Hershey), a small staff in the War Department and some 400 of these officers.

Such a denial is totally consistent with sociologists' observations of bureaucracy preservation instincts.

APPENDIX V—THE NATIONAL COUNCIL TO REPEAL THE DRAFT

The National Council has been in operation since 1969 and has as its objective the repeal of the Military Selective Service Act. It is composed of key individuals from 48 organizations including such diverse groups as the American Civil Liberties Union, the Young Men's Christian Association, the Americans for Democratic Action, and the Young Americans for Freedom, as well as representatives from many churches. Some of our sponsors are Mrs. Martin Luther King, Jr., Professor Milton Friedman, Bishop William Davidson, and labor leader Emil Mazey. As the diversity of our support suggests, our opposition to conscription is independent of our views on foreign policy and of our political ties or beliefs.

We are most pleased at the progress which has been made in recent months toward eliminating reliance on the SSS and urge you to take the next step by refusing to fund the System for the 1974 Fiscal Year. If any aspect of this issue needs clarification, please call on us.

ELECTION OF TEXAS OPTOMETRIC ASSOCIATION PRESIDENT

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. ARCHER. Mr. Speaker, Dr. Philip Lewis of Houston, has recently been elected as president of the Texas Optometric Association. I wish to congratulate him on this distinction. The organization also is to be commended for such a distinguished selection.

Dr. Lewis can boast of a fine record of optometric practice and service to the community. Following graduation from Pennsylvania College of Optometry, he served in an Army ambulance company in both the European and Pacific theaters during World War II. He later served at Brooks General Hospital.

A native Houstonian, Dr. Lewis has demonstrated his concern for the development of his profession and the cause of quality optometric vision care. He has been second and first vice president and a director of the Texas Optometric Association. He also has worked with the committees on grievance, occupational assistance to graduates and undergraduates, and legal and legislative causes. For his outstanding contributions to the status of optometry in the State, he was named Texas Optometrist-of-the-Year in 1968.

His concerns are displayed in civic activities as well. A longstanding member of the Lions Club, Dr. Lewis has served on many committees and in all offices. He has also given his time and efforts on behalf of committees of Congregation Emanu El, of which he is a member.

With such a pattern of service and high standards supporting him, Dr. Lewis and the Texas Optometric Association can anticipate a year of progress and accomplishment. The State of Texas will be the richer, especially in the area of the vision of its citizens. Health is a vital component in the fulfillment of one's life goals. I must applaud TOA for its many contributions to quality vision care.

SENATE—*Friday, June 22, 1973*

(Legislative day of Monday, June 18, 1973)

The Senate met at 9:15 a.m. on the expiration of the recess, and was called to order by Hon. THOMAS J. MCINTYRE, a Senator from the State of New Hampshire.

PRAYER

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

O God of light and truth, in this tangled time, with its confusion of many voices, may we hear once more Thy still small voice echoing down the corridors of time renewing our souls and lifting our vision of a nation under God. Make us men dedicated to eternal values and unafraid of the loneliness of following the highest we know. Reveal the shame of the second best, the heartache of success bought at the cost of cowardice, cunning, or deceit. Let Thy living word have power among us, working in us the miracle of self-giving which is the crowning glory of those who follow the Great Galilean into the new day of His kingdom.

We pray in His holy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C. June 22, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. THOMAS J. MCINTYRE, a Senator from the State of New Hampshire, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, June 21, 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.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar under "New Reports."

There being no objection, the Senate proceeded to the consideration of executive business.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk read the following nominations in the Department of Justice:

Victor R. Ortega, of New Mexico, U.S. attorney for the district of New Mexico for the term of 4 years.

Mitchell A. Newberger, of Florida, U.S. marshal for the middle district of Florida for the term of 4 years.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

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

Mr. DOMENICI. Mr. President, it was with a great deal of pleasure that I earlier recommended to President Nixon that Mr. Victor Ortega, of Albuquerque, be renominated for a second 4-year term as U.S. attorney from the district of New Mexico. And I was, of course, pleased when the President recently announced the reappointment. Today, I would like to compliment the Senate Judiciary Committee for its expeditious handling of the appointment.

And it is with complete confidence in Mr. Ortega's ability that I now ask the U.S. Senate to vote to confirm this fine man again as U.S. attorney. There is no question that New Mexicans are proud of him and he has proven during his first term that he is serving our country well.

Those who do their job best are typically those whose work is least noticed. To make an analogy, Mr. President, in sports, the referees and umpires in great professional sports such as basketball, football, and baseball are the ones one hears the least about. As a former participant in professional baseball, I know that those who do their jobs without outward pomp and boisterousness are traditionally the ones whose performance is best.

And I feel that good U.S. attorneys are, like professional umpires and referees, judged on their performance, not on the noise they make nor their apparent involvement in the game. On this scale, Victor Ortega's first term as U.S. attorney has been a huge success. Knowing him, I am confident he will strive to do

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even better in this second term. I urge today his expeditious confirmation.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

The second assistant legislative clerk read the nomination of Timothy F. Cleary, of Maryland, to be a member of the Occupational Safety and Health Review Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

LEGISLATIVE SESSION

Mr. MANSFIELD. 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.

NOTIFICATION TO PRESIDENT OF CONFIRMATION OF NOMINATIONS PRIOR TO TODAY

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the President be notified as to the nominations confirmed by the Senate prior to today.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 5 minutes each.

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 216, 220, and 222.

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

AMENDMENT OF NATIONAL VISITOR CENTER FACILITIES ACT OF 1968

The bill (H.R. 5857) to amend the National Visitor Center Facilities Act of 1968, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

SAFE DRINKING WATER ACT OF 1937

The Senate proceeded to consider the bill (S. 433) to assure that the public is provided with an adequate quantity of safe drinking water, and, for other purposes, which had been reported from the Committee on Commerce with amendments on page 1, after the enacting clause, strike out:

That this Act may be cited as the "Safe Drinking Water Act of 1973".

And, in lieu thereof, insert:

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. (a) This Act may be cited as the "Safe Drinking Water Act of 1973".

(b) Table of contents.

Sec. 1. Short title and table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. National drinking water standards.
Sec. 5. Enforcement of standards.
Sec. 6. Imminent hazards.
Sec. 7. National Drinking Water Council.
Sec. 8. Research, technical assistance, information, training of personnel.
Sec. 9. Rural water survey.
Sec. 10. Special study and demonstration project grants.
Sec. 11. State drinking water supply programs.
Sec. 12. Regulations, procedure, and judicial review.
Sec. 13. Records.
Sec. 14. State regulations.
Sec. 15. Prohibited acts.
Sec. 16. Penalties and remedies.
Sec. 17. Citizen civil action.
Sec. 18. Confidentiality.
Sec. 19. Federal facilities.
Sec. 20. Relationship to other laws.
Sec. 21. Authorization for appropriations.

On page 2, line 1, strike out "Declaration of Policy" and insert "Findings"; in line 2, after the word "finds", insert "that"; in line 3, after "(1)", strike out "that"; in line 6, after the word "supply", strike out "the Nation" and insert "American people"; in line 8, after the word "or", insert "are not"; in line 12, after "(2)", strike out "that"; on page 3, line 1, after "(3)", strike out "that"; in the same line, after the word "shipment", insert "in interstate commerce"; in line 2, after the word "of", where it appears the first time, insert "such"; in line 4, after the word "contaminants", strike out "through interstate commerce"; in line 7, after "(4)", strike out "that"; in line 12, after "(5)", strike out "that"; in the same line, after the word "governments", strike out "are in"; at the beginning of line 13, strike out "of"; in the same line, after the word "assistance", strike out "in assuring" and insert "to assure"; in line 23, after the word "of", strike out "our" and insert "the"; on page 4, line 3, after "(1)", strike out "The term"; in line 5, after "(2)", strike out "The term"; at the beginning of line 7, strike out "(10)", and insert "(3)"; in the same line, after the amendment just stated, strike out "The term"; in line 8, after the word "consumption", insert "which"; at the beginning of line 10, strike out "(9)" and insert "(4)"; in the same line, after the amendment just stated, strike out "The term"; in line 13, after the word "to", strike out "man," and insert "human beings"; at the beginning of line 16, strike out "(8)" and insert "(5)"; in the same line, after the amendment just stated, strike out "The term"; at the beginning of line 18, strike out "(4)" and insert "(6)"; in the same line, after the amendment just stated, strike out "The term"; at the beginning of line 23, strike out "(5)" and insert "(7)"; on page 5, at the beginning of line 3, strike out "(6)" and insert "(8)"; in the same line, after the amendment just stated, strike out "The term"; in line 5, after the word "water", strike out "(i)"; in line 7, after the word "or", where it appears the first time, strike out "(ii)"; at the beginning of line 22, strike out "(3)" and insert "(9)"; in the same line, after the amendment just stated, strike out "The term"; in the same line, after the word "means", insert "any"; on page 6, at the beginning of line 1, strike out "(7)" and insert "(10)"; in line 5, after the word "Welfare,", strike out "(A)" and insert "(1)"; in line 8, after the word "and", strike out "(B)" and insert "(2)"; at the beginning of line 16, strike out "as described under subsection (a) of this section,"; on page 7, line 14, after the word "water", strike out "standards, as described under subsection (a) of this section," and insert "standards"; in line 19, after the word "water", strike out "(A)"; in line 20, after the word "or", where it appears the second time, strike out "(B)"; and in line 24, strike out "take into consideration" and insert "consider".

On page 8, after the word "standards", insert a semicolon and the word "and"; in line 22, after the word "and", strike out "the" and insert "its"; in line 23, strike out "of such treatment"; and in line 24, after the word "lease" insert "once.".

On page 9, in line 1, after the word "standard", insert "prescribed"; and at the end of line 1, strike out "subsection (a) of"; in line 3, strike out "subsection (c) of"; at the end of line 6, strike out "will be considered to have" and insert the word "has"; and in line 23, strike out "the" and insert "such"; and at the end of line 23, strike out "in which such water system is operating the" and insert "of such".

On page 10, at the end of line 3, insert "by such noncompliance"; in line 6, strike out "(i)" and insert "(A)"; at the beginning of line 8, strike out "(ii)" and insert "(B)"; in line 13, after the word "that", strike out "a" and insert "any"; at the end of line 18, strike out "(i)" and insert "(A)"; and in line 20, strike out "(ii)" and insert "(B)".

On page 11, in line 10, after the word "may", strike out "include an order requiring" and insert "require"; in line 11, after the word "in", strike out "the" and insert "such"; in line 15, after the word "order", strike out "issued"; and at the end of line 15, strike out "this subsection" and insert "subsection (b) of this section".

On page 12, line 15, strike out "board" and insert "Council".

On page 13, beginning in line 22, strike out "All proceedings and deliberations of such Council and their reports and reasons therefor shall be public record."

On page 14, at the beginning of line 3, strike out "(c)" and insert "(d)"; at the beginning of line 6, strike out "(d)" and insert "(e) While serving on the business of the Council"; in line 7, strike out "of such Council"; in line 8, strike out "while serving on business of the Council,"; in line 10, strike out the words "but" and "exceeding" and insert after "not" the words "to exceed"; in line 12, strike out the semicolon and the word "and"; and at the end of line 12, strike out "so"; at the end of line 13, strike out "business" and insert "business, members"; in line 14, strike out "they"; and at the end of line 15, strike out "by" and insert "under".

On page 15, at the end of line 1, strike out "man" and insert "human beings"; in line 6, after "of" insert "new and improved methods"; at the beginning of line 7, strike out "new and improved methods"; at the beginning of line 10, strike out "new and improved methods"; at the beginning of line 13, strike out "new and improved methods"; at the beginning of line 17, strike out "new and improved methods", and at the end of line 17, insert "the public with"; and in line 19, strike out "to the public".

On page 16, at the end of line 16, insert "to"; at the beginning of line 17, strike out "to"; and at the beginning of line 22, strike out "to".

On page 17, at the beginning of line 1, insert:

(c) (1) The Administrator shall conduct a study of the contamination of ground water resources in the United States which are utilized for the provision of drinking water. Such study shall include, but shall not be limited to, a survey of the nature, extent, and causes of such contamination and the extent to which existing State and Federal law controls such contamination.

(2) Not later than one year after the enactment of this Act, the Administrator shall submit the results of such study to the Congress along with such legislative recommendations as he may deem appropriate.

On page 17, at the beginning of line 12, strike out "(c)" and insert "(d) To carry out the provisions of this section,"; at the end of line 13, strike out "to carry out the provisions of this section" and insert "not to exceed"; in line 15, after the semicolon insert "not to exceed;" at the end of line 16, insert "not to exceed"; in line 23, after "into" insert "such"; and in line 25, strikeout "or" and insert "of".

On page 18, at the beginning of line 17, insert "To carry out the provisions of this section,"; in line 18, strike out "to carry out the provisions of this section" and insert "not to exceed"; in line 20, after the semicolon, insert "not to exceed"; and at the end of line 21, insert "not to exceed".

On page 19, at the beginning of line 2, insert "assisting in the development and demonstration of any project which will"; at the beginning of line 4, strike out "assisting in the development and demonstration of any project which will"; at the beginning of line 9, strike out "assisting in the development and demonstration of any project which will"; in line 14, strike out "esthetic" and insert "aesthetic".

