spiritual grace" that must inspire the processes of democracy if they are to work or to have real meaning.

I do not think that I overstate the case for making this organization even stronger than it is, even more concerned than it is, even more alert to new or enlarged opportunities than it is, at a time when the continued existence of free institutions, and the very proposition that they are adequate to the pressures and complexities of the world today, have been thrown into torturous doubt. It is certain, from our experience as a people even before our beginnings as a nation, that strong and purposeful voluntary associations have been active and constant allies in our odyssey towards the political and institutional realization of freedom. The reason is clear: in order to be free of an all-pervading government, which does everything, and of an all-pervading dependence upon government to do everything, the American people learned from the earliest colonial days that they must voluntarily organize to do things for themselves and their neighbors.

Hardly a significant area of life in this country has been unaffected and unenriched by organized voluntary action. In education, a vast number of our most prized institutions were established and nurtured, not by government, but by voluntary action. Most of our cultural institutions—museums, music and drama centers, conservatories—have been founded and supported by voluntary action. A great proportion of our health and welfare agencies—hospitals, benevolent associations, relief organizations—were originated and continued to be financed by voluntary action.

The advancement of learning through great libraries, through strong learned associations and through seminars and forums, has been accomplished to a major extent through voluntary action. Even our economic life, through trade associations, labor unions and consumer groups, has been directed significantly by voluntary action. Nor have these been isolated episodes in our history. Impelling the earliest settlers of New England, the Middle Atlantic colonies and the old South, the idea of voluntary associations and their proliferation as new needs, new problems and new opportunities arose, spread into the Western Reserve, up and down the Mississippi Valley, across the mountains and along the Pacific coast as America moved westward.

All of this was not merely a social phenomenon or an accident of history. It inhered in the very concept of freedom, not only by limiting the need for all-embracing governments, but also by enlarging the definition of freedom. The Bill of Rights and other constitutional and statutory guarantees of freedom can do little more than assure a people freedom from restraint, coercion or oppression. If this were ever to become our whole vision of freedom, it would constitute no more than a passive freedom—the freedom to be left alone—and if it had stopped there, it would hardly be worth either constructing in the first place or straining to preserve. We value such freedom, and are willing to go all the way down the line in its defense, only because it gives us the positive, affirmative freedom to act, to get things done, to have a part in and, indeed, a responsibility for the great, varied cluster of activities that give a society its ultimate character and point.

So far as the evolution of American institutions goes, such voluntary associative action, far from being indebted to government for its genesis, has inspired government to increase its commitment to those activities without pre-empting them—as in education, health care, aid to the disabled and indigent, and disaster preparedness and relief. And it has been due to the notable lack of self-aggrandizement, for the most part inbuing our voluntary association, that they have been willing and eager to work with governments, national, state and local, and with sister organizations overseas. I am sure that it was the historic bearing of the American Red Cross in this respect that led the late British political scientist, Harold J. Laski, not the gentlest observer of the American scene, to call it "the outstanding example of international generosity in the whole world."

Finally, if you will permit a personal word, I look forward greatly to having a part in the life and mission of this, in many respects, most inclusive and farthest reaching of all our voluntary associations. In a way, my joining you in an active role is a fulfillment of a concern with our strength as a free people that has commanded a major part of my time and attention for many years. The noblest and most revealing measure of that strength may well consist, less in what a free people is not constrained to do, than in what it voluntarily chooses to do. That being so, I know that together we will build for the American Red Cross a future as noble and as revealing of the best in us as nearly a century of our forebears' work has been of the best in the past.

IMPACT OF NATIONAL NO FAULT ON THE LOW-INCOME CONSUMER

Mr. MAGNUSON. Mr. President, there has been a low keyed but persistent effort to label S. 354, the National No Fault Motor Vehicle Insurance Act, as "discriminatory against the poor." This is not so.

In the first place, S. 354 insures that automobile insurance will be available to each and every driver to pay for all losses

at all times at a cost which cannot be so great as to deny economically disadvantaged persons, as a class, access to insurance, thereby effectively depriving them of the opportunity of legally operating motor vehicles (sec. 103(a)(4)). Many opponents of S. 354 have told the low-income consumer that because S. 354 requires a person to buy insurance before he operates his motor vehicle that the bill will effectively prevent poor people from driving automobiles. Provisions in S. 354 referred to above insure that the compulsory insurance features of S. 354 will not deprive the economically disadvantaged as a class access to automobile insurance.

This is not to say that the cost of automobile insurance will not be so high for some people that they will not be able to afford to purchase it. For example, the driver who has been convicted on several occasions for drunk driving will have to pay a high price for the insurance plan described in S. 354 no matter what his economic station of life. If he chooses not to buy insurance and operates his vehicle in violation of the law, the State can impose any penalty it chooses to impose upon him for operating his vehicle without the required insurance. But if he is involved in an accident, he has the right to receive insurance benefits from the assigned claims plan subject to a deduction of $500 for every year that he has operated his vehicle without the required insurance.

In the second place, S. 354 does not discriminate against the poor person who is a victim of an automobile accident. Under S. 354 a person receives compensation for the losses he sustained. There is no discrimination between the rich person and the poor person. This is not true under the present system where the rich person receives more than 60 percent of his economic loss whereas the poor person receives less than 40 percent of his economic loss, even though his economic loss is far less than that of the rich person. The poor person has to settle quickly for a small amount in order to continue to provide food and shelter for his family. A person with greater means can continue to fight the insurance company for a fair settlement. Another thing causing discrimination is the way the insurance adjuster helps the friendly banker much more readily than he does the blue-collar worker, divorcee, or bartender.

Under S. 354 a poor person will not be required to subsidize the losses of the rich person as he does under the present system or State no fault plans which permit insurance companies, on the basis of fault, to shift losses between themselves. Under S. 354 a person's insurance company is only required to pay the losses which that person sustains. If a person makes $5,000 a year he will be charged on the basis of what his potential loss is. This is not true under the present system or a no fault plan which requires a person's insurance company to pay the losses not only of his policyholder but of any other person whose losses were caused by the negligence or fault of the policyholder.

Under these systems, a person is not charged for what he can recover if he is injured in an automobile accident. Rather, he is charged on the basis of what damage he might cause. If the average income of all drivers within the community is $15,000 per year, then the poor person pays a premium based upon a $15,000-pear-year loss rather than his own potential loss of $5,000 per year. A $30,000-a-year wage earner also pays a premium based upon the average loss exposure of $30,000. In this way, a poor person who is a careful driver ends up subsidizing the rich person who is a careful driver. Under S. 354, this kind of discrimination between rich and poor will be prohibited. This is not to say that all poor people will pay less for their insurance than all rich people. Not only does the amount of loss determine the insurance premium cost but also the chances for sustaining that loss. If the poor person is a bad driver, then he will probably pay more for his insurance than the higher income wage earner who is a careful driver and less likely to be involved in an accident. But under S. 354 the careful low-income driver will no longer subsidize the higher income driver.