On page 20, at the end of line 12, strike out "(86 Stat. 832)" and insert "(33 U.S.C. 466)"; at the beginning of line 13, strike out "For the purposes of this section" and insert "To carry out the provisions of this section"; in line 15, after "appropriated" insert "not to exceed"; in line 16, after the semicolon, insert "not to exceed"; in line 17, after "and" insert "not to exceed"; in line 21, before "$8,000,000" insert "not to exceed"; in line 22, after the semicolon, insert "not to exceed"; and in line 23, after "and" insert "not to exceed".

On page 21, in line 3, strike out "pursuant to" and insert "for any fiscal year under"; in line 4, after "(a)" strike out "for any fiscal year" and insert "of this section"; at the end of line 6, insert "Such payments shall be made"; and at the end of line 11, insert:

No State shall receive less than 1 per centum of the annual appropriation for grants under this section: *Provided*, That the Administrator may, by regulation, reduce such percentage in accordance with the criteria specified under this subsection: And *provided further*, That such percentage shall not apply to grants allotted to Guam, American Samoa, or the Virgin Islands.

On page 22, at the end of line 3, insert "which is submitted by a State"; and at the end of line 5, strike out "which is submitted by the State,".

On page 23, in line 11, strike out "whereby" and insert "under which"; at the end of line 22, insert "to"; in line 23, after "such" insert "State"; and at the end of line 23, after the word "section" insert a period and strike out "to such State."

On page 24, after "(a)" insert "(1)"; in line 13, after the word "Act" insert a period and strike out "and to"; at the beginning of line 14, insert "He may"; at the beginning of line 15, strike out "(b)" and insert "(2)"; and in line 21, after "under" strike out "subsection (a)" and insert "paragraph (1) of this subsection".

On page 25, at the beginning of line 11, strike out "(c)" and insert "(3)"; at the beginning of line 15, strike out "(c)" and insert "(b)"; at the beginning of line 19, strike out "(d)" and insert "(c)"; and in line 24, strike out "(a)".

On page 26, in line 1, strike out "(b)"; at the beginning of line 3, strike out "(f)" and insert "(2)"; in line 5, strike out "(1)"; in line 7, strike out "(2)"; in line 21, strike out "Every" and insert "Each"; and in line 22, after "section 4" insert "of this Act or each".

On page 27, line 3, after "other" insert "persons"; in line 4, strike out "4(c)" and insert "5"; in line 13, strike out the first "or"; in line 14, strike out "person" and insert "supplier of water or grantee"; in line 15, strike out "supplier or grantee" and insert "person"; in line 16, after "Act" insert a period and strike out "including for this purpose, inspection"; at the end of line 17, insert "Such officer or employee may inspect,"; in line 18, after the first comma, strike out "of"; in line 19, after the second comma, strike out "or in order to" and insert "and may"; in line 22, strike out "the" and insert "such" and after the word "supplier" insert "of water".

On page 28, in line 9, strike out "thereunder" and insert "issued under this Act." In line 15, strike out "pursuant to" and insert "under".

On page 29, in line 2, strike out "5(d)" and insert "(b)"; in line 8, strike out "not willfully"; in line 9, after "Act" insert "other than willfully"; in line 14, strike out "he" and insert "the Administrator"; in line 19, strike out "Upon failure of" and insert "If"; and after the word "party" insert "fails"; at the beginning of line 20, strike out "the" and insert "such"; and in line 22, after "or" insert "may".

On page 30, after the word "Act" insert a period and strike out "and".

And on page 35 after the word "of" strike out "the" and insert "this".

Mr. MAGNUSON. Mr. President, I am delighted that the Senate is today taking up S. 433, the Safe Drinking Water Act of 1973. It is seldom that a bill of this import comes before the Senate. While the Congress has paid a great deal of attention to protecting man and the environment from a variety of environmental insults, and rightly so, it has spent precious little time dealing with one of man's most basic needs, that of a safe supply of drinking water.

At hearings of the Committee on Commerce on May 31, the General Accounting Office reported that State programs to insure safe drinking water were woefully inadequate. GAO looked at the programs of six States as well as drinking water at Federal facilities, bottled water, and the interstate carrier program of EPA. In each case, problems were found which should not be allowed to continue.

In my own State of Washington, only seven of 127 systems checked would meet the standards now in effect for interstate carrier systems. and a number of other deficiencies were noted.

The results were not much better in the other States surveyed. Of 446 systems checked, only 60 were found to be in compliance with existing standards for interstate carriers. Similar deficiencies were found in the monitoring of drinking water and training of operators.

These latest results confirm a trend that has been developing in recent years. EPA's community water supply study has shown similar deficiencies as have other EPA audits of State programs. And Ralph Nader has termed drinking water as one of the top five consumer issues of the day. I am very pleased that we are finally getting around to dealing with a problem that demands our attention.

Mr. HART. Mr. President, the Safe Drinking Water Act of 1973 has near universal support. Following the introduction in the Senate of the original legislation in 1971 by the distinguished chairman of our committee, Senator MAGNUSON, and me, it has become increasingly apparent that a great deal more needs to be done with respect to drinking water.

Studies of the General Accounting Office, the Environmental Protection Agency, Ralph Nader, and others all point to the need for a strong Federal drinking water program. These studies have served, I think, to jolt us all out of a certain apathy that exists with respect to drinking water. All too frequently we assume that because it comes out of the tap it is safe and pure. Certainly the evidence that has been gathered to date discredits that assumption. While it would be overreacting to cry out in panic with respect to drinking water, it certainly is no mistake to assume that a great deal more needs to be done.

It is thus with great pleasure that I welcome the consideration of this bill today. That the bill has progressed this far is due in no small part to the efforts of the distinguished chairman of the Committee on Commerce, Senator MAGNUSON. Without his drive and commitment to the cause of clean drinking water it is my view that the legislation would not have progressed to this stage today. He deserves the thanks and praise of us all.

The amendments were agreed to.

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

S. 433

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

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. (a) This Act may be cited as the "Safe Drinking Water Act of 1973".

(b) Table of contents.

Sec. 1. Short title and table of contents.
Sec. 2. Findings
Sec. 3. Definitions
Sec. 4. National drinking water standards.
Sec. 5. Enforcement of standards.
Sec. 6. Imminent hazards.
Sec. 7. National Drinking Water Council.
Sec. 8. Research, technical assistance, information, training of personnel
Sec. 9. Rural water survey.
Sec. 10. Special and demonstration project grants.
Sec. 11. State drinking supply programs.
Sec. 12. Regulations, procedure, and judicial review.
Sec. 13. Records.
Sec. 14. State regulations.
Sec. 15. Prohibited acts.
Sec. 16. Penalties and remedies.
Sec. 17. Citizen civil action.
Sec. 18. Confidentiality.
Sec. 19. Federal facilities.
Sec. 20. Relationship to other laws.
Sec. 21. Authorization for appropriations.

SEC. 2. (a) The Congress finds that—

(1) increasing quantities and types of chemicals, bacteria, viruses, toxic metals, and other contaminants are entering the public water systems that serve as sources which supply American people with water for drinking many of which are either not detected or are not removed by established water testing and treatment methods and which are consumed by or come in contact with the public, thereby presenting hazards or potential hazards to the public health;

(2) the public should be provided with adequate quantities of water that is safe for drinking and other human uses;

(3) the sale and shipment in interstate commerce of such contaminants of drinking water or products made through the use or production of such contaminants present a danger to the public from consuming water containing such contaminants;

(4) the Federal Government has the responsibility of establishing minimum national drinking water standards for all public water systems and to encourage State and local governments to establish equivalent or more stringent standards; and

(5) State and local governments need Federal assistance to assure the quality of water required for drinking and other human uses, and to that end the Federal Government should supply technical assistance, research and development information, monitoring, and testing information, assistance for the planning and implementation of comprehensive State drinking water programs, assistance for the development and demonstration of new or improved methods of making water safe for drinking, and assistance for the training of individuals involved in the management and safe operation of the Nation's public water supply systems.

DEFINITIONS

SEC. 3. As used in this Act—

(1) "Administrator" means the Administrator of the Environmental Protection Agency.

(2) "Agency" means the Environmental Protection Agency.

(3) "Bottled drinking water" means water for human consumption which is sold in a closed container.

(4) "Contaminant" means any physical, chemical, biological, radiological, or other substance or matter which may cause or transmit infectious disease, chemical poisoning, chronic disease, or other impairment to man, human beings or which may have any other deleterious effect on the public health.

(5) "Council" means the National Drinking Water Council, established under section 7 of this Act.

(6) "Municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over the supply of water to the public, and an Indian tribe or an authorized Indian tribal organization.

(7) "Person" includes a State or political subdivision thereof, municipality, corporation, partnership, association, private or public nonprofit institution, or an individual.

(8) "Public water system" means—

(A) any system which provides drinking water, including bottled drinking water, to ten or more premises not owned or controlled by the supplier of water or to forty or more individuals receiving such drinking water from a system not serving travelers in interstate commerce;

(B) any system which provides drinking water to carriers serving travelers in interstate commerce;

(C) any system which provides drinking water to facilities or establishments serving travelers in interstate commerce, except that the Administrator may by regulation exempt any such system or class of such systems if he determines that such exemption will not result in any unreasonable threat to public health; and

(D) any other system or class of systems which provides drinking water if the Administrator determines by regulation that such system or class of systems may pose an unreasonable threat to public health.

(9) "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(10) "Supplier of water" means any person who controls, owns, or operates a public water system.

NATIONAL DRINKING WATER STANDARDS

SEC. 4. (a) The Administrator shall, after consultation with the Secretary of Health, Education, and Welfare, (1) issue initial proposed regulations prescribing national primary drinking water standards within one hundred and eighty days after the date of enactment of the Act and (2) issue initial proposed regulations prescribing national secondary drinking water standards within one hundred and eighty days after the date of such enactment. The Administrator shall specify in such proposed regulations the date on which such regulations shall take effect, which shall be as soon as is practicable.

(b)(1) National primary drinking water standards shall be drinking water standards and programs, the attainment and maintenance of which, are requisite to reasonably protect the public health, except that the Administration shall not prescribe the addition of any substance other than for the purpose of treating contaminants. Such standards—

(A) shall prescribe the maximum permissible levels for any contaminants which may exist in any public water system in the United States which may cause or transmit disease, chemical poisoning, or other impairments to man, allowing adequate margins of safety;

(B) may apply to any feature of the water supply system including, but not limited to, the treatment, storage, and distribution facilities;

(C) shall include requirements for the adequate operation, maintenance, surveillance, and monitoring of water quality adequate to assure a dependable supply of drinking water which meets the requirements of subparagraph (A); and

(D) shall include requirements for construction and site selection of public water system facilities to protect such facilities from floods and other natural disasters.

(2) National secondary drinking water *standards* shall specify the level of quality of drinking water the attainment and maintenance of which is requisite to reasonably assure aesthetically adequate drinking water. Such standards may apply to any constituent of drinking water which may affect the taste, odor, or appearance of such water or which may otherwise be necessary to assure aesthetically adequate drinking water.

(3) In establishing or revising standards under this section, the Administrator shall consider the view and recommendations of the Council established pursuant to section 7 of this Act.

(c) The Administrator shall publish simultaneously with the issuance of any proposed national primary or national secondary drinking water standard under this section—

(1) such criteria and information as, in his judgment, are necessary to accurately reflect the nature and extent of all identifiable effects on public health or welfare which may be expected from the presence of the contaminant which is the object of such proposed drinking water standards; and

(2) information and data on drinking water treatment methods and technology for the control of the contaminant which is the object of such proposed drinking water standard. Such information and data shall apply to each feature of the water supply system at which control of the contaminant may be exercised including, but not limited to, treatment, storage, and distribution facilities and the adequate construction, maintenance, and operation thereof. Such information and data shall include the costs of such treatment and its effectiveness in controlling such contaminant.

(d) The Administrator shall, at least once every three years, review the adequacy of any national primary or secondary drinking water standard prescribed under this section and the criteria, information, and data published under this section. The Administrator shall publish his finding in the Federal Register.

ENFORCEMENT OF STANDARDS

SEC. 5. (a) For the purposes of this Act, a State has primary enforcement responsibility during any period for which the Administrator has approved a plan in accordance with section 11(d) of this Act and such plan is not being unreasonably deviated from to any significant extent by such State. If any such State has primary enforcement responsibility, the Administrator shall monitor the activities of such State only to the extent necessary to determine if such plan is being unreasonably deviated from to any significant extent. To the maximum extent praticable, any such monitoring shall not duplicate the activities of such State.

(b)(1) Whenever, on the basis of information available to him, the Administrator finds during a period in which a State has primary enforcement responsibility under subsection (a) of this section that any public water system in such State does not comply with any national primary drinking water standard he shall notify such State of such noncompliance. If the Administrator finds that such failure to comply with such standard extends beyond the thirtieth day after such notification he shall give public notice of such failure to comply with such standard and the extent of the dangers posed by such noncompliance and shall, if appropriate remedial action has not been taken to prevent any unreasonable endangerment to public health, (A) commence an action under section 16 of this Act, or request the Attorney General to do so, or (B) issue an order in accordance with subsection (d) of this section.

(2) Whenever, on the basis of information available to him, the Administrator finds during a period in which a State does not have primary enforcement responsibility under subsection (a) of this section, that any public water system in such State does not comply with any national primary drinking

water standard he shall give public notice of such finding and the extent of the dangers posed, and shall, if appropriate remedial action will not be taken to prevent any unreasonable endangerment to public health, (A) commence an action under section 16 of this Act, or request the Attorney General to do so, or (B) issue an order in accordance with subsection (d) of this section.