It is my sincere hope that the economically disadvantaged people in this country will not be misled by members of the "injury industry" who will go to any length to protect their economic well-being and defeat the passage of meaningful no-fault automobile insurance programs. There is a certain irony in the fact that those very people urging poor people to oppose S. 354 because of its compulsory insurance features are advocating the passage of compulsory liability insurance plans at the State level which impose mandatory costs upon the poor person without conferring any of the benefits which S. 354 would confer.

NEW DISCLOSURES ON THE AIR WAR

Mr. HUGHES. Mr. President, the American people can now know the whole truth about the air war in Indochina, past and present. The Defense Department this week removed the secret label from an 83-page report on U.S. bombing and casualties in Indochina since 1964.

For the first time, the American people have a country-by-country breakdown on our bombing efforts. At long last, the Defense Department has recognized that it was wrong to deny our own people the information well known to the people under our bombs.

For several years I have been trying to get the facts before the Congress and the people. Last year, and again this year, I have introduced legislation, cosponsored by 14 of my colleagues, to require monthly disclosure of the figures on U.S. bombing and casualties. Until now, the Defense Department always refused to declassify these facts on alleged grounds of possible danger to national security. I rejected those claims, but I welcome this new decision by the Pentagon.

While I have had a chance only to glance at this 83-page report, I am pleased that the full document will be printed in the Armed Services Committee's hearings on the defense authorization bill. Rather than publishing them in the CONGRESSIONAL RECORD as well, I would urge all interested persons to study these figures when they become conveniently available.

Here are some of the facts which we now have on the public record for the first time.

These new figures show that our bombing in Laos alone was about equal to that of all our bombing in World War II. Our bombing in North Vietnam exceeded that in the Korean war.

We now know for the first time that our B–52's began bombing in Laos in December 1965—over 4 years before what was publicly admitted in 1970.

The secret war in Laos took the lives of 263 Americans, with another 570 wounded. Seven Americans died in hostile action in Thailand, and another 534 in what were described as "nonhostile" incidents.

The air war over North Vietnam cost 204 American lives in hostile actions and, strangley, 297 lives in "nonhostile" ones. These new figures also show that one American died over North Vietnam in March of this year in a hostile incident, though I am not aware of any previous announcement of this fact.

Our involvement in Cambodia has resulted in 204 U.S. deaths as of March 31, and there have been more since that time. These deaths and casualties will continue until we end our involvement in this war once and for all.

The newly revealed May bombing figures for Cambodia are shocking when compared to the declassified figures. In both April and May of this year, we dropped over 53,000 tons of bombs. This is more in 1 month than we dropped in Cambodia in either 1970 or 1972, and slightly below the 62,000 tons dropped in all of 1971.

The continuing ferocity of the air war makes it urgent for the Congress to cut off all funds for such bombing.

Mr. President, these new disclosures are important contributions to public knowledge and understanding of this long and tragic war. So long as our involvement continues, I shall insist on continued monthly publication of these facts. And I trust that the Defense Department will not again try to conceal this vital information behind a cloak of secrecy.

THE PEACE CORPS

Mr. PERCY. Mr. President, the Peace Corps has long been a source of inspiration for me with its thousands of selfless young men and women who have volunteered to work in remote areas of the world, helping to plant crops, to build schools, to teach, and to assist in myriad efforts to raise living standards. I believe that they project an image abroad of the best that the United States has to offer.

I ask unanimous consent to print in the RECORD a letter I have received from Norma Scheid of Sterling, Ill., citing a specific example of the selflessness and helpfulness of our Peace Corps volunteers abroad. Mrs. Scheid survived a plane crash in Afghanistan to find herself and other survivors in a Kabul hospital, in-

jured, hungry, and bewildered, when members of the Peace Corps arrived to help.

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

DEAR SENATOR: On April 18 I was on a tour into the mountains north of Kabul, Afghanistan (Bamian)—the plane crashed just after take off for our return to Kabul.

Including our native guide there were 14 of us plus the pilot and co-pilot and the steward. The pilot and co-pilot and 2 of our group were killed. Others were very severely hurt—lacerations, gasoline liquid burns (1 severe), 4 broken arms, fractured necks 2, crushed vertebrae 4, internal injuries 2, broken nose 1 and *many* minor bruises, lacerations, and burns. Our tour leader is still in a San Francisco hospital. I was one of the 3 lucky ones who walked away from the crash—I had 2 broken fingers and a broken right arm that has kept me from writing this sooner.

I want you to know and any others who would be interested about our experience with the Peace Corps at Kabul when we were in the Wazir Akbar Khan Hospital. We arrived there at 1:30 p.m. the day after the crash. The doctors had treated us all but only the head doctor understood a few words of English. The suffering patients were wondering 'What now?'—when the Peace Corps came in!!

Dr. and Mrs. Dean Johnson had gathered in all available corps-women when they heard of the crash on short wave. They washed and salved us. Q tips used to remove the gravel from the runaway from our ears and eyes. Combs, washcloths, thermometers, cases of pop as we couldn't drink the water (later home boiled was brought), paper cups, straws, towels, their next best robes and slippers, ointment for scratches and burns as we discovered them, *English words*, sympathy, understanding, friendship and compassion.

We had had no food since our lunch on the 18th in Bamian, at 7 p.m. On the 19th, I realized we weren't getting any. I contacted Dr. Johnson, who said your supper will be there in 30 minutes! In 40 minutes our inner wants were cared for by trays catered to us by the Kabul International Hotel. Dr. Johnson had called them of our predicament and for the week we were there each meal was served to us by the Captain of Waiters!

We were honored to have our Ambassador and Mrs. Neuman come in person, others came in later from our Embassy including the Womens' Organization—some of whom were nurses.

So many did so many thoughtful and kind deeds but none were so important as the coming of the Peace Corps at the time they were so badly needed on that day of our near panic.

Sincerely,

NORMA N. SCHEID.

A SOUTH AMERICAN STATESMAN LOOKS AT THE MULTINATIONAL CORPORATION

Mr. JAVITS. Mr. President, as we all know the multinational corporation is under critical review, if not attack, at home and abroad. It is my concern that the pendulum could swing too far and cause damage not only to the American-based multinational corporation but also to the American economy and in turn the world economy in a way contrary tc our national interests.

I have found Roberto Campos' voice a welcome and sane addition to the ongoing debate. Mr. Campos is a world renowned economist, a former Finance Minister of Brazil, a member of the Pearson Commission, and presently a distinguished leader of the Brazilian private sector.

Mr. Campos puts his finger on the dilemma the multinational corporation presently faces when he states:

Thus, a paradox occurs: in Latin America multinational corporations are regarded as an economic ramification of American imperialism, while in their country of origin they are accused of disregarding the national interest.

Mr. Campos then goes on to develop his thesis that "the multinational corporation is neither an angel nor a beast."