(c) Whenever, on the basis of information available to him, the Administrator finds that any public water system in a State does not comply with any national secondary drinking water standards, he shall notify such State and request such State to take appropriate remedial action. If, after a reasonable time following such notification, the Administrator finds that such State has not taken remedial action, he shall give public notification of such finding in a manner suitable to inform users of such public water system of such violation.

(d)(1) Any order issued under subsection (b) of this section shall specify such relief as may be appropriate to prevent any unreasonable endangerment to public health. Such relief may require the person responsible for the violation which results in such order to cease such violation, to notify customers of such violation in accordance with section 11(d)(8) of this Act, or to furnish emergency supplies of drinking water.

(2) Any order issued under subsection (b) of this section shall be issued only after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code.

IMMINENT HAZARDS

SEC. 6. (a) An imminent hazard shall be considered to exist when there is reason to believe that a constituent of the drinking water of a public water system will result in a serious risk to health prior to the conclusion of an administrative hearing or other formal proceeding held pursuant to this Act and that a State or local authority or the supplier of water has not acted to eliminate such risk.

(b) If an imminent hazard exists, the Administrator may petition an appropriate district court of the United States, or he may request the Attorney General to do so, to order such action as is necessary to eliminate the imminent hazard. The Administrator shall simultaneously, if he has not previously done so, propose any regulation which might be necessary under section 4 of this Act, or he may commence an action under section 16 of this Act.

NATIONAL DRINKING WATER COUNCIL

SEC. 7. (a) There shall be established in the Environmental Protection Agency a National Drinking Water Council consisting of fifteen scientifically qualified members. The Administrator shall appoint members of the Council from a list of individuals recommended to him by the National Academy of Sciences or from such other sources as he deems advisable. Such Council shall include qualified scientists none of which shall have any economic interest in the supply of drinking water and not more than one-third of which shall have any responsibility for the regulation of drinking water. Each member of such Council shall hold office for a term of three years, except that—

(1) any member appointed to fill a vaancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term;

(2) the terms of the members first taking office shall expire as follows—(i) five shall expire three years after the date of enactment of this Act, (ii) five shall expire two years after such date, and (iii) five shall expire one year after such date, as designated by the Administrator at the time of appointment; and

(3) the members of such Council shall be eligible for reappointment.

(b) The National Academy of Sciences shall maintain a list of qualified scientists to assist the Administrator in appointing members to such Council.

(c) Such Council shall advise, consult with, and make recommendations to the Administrator on matters relating to the scientific review of data, including engineering data, relating to the activities of the Agency under this Act. Such Council shall, upon the request of the Administrator, review any proposed action of the Administrator and shall report its views and reasons therefor in writing to the Administrator within a reasonable time, as specified by the Administrator. The report of the Council and any dissenting views shall be considered as part of the record in any proceeding taken with respect to the Administrator's action.

(d) The Administrator is authorized to reimburse the National Academy of Sciences for expenses incurred in carrying out this section.

(e) While serving on the business of the Council, members who are not regular full-time employees of the United States shall be entitled to compensation at rates fixed by the Administrator, not to exceed the daily rate applicable at the time of such service to grade GS-18 of the Classified Civil Service, including traveltime. While serving away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence as authorized under section 5701 of title 5, United States Code, for persons in the Government service employed intermittently.

RESEARCH, TECHNICAL ASSISTANCE, INFORMATION, TRAINING OF PERSONNEL

SEC. 8. (a) The Administrator shall conduct and promote the coordination of research, studies, and investigations and render financial, technical, and other assistance to appropriate public agencies, institutions, water supply utilities, and individuals in the conduct of research, studies, and investigations relating to the causes, diagnosis, treatment, control, and prevention of diseases and impairments of human beings resulting directly or indirectly from contaminants in drinking water, or to the provision of an adequate quality and quantity of safe drinking water. Such research, studies, or investigations may include, but shall not be limited to, the development of new and improved methods—

(1) to identify and measure the existence of contaminants in drinking water and to identify the source of such contaminants;

(2) to identify and measure the health effects of contaminants in drinking water;

(3) of treating water to prepare it for drinking, to improve the efficiency of water treatment and to remove contaminants from the water; and

(4) for providing the public with adequate quantities of safe water for drinking including improvements in water purification and distribution, and methods of assessing the health-related hazards of other characteristics of drinking water supplies.

(b) In carrying out this Act, the Administrator is authorized to—

(1) collect and make available information pertaining to research and investigations, with respect to providing adequate quality and quantity of safe drinking water together with appropriate recommendations in connection therewith;

(2) make available research facilities of the Agency to appropriate public agencies, institutions, water supply utilities, and individuals engaged in studies and research relating to water supply; and

(3) make grants to, and contracts with, any State or other public agency, educational institution, water supply utility, any other organization, and individuals in accordance with procedures prescribed by the Administrator, under which he may pay all or a part of the costs (as may be determined by the Administrator) of any project or activity which is designed to—

(A) develop, expand, or carry out a program (which may combine training, education, and employment) for training persons for occupations involving the management and safe operation aspects of providing safe drinking water; and

(B) train instructors and supervisory personnel to train or supervise persons in occupations involving the management and safe operation aspects of providing safe drinking water.

(c)(1) The Administrator shall conduct a study of the contamination of ground water resources in the United States which are utilized for the provision of drinking water. Such study shall include, but shall not be limited to, a survey of the nature, extent, and causes of such contamination and the extent to which existing State and Federal law controls such contamination.

(2) Not later than one year after the enactment of this Act, the Administrator shall submit the results of such study to the Congress along with such legislative recommendations as he may deem appropriate.

(d) To carry out the provisions of this section, there is hereby authorized to be appropriated not to exceed $14,000,000 for the fiscal year ending June 30, 1974; not to exceed $23,000,000 for the fiscal year ending June 30, 1975; and not to exceed $31,000,000 for the fiscal year ending June 30, 1976. Sums appropriated pursuant to this section shall remain available for obligation through the close of the following fiscal year.

RURAL WATER SURVEY

SEC. 9. (a) The Administrator shall (after consultation with the Secretary of Agriculture and the several States) enter into such arrangements with public or private entities as may be appropriate to conduct a survey of the quantity, quality, and availability of rural drinking water supplies. Such survey shall include, but not be limited to, the consideration of the number of residents in each rural area—

(1) presently being inadequately served by a public or private drinking water supply system, or by an individual home drinking water supply system;

(2) presently having inadequate access to or no access to drinking water; and

(3) who, due to the absence or inadequacy of a drinking water supply system, are exposed to an increased health hazard.

(b) Such survey shall be completed within two years of the date of enactment of this Act and a final report thereon submitted, not later than six months after the completion of such survey, to the President for transmittal to the Congress. Such report shall include recommendations for improving rural water supplies.

(c) To carry out the provisions of this section, there is hereby authorized to be appropriated not to exceed $1,000,000 for the fiscal year ending June 30, 1974; not to exceed $2,000,000 for the fiscal year ending June 30, 1975; and not to exceed $1,000,000 for the fiscal year ending June 30, 1976.

SPECIAL STUDY AND DEMONSTRATION PROJECT GRANTS

SEC. 10. (a) The Administrator is authorized to make grants to appropriate public and private agencies, institutions, water supply utilities, and individuals for the purposes of assisting in the development and demonstration of any project which will—

(1) demonstrate a new or improved method, approach, or technology for providing a safe supply of drinking water to the public in both urban and rural areas of the Nation; and

(2) investigate and demonstrate the health implications involved in the reclamation, recycling, and reuse of waste waters for drinking and related uses or which will demonstrate processes and methods for the safe and *aesthetic* preparation of such waters.

(b) Grants made by the Administrator under this section shall not—

(1) exceed 66⅔ per centum of the total

cost of construction of any facility and 75 per centum of any other costs, as determined by the Administrator;

(2) be made for any project involving the construction or modification of any facility in any public water system in a State unless such project has been approved by the State agency charged with the responsibility for safety of drinking water; and

(3) be made for any project unless the Administrator determines, after consulting the Council, that such project will serve a useful purpose relating to the development and demonstration of new or improved techniques, methods, or technologies for the provision of safe water to the public for drinking or other useful purposes.

(c) Nothing in this section shall affect the authority of the Administrator to make grants for Alaska village safe water and pollution elimination or control demonstration projects under section 113 of the Federal Water Pollution Control Act (33 U.S.C. 466).

(d) To carry out the provisions of this section, there is hereby authorized to be appropriated not to exceed $2,000,000 for the fiscal year ending June 30, 1974; not to exceed $5,000,000 for the fiscal year ending June 30, 1975; and not to exceed $10,000,000 for the fiscal year ending June 30, 1976.

STATE DRINKING WATER SUPPLY PROGRAMS

SEC. 11. (a) There is hereby authorized to be appropriated not to exceed $8,000,000 for the fiscal year ending June 30, 1974; not to exceed $15,000,000 for the fiscal year ending June 30, 1975; and not to exceed $21,300,000 for the fiscal year ending June 30, 1976, for grants to the States to assist them in establishing and maintaining adequate programs to assure the safety of public drinking water.

(b) From the sums available for any fiscal year under subsection (a) of this section the Administrator shall from time to time make payments to the several States in accordance with regulations. Such payments shall be made on the basis of (1) the population, (2) the financial needs, and (3) the extent of the actual or potential water supply problem, except that any such payment shall not be greater than an amount equal to two-thirds of the cost of any such State program. No State shall receive less than 1 per centum of the annual appropriation for grants under this section: *Provided*, That the Administrator may, by regulation, reduce such percentage in accordance with the criteria specified under this subsection: And provided further, That such percentage shall not apply to grants alloted to Guam, American Samoa, or the Virgin Islands.

(c) The Administrator shall pay to each State an amount equal to its allotment under subsection (b) for the purposes of defraying the cost of carrying out its State plan approved under subsection (d) of this secion, including the cost of training personnel for State and local public water supply work and the cost of administering the State plan. Such payments shall not be made if such plan has not been approved by the Administrator.

(d) The Administrator shall approve any plan which is submitted by a State for establishing and maintaining a program to assure the safety of public drinking water if such plan—

(1) provides for the formal adoption by the State of drinking water standards which are no less stringent than the national primary drinking water standards prescribed under section 4 of this Act;

(2) provides for the adoption by the State of appropriate regulations and procedures for the implementation and enforcement of such State standards;

(3) provides for administration or for the supervision of administration of the plan by the State agency charged with the responsibility for the safety of drinking water;

(4) sets forth the plans, policies, and procedures to be followed in carrying out the State plan;

(5) provides for such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan;

(6) provides that the appropriate State agency will make annual reports, or such more frequent reports as the Administrator may reasonably require, in such form and containing such information as he may require;

(7) provides for the establishment of an emergency plan of action for each public water system within the State for use in case of an emergency affecting the safety of the treated drinking water or the effective operation of the treatment facility, including provision for emergency reserves or alternate sources of water suitable for drinking and culinary purposes; and

(8) provides for the implementation of a standards violation notification procedure, under which any supplier of water found to be in violation of any Federal or State drinking water standard will be required to so notify its customers, in transmitting water bills or through other appropriate means, of the nature and extent and possible health effects of such violation and the remedial measures which will be taken to correct the problem.

(e) If a State plan has been approved, and the Administrator subsequently finds that such plan is being unreasonably deviated from to any significant extent, the Administrator is authorized to terminate any further payments to such State under this section.

(f) Any approval or disapproval of a State plan under subsection (d) of this section, or termination of payments under subsection (e) of this section, shall be in accordance with and subject to the procedures and judicial review provisions of section 12 of this Act.

(g) For the purposes of determining whether any State plan approved under subsection (d) of this section is being unreasonably deviated from to any significant extent, the Administrator shall cause to be made, at least once every three years, a complete audit of such State's water supply programs.

REGULATIONS, PROCEDURES, AND JUDICIAL REVIEW

SEC. 12. (a)(1) At his own initiative, or upon the petition of any person, the Administrator is authorized to issue regulations to carry out the purposes of this Act. He may amend or rescind such regulations at any time.

(2) The Administrator shall publish any regulations proposed under this Act, or proposals to amend or rescind such regulations, and his justification therefor in the Federal Register at least sixty days prior to the time when such regulations shall become final. The Administrator shall also publish in the Federal Register a notice of all petitions received under paragraph (1) of this subsection and, if such petition is denied, his reasons therefor. Such notice shall identify the purpose of the petition and include a statement of the availability of any data submitted in support of such petition. If any person adversely affected by a proposed regulation files objections and requests a public hearing within forty-five days of the date of publication of the proposed regulation, the Administrator shall grant such request. If such public hearing is held, final regulations shall not be promulgated by the Administrator until after the conclusion of such hearing. All public hearings authorized by this subsection shall consist of the oral and written presentation of data, views, or arguments in accordance with such conditions or limitations as the Administrator may make applicable thereto.

(3) Proposed and final regulations issued under this Act shall set forth findings of fact on which the regulations are based and the relationship of such findings to the regulations issued.

(b) Except as expressly modified by the provisions of this section, the provisions of chapter 5, of title 5 of the United States Code, shall apply to proceedings conducted by the Administrator under this Act.