I commend reading of Roberto Campos' article "The Art of Identifying Enemies" which appeared in the Brazilian publication O Globo on May 16, 1973, and ask unanimous consent that it be printed in the RECORD. In doing so I wish to disassociate myself from any adverse implication respecting the policy of any country as characterized by Mr. Campos.

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

[From O Globo, Rio de Janeiro, Brazil, May 16, 1973]

THE ART OF IDENTIFYING ENEMIES

(By Roberto Campos)

In the demonology of Latin America, the multinational corporation is the newest incarnation of imperialism. It is the enemy now most in vogue. In order to form "clear and well-defined" ideas on the matter, as Descartes would want, we wish to point out things which, because they are obvious, are overlooked.

First, multinational corporations are not a diabolical invention of American imperialism. Indeed, because of the distressing narrow range of their limited markets, some small countries were pioneers in the field: Denmark, with the East Asiatic Company; the Netherlands, with Philips, Shell, and Unilever (the latter two in association with Great Britain); Switzerland, with Nestlé; and Italy, with Pirelli and Olivetti. Secondly, the multinational corporations are becoming more and more stateless, representing an average of the interests of their countries of origin. In the United States, cradle of the majority of the great multinational corporations, they are increasingly being accused of conflicting with national interests; the labor unions accuse them of taking their jobs away by exporting factories instead of products; the Treasury criticizes them for their insistence on exporting capital, reinvesting profits abroad, and unpatriotically speculating against the dollar, thereby worsening the balance of payments problem; the Congress is investigating these corporations' political abuses and influence peddling. Thus, a paradox occurs: in Latin America multinational corporations are regarded as an economic ramification of American imperialism, while in their country of origin they are accused of disregarding the national interest.

FRIEND OR MONSTER

As usually happens, that new form of organization, which is steadily transforming international trade into commerce between companies rather than commerce between countries, has qualities and defects, advantages and hazards, which must be analyzed pragmatically, not exercised ideologically. The advantages are: (A) the capacity to transfer technology; (B) the attraction of international investment resources; (c) the rationalization of production by increasing its scale; and (d) the facility of international marketing, thereby promoting the expansion of trade. The hazards are: (a) the suffocation or displacement of less technically and financially equipped national entrepreneurs; (b) the exercise of political influence by reason of the very size of the enterprises: (c) the globalization of business decisions according to production and market strategy, made in control centers located outside the country; and (d) the attempt by the governments of countries of origin to assert extraterritorially their policies in relation to the exportation of capital, trade with enemy countries, tax systems, and antitrust legislation.

The multinational corporation is neither an angel nor a beast; its advantages should be fully utilized and its disadvantages minimized. That is precisely what calls for skill in the underdeveloped country, which on the one hand needs capital and technology and on the other hand needs to carry out its own development plans.

THE PROBLEM OF NATIONALIZATION

There are positive ways and negative ways of protecting the national entrepreneur and of promoting the domestication of the foreign enterprise.

Among the negative ways one may point to: (a) expropriation and confiscation; (b) compulsory nationalization within a predetermined period of time; and (c) compulsory majority national participation in all enterprises. These systems might be called, respectively, the Chilean formula, the Andean Group formula, and the Mexican formula. All of them have their disadvantages. The first ends up by causing damage to the national entrepreneur himself, because it checks the inflow of new investment, slows down the process of growth, and therefore lessens the national entrepreneur's opportunities for expansion. The second has a less discouraging effect and can be applied in certain sectors, such as mining, where the technological processes are not so dynamic and where the period of amortization can be easily calculated. It does, however, have some drawbacks: (a) knowing the fatal date of the transfer of control, the foreign companies refrain from transferring more modern technology and renewing equipment; and (b) the domestic capital expected to acquire control might perhaps find more productive uses elsewhere. The Mexican formula is the least discouraging to new inopportunities for administrative corruption, because of the necessity of making exceptions in cases where there is no managerial experience or no local capital available for assuming control. "Straw men" proliferate in Mexico, that is, figureheads who lend their names as a cover for effective control of the companies by foreign interests.

But there are also positive ways of protecting the national entrepreneur and encouraging the gradual nationalization of the enterprises. These are what we might call the Brazilian formula. On the one hand an effort is made to compensate for the relative weakness of the national entrepreneur, giving him preferential access to public credit, official guaranties, and mechanisms for financing small and medium-scale business. On the other hand, the foreign companies are encouraged to open their doors to national participation in the stock market, by means of tax incentives for open-capital companies. However, we are still not applying another protective mechanism, which already exists by law but is virtually unused. This is the antitrust legislation, which permits the Brazilian Government to intervene in the market to prevent monopolistic maneuvers, whether by national or foreign concerns. This device, when skillfully applied, could prevent the acquisition of national companies by foreign ones for the purpose of monopolizing the market. In principle, if foreign investment only acts as a substitute for national invest-

ment, without adding new technology, diversifying products, or reducing costs by dramatic changes in the scale of production, it is undesirable. Growth investment is preferable to what is just substitute investment.

THE QUESTION OF CONTROL

Instead of resorting to anti-imperialist slogans, Brazil preferred a pragmatic coexistence with the multinational corporations. We are less dismayed than other countries about the loss of control and the infringement of sovereignty deriving from the multinational presence.

We believe that even the largest of the enterprises does not have the capacity to defy government policy, considering that (a) the government can manipulate the irresistible weapons of the tax collection department, credit, foreign exchange, and the labor system; (b) the basic infrastructure inputs—transportation, power, communications, petroleum, and steel—are under national control; (c) the most effective instrument for adapting the enterprises to the national interest is the nationalization of the managers; and (d) in view of the development of an international consciousness concerning the direct sovereignty of States, multinational corporations do not find the climate for the exercise of force, nor do they find support from their own governments for antagonizing other governments (diplomatic protection today is limited to action through the courts for claiming payment of compensation for expropriation).

It is natural that there should be conflicts of interest between the host countries and the multinational corporations, inasmuch as the latter seek to maximize their level of employment and income in the host country.

One example of such possible conflicts is found in the export problem. Export strategy can lead multinational corporations to reserve special or even exclusive preference for their home headquarters in the matter of foreign markets. Another example is the mobility of capital, which at times induces the enterprises to make sudden and massive transfers of resources in the expectation of increases in the value of hard currencies. It is said, for example, that in the recent speculative flight of the dollar in search of the yen and the German market, the Arab sheiks and the multinational corporations were equally responsible.

These problems can be solved by a mixture of pressure, negotiation, and regulation, without going to the extreme of cutting off one's nose to spite one's face. Brazil managed, for example, to transform the multinational corporations into valuable instruments for the expansion of industrial exports, by making the approval of new projects or the expansion of existing ones subject to an agreement on exports. Incidentally, this is perhaps the best way of guaranteeing the transfer of more modern technology to Brazil, for otherwise the product would not be competitive in the international market. Contrary to this pragmatic posture, the Andean Group, which wishes to develop regional integration, is restricting the participation of multinational corporations in the Group, which means forfeiting the most effective instrument for promoting industrial exports.

The acid test of time will tell whether the Brazilian formula is preferable to the others. In the light of the new rate of growth and the increasing autonomy vested in us by the formation of foreign exchange reserves and the increase in exports, it appears likely that we may have learned the difficult art of distinguishing between the true and the false enemies of development.

As Brazil becomes more pragmatic, Latin America is becoming more ideological. That kind of isolation does us no harm, because if the Brazilian model is successful, it will have the force of example and it will be contagious. Nothing succeeds like success.

INDOCHINA AGREEMENT

Mr. GOLDWATER. Mr. President, we have all heard a great deal of discussion concerning the new agreement over Indochina reached recently in conferences at Paris between Dr. Henry Kissinger and North Vietnam's Le Duc Tho. And, of course, we are again hearing from people who believe that almost any concession the United States makes in its dealings with the Communists is too much.

It is my considered opinion, Mr. President, that the United States did, indeed, give away more than it received. However, I believe it should be noted that the items which we gave up can easily and quickly be withdrawn should the Communists fail to keep their part of the new agreement.

I believe the most lucid and best balanced presentation of this situation was published in the Arizona Republic of June 13. In that editorial, consideration was given to the mood of Congress and of the American people at the present time and the conclusion was reached that Dr. Kissinger had again demonstrated that he is a realistic professional in the field of diplomacy.

Mr. President, I ask unanimous consent to have the Arizona Republic editorial entitled "Kissinger Does His Best" printed in the RECORD.

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

KISSINGER DOES HIS BEST

The draft Kissinger-Le Duc Tho communique, leaked to the press in Paris yesterday probably provides a good key to the new Indochina agreement that will be signed, possibly today.

Basically it is an agreement between North Vietnam and the United States, bearing the concurrence of South Vietnam and the Vietcong, or Communist guerrillas operating in South Vietnam.

On the whole, the draft communique is an extension of an amplification of the Paris peace agreement of last January. Dr. Henry Kissinger and Le Duc Tho, who negotiated both agreements, apparently were making a major effort to secure an enforceable standstill between the warring factions.

It is hoped the military standstill will lead to elections in South Vietnam.

To secure the new agreement, the United States pledged:

To end bombing of Cambodia and Laos immediately;

To stop aerial surveillance of North Vietnam immediately;

To resume clearance of the mined harbors of North Vietnam within five days and complete the job within 30 days;

To resume economic aid talks with North Vietnam within four days.

In return North Vietnam has promised:

To observe the Jan. 27 cease-fire agreement;

To exchange civilian prisoners with South Vietnam;

To account for missing persons and permit grave inspections;

To establish the National Council for Reconciliation within 45 days;

To proceed with discussions of procedures for elections to be held under international supervision.

Even a cursory inspection of the Kissinger Le Duc Tho communique indicates that the United States gave away more than it received. The mining of harbors, the bombing of Cambodia and the withholding of foreign aid—these are the three hole cards Kissinger had in his hand at Paris.

Although he gave these three cards up, it is of course possible for the United States to declare the agreement inoperative and go back to bombing, to mining and to refusing foreign aid. It's possible, but not likely.

For the truth of the matter is that Congress was on the verge of cutting off all American measures in Indochina. Le Duc Tho knew that as well as Dr. Kissinger did.

The United States took what it could get at the bargaining table. If North Vietnam keeps its side of the bargain, the United States will be the winner. An honest election, under foreign supervision, will continue the friendly government, not a Communist-dominated coalition, in Saigon.

It also will give the final proof, if final proof is needed, to American determination to support its alliance with South Vietnam.

And what if North Vietnam doesn't keep the agreement signed yesterday? No one knows, of course, but South Vietnam does have a substantial military organization and it might be able to maintain its integrity—as South Korea has done—assuming the continuation of American supplies.

That may be a long bet, from the American standpoint, but with the mood in Congress and in the nation today, it is the best the United States can get. Henry Kissinger has again demonstrated he is a realistic professional in the field of diplomacy.

U.S. MULTINATIONAL FIRMS AND EXPORTATION OF U.S. JOBS, CAPITAL, AND TECHNOLOGY

Mr. FANNIN. Mr. President, one of the most important issues before Congress concerns our future course in international trade. It is urgent that all Members know the facts and recognize the misconceptions concerning our problems in world trade.

One of the misconceptions is that multinational corporations are bad for America. The truth is that U.S. multinational firms have beneficial economic effects for the Nation, and such firms are essential to our future.

Earlier this year the Senate Finance Committee's Subcommittee on International Trade held hearings on multinationals.

Testimony in these hearings prompted Dr. William L. Casey Jr., associate professor of Economics at Babson College, Mass., to prepare a very interesting paper concerning multinationals. Dr. Casey, who received his Ph. D. in economics from Boston College, has a special research interest in international finance.

In his paper, Dr. Casey points out that the net direct foreign investment income generated by our multinational firms has been a strong positive element in our balance of payments, and U.S. multinational firms are not net exporters of capital as some critics would have us believe.

Dr. Casey has concluded that benefits to U.S. employment accrue directly through the export stimulation that investments abroad provides. Multinational firms may export jobs, but they also import jobs. He believes that re-

strictions to halt the exporting of jobs would inevitably serve to block the importing of jobs.

Mr. President, I believe that the views of Dr. Casey will help to better inform the Congress on this issue and I ask unanimous consent that his outstanding paper be printed in the RECORD.

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

U.S. MULTINATIONAL FIRMS AND THE EXPORTATION OF U.S. JOBS, CAPITAL, AND TECHNOLOGY

(By William L. Casey, Jr.)

In assessing the total impact of U.S. multinational firm operations abroad on the general welfare of the U.S. economy, logic dictates that a balanced view must be taken of relative costs and benefits. As in the case of free trade, the free flow of direct investment capital between nations produces a trade-off; individual countries benefit but not without cost. The internal political decision to support *or* restrict capital movements abroad must be preceded by a careful analysis of current international economic conditions or circumstances which determine whether a country's interests on balance will be served best by the promotion of freer capital flows or by a restriction of the same.

It is relatively easy for proponents of the Burke-Hartke bill to cite specific examples of how the U.S. multinational firms militate against special segments of the U.S. economy. Conversely, opponents have no difficulty in structuring a defense by citing specific benefits. Isolated arguments, however, are of little value to public policy makers *unless* the relative merits of opposing views are examined in such a way as to determine in which direction the scales tip.

First of all, it must be recognized that the impact of U.S. direct investment abroad on the U.S. economy is ambiguous. The primary, superficial effects are clearly discernible but the secondary and tertiary effects are not. The purpose of this paper is not to resolve all of the complex issues that have emerged from recent congressional hearings and other public debates on those aspects of the Burke-Hartke bill relating to multinational firm operations; rather, it is to shed light on the complexities and ambiguities of such issues and to expose the superficiality of some testimony to date particularly from the proponents of the aforementioned bill.