(c)(1) Any judicial review of final regulations promulgated under this Act shall be in accordance with section 701–706 of title 5, United States Code, except that, with respect to relief pending review, no stay of an Agency action may be granted unless the reviewing court determines that the party seeking such stay is likely to prevail on the merits in the review proceeding and will suffer irreparable harm pending such proceeding.

(2) If the party seeking judicial review applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court either that the information is material and was not available at the time of the proceeding before the Administrator or that failure to include such evidence in the proceeding was an arbitrary or capricious act of the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, and to be adduced upon the hearing, in such manner and upon such terms and conditions as the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file with the court such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original order, with the return of such additional evidence.

RECORDS

SEC. 13. (a) Each supplier of water who is subject to a standard prescribed under section 4 of this Act or each grantee shall establish and maintain such records, make such reports, and provide such information as the Administrator shall reasonably require to assist him in establishing standards and regulations under this Act and in determining whether such person has acted or is acting in compliance with this Act. Suppliers of water and other persons subject to State enforcement under section 5 of this Act shall submit such reports and make available such records and information to the appropriate State agency for inclusion in State reports required under section 11(d)(6) of this Act.

(b) Any officer or employee duly designated by the Administrator, upon presenting appropriate credentials and a written notice of inspection authority to any supplier of water subject to a standard prescribed under section 4 of this Act or any grantee (or person in charge of any of its property), is authorized to enter any establishment, facility, or other property of such supplier of water or grantee in order to determine whether such person has acted or is acting in compliance with this Act. Such officer or employee may inspect, at reasonable times, records, files, papers, processes, controls, and facilities, and may test any feature of a public water system, including its raw water source. Each inspection shall be commenced and completed with reasonable promptness and such supplier of water or grantee notified of the results of such inspection.

(c) For purposes of this section, the term "grantee" means any person who receives financial assistance under this Act.

STATE REGULATIONS

SEC. 14. Nothing in this Act shall affect the authority of any State or local government to establish drinking water standards or to make other requirements for purposes similar to those contained in this Act, except that any such standards or requirements shall not be less stringent than the requirements of this Act or regulations issued under this Act.

PROHIBITED ACTS

SEC. 15. The following acts and the causing thereof are prohibited:

(1) the failure to comply with any final regulation issued by the Administrator under this Act, except that noncompliance with a national secondary drinking water standard

under section 4(b) of this Act is not prohibited;

(2) the failure or refusal to establish and maintain records, make reports, and provide information as required under section 13(a) of this Act;

(3) the refusal to allow entry and inspection of establishments, facilities, or other property pursuant to section 13(b) of this Act; or

(4) the failure of any person to comply with any order issued under section (b) of this Act.

PENALTIES AND REMEDIES

SEC. 16. (a) Any person willfully violating section 15 of this Act shall on conviction be fined not more than $15,000 for each day of violation or imprisoned for not more than one year, or both.

(b)(1) Any person violating section 15 of this Act other than willfully shall be liable to the United States for a civil penalty of a sum which is not more than $10,000 for each day of violation, to be assessed by the Administrator after notice and opportunity for an adjudicative hearing conducted in accordance with section 554 of title 5, United States Code, and after the Administrator has considered the nature, circumstances, and extent of such violation, the practicability of compliance with the provisions violated, and any good-faith efforts to comply with such provisions.

(2) If the offending party fails to pay such civil penalty, the Administrator may commence an action in an appropriate district court of the United States for such relief as may be appropriate or may request the Attorney General to commence such an action.

(c) The Attorney General or the Administrator may bring an action in the appropriate district court of the United States for equitable relief to redress a violation by any person of any provision of section 15 of this Act. The district courts of the United States shall have jurisdiction to grant such relief as the equities of the case may require.

CITIZEN CIVIL ACTION

SEC. 17. (a) Except as provided in subsection (b) of this section, any person may commence a civil action for injunctive relief on his own behalf, whenever such action constitutes a case or controversy—

(1) against any person (including (i) the United States, and (ii) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any national primary drinking water standard promulgated under section 4 of this Act, or

(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator. Any action brought against the Administrator under this paragraph shall be brought in the District Court of the District of Columbia.

The district courts shall have jurisdiction over suits brought under this section, without regard to the amount in controversy or the citizenship of the parties.

(b) No civil action may be commenced—

(1) under subsection (a)(1) of this section—

(A) prior to sixty days after the plaintiff has given notice of the violation (i) to the Administrator, (ii) to any alleged violator of such standard and (iii) to the State in which the violation occurs,

(B) if the Administrator, the Attorney General, or the State has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with such standard, but in any such action any person may intervene as a matter of right.

(2) under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice of such action to the Administrator. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

(c) In any action under this section, the Administrator or the Attorney General, if not a party, may intervene as a matter of right.

(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such an award is appropriate.

(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any national primary drinking water standard or to seek any other relief.

CONFIDENTIALITY

SEC. 18. (a) Copies of (1) any communications, documents, reports, or other information received or sent by the Administrator or (2) the results of any drinking water quality analyses or other information pertaining to drinking water quality possessed by the Administrator shall be made available to the public upon identifiable request, and at reasonable cost unless such information may not be publicly released under the terms of subsection (b) of this section.

(b)(1) The Administrator or any officer or employee of the Agency or the Council established under section 7 of this Act shall not disclose any information which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed by the Administrator—

(A) to other Federal Government departments, agencies, and officials for official use, upon request, and with reasonable need for such information;

(B) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding;

(D) if relevant in any proceeding under this Act, except that such disclosure shall preserve the confidentiality to the extent possible without impairing the proceeding; and

(E) to the public in order to protect their health, after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the person to which the information appertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health).

In no event shall the names or other means of identification of injured persons be made public without their express written consent.

(2) Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(c) Any communication from a person to the Administrator or any other employee of the Environmental Protection Agency concerning a matter presently under consideration in a rulemaking or adjudicative proceeding by the Environmental Protection Agency shall be made a part of the public file of that proceeding unless it is communication entitled to protection under subsection (b) of this section.

FEDERAL FACILITIES

SEC. 19. (a) Except as provided for in subsection (b) of this section, each Federal department or agency having jurisdiction over any building, installation, or other property, which is or will be served by a federally owned or maintained public water system, shall comply with all national primary drinking water standards prescribed under section 4 of this Act and shall, to the maximum extent practicable comply with any national secondary drinking water standard prescribed under such section.

(b) The Administrator may waive compliance with the requirements of subsection (a) of this section, in whole or in part, upon receiving information from the Secretary of Defense or from the Secretary of the Department in which the United States Coast Guard is operating that such waiver is in the interest of national security. Upon the issuance of such a waiver, the Administrator shall publish in the Federal Register a notice that the waiver was granted for good cause shown by the Secretary of Defense or by the Secretary of the Department in which the United States Coast Guard is operating, in the interest of national security, unless the Administrator has been requested by the applicable Secretary to omit such publication because it would be contrary to the interests of national security.

RELATIONSHIP TO OTHER LAWS

SEC. 20. The authority of the Secretary of Health, Education, and Welfare to regulate bottled drinking water under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, et seq.) shall be repealed on the effective date of initial national primary drinking water standards pertaining to bottled drinking water under section 4 of this Act.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 21. In addition to the authorizations for appropriations contained in sections 8, 9, 10, and 11 of this Act, there are hereby authorized to be appropriated such sums as may be necessary, but not to exceed $8,000,000, $11,000,000, and $13,000,000 for the fiscal years ending on June 30, 1974, June 30, 1975, and June 30, 1976, respectively, for the purposes and administration of this Act.

INCREASE IN SEATING CAPACITY OF ROBERT F. KENNEDY STADIUM, DISTRICT OF COLUMBIA

The Senate proceeding to consider the bill (H.R. 6330) to amend section 8 of the Public Buildings Act of 1959, relating to the District of Columbia, was announced as next in order, which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That section 8 of the Public Buildings Act of 1959 (40 U.S.C. 607) is amended by adding at the end thereof the following new subsection:

"(d)(1) Notwithstanding the District of Columbia Stadium Act of 1957 or any other provision of law, the Armory Board (hereafter in this subsection referred to as the 'Board'), created by the Act of June 4, 1948 (D.C. Code, sec 2-1702), is hereby authorized to enter into contracts for the conduct in the Robert F. Kennedy Stadium authorized by such Act of 1957 of major league football, baseball, and softball, and motorcycle races, rodeos, musical concerts, and other events, and to increase the seating capacity of such stadium by an additional number of seats, not to exceed eight thousand, and at a cost not to exceed $1,500,000. Notwithstanding such Act of 1957, or any other provision of law, the Board is further authorized to borrow such sums as may be necessary to provide for the additional seating authorized by this subsection in accordance with the following terms and conditions, which terms and conditions shall be effective during the period that any of such sums so borrowed remain unpaid:

"(A) 50 per centum of all revenues from professional football derived from such additional seats shall be used solely for the purpose of repaying the sums borrowed for such seats;

"(B) 44 per centum of such revenues shall be paid to the team operating under the trade name of the Washington Redskins, or its successors; and

"(C) 6 per centum of such revenues shall be subject to the provisions of section 6 of such Act of 1957.

"(2) In no case shall the National Football League or any team within such league (other than the aforementioned Redskins team or its successors), during the period within which any part of such sums so borrowed pursuant to paragraph (1) of this subsection remains unpaid, be considered as being entitled to, or as acquiring any right in connection with, any part of the revenues attributable to the additional seats authorized by this subsection.".

The amendment was agreed to.

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

The bill was read the third time, and passed.

COST-OF-LIVING INCREASES

Mr. MANSFIELD. Mr. President, in the Los Angeles Times today there is a commentary entitled "Have a Nice Pension Coming? Wait Till Inflation Gets It," written by Ernest Conine.

We are all aware of the fact that on the basis of figures released yesterday which indicated a substantial increase for the month of May in the cost of living, that this is a situation which confronts us at the present time and it is no longer a theory but it is a fact.

On the basis of the estimates made—and I think they are accurate—from May 1972 to May 1973 the inflation rate was about 5.5 percent. On the basis of the increases since the first of this year, unless they are stopped and reversed, it appears that we will be in for an 8.8-percent increase in the cost of living and other factors, which, of course, will feed fuel to the inflationary spiral.

This is a most serious situation which the Senate is aware of and which the administration has come to grips with most recently. It is evidently the thought of a good many economists that what we face at the present time is the possibility of a worldwide inflationary spiral which, if not corraled, in time could well bring about a depression, or at the very least a recession. That is something we cannot afford, but in the meantime we have to pay attention to the needs of our people.

The article to which I have made reference has to do with pensions, especially in the private sector, a matter in which the distinguished Republican leader has been most interested. It is very revealing. The commentary is well stated.

It is a situation which must be faced up to and I am very hopeful that before long we will have the bill on private pensions, which already has been approved by the Committee on Labor and Public Welfare, and which is now being considered, I believe, in its final stages by the Committee on Finance, forthcoming so that we can act on it as soon as possible.

Mr. President, I ask unanimous consent to have printed in the RECORD the article to which I have referred entitled "Have a Nice Pension Coming? Wait Till Inflation Gets It," which was published in the Los Angeles Times of today.

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

HAVE A NICE PENSION COMING? WAIT TILL INFLATION GETS IT

(By Ernest Conine)

Every American depending on a company pension for his retirement livelihood should have been shocked right out of his proverbial socks by an item tucked away in the financial pages of the other day.

Jelle Zijlstra, chairman of the Bank for International Settlements and one of the world's leading monetary authorities, made a speech warning that the inflation now plaguing the United States and other industrialized countries shows every sign of being permanent. In fact, he said the problem may become much, much worse.

At home, former Treasury Secretary John B. Connally expressed to newsmen his own belief that the American people will have to "live with the problem" of inflation for some time.

This is not a very alarming prospect if you own substantial amounts of property or stocks whose value can be counted on to appreciate, if you are a highly paid executive with stock options, or if you are a policeman, Army officer, congressman or civil servant whose retirement pay is periodically adjusted to offset higher living costs.

But if you work for private enterprise, and will have little or no retirement income beyond what you get from an insurance policy or company pension, you had better hope that the European banker is wrong about inflation.

The typical wage and salary earner in private enterprise is covered by a pension system under which, once he retires, there is no adjustment for inflation. If he lives to be 100 his company pension will never be more than it was in his first year of retirement.

Think what this means in the context of rampant inflation.

Assume that you are a 65-year-old skilled worker, engineer or office manager and you retire in 1973 with an annual pension of $12,000. Provided you are in good health, you can reasonably expect to live 10 to 20 more years.

Be an optimist and assume that the battle against inflation goes better in the next 10 years than it has in the last 10—that living costs rise an average of only 3% a year. Even so, the purchasing power of the dollar will shrink to the point that you will need $16,128 to live as well in 1983 as you can live on $12,000 in 1973.

If living costs rise at an average annual rate of 6%, which would be only a shade worse than the record over the past five years, your $12,000-a-year pension will fall almost $9,500 short of what you will need to maintain a 1973 standard of living.

If the alarmists are right, and inflation actually averages 9% annually during the next decade, your situation will really be frightening. You will need $28,404 to live as well in 1983 as you can live on $12,000 now.

Obviously, the longer you live after retirement, the more what used to look like a comfortable retirement becomes a battle to stay out of the poorhouse.