U.S. MULTINATIONALS AND THE EXPORTATION OF CAPITAL

It is undeniably true that new foreign investments made by U.S. multinationals abroad may serve as a short-term source of U.S. balance-of-payments disturbance. Furthermore, it is reasonable to expect that financial managers of U.S. subsidies abroad will honor their responsibilities to stockholders during periods of foreign speculation against the dollar by engaging in hedging operations designed to prevent corporate asset depreciation. Clearly, U.S. multinationals have contributed to pressure on the international dollar during recent crises through the conversion of corporate-owned dollars into harder currencies. However, despite the validity of these contentions, it does not follow that U.S. balance-of-payments and international dollar difficulties are ultimately traceable to U.S. multinational firm operations abroad. Indeed there is reason to believe that harsher restrictions on the same would eventually serve to compound our international financial problems.

The reasons for the erosion in foreign confidence in the dollar, and the accompanying loss in value, are simple, not complex. Speculative crises have been spurred by the flooding of foreign exchange markets abroad with dollars which, in turn, has resulted from persistently large U.S. balance-of-payments deficits. If indeed it can be demonstrated that U.S. multinationals through their direct investments are responsible in total or in part for U.S. balance-of-payments deterioration during the past decade, then the condemnations of multinationals by Burke-Hartke proponents are justifiable. However, this is not the case.

Admittedly, spurts in new direct investments abroad over a short period of time can produce temporary disequilibria in external balance, but deterioration in the U.S. balance-of-payments posture has been a long-term phenomenon dating back to the late 1950's. Over the long term, the balance-of-payments effects of foreign investment programs tend to be favorable in the absence of artificial capital controls. The conclusion that repatriated earnings, royalties and fees from past foreign investments eventually grow in excess of new investment outlays is both theoretically and empirically verifiable.[1] Recognition of the same has prompted both economists and members of Congress to condemn the U.S. direct investment controls of 1968 since their inception. The following position statement is typical.

"Restriction of U.S. direct investment abroad must eventually undermine this country's balance-of-payments position through a decline in profits and dividends from abroad, through a drop in earnings from the sale of technology and managerial services, and through a loss of exports to subsidiaries and to foreigners making purchases through U.S. dealer-subsidiaries.[2]"

Proponents of the Burke-Hartke bill may argue that U.S. multinational firms are exporters of capital but they may not argue with validity that these firms are *net* exporters of capital. In our balance-of-payments experience surpluses on long-term and capital account reveal quite the opposite. Historically, the net direct foreign investment income generated by our multinational firms has been a strong positive element in our balance of payments. To restrict the operations of multinationals, therefore, is to restrict the net inflow of repatriated earnings which currently is serving to offset, in part, trade deficits and other payments difficulties.

Nevertheless, enthusiasm about the positive aspects of direct foreign investments must be tempered by political reality. In an atmosphere of free capital flows our multinationals will contribute positively to our balance-of-payments position. Unfortunately, however, restrictions may come from the other side. If the policies of a few foreign countries today—designed to limit the transfer of subsidiary earnings back to the U.S. or to restrict the importation of goods by subsidiaries from U.S. parent companies—become universal, then the positive effect of our direct investments on our balance of payments will soon disappear. Under such conditions it may become necessary to retaliate in order to protect our balance-of-payments interests. Unfortunately, in a foreign investment war, as in the case of a trade war, there will be no ultimate winners. The temptation to impose harsh capital restrictions or to impose tax penalties on U.S. multinationals should be resisted unless there is a total breakdown in international cooperation.

U.S. MULTINATIONALS AND THE EXPORTATION OF JOBS

The impact of U.S. direct investments abroad on domestic employment is clearly a more emotional issue than the broader balance-of-payments implications. Obviously, firms that invest abroad create jobs abroad and, assuming a fixed corporate investment capacity, it is reasonable to conclude that foreign investments compete with domestic investments. U.S. labor groups, arguing in support of the Burke-Hartke bill, implicitly make such an assumption from which the conclusion is derived that U.S. corporate investment policy is a zero sum game; namely, that there exists a one-to-one trade off between jobs created abroad and those lost at home.

On the surface this line of argumentation seems logical, and indeed it is, if one accepts the assumption of a fixed corporate investment capacity. The difficulty is with the assumption, of course, because it ignores the very nature of job-creating corporate investment as a dynamic process. When U.S. firms invest abroad market forces are unleased which create secondary and tertiary employment effects, some of which are most favorable to U.S. domestic labor interests. U.S. direct investments abroad, both directly and indirectly, create domestic jobs as well as foreign jobs. Benefits to U.S. employment accrue directly through the export stimulation that investments abroad provides. Overseas plants of U.S. multinational firms are major customers of U.S. export industries, averaging over the past five years approximately 25 per cent of total annual U.S. exports. Obviously, when U.S. exports expand because of the increased import needs of growing U.S. subsidiaries abroad, employment is created within U.S. export industries.

It is true that multinational firms based in the United States import as well as export. The question naturally arises of whether job losses in U.S. import-substitute industries offset job gains in U.S. export industries. Apparently this is not the case. As reported by the New York-based National Foreign Trade Council,

"U.S. multinational companies are leading exporters of U.S. products, accounting for roughly half of total U.S. merchandise exports. Industries with the largest participation in foreign investment were found by the U.S. Tariff Commission to be the heaviest contributors to U.S. exports. A survey by the Emergency Committee for American Trade found that exports of 74 multinational corporations in manufacturing increased by 181 per cent in the last decade, compared to a 124 per cent growth in total U.S. manufactured exports.

"The U.S. Tariff Commission has stated that those industries with substantial U.S. foreign investments are least associated with the recent rise in U.S. imports. In those U.S. industries where imports have made the fastest inroads, the imports have generally not come from U.S. subsidiaries abroad. Apart from imports under the U.S.-Canada auto agreement, imports from foreign manufacturing affiliates constitute only a very small percentage of total U.S. imports." [3]

On balance, therefore, it would appear as though the trade-induced effects of U.S. multinational firm transactions on U.S. employment are generally beneficial.

Apart from trade-induced benefits, there are additional aspects of U.S. foreign investments which promote domestic job expansion, although indirectly. U.S. multinationals with profitable enterprises abroad are provided with investible funds through the repatriation of earnings which can be used domestically to support domestic real investments and to create additional domestic jobs. Indeed, aggregated statistics reveal that *most* domestic real investments are made by those U.S. firms which are *most* active abroad, the implication being that the relationship between domestic and foreign investment is more complementary than competing.