Let no one imagine that the danger is fanciful. Inflation has been running in the neighborhood of 9% in Western Europe and Japan for some months now. This year the United States has seemingly been rushing to join the club. And a more-or-less permanent inflation of that magnitude is roughly what the European expert quoted above is predicting.

Under a recent change in the law, Social Security benefits will be periodically adjusted upward for inflation. That will help, but it won't be enough. The specter of chronically rampant inflation thus constitutes an explosive human and political problem—one which may dominate U.S. politics for years to come, and which could find increasingly numerous older Americans on one side and their children and grandchildren on the other.

The tried-and-true remedies for inflation are to dampen excessive demand by raising taxes, holding down wages, making loans more expensive and harder to get, and requiring larger down payments and shorter repayment periods for large consumer purchases.

All these steps are extremely unpopular with people who are still working and raising a family while trying to achieve a higher standard of living for themselves. Because austerity tends to intensify the problem of unemployment, the steps are also unpopular with people who might lose their jobs or fail to find new ones.

Democratic governments are increasingly reluctant to act in the face of such opposition. Yet politicians are faced with the necessity of dealing, or appearing to deal, with inflation.

In their effort to square the circle, they turn to price control. Because it seems like a simple and painless solution, it appeals to workers and consumers. Businessmen, in view of the record profits they have been racking up under Phases 2 and 3, find that they like it, too. Yet there is hardly a responsible economist in the country who really believes that price controls are the answer.

Controls don't stop inflation; they merely bottle it up. In the long run, you either end up with shortages and black markets, or you relax the pressure and have inflation anyway.

If we as a nation are unwilling to take the hard steps necessary to stop inflation, and it seems that we are, how are we going to prevent a revolution by the growing army of older people on fixed pensions?

The answer, it would seem, will have to lie in socializing the entire pension system—either subsidizing periodic adjustments for inflation in private pension systems, or converting the whole thing to a much more generous Social Security system.

Either way, it will be massively expensive, and the money can come from nowhere but the taxpayers. Yet it is hard to see why the fellow retiring from a job in private enterprise is any less entitled to protection against ruinous inflation than is a fireman or a federal bureaucrat.

POSTPONEMENT OF VOTE ON AEC AUTHORIZATION BILL TO 1:30 P.M. TODAY

Mr. MANSFIELD, Mr. President, I ask unanimous consent that the order calling for the vote on the authorization for AEC be postponed from the hour of 9:30 a.m., as agreed to yesterday, to the hour of 1:30 p.m. today.

The ACTING PRESIDENT pro tempore. Does the Senator request the suspension of rule XII?

Mr. MANSFIELD. Yes, indeed.

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

ORDER OF BUSINESS TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that any votes on amendments to legislation that will be brought up, and there will be, I am sure, votes on amendments and on bills on final passage, if a rollcall vote is requested, that that, in turn, follow the vote on the authorization for the AEC.

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

Mr. MANSFIELD. Mr. President, I apologize to the Senate, but we have been in some terrible mixups. Late yesterday

afternoon when we thought things were moving smoothly some Senators had to be at the White House at the time when the vote was scheduled on the AEC authorization, and some Senators will be at the White House for some ceremonies having to do with the signing of some documents by General Secretary Brezhnev and President Nixon. I hope no Member of the Senate has been embarrassed too much by this up and down charge of plans, vis-a-vis votes.

THE ECONOMY, A TIME FOR RETHINKING

Mr. SCOTT of Pennsylvania. Mr. President, as our society grows more complex some rethinking is forced upon us. I have in mind our economic approaches to our problems, particularly.

Free peoples govern themselves, not through the assertion of absolute freedom to do anything, but through accepting the imposition of restraints which will enable the system to work more fairly and equitably. These restraints are imposed by all branches of our Government. The Supreme Court said that freedom of speech does not include the right to yell "Fire" in a crowded theater. In its recent decision on pornography the Supreme Court said that freedom of speech has limitations where license or excess of liberty has been grossly abused.

Our citizenry have accepted the restraints imposed by the draft. They have accepted restraints by virtue of the issuance of Government regulations. They have accepted the restraints of laws which the Federal Legislature enacts. So it is not inimical to freedom that we accept some mutual restraint.

That is why I think we may have to do some rethinking on our economics, and I am not an economist. I believe that in the forthcoming phase IV we will have to recognize the need for mandatory controls. We will have to recognize the need for some very tough action. I do not think we should regard economic controls as a loss of political liberty, if the economic controls enable a fairer, freer distribution of goods to people at prices more reasonably fitting within their means.

So when we say that we have hard controls we simply speak as a free people who abhor any restraint; but at the same time I think we will have to face controls, and probably for longer than politicians like to predict, because it is better, I suppose, to tell people you are not going to have them. I think we are going to have controls for a while. I think they will be tough, and I think that mandatory restraints will be necessary.

It is my view that what is most important about the current freeze—it is not a secret; it is expressed in all quarters—is not the fact of the freeze but the right to exercise rollbacks, all the way to January, and the necessity in the 60 days to devise means by which we can so distribute our goods to deal fairly with all. That will require export controls and sacrifices on the part of everybody. Just as the energy crisis will require a change in lifestyle, I think the economic situation is going to mean that for the good of all some must accept limitations on their economic elbow room.

I make this statement at this time because I do not share the opinion of those who believe controls can come and go with entire safety. I think we need better long-term planning and probably we should have permanent legislation on the books.

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

Mr. SCOTT of Pennsylvania. I yield to the Senator from Texas.

Mr. BENTSEN. Mr. President, the concern of the Senator from Texas is that in the ensuing 60 days the problem that confronts us is not a new one. It is one we have been concerned with for some time. The longer we utilize that 60 days the more indecision we have on the part of the investing public and the foreign nations about what is happening to our currency.

I would urge very strongly that we try to expedite it so that it may be properly evaluated by our economists and by foreign countries.

Mr. SCOTT of Pennsylvania. I entirely agree with the distinguished Senator from Texas. I may add that is one of the purposes which I have in mind as I speak now.

Mr. MANSFIELD. Mr. President, will the distinguished minority leader yield?

Mr. SCOTT of Pennsylvania. I yield.

Mr. MANSFIELD. I find myself in accord with what the distinguished minority leader has just said and what the distinguished Senator from Texas has just said. I do think we have to look forward to a change in a good many factors in the area of economics, because we just cannot allow the dollar to continue to be devalued. It now amounts to about 30 percent in less than 2 years. We cannot allow inflation to continue. We will have to, in my opinion, take some harsh measures to take care of the needs of our people, because the number one problem in this country is the high cost of living, and too many of our citizens find it too hard to make ends meet.

So I would hope that the 60 days would not be used—far from it—and that a set of proposals would be offered to the Congress as soon as practical, which, while they may be harsh, nevertheless will have the effect of stabilizing the economy, which in turn will stabilize the dollar, which in turn will bring a restoration of economic confidence to the people of this country.

Mr. SCOTT of Pennsylvania. I thank the Senator. I am glad we have demonstrated by this colloquy bipartisan recognition of the need for early action and strong controls.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period for the transaction of routine morning business for 15 minutes, with statements therein limited to 5 minutes.

AUTHORITY FOR SENATOR KENNEDY TO SUBMIT AN AMENDMENT TO THE DEBT CEILING ACT DURING THE ADJOURNMENT OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until Monday next, the distinguished Senator from Massachusetts (Mr. KENNEDY) may be permitted to submit an amendment to the Debt Ceiling Act.

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

THE NEED TO LIMIT CAMPAIGN CONTRIBUTIONS

Mr. BENTSEN. Mr. President, there is an ill wind that has been blowing from Watergate for the past year. That wind has been felt in every part of this land, and it will continue to be felt long after we have sorted out all the sordid details of who did what for whom, and for what price.

Even at this early stage in the investigation, before Senator ERVIN and his committee have reached anything approaching full disclosure, before the defendants have had their day in court, before the figures have been totaled up in dollars and cents—we can safely say that the price is not right.

The price is never right when a campaign committee—any campaign committee—collects its contributions and pays its bills in cold cash, delivered like ransom money in briefcases and attaché cases at clandestine rendezvous.

We must stop these suitcases full of $100 bills from moving around the country in campaigns.

When we descend to that level in conducting a political campaign, we have gone far down the road that leads in the opposite direction from the ideal of democratic government toward which we have been striving for 200 years.

Mr. President, I speak from the Democratic side of the aisle and I admit to a certain bias. My party—like the Republican Party—is motivated to win elections. We would like to win more often. But as a Presidential candidate of our party once said:

> It is better to lose an election than to deceive the American people.

That sentiment was voiced by Adlai Stevenson in a different age in American politics—a more innocent age but a wiser age.

I know that one sentence expresses a conviction shared by my colleagues on both sides of the aisle.

I do not pretend that my party holds a monopoly on purity and virtue. On the contrary, I believe my party shares some degree of responsibility for what is now popularly called the Watergate mess—not through our action, but through our inaction.

Together with our colleagues across the aisle, we Democratic legislators have failed to enact effective deterrents to campaign corruption and adequate safeguards to insure free elections.

Those who would pass off Watergate as just politics display a cynicism that

indicts 200 years of self-government in this democracy. It degrades Republican and Democratic office holders alike—men and women who have made their contribution throughout our history to the advancement of a government by and for the people.

Yes, politics has often been subjected to abuses by individuals, but in this instance the collective and coordinated collage of abuses was financed by millions of dollars centrally directed and added up to a master plan to subvert the political processes of this country. This was not a case of isolated, over-zealous individuals pulling plugs on loudspeakers or booing speakers but a conspiracy to distort the political processes to an unprecedented degree, so much so that a matter of degree is transformed into a difference in kind.

Watergate has revealed that men in high levels of government, deliberately used agents and agencies of the Federal Government to break the laws of the land. Not one was a politician. Not one held elective office. All were presidential appointees.

The President of the American Bar Association, Robert W. Meserve, has said:

> It must be made clear to the American people that acts like Watergate are in fact truly extraordinary acts, of a nature more corrosive and harmful to our democratic principles than more common forms of venality or even criminal wrongdoing on the part of persons holding public office.

The cost to this country is incalculable.

I am not speaking of the millions of dollars that are being spent and will be spent in investigations and hearings and in the whole judicial process to lay bare the truth and to assert justice.

I am speaking of the cost in infinitely more important terms of intangible values that hold people together in mutual respect and trust, under a common government.

The devaluation of these intangibles has damaged and weakened us at home far more than the devaluation of the dollar abroad. Faith in our institutions—which was already declining—has suffered a crippling blow.

But this ill wind has blown some good. Devastating as it is, it has shocked us into recognizing that our whole system of campaign financing must be overhauled.

We know—and the American people know—that access to unlimited campaign funds breeds corruption and endangers any public office with the possibility of being bought by the highest bidder.

Mr. President, within this century, within our own lifetime, we have witnessed a series of historic battles in this country to guarantee every citizen—regardless of race, sex or origin—free access to the ballot box. Those battles pointed up a principle that has become familiar to all of us: That a vote denied to any citizen negates the vote of another.

The same principle applies to the financing of campaigns. Every honest dollar that is contributed is cancelled out when dishonest dollars—laundered or otherwise—are tossed into the campaign coffers, with the demand—implicit or explicit—of a quid pro quo.

How can an ordinary citizen feel that his modest campaign contribution carries any weight, compared to the million dollars of a Clement Stone or the hundreds of thousands of a Robert Vesco?

He is suspicious that gifts of that magnitude are motivated by something other than pure patriotism, and he becomes understandably cynical about the democratic process.

We want to encourage broader participation in the political process so candidates do not have to rely on a few wealthy individuals, or arrangements with them or with a few pressure groups.

I pledged during my campaign to work to reduce campaign expenditures and to correct the obvious abuses that the present laws encourage. The people have the right to know the full story of the financing of political campaigns.

Mr. President, it has become unfashionable for an American to wear his patriotism on his sleeve—but I had rather see it worn there, right out in the open, than carried around in a billfold.

When patriotism is expressed in dollars and cents, democracy has lost all meaning.

The American people know this.

The American people are not ready to substitute $100 bills for ballots.

The American people are ready to return to those innocent days when election day really meant something.

They are telling us now that reform is mandatory—and long overdue.

We know it is true. If Watergate has taught us anything, it has taught us that.

We know we must act—and act now—to restore confidence in the democratic system.

Much can be accomplished by simply insisting on rigid, unflinching enforcement of laws already on the books.

But, in addition, there is a need for more statutory safeguards.

We have to exercise our commonsense and our best judgment, and ask ourselves how much money should be required to run a campaign? If we can see the logic of arms limitation agreements, to prevent the awful waste and expense of an ever-escalating arms race, can't we see the logic of limiting campaign expenditures?

There should be a ceiling established by law on total campaign budgets as well as on specific items in that budget—

A limit on direct-mail spending.

A limit on media advertising.

A limit on travel expense.

With reasonable limits imposed, there would be no mad scramble to see who could spend the most money.

But it is not enough to put a ceiling on spending. We have to specify a ceiling on individual contributions as well. Is there any hope for democracy when one man—though he professes the purest of motives—can contribute $1 million to a single campaign? The average citizen may well ask himself, "what is my dollar worth, stacked up against a million?"

This is the kind of inflation that does the most damage, and this is an inflation we must halt. We can halt it by limiting individual campaign contributions to a reasonable amount—I would recommend a $3,000 limit—and require all campaign committees to make prompt and meticulous reports of all receipts.

To insure accurate reporting, the law should stipulate that all contributions of $100 or more be made in the form of checks or other written instruments identifying the source.

Mr. President, it would be comforting to believe that such steps are not necessary. But events have proved that they are necessary, and we cannot shrug off our responsibility as legislators.

In my new role as chairman of the Democratic Senatorial Campaign Committee, I am particularly mindful of that responsibility—and I urge my colleagues to assign the highest priority to reforming our campaign machinery.

The time is right. The mood is right. And above all, the action is right.

Let us take election o: the auction block and make voting a good thing again.

Mr. MANSFIELD. Mr. President, I commend the distinguished Senator from Texas for what he had to say about campaigns. I think that his suggestions go to a point of what needs to be done, that elections should be—to use his words—taken off the auction block and that the necessary reforms be forthcoming to bring about a reduction of expenditures and an accountability on expenditures and contributions.

Consideration ought to be given to having the elections in October rather than in November. The Committee on Rules has recently considered such a proposal. Consideration should be given to having later conventions, perhaps sometime in August or September.

Consideration ought to be given to shortening the campaigns to a 3-, 4-, or 5-week period, because campaigns have a habit of getting repetitious, dreary, dull, and hard on both the candidate and on the people listening.

I would hope that some consideration would be given to the idea of public financing so that this dangerous trend which we see developing by means of which larger contributors, in effect, go out and try to buy politicians and candidates just as they used to do in buying paintings and the like. That practice ought to be done away with, and the responsibility ought to be taken away from the few and given back to the many. And in the process, I think it would prove to be good for this democracy of ours. It would have enormous benefit if we would get away from the free wheeling and free spending campaigns, both in the primary and in the general elections which have marked this country and its political processes.

Mr. President, that applies to both parties in recent years. So, the time has come for a halt. The time for reform is now.

I commend the distinguished Senator from Texas who, as the chairman of the Democratic Senatorial Campaign Committee, will exercise a great deal of responsibility in this area. And I know that he will, as always, do what he thinks is best for the country and exert all his efforts to bring about the necessary reforms.

Mr. BENTSEN. Mr. President, I thank

the distinguished majority leader, a man of great ability, integrity, and perception.

I appreciate his support in the effort. He has always been a leader in the field.

COMMUNICATIONS FROM EXECUTIVES DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. McINTYRE) laid before the Senate the following letters:

APPROVAL OF LOAN

A letter from the Administrator of the Rural Electrification Administration transmitting, pursuant to law, a statement concerning the approval of a loan to Alabama Electric Cooperative, Inc., of Andalusia, Ala.—with accompanying papers. Referred to the Committee on Appropriations.

REPORT OF THE NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the President of the National Railroad Passenger Corporation submitting, pursuant to law, its monthly report concerning the on-time performance of its trains (with accompanying report). Referred to the Committee on Commerce.

PROPOSED LEGISLATION OF THE DEPARTMENT OF THE NAVY

A letter from the Secretary of the Navy submitting proposed legislation to provide certain benefits to members of the Coast Guard Reserve and for other purposes (with accompanying papers). Referred to the Committee on Commerce.

REPORT BY THE DEPARTMENT OF DEFENSE

A letter from the Acting Assistant Secretary of Defense submitting, pursuant to law, a report showing grants for basic scientific research made to nonprofit institutions during the calendar year 1972 (with accompanying report). Referred to the Committee on Government Operations.

PROPOSED LEGISLATION BY THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States submitting proposed legislation to revise and restate certain functions and duties of the Comptroller General (with accompanying papers). Referred to the Committee on Governmnet Operations.

REPORTS OF THE COMPTROLLER GENERAL

Three letters from the Comptroller General of the United States submitting, pursuant to law, the following three reports entitled "The Federal Catalog program: Progress and Problems in Attaining a Uniform Identification System for Supplies"; "Army Air Defense: the Sam-D program;" and "Status of Equal Opportunity in the Military Departments" (with accompanying reports). Referred to the Committee on Government Operations.

REPORT OF THE AMERICAN SYMPHONY ORCHESTRA LEAGUE, INC.

A letter from George H. Jones, Jr., CPA, submitting, pursuant to law, the audit report for the American Symphony Orchestra League, Inc., for the fiscal year ending March 31, 1973 (with accompanying report). Referred to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate as indicated:

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

A concurrent resolution agreed to by the Legislature of the State of South Carolina. Referred to the Committee on Agriculture and Forestry:

"A CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO TAKE THE NECESSARY ACTION TO ASSURE THAT THE AGRICULTURAL INDUSTRY SHALL BE PROVIDED WITH ADEQUATE FUEL FOR PLANTING AND HARVESTING

"Whereas, natural disasters and other contributing factors have resulted in a shortage in many agricultural products, and especially in feed products; and

"Whereas, these shortages have greatly affected the cost of living for all Americans; and

"Whereas, the fuel shortage, be it actual or contrived, has complicated the planting and harvesting of foods and feed products; and

"Whereas, it is most expedient that the agricultural industry be assured an adequate supply of fuels. Now, therefore, Be it resolved by the Senate, the House of Representatives concurring:

"That the Congress of the United States is memorialized to take appropriate action to assure that the agricultural industry of America shall be supplied with adequate fuels for the planting and harvesting of food and feed products.

"Be it further resolved that a copy of this resolution be forwarded to the President of the United States Senate, the Speaker of the House of Representatives and each member of the South Carolina Congressional Delegation in Washington, D.C."

A resolution of the city of Burlington, Vermont, relating to housing assistance programs. Referred to the Committee on Banking, Housing and Urban Affairs.

A resolution of the Arkansas State AFL-CIO relating to national health security. Referred to the Committee on Finance.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. LONG, from the Committee on Finance, without amendment:

H.R. 7445. An act to amend the Renegotiation Act of 1951 to extend the Act for 2 years (Rept. No. 93-240).

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. McCLELLAN (by request):

S. 2051. A bill to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees. Referred to the Committee on the Judiciary.

By Mr. CHURCH (for himself and Mr. Moss):

S. 2052. A bill to amend the Public Health Service Act to provide for training programs which will train nurse practitioners to serve as physicians' assistants in extended care facilities. Referred to the Committee on Labor and Public Welfare.

By Mr. TOWER (for himself and Mr. SPARKMAN):

S. 2053. A bill to amend the Export Administration Act of 1969, to premit the President to use export controls to curtail serious inflation in domestic prices. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. ERVIN (by request):

S. 2054. A bill to authorize the head of an executive department, a military department an agency or an independent establishment in the executive branch to allow certain uses of Government vehicles at isolated installations, and for other purposes. Referred to the Committee on Government Operations.

By Mr. GURNEY:

S. 2055. A bill to authorize the Secretary of the Navy to convey water supply facilities in the Florida Keys to the Florida Keys Aqueduct Authority. Referred to the Committee on Armed Services.

By Mr. GURNEY (for himself, Mr. DOLE, Mr. EASTLAND, and Mr. FANNIN):

S. 2056. A bill to protect the right of privacy of persons by authorizing private suits when unsolicited obscene material is sent through the mails. Referred to the Committee on the Judiciary.

By Mr. BURDICK:

S. 2057. A bill to amend title 28, United States Code, to provide in civil cases for juries of six persons, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS (for himself, Mr. BROOKE, Mr. STEVENSON, Mr. TOWER, and Mr. BENNETT):

S. 2058. A bill to amend the Securities Exchange Act of 1934 to provide for the regulation of clearing agencies and transfer agents, and for other purposes. Referred to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON BILLS AND JOINT RESOLUTIONS

By Mr. McCLELLAN (by request):

S. 2051. A bill to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees. Referred to the Committee on the Judiciary.

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks and Copyrights, I introduce by request a bill to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees.

This legislation is being introduced at the request of the Department of Commerce and provides for three miscellaneous amendments to the Trademark Act of 1946, as amended. This bill is identical to S. 3452 of the 92d Congress, which was passed by the Senate.

Under section 13 of the Trademark Act, any person who believes that he would be damaged by the registration of a mark upon the principal register may oppose the same by filing an opposition within 30 days after the publication of the mark sought to be registered. Section 1 of this bill provides for automatic extension of the period of filing oppositions in trademark cases on request of a prospective opposer. No reasons for requesting a first extension would be required. Subsequent extensions could be granted if good cause is shown.

Section 21 of the Trademark Act requires that a party taking an appeal to the U.S. Court of Customs and Patent Appeals must give notice to the Commissioner of Patents and file his reasons of appeal with the Patent Office. The requirement for filing "reasons of appeal" no longer serves a useful purpose and has occasionally deprived litigants of legal rights. Section 2 of the bill eliminates the statutory requirement for filing "reasons of appeal."

Section 35 of the present Trademark Act provides for the awarding of treble damages in appropriate circumstances in

order to encourage the enforcement of trademark rights. The general rule in the U.S. judicial proceedings is that, absent specific authority by statute or contract, attorney fees are not recoverable in ordinary actions at law or in equity by either a successful plaintiff or defendant. Section 3 of the bill provides that attorney fees may be awarded to the prevailing party in actions under the Federal trademark laws, when equity justifies such awards. It would make a trademark owner's remedy complete in enforcing his mark against willful infringers, and would give defendants a remedy against unfounded suits.

By Mr. CHURCH (for himself and Mr. Moss):

S. 2052. A bill to amend the Public Health Service Act to provide for training programs which will train nurse practitioners to serve as physicians' assistants in extended care facilities. Referred to the Committee on Labor and Public Welfare.

IMPROVING THE QUALITY OF CARE IN NURSING HOMES

Mr. CHURCH. Mr. President, I introduce for appropriate reference a bill to help improve the quality of life for the nearly 1 million residents of our 23,000 nursing homes.

My bill would provide funds to schools of nursing to establish programs to train nurse practitioners in geriatrics and the needs of nursing home patients.

The bill is in response to one of the most serious problems in the nursing home field and that is the absence of the physician from the nursing home setting. Almost all students of long-term care will agree that doctors have neglected the care of patients in nursing homes. Even President Nixon, in his speech in Chicago last year, said that physicians do not view the nursing home as part of the medical continuum; that they get too "depressed" and feel their time is better spent tending to the younger members of society.

This tendency has been documented by the Subcommittee on Long-Term Care under the chairmanship of the distinguished Senator from Utah, Senator FRANK E. MOSS. In numerous hearings, including investigations of the Baltimore salmonella epidemic where 25 nursing home patients died of food poisoning, the subcommittee has learned that doctors do not view bodies of patients who have died in nursing homes before signing death certificates and that in some nursing homes the telephone is becoming a more important medical instrument than the stethoscope.

The General Accounting Office confirmed these facts in its May 28, 1971, audit of 90 nursing homes in 3 States. The GAO sample revealed that over 50 percent of the nursing homes suveyed did not meet the Federal requirement that medicaid patients be seen by physicians at least once every 30 days.

When the physician is absent from the nursing home, an interolerable burden falls on the nursing staff. The registered nurse must spend more and more of her time with administration and supervisory responsibility, and untrained aides must provide much of the medical care. Certainly this is not true in every State, but the incidence is wide enough to be truly alarming.

To my mind these problems demand immediate action. I am aware of the recent contract between HEW and the American Medical Association to develop seminars to inform doctors of the needs of nursing home patients and I know of the legislation introduced by Senator Moss to help create departments of geriatrics in schools of medicine, but I feel that nursing home patients need immediate and more far-reaching protection. It is for this reason that I am offering my bill for the consideration of the Senate.

Since the most reasonable explanation for the failure of physicians to visit nursing homes is simply that they are already overworked and in short supply, the answer suggested in my bill is to substitute nurse practitioners trained in geriatrics. Nurse practioners would assume the responsibility for the care of nursing home patients subject to the continuous and overall responsibility of a physician who has agreed to be on call and to assume the duties and title of medical director as defined by the forthcoming skilled nursing facility regulations.

The suitability of the nurse practitioner concept to the care of nursing home patients has been pointed out to me by many experts in the field of long-term care, including Dr. Alfred Popma from my home State. I ask unanimous consent to have inserted in the RECORD at this point a copy of his October 19, 1971, letter to me.

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

OCTOBER 19, 1971.

Hon. FRANK CHURCH,
U.S. Senator,
Washington, D.C.

DEAR SENATOR CHURCH: With the concern of you and your Committee for the aged who are in nursing homes, I am impelled to write you briefly my views as they relate to enhancing and improving patient care in these institutions.

Generally speaking, the vast majority of patients in nursing homes are there because of cardiovascular disease, cancer, stroke or one of the neurological diseases. Too often the nursing homes become a "dumping ground" for these people.

There are many nursing homes in the United States where hypertensive patients do not have blood pressures taken; diabetics who do not have blood sugar determinations made; cancer patients who do not have available to them the palliative benefits of modern chemotherapy;—and the list could be expanded. I do not imply that these conditions exist in all nursing homes—there are many in which the care is excellent.

To improve nursing home care to all patients seems to be primarily one of lack of adequate manpower.

As a device to assist in the remedy of this situation, I proposed several years ago, the development of an "intermediary physician"—a nurse specially trained in many of the minor medical skills, who, working under supervision of a physician, could and would make regularly scheduled visits to patients in nursing homes, perform physical examinations, order laboratory procedures, maintain the medical records and report to and consult with the physician regarding her findings and recommendations.