Furthermore, it must be noted that the growth of U.S. multinational firms abroad has been accompanied by the growth of U.S. multinational bank operations. Another complementary relationship emerges when successful business enterprise abroad produces the need for banking services, thereby generating bank earnings which can be repatriated back to the U.S. and rechanneled by parent banks into domestic investments

Footnotes at end of article.

creating domestic job opportunities. Finally, and most indirectly, domestic jobs may be created by *foreign* direct investment in the U.S. made possible by the availability of Eurodollars and other dollars abroad which originated in the first instance through the expenditures made by U.S. multinationals.

In conclusion, therefore, it is accurate for proponents of the Burke-Hartke bill to cite U.S. multinationals as exporters of jobs; however, it is deceiving to ignore the equally valid fact that multinationals also import jobs. Restrictions designed to prevent the former inevitably would serve to block the latter. Because of the complexities of the direct and indirect employment effects that foreign investments tend to produce, it is impossible to measure with precision exactly how many jobs will be gained or lost per unit of foreign investment expenditure; however, careful analysis would seem to indicate a net beneficial effect and therefore would seem to justify a liberal rather than a restrictive U.S. direct investment policy.[4]

U.S. MULTINATIONALS AND THE EXPORTATION OF TECHNOLOGY

In addition to other arguments cited above, proponents of the Burke-Hartke bill are quite vocal in criticizing U.S. multinationals as exporters of American-developed technology. It is claimed that the short-term U.S. balance-of-payments benefits of the same do not justify the resulting loss of industrial and military secrets nor the resulting erosion of U.S. marketing and productivity advantages which costs Americans jobs.

As articulated by Mr. Nathaniel Brenner, the Director of Marketing of Coates and Weller Corporation, the central employment argument is as follows:

"For many years our advanced products enabled us to compete in international markets despite high prices (and high wage rates).

"What has happened in the 1960's and continues is that American corporations, via licensing agreements, foreign plant construction and other multinational arrangements, have given away for a very small portion of real cost and value this advanced technology and, with it, the jobs it created. Where a multinational corporation licenses a product abroad, it gives away the technology created by Americans educated at public expense, and the American jobs which produce that product, for the 5 or 10 per cent represented by the license fee or return on invested capital. Result—the American worker loses a job, the U.S. loses an export product and becomes an importer of that product, but the corporation still nets 5 or 10 per cent. Result—unemployment plus balance-of-payments problems. Naturally, the foreign producer can sell for less—he hasn't had to invest in the education, the R & D, or the wages which support the American system." [5]

In assessing the valadity of such a position it is again necessary to penetrate beneath the surface in examining secondary as well as primary implications. On the one hand, it must be admitted that the dissemination of American know-how abroad will expand the production horizons of foreign countries and will raise foreign labor productivity. If American technology is properly assimilated and utilized by the importing country, then employment, investment, and balance-of-payments benefits will accrue. However, this need not be at the expense of American employment and investment opportunities nor American balance-of-payments solvency. Again it is erroneous to assume a zero sum game.[6]

The transfer of technology across international boundaries is a dynamic process which takes many forms. It may involve the transfer of physical items such as drawings, tooling, machinery, process information, specifications and patents; but, on the other hand, it may arise simply through personal scientific contact or through the dissemination of scientific journals. The United States is a net exporter of technology because this is our comparative advantage. As the most technologically advanced country in the world, it is natural to expect a net outflow of technical information and know-how. The effect of artificially blocking the multinational firm's involvement in the process through passage of Title 6 of the Burke-Hartke bill will simply be to spur the dissemination of our advanced technology through other avenues. The U.S. direct investment bans of 1968 have failed in part because of the ease by which the capital restrictions have been circumvented. Technology transfers will prove to be as uncontrollable because of the availability of commercially valuable scientific information capable of being disseminated through personal contact, publications and other means. This, of course, begs the question. Of central importance is not whether technology transfer *can* be controlled, but rather, whether it *should* be.

Few would argue with the proposition that U.S. exportation of technology, with or without multinational firm involvement, is a logical extension of the principle of comparative advantage. Multinationals adhere to the principle but have added a new dimension through the exportation of technology in support of foreign production operations. High technology goods are both produced and sold abroad as well as being produced at home for purposes of exportation. The most efficient production processes and techniques are also transferred abroad in support of foreign operations.

Certainly, proponents of Burke-Hartke restrictions have a valid case if American firms are "giving away" technical know-how without adequate compensation and if the transfer of the same leads to a loss of competitive advantage in American industry. Evidence seems to indicate, however, that this is not the case. Much of the know-how transferred abroad by American firms does not qualify as secret information guarded by patent rights; rather, it is know-how that foreign recipients could acquire through other means, e.g., technical journal. As a result its acquisition does not necessarily compromise the competitive advantages of American industries.[7] On the other hand, some transfers do involve system-specific technology which foreign recipients could not acquire through other means, and, as a result, relative competitive advantages may be altered through multinational firm patent sales and licensing arrangements. Nevertheless, this is precisely the type of technology that American firms will not transfer abroad or internally without adequate compensation; it will hardly be "given away" by profit seeking firms. Transfers will be made if compensation is adequate to cover real and opportunities costs including the surrendering of internal technical "secrets" and the potential loss of future markets. Experience has shown that the price of transfer which foreign recipients must pay is in many instances prohibitive because of high costs and, therefore, the market transfer process does provide a built-in check against the wholesale erosion of American technological advantages.[8]

Even in those cases in which such transfers are made, it is not at all clear that U.S. multinationals militate against American economic interests. It was shown earlier in this paper that secondary domestic employment benefits do result from profitable U.S. multinational firm ventures abroad; the profitable sale of technology is no exception to this rule. Furthermore, it must be reiterated that technological transfer is a dynamic, not a static process. U.S. technology, exported and applied abroad, often returns through horizontal or vertical transfer in more sophisticated and applicable forms, thereby supporting American industry and employment. The United States is a major importer, as well as exporter, of technology. In recent years the U.S. share of total world expenditures for imported technology has approximated 12 per cent which is more than France's share and only slightly less than Japan's and Germany's shares.[9]

The implications are clear. If U.S. government policy blocks the exportation of technology from the U.S., beneficial imports will be blocked as well through expected foreign retaliation. Admittedly, the U.S. is a net exporter of technology but in many product and production process areas U.S. technology is sold abroad with alternative or similar technologies available from other countries. The public policy blockage of U.S. exports would not prevent the application of technology from other sources; rather, it would only result in loss of income to the United States with adverse balance-of-payments repercussions.[10]

The U.S. government has the responsibility to protect the nation against the loss of military secrets through private technological transfers. The national security argument made by proponents of the Burke-Hartke bill has validity. However, in other areas unrelated to defense or national security, natural market processes would seem sufficient to guard against the loss of U.S. competitive advantages in high technology endeavors. Mutual benefits do accrue ultimately to both technology-exporting and technology-importing countries. Artificial barriers against technology transfer are no more defensible than artificial trade or capital restrictions. After all, free technological transfer is a corollary of free trade and free capital flows.