Such a nurse physician assistant would provide a tremendous resource to the very busy doctor. Patient care would be improved and medical care costs could be reduced.

For several reasons, my original proposal met with a number of obstacles which could not be surmounted at that time. Today it would seem that the climate would be more favorable.

I am quite sure that the establishment of such programs, with the necessary changes in the Medicare legislation to provide payment for such services would greatly enhance the delivery of health care serviecs in this area of great need.

If you see fit to present these thoughts to your Committee, I will be grateful to you.

With kindest of regards, I am,

Sincerely yours,

ALFRED M. POPMA, M.D.

Mr. CHURCH. Mr. President, by the term nurse practitioner, I mean a registered nurse who is licensed as such under State law and has completed a program of study to become competent as a registered nurse in an expanded role. A nurse practitioner is an individual who is qualified to be responsible for any or all of the following:

First, obtaining a health history;

Second, assessing health-illness status;

Third, entering an individual into the health care system;

Fourth, sustaining and supporting individuals who are impaired, infirm, ill, and undergoing programs of diagnosis and therapy;

Fifth, managing a medical care regimen for acute and chronically ill patients within established standing orders;

Sixth, assisting individuals in regaining their health;

Seventh, teaching and counseling individuals about health and illness;

Eighth, counseling and supporting individuals with respect to the aging and dying processes; and

Ninth, supervising nursing assistants.

This bill has the enthusiastic support the American Nurses Association, which has informed me that there are thousands of registered nurses who would consider coming out of retirement if they could have the freedom, the responsibility, and the salary commensurate with the nurse practitioner's role. I have every reason to expect support from the medical community and from the American Nursing Home Association.

For the sake of the infirm elderly I hope that this legislation can be promptly implemented.

By Mr. ERVIN (by request):

S. 2054. A bill to authorize the head of an executive department, a military department, an agency or an independent establishment in the executive branch to allow certain uses of Government vehicles at isolated installations, and for other purposes. Referred to the Committee on Government Operations.

Mr. ERVIN. Mr. President, I introduce, by request, a bill to authorize the head of an executive department, a military department, an agency, or an independent establishment in the executive branch to allow certain uses of Government vehicles at isolated installations, and for other purposes.

This legislation was requested by the Secretary of Transportation and I ask

unanimous consent to have inserted in the RECORD a letter from the Secretary of Transportation explaining the need for this proposed legislation.

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

MAY 4, 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 authorize the head of an executive department, a military department, an agency or an independent establishment in the executive branch to allow certain uses of Government vehicles at isolated installations, and for other purposes."

This proposal would amend Section 5 of the Act of July 16, 1914, as amended (31 U.S.C. § 638a), to permit the head of a department, an agency or an independent establishment in the executive branch to authorize officers and employees, and their dependents, who are stationed in remote areas of Alaska or territories or possessions of the United States and who lack an available, safe, and practical means of transportation, to use Government-owned or Government-leased motor vehicles (other than aircraft or motor boats) to the extent that such use is necessary to maintain their health and well-being. The bill would additionally authorize the President to prescribe regulations regarding the private use of Government vehicles in these remote locations. Section 5(c)(2) of this Act currently prohibits the use of such vehicles for other than official purposes and thereby causes unreasonable hardships for those Government employees and their families who are stationed at these remote locations, as no other safe and practical means of transportation are available to them.

Several of the Government's remote stations in Alaska have no tie by surface transportation to other parts of the State. At some of these stations Federal employees and their dependents are the only persons who live in the area. At others, the only residents of the area in adidtion to Government personnel and their families are a few trappers, fishermen, occasional summer residents of the area in addition to Government tion and the limited population in the proximity of the remote site often means that there is a total lack of any means of transportation other than by Government vehicles.

Transporting privately-owned vehicles to these remote stations at Government expense has been determined to be too costly for the Government; likewise, the employee finds that such transporting at private expense is equally as prohibitive. Limited roads, inclement weather conditions, and the absence of maintenance facilities make the shipping of privately-owned vehicles to these stations even more impractical. Yet, there exists a need for some motor vehicle transportation at these locations to be available for private use.

The Government has several isolated stations in Alaska, which include stations operated by this Department at Bettles, Biorka Island, Duncan Canal, Farewell, Fire Island, Fort Yukon, Hinchinbrook, Level Island, Middleton Island, Moses Point, Point Barrow, Deadhorse, and Sisters Island at which approximately 50 employees and their 100 dependents are located. The transportation of privately-owned vehicles to these stations is not authorized.

The Department of Transportation, Federal Aviation Administration station, at Farewell, Alaska, represents a typical situation. Located 100 air miles northwest of Anchorage and 75 air miles from the nearest native village, our 4 employees and their 7 dependents experience temperatures ranging to −57°. Farewell has about 15 miles of road that lead to several work sites. At Farewell and other stations with similar situations we would allow use of Government vehicles to transport employees between their quarters and duty stations.

At some of these remote locations in Alaska, living quarters for Government employees and their families are situated a half mile or more from a nearby village. The ordinary necessities of life such as grocery shopping, transporting children to school, and getting mail to and from the post office require some means of vehicular transportation. This is particularly true during inclement weather conditons and the near total darkness of winter months.

This bill would additionally permit occasional group use for recreational purposes. The recreational opportunities at many of these isolated stations are extremely limited and thus employee group recreational activities are generally impractical ventures without the use of surface transportation. The importance of employee recreational activities cannot be denied in maintaining employee morale.

The Government-operated Pacific Island installations present another problem. For instance, Wake Island is an atoll. Therefore, employee housing and other facilities such as a commissary, post office, school, church, and recreational areas must be grouped together as closely as the land area permits. Living quarters may be relatively close to the school, yet may be a mile or more from the post office and two or three miles from the recreational areas. No public transportation is available and access between places presents a difficult chore for our employees and their dependents. Relatively few employees can afford the luxury of private transportation because of the high transportation costs, limited shipping facilities, and problems associated with the import, operation, maintenance, and disposal of privately-owned vehicles on the island.

Of course, Government employees are faced with similar conditions in locations in the Pacific other than at Wake Island. There are a number of Government vehicles on these islands which could feasibly be used to transport employees and their families to commissaries and recreational facilities.

We must emphasize that the Government, and this Department in particular, have experienced considerable difficulty in obtaining and retaining qualified personnel for positions at these isolated locations in Alaska and the Pacific, due mostly to the hardships that these employees suspect that they will encounter. Unlike some causes of these hardships, such as weather and geography, the hardship stemming from the unavailability of an adequate means of transportation could be substantially mitigated. We, therefore, believe that enactment of this bill would serve as a necessary remedy to this transportation hardship.

We estimate that the cost of the added use of Government vehicles under this proposal would be negligible. To a certain extent, that use would be carrying additional passengers on trips now made for official purposes. In all other cases, where the cost to the Government is more than nominal, we would anticipate imposing reasonable user fees. In no event would additional vehicles be required.

If this proposal is enacted, no increase in appropriations should be necessary for any of the affected Government departments or agencies.

We have additionally considered the environmental and civil rights implications of this proposed action and believe that implementation of this proposal would have no significant impact in these areas.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this proposed legislation to the Congress.

Sincerely,

CLAUDE S. BRINEGAR.

SECTION-BY-SECTION ANALYSIS OF A BILL

"To authorize the head of an executive department, a military department, an agency or an independent establishment in the executive branch to allow certain uses of Government vehicles at isolated installations, and for other purposes."

This bill would amend Section 5(c)(2) of the Act of July 16, 1914, as amended (31 U.S.C. § 638a) to permit the head of an executive or military department, agency, or independent establishment in the executive branch to authorize officers and employees, and their dependents, who are stationed in remote areas of Alaska or the territories or possessions of the United States and who lack available, safe, and practical means of transportation, to use Government-owned or Government-leased motor vehicles (other than aircraft or motor boats) to the extent that such use is necessary to maintain their health and well-being. The bill would additionally authorize the President to prescribe regulations regarding the private use of Government vehicles in these remote locations. Section 5(c)(2) of this Act currently prohibits this use and thereby creates considerable hardships for many Government employees and their families who are stationed in these remote areas and who lack adequate means of transportation.

COST ANALYSIS OF A BILL

"To authorize the head of an executive department, a military department, an agency or an independent establishment in the executive branch to allow certain uses of Government vehicles at isolated installations, and for other purposes."

We have determined that the budgetary impact of this proposed bill would be negligible and that no increase in appropriations will be required for those agencies and departments in the Executive Branch who will be affected by this legislation.

By Mr. GURNEY:

S. 2055. A bill to authorize the Secretary of the Navy to convey water supply facilities in the Florida Keys to the Florida Keys Aqueduct Authority. Referred to the Committee on Armed Services.

Mr. GURNEY. Mr. President, today, I am introducing a measure which, if enacted, would permit the Secretary of the Navy to transfer the Government-owned water supply facility in Key West, to the Florida Keys Aqueduct Authority.

Mr. President, the Florida Keys have, in the past decade, experienced such a rapid growth that a very real danger of an insufficient water supply has developed. Presently, the Department of the Navy operates the only existing water pipeline which provides water to Government installations and to the Florida Keys Aqueduct Authority. The authority services over 50,000 year-round residents plus some 20,000 winter residents and it has been estimated that, at the peak of the winter tourist season, the authority services more than over 100,000 people. Faced with this type of demand, the authority has been, and continues to be, put in the position of having to limit the amount of water it can make available to the people of the Key West area.

Mr. President, this insufficient water supply is not due to the unavailability of water, but rather, it is the result of an outmoded water supply system. The

pipeline I just referred to was constructed in the early 1940's, at the beginning of World War II, when the population was a lot less than it is now. Since then, however, there have been no efforts to enlarge the pipeline, or to otherwise increase the amount of water being pumped to the Florida Keys.

The Department of the Navy has recently announced its decision to close down a major portion of the Navy facilities in Key West. In conjunction with this decision, the Navy also approached the Florida Keys Aqueduct Authority suggesting that the authority purchase the pipeline but with the stipulation that up to 2.4 million gallons per day of fresh mainland water be furnished to the remaining Government installations for as long as the Government shall require.

The importance of this transfer to the future of Key West cannot be overstressed. If approved, it will allow the Florida Keys Aqueduct Authority the opportunity to secure the necessary financing to expand and update the Key West water system from its present 6 million gallons per day capacity to over 18 million gallons per day. Such a plan, according to the Department of the Navy, will fulfill the future requirements for water that have been predicted as a consequence of the tremendous growth pattern of the area.

Mr. President, I hope that this legislation will be given immediate hearings. In view of the fact that both the Department of the Navy and the Florida Keys Aqueduct Authority are in complete agreement concerning the provisions of this legislation and in view of the need, I see no reason for delay. In truth, this transfer must be made as soon as possible if we are to assure an adequate supply of water to the residents of the Key West area.

I ask unanimous consent that the text of this legislation 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. 2055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, not withstanding any other provision of law, the Secretary of the Navy, is authorized to transfer and convey to the Florida Keys Adequeduct Authority (herein called "the Authority"), upon such terms and conditions as he deems appropriate, such portion of the real and personal property compromising the Government-owned water supply facilties used to provide fresh potable mainland water to Government installations in the Florida Keys as he determines are necessary to permit the Authority to operate the facilities to meet the fresh water requirements of both the Government and the Authority's other customers: *Provided,* however, such transfer and conveyance shall be conditioned on the Authority's unconditional guarantee to provide the Government installations located in the Florida Keys, on a priority basis over the Authority's other customers, a supply of up to 2.4 million gallons per day of fresh mainland water meeting potability standards of the United States Public Health Service, for so long as the Government shall require such water.

By Mr. GURNEY (for himself, Mr. DOLE, Mr. EASTLAND, and Mr. FANNIN):

S. 2056. A bill to protect the right of privacy of persons by authorizing private suits when unsolicited obscene material is sent through the mails. Referred to the Committee on the Judiciary.

Mr. GURNEY. Mr. President, in these days of ecological awareness, this Congress has evidenced a great deal of interest in various forms of pollution. I am today introducing a series of proposals to combat a serious form of pollution which has infected our society—the sullying of the moral fabric of America through obscenity, lewdness, and filth.

For a refreshing and hopefully steady change, the Supreme Court has assisted in the various efforts to fight this kind of filth. Yesterday, in Miller against California, the Supreme Court reexamined its prior obscenity cases, and formulated new guidelines for the States and the Federal Government to use in the prosecution of cases against pornographers and filth mongers.

In Miller the Court reaffirmed the power, and the obligation of States to punish the printing or sale of works "which appeal to the prurient interest in sex, which portray sexual conduct in a patiently offensive way and which, taken as a whole, do not have serious literary, artistic, political or scientific value." The Court finally rejected the defense of "redeeming social value" which had in effect curtailed successful prosecutions from the time it was first dreamed up in *Memoirs* v. *Massachusetts,* 383, U.S. 413 (1966).

Miller is significant for the following points it held. First, as previously noted, the power of Government to punish printing or sale of pornography was reaffirmed, and the defense of "redeeming social value" was rejected. Also, for the first time since *Roth* v. *United States,* 354 U.S. 476 (1957), a majority of the Court was able to agree on concrete guidelines to isolate "hardcore" pornography from other forms of expression protected by the first amendment to the Constitution.