FOOTNOTES

[1] For a theoretical treatment see Norman Buchanan, *International Investment and Domestic Welfare*. New York: Holt, 1945, pp. 167–172 and Evsey D. Domar, "The Effect of Foreign Investment on the Balance of Payments," *Essays in the Theory of Economic Growth*. New York: Oxford University Press, 1957, pp. 129–153.

[2] Report of the Joint Economic Committee, Congress of the United States on the January, 1970, Economic Report of the President, House Report No. 91–972, 91st Congress, 2d Session, 1970, p. 49.

[3] National Foreign Trade Council, *Crucial Issues and Challenges Facing International Business and the World's Economies: Declaration of the Fifty-Ninth National Foreign Trade Convention*, New York, November 13–15, 1972, pp. 14–15.

[4] This recommendation is based on the assumption that international cooperation will prevail in the future structuring of foreign direct investment policies by national governments. Restrictive policies abroad, which could be designed to block the favorable employment effects of our direct investments, could force U.S. investment policy to proceed in the same direction. See the discussion on page 4.

[5] Quoted by AFL–CIO President George Meany in *A Modern Trade Policy for the Seventies*, based on a speech delivered to the Aluminum Association at the Waldorf-Astoria Hotel in New York City, October 26, 1972, pp. 10–11.

[6] See pages 4–6 for a discussion of the weaknesses of the zero sum game thesis.

[7] G. R. Hall and R. E. Johnson, "Transfers of United States Aerospace Technology to Japan," *The Technology Factor in International Trade*, New York: Columbia University Press, 1970, pp. 306–312.

[8] *Ibid.*, pp. 306–357.

[9] Graham Jones, *The Role of Science and Technology in Developing Countries*, Oxford University Press, 1971, pp. 1–15.

[10] National Foreign Trade Council, *Op. Cit.*, p. 25.

AN EDUCATIONAL HONOR FOR ILLINOIS

Mr. PERCY. Mr. President, last month the National Education Fair was held

here in Washington for educators from across the country. Sponsored by the U.S. Office of Education's Bureau of Elementary and Secondary Education, the conference was designed to facilitate the sharing of successful education practices.

I am very proud that a title III ESEA project in Peotone, Ill., Early Prevention of School Failure—EPSF—was one of the 12 ESEA projects selected from among several hundred exemplary projects to participate in the education fair. To be considered as exemplary, projects must show evidence of success, cost effectiveness, innovation, and the quality of being exportable to other schools with similar needs. EPSF fulfilled the exacting requirements.

The objectives of EPSF are to identify students with learning disabilities at the kindergarten level, then to provide each child with an individually prescribed program of instruction geared to his needs. The program is constantly revised as the child progresses, with an eye toward fulfilling his unique physical and verbal potential.

I commend Mrs. Luceille Werner, the project director of EPSF, and her colleagues in the Peotone school system who achieved such a high degree of success with this program and who brought this recognition of educational excellence to Illinois.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at the hour of 9 a.m. following a recess. After the two leaders or their designees have been recognized under the standing order, the Senate will resume consideration of the unfinished business, S. 268, the national land use policy bill. The question will be on the adoption of the amendment by the Senator from Wyoming (Mr. HANSEN), amendment No. 244. There is a time limitation of approximately 1 hour on that amendment. The vote will occur at 10 a.m., and the yeas and nays have been ordered. There will be other yea-and-nay votes during tomorrow, presumably.

The Senate will continue its consideration of the land use policy bill and, hopefully, will complete action on that bill tomorrow.

I believe that is all I have to say. The distinguished majority leader has already indicated the program for the days ahead.

RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, there being no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow morning.

The motion was agreed to; and at 6:21 p.m., the Senate recessed, in accordance with the previous order, until tomorrow, June 21, 1973, at 9 a.m.

NOMINATIONS

Nominations received by the Senate June 20 (legislative day of June 18), 1973:

JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA

Burton W. Silcock, of Virginia, to be a member of the Joint Federal-State Land Use Planning Commission for Alaska, vice Jack O. Horton, resigned.

IN THE NAVY

The following named Reserve Officers of the U.S. Navy for permanent promotion to the grade of commander:

LINE

Albrecht, Eugene William
Anagnostos, George
Arnold, Coy Hudson, II
Avenengo, Charles Melvin
Aydelotte, Samuel Robert
Aylward, William E.
Bacon, Robin Leigh
Baker, Robert Allen
Barling, Stephen Douglas, Jr.
Bell, William Frederick
Berggren, Paul Dow
Best, William V.
Blackwell, Edwin Harrison, Jr.
Blakeman, Frederic Birdsey
Blaker, Charles Franklin
Borgardt, Elmer G.
Boyden, Donald Lamont
Briggs, Franklin Henry
Brocklehurst, Donald James
Burcham, Gary Don
Carlin, Bernard Thomas
Childress, Carlisle Hugh
Chrisman, George F., Jr.
Clinkscales, Hulan Ferrell
Coen, Richard Joseph
Collins, Clyde
Collins, Jesse Ray
Colohan, William Joseph
Cook, Paul Mack
Cowan, Robert Charles
Creech, Billy Sims
Crowley, Barrett Kirkman
Daniels, William Donald
Dawson, Allan J.
Dearing, Paul Wayne
Dellinger, David Worth
Disilvestro, Richard Alfred
Domville, Compton N., Jr.
Doremus, Robert Bartsch
Ervin, Robert Earl
Eskew, John Burgess
Evans, Arnold Alan
Falkenstein, Timothy O.
Fare, Claude Lee
Farris, Gary Francis
Fetzer, Norman Charles
Francis, Jon Kenneth
Fredian, Thomas Vincent
Gallo, Michael John
Gebhart, John Dewall
Giannonatti, Curtis Alan
Gonsalves, Virgil Anthony
Graham, Robert Everett
Griffin, Donald Allen
Hamel, Donald Rodolphe
Hannon, Edward Robert, II
Harker, William Gilbert
Harris, Donald E., Jr.
Henry, George Richard
Hood, Warren Wheeler
Howell, Eugene Davis
Hushaw, Walter Dale
Ivey, Ora Franklin
Johnston, Roy Warren
Kaucher, William Delmar
Kelly, Theodore Alanson
Kish, John Theodore
Lavin, Lawrence M.
Lockeman, George Franklin, Jr.
Luna, William Loyd
Lynch, Hubbard, Jr.
Lynch, John Edmund, Jr.
Maaske, Gary Lee
Maloney, John Joseph, Jr.
Matthews, Billy Charles
McCarthy, John D.
McCullough, Raymond Keith
McDaniel, Peter Wilcox
McGirr, Francis William, Jr.
McKinney, Charles Preston
Meleski, David R.
Miller, David Weaver
Miller, Donald Milton
Montag, Richard Varley
Monteau, Levi
Moran, William Thomas
Moser, Carter Harris
Mueller, Donald Charles
Murphy, Warren T., Jr.
Musselman, David Eugene
Newton, William Preston
Oehlbeck, Ronald John
Oliver, John Edward
Olson, Dennis A.
Pacalo, Nicholas
Piersse, Charles Ralph
Prater, James
Quackenbush, Abram Harold
Radam, Robert Lucas
Ready, George E.
Reed, Sullivan Webster
Remsen, Henry
Rinard, Tommie F.
Rogers, Ronald David
Rogstad, Allen Rockwell
Ross, Charles Patrick
Sage, Alfred George Jr.
Sanders, Frederick Haydn
Sarajian, Harry
Scarfato, Thomas J.
Schlosser, Floyd William
Schwarz, Paul Philip
Sequeira, Frank Edmund
Smith, Richard Hilman
Spann, Howard William
Stack, Thomas Michael
Steffen, Werner H.
Tatro, Carl Joseph Jr.
Taylor, Otis Wintfred II
Vannorden, Gerald J.
Vesterby, Roger Earl
Walrod, David Joseph
Wells, Jack Dell
Weltner, Howard Allen
Wenzlau, Charles Norman II
Whipple, Fred Eugene
Willis, David Huntington
Woodall, Elliott Arnold