The basic guidelines for the tryer of fact were held to be: First, whether the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest; second, whether the work depicts or describes, in a patiently offensive way, sexual conduct specifically defined by the applicable State law; and, third, whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value. It was left to Government, however, to define explicitly by law the kinds of "sexual conduct" that will subject a publisher or distributor to prosecution if it is described offensively.

One important contribution was also made in Miller and the Paris Theater case which accompanied it. The Court agreed that in trials on charges of obscenity a court properly may permit "expert affirmative evidence" as to the character of the film or publication or performance to be introduced to assist the tryer of fact. At the same time, the Court rejected attempts to establish a national standard for pornography and permitted the tryer of fact to apply standards of the local community. This is a truly great and significant step toward returning Government to the people and to the States.

Because of yesterday's decisions, today is an appropriate time to reintroduce obscenity legislation I offered to the Congress last year, and to initially introduce a new proposal designed to strengthen the effectiveness of our Nation's laws and efforts to prohibit pornography.

First, I am reintroducing my bill to authorize private persons to sue persons who distribute obscene material through the mail unsolicited. The bill explicitly defines the type of materials and conduct which are affected, in a manner which should comport with the Supreme Court's decision yesterday requiring Government to explicitly describe and proscribe the conduct it seeks to reach. To amplify the explanation of this bill, I ask unanimous consent that the bill, together with the remarks I made upon its introduction last year, be printed in the RECORD at the conclusion of these remarks.

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

(See exhibit 1.)

Mr. GURNEY. Second, Mr. President, I am introducing a proposed Senate resolution requesting the President to seek international agreement with the Governments of other countries with respect to controlling the transportaion of pornographic materials among such countries, and particularly into this one. I have received a number of complaints that obscene materials have been sent to them from abroad through the mails, and without some form of international cooperation it is difficult to curb this practice. The laws of one nation simply cannot suffice, so joint efforts are needed, and it is my hope the Senate will call upon the President to work toward this end.

Also, I have directed my staff to begin an immediate study as to whether another piece of legislation which I introduced last Congress, S. 1690 of the 92d Congress dealing with the trial and review of criminal obscenity cases, any longer is necessary. In view of the Supreme Court's decisions yesterday, it may be that that particular bill is no longer necessary, since it appears to be possible now for prosecutions for pornography law violations to be successful. Maybe the Supreme Court has at long last ended its determination to be a censorship board—and a bad one at that—and Government can get on with the business of ridding our society of filth.

Mr. President, I am hopeful that the Senate will soon act in the same direction that the Supreme Court has started to move, and that we will soon again have effective laws against pornography on our books. These proposals are a start along the way.

EXHIBIT 1

S. 2056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title 28, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 177—INVASION OF PRIVACY

"Sec.

"2941. Mailing of obscene material.

"§ 2941. Mailing of obscene material

"(a) No person may mail, or cause to be mailed, to any other person any obscene material without obtaining the prior consent of the other person, or if the other person is a minor living with a parent or guardian, the prior consent of such parent or guardian, to the sending of such material. The receipt of such obscene material shall constitute an invasion of the privacy of the person receiving such material.

"(b) In order to protect his right of privacy, any addressee who receives obscene material in violation of subsection (a) of this section, or, if a minor living with a parent or guardian is the addressee, such parent or guardian, may commence a civil action in a district court of the United States without regard to any monetary jurisdictional limitations against any person who mails or causes to be mailed any such material. Upon a finding that the material has been sent in violation of subsection (a) of this section, the addressee, parent, or guardian commencing such civil action may recover from the person found to be in violation of such subsection the compensatory damages sustained as the result of such violation, punitive damages in an amount no less than $5,000, and the costs of the suit and reasonable attorney fees.

"(c) A civil action under subsection (b) of this section may be brought in the judicial district in which the defendant resides, or has his principal place of business, or in any judicial district in which any obscene material mailed or caused to be mailed by the defendant in violation of subsection (a) of this section has been received.

"(d) As used in this section—

"(1) 'minor' means an individual who has not attained the age of eighteen;

"(2) 'obscene material' means any matter which—

"(A) is tangible, including any device, and used or adapted, or capable of being used or adapted, to depict or arouse (through readings, sound, touch, or observation) interest in sexual conduct, sexual excitement, or sadomasochistic abuse; or

"(B) solicits or offers to send matter of the type described in clause (A) of this subparagraph;

"(3) 'nudity' means the showing of the human male or female genitals, pubic area, or the depiction of covered male genitals in a discernibly turgid state;

"(4) 'sexual conduct' means acts of masturbation, homosexuality, sexual intercourse, physical contact with a person's clothed or unclothed genitals, pubic area, or buttocks, or, in the case of the female, physical contact with her breast;

"(5) 'sexual excitement' means the condition of human male or female genitals in a state of sexual stimulation or arousal; and

"(6) 'sadomasochistic abuse' means flagellation or torture by or upon a person clad in undergarments, a mask, or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

"(e) The table of contents of part VI of such title, immediately preceding section 2201, is amended by adding at the end thereof the following new item:

"177. Invasion of privacy---------- 2941".

REMARKS OF SENATOR EDWARD J. GURNEY ON CLEAN MAIL BILL, SEPTEMBER 16, 1971

Mr. President, I am introducing for appropriate reference, a bill designed to protect our citizens' right of privacy and crack down on smut peddlers.

Essentially, my bill will give any citizen who receives unsolicited obscene material in the mail the right to take civil action against the mailers of such material in a Federal District Court. Furthermore, if successful, the individual can recover compensatory and punitive damages, costs of the suit and attorney fees.

In 1842, the first Federal obscenity statute was passed in this country as a part of the customs law. This statute prohibited the importation of "indecent and obscene prints, paintings, lithographs, engravings, and transparencies." It was aimed mainly at the French postcard trade. We've progressed a lot since 1842, and it's apparent that obscenity has done a good deal of changing too. Indications from my constituent mail, and I'm sure my colleagues get similar complaints, are that the problems of obscenity are still very much with us. Furthermore, from some of the samples I've seen, those French postcards were pretty tame stuff.

Congress has, on several occasions, responded to this problem and enacted various anti-obscenity statutes. Right now, there are a number of new bills pending before the Senate Judiciary Committee. As a matter of fact, I am sponsoring three of these bills myself.

As anyone who has dealt with anti-obscenity laws will tell you, there is a good deal of confusion surrounding the interpretation and effectiveness of these statutes. A short discussion of some of the major statutes affecting obscene materials in the mail will underscore this problem.

The Comstock Act (18 U.S.C. § 1461) makes it a Federal criminal offense to mail obscene materials or information as to where such materials may be obtained. Plain enough—until we come to the question of what is "obscene"? One of the first major decisions on obscenity was the Supreme Court's opinion in *Roth v. U.S.* (1957). The major finding was that obscenity was not protected under the first amendment's "freedom of speech" language. Here again, there was a great hassle over the definition of "obscenity", and it was through several subsequent cases, including the "Fanny Hill" case of 1966, that the courts further narrowed the test for obscenity. Today, most courts use as a prevailing standard the following three criteria which must *all* be met:

1. The dominant theme of the material taken as a whole must appeal to a prurient interest in sex.

2. The material must be patently offensive because it affronts contemporary community standards relating to the depiction of sexual matters.

3. The material is utterly without redeeming social value.

A recent Supreme Court case, in May of this year, upheld the constitutionality of § 1461. In spite of intervening cases (such as *Stanley* v. *Georgia* in 1969) which upheld the right to obtain and read pornography in the privacy of one's own home, the Court ruled, in *U.S.* v. *Reidel*, that the right to have obscene material does not confer a right to sell and deliver such materials through the mails.

Congress has enacted other legislation dealing with pornography in the mails. Title 39 U.S.C. § 3006–7 would allow the Postmaster General to impose a "mail block" against the sender of obscene mail. These particular sections were ruled unconstitutional by the Supreme Court in *Rizzi* v. *Blount* (1771).

Under 39 U.S.C. § 3008, the Anti-Pandering Act, anyone who has received obscene advertisements may notify the Post Office Department of such receipt. The Postmaster General shall direct the sender to refrain from any further mailings to the recipient, and have him removed from the sender's mailing list. If a violation occurs after 30 days following the issuance of the order, the Postmaster General may request the Attorney General to seek a court order for compliance. This section was upheld by the Court in *Rowan* v. *U.S. Post Office* (1670).

Finally, under 39 U.S.C. § 3010–11, anyone who does not wish to receive obscene ads may place his name on a list in the post office, whether or not he has already received such material. This list is available at cost to all mailers, and after a person has been on the list for 30 days, mailers are prohibited from sending material to these individuals.

In view of the above, one might well ask, "with all these existing laws, why is there still a problem with obscene mail?" The answer, in my opinion, is due mainly to two circumstances. First, the difficulty in getting materials to pass a judicial "test" of what is offensive. Federal judges must follow Supreme Court decisions as precedents. The practical effect of the Supreme Court rulings in pornography cases is that there is no such thing as pornography.

Second, the cumbersome process of Government suits is a slow one, and doesn't, in my opinion, provide an adequate deterrent for the smut merchants. Many of the companies purveying this trash are big-time operations, and will gamble on an occasional possible loss and fine if they should fail on an appeal to the Supreme Court.

In view of this situation, I believe that the bill I am introducing today offers a unique and effective method of dealing with obscene mail.

Specifically my bill allows, for the first time, an individual to not only take direct court action himself, but also to recover damages.

This action is civil, rather than criminal, and therefore includes a different definition of "obscene." As a matter of fact, it will be the individual himself, and ultimately a Federal jury, who will decide the fact of obscenity.

Mr. President, it is often difficult, if not impossible, for every citizen to avoid distasteful or offensive things in a public situation. I do believe, however, that we can—we must—assure every American that at least one bastion of personal liberty—his home—will be protected against the intrusion by offensive materials.

When the post office reports that over half a million people have asked to be placed on the "no smut" list within just a few months' time, I think it's high time we approach this problem by saying, "Let the sender beware."

As Chief Justice Burger stated in the *Rowan* opinion,

"Nothing in the Constitution compels us to listen to or view any unwanted communication, whatever its merit; we see no basis for according the printed word or pictures a different or more preferred status because they are sent by mail. The ancient concept that 'A man's home is his castle' into which 'not even the king may enter' has lost none of its vitality, and none of the recognized exceptions includes any right to communicate offensively with another."

By Mr. BURDICK:

S. 2057. A bill to amend title 28, United States Code, to provide in civil cases for juries of six persons, and for other purposes. Referred to the Committee on the Judiciary.

Mr. BURDICK. Mr. President, on June 21, 1973, the Supreme Court decided the case of Colgrove versus Battin in which a majority of the Court held that the Constitution does not require that juries in civil cases tried in the Federal courts must consist of 12 persons. Thus, the Supreme Court has finally extended a line of cases in recent years which have held that the term "jury" as used in the Constitution does not carry with it a connotation of 12 persons as a constitutional requisite.

Encouraged by some of the earlier decisions, a large number of Federal district courts adopted local rules of court which provided for the use of six-person juries in specified types of civil cases. For almost 2 years, the experimentation has continued and I am not aware that the use of six-person juries in civil cases has

met with any significant criticism from the trial bar of this country.

Mr. President, it is interesting to note that in the Colgrove case, two members of the Court dissented on the grounds that the introduction of six-person juries by local rule was beyond the rulemaking power of local courts, especially in the light of the legislative history surrounding passage of the rulemaking Enabling Act of 1934. This is a view which has been expressed by many critics competent to comment on the question. In any event, now that this decision has removed the constitutional barrier, I believe that the Congress should pass appropriate legislation fixing the number of jurors in civil cases, but not criminal cases, at the number of six. The bill also preserves the principle of unanimity. The passage of such legislation by Congress would remove all controversy relative to the power of local courts to adopt varying legal practices and procedures in areas where Congress has previously stated that there should be uniformity in all 94 Federal district courts.

Mr. President, I send to the chair a bill introduced for appropriate reference to accomplish this purpose.

By Mr. WILLIAMS (for himself, Mr. BROOKE, Mr. STEVENSON, Mr. TOWER, and Mr. BENNETT):

S. 2058. A bill to amend the Securities Exchange Act of 1934 to provide for the regulation of clearing agencies and transfer agents, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

SECURITIES TRANSACTION PROCESSING ACT

Mr. WILLIAMS. Mr. President, during the 92d Congress, the Senate unanimously passed a bill dealing with the regulation of the processing of securities transactions. Due to the late date on which the House took final action on similar legislation, our bill died and the securities industry was left for a further period of time with neither centralized direction for the development of an integrated national clearing system nor a clear policy commitment to the rationalization of the paper processing snafu associated with the stock certificate.

Today, together with the Senator from Massachusetts (Mr. BROOKE), the Senator from Illinois (Mr. STEVENSON), the Senator from Texas (Mr. TOWER), and the Senator from Utah (Mr. BENNETT), I am reintroducing a bill substantively similar to the bill passed by the Senate last year.

On Monday of this week, the Senate passed S. 470, a bill dealing with commission rates on national securities exchanges and the membership of financial institutions on those exchanges. That bill represents the first legislative step toward reestablishing the securities industry on a sound economic basis. It is also the first bill arising from the securities industry study conducted by my Subcommittee on Securities. We found in that study that until the commission rate schedule and the conditions for exchange membership were freed of their present artificial structure, there could be no reasonable expectation for the emergence of a truly competitive system of securities markets