SUPPLY CORPS

Armitage, James Harold
Chancler, Robert T.
Fiaush, Donald A.
Hohenberg, Morris
Lesser, Murray
Meilert, John James
Oaks, Jacob G., Jr.
Roethe, Edward A.
Scolpino, Frank J., Jr.
Wagoner, Edgar Lee, Jr.

CHAPLAIN CORPS

Black, Richard David
Brasley, Lucian Roger
Cusick, William Francis
Howland, Joseph Albert
Landry, Gene Daniel
Whatley, Wallace Hestel

NURSE CORPS

Ciesielka, Caroline Anna
Colford, Therese Veronica

Ewalt, Lois Ione
Heston, Esther Ellicott
Johnson, Audrey Maxine
McCarthy, Eileen Johanne
McCree, Hazel Pauline
Miller, Edna Feintuch
Morichelli, Irma Mary
Schoonover, Dona Jean
Sherer, Vera Lorraine

The following named officers of the U.S. Navy for permanent promotion to the grade of captain:

LINE

Taylor, Leslie A.
Goldbeck, Lewis H., Jr.

SUPPLY CORPS

Sappanos, Louis M., Jr.

CHAPLAIN CORPS

Stewart, Dell F.
Ferreri, Peter J.

MEDICAL SERVICE CORPS

Beam, Walter E.

CONFIRMATION

Executive nomination confirmed by the Senate June 20 (legislative day of June 18), 1973:

GENERAL SERVICES ADMINISTRATION

Arthur F. Sampson, of Pennsylvania, to be Administrator of General Services.

(The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE OF REPRESENTATIVES—*Wednesday, June 20, 1973*

The House met at 12 o'clock noon.

Rabbi Nathan Kapner, Hillel Hebrew Academy and Synagogue, Massapequa, N.Y., offered the following prayer:

O Lord, be Thou with this assembly of legislators who have been selected to guide the destinies of our great Nation. Humbly we ask Thy blessings to grant them good health and strength so that these honored lawmakers be sparked with God's divineness and inspired to translate into law the Biblical moral and ethical ideals laid down by our ancestors: The hatred of tyranny and the love of freedom—the very foundation of our democracy.

Permit us to be sensitive to our aged, to the handicapped, and to the destitute in our midst.

We pray that our Republic uphold the reverence for all humanity in every land and continue to build a society based on love and compassion and the dignity of man. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 7200. An act 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; and

H.R. 7528. An act 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 message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1529. An act 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.

RABBI NATHAN KAPNER

(Mr. RONCALLO of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RONCALLO of New York. Mr. Speaker, I am proud that our opening prayer in the House of Representatives was delivered by Rabbi Nathan Kapner, the spiritual leader of the Hillel Hebrew Academy and Synagogue of Massapequa, my hometown. It is indeed an honor for all the residents of the Third Congressional District on Long Island to have Rabbi Kapner here. He is the first clergyman from my new district to deliver the House opening prayer and I am proud that he was invited to do so.

It is most appropriate that Rabbi Kapner is with us today for, this evening, in my district, Jew and non-Jew alike are to march to the Russian mission estate in Glen Cove to protest the plight of Soviet Jewry.

Rabbi Kapner has long been concerned with the well-being of his Jewish brethren. Among his many outstanding accomplishments is his work with many blind Jewish youth in our community. With the assistance of braille prayer books and texts, Rabbi Kapner has helped these young people to become educated and fulfilled members of the Jewish community so that they can take full part in the traditional services of the synagogue and be knowledgeable of their traditions and history.

On behalf of my constituents and colleagues, I thank Rabbi Kapner for being with us today.

JUDICIAL REVIEW FOR VETERANS' CLAIMS

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, Congressman LES ASPIN, and I are introducing legislation today that would allow veterans judicial review over their disputes with the Veterans' Administration. An identical bill is being introduced in the Senate today by Senator WALTER MONDALE.

Under current law, all differences of opinion on veterans' claims are determined administratively, and no appeals outside the Veterans' Administration are possible.

This legislation is necessary to extend the right of judicial review to veterans. The way it is set up now, the veteran too often does not get a fair shake. The Veterans' Administration is both a party to a dispute and the judge.

Furthermore, the bill concerns procedural changes within the Veterans' Administration and relates specifically to representation by counsel of the veteran. At the present time, the law provides that an attorney may only charge a veteran no more than $10 for legal services. This provision, purported to safeguard a veteran, in effect denies him the services of counsel. Our bill would permit a veteran to pay an attorney up to $100 for legal services rendered and, if the matter is the subject of an appeal decided in favor of the veteran, our bill further provides that the Veterans' Administration would be obliged to pay the attorney representing the veteran a reasonable fee for services rendered as well as reimbursing the veteran the $100 first advanced by him.

We are outraged by finding that VA regulations prevent an attorney for a veteran from contacting a Member of Congress for assistance in handling a veteran's claim. The penalty for seeking such congressional assistance is that the attorney is warned he subjects his competency to represent a claimant to investigation and he forfeits his right to a fee. Our bill would correct this violation of first amendment rights.

Mr. Speaker, we believe that this legislation, if enacted, will go a long way to redress the legitimate grievances of the young men who have served this country in its Armed Forces.

PRISONERS OF WAR AND MISSING IN ACTION

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, last Thursday when Dr. Kissinger met with Members of the House on an informal basis, I asked him the question, Did he think there were any Americans still being held captive in North Vietnam, Laos, and South Vietnam? I failed to include in my question Cambodia. Because many Members were interested in Cambodia, I have received an answer from Dr. Kissinger that before May of this year there were no known Americans held as prisoners or missing in action in Cambodia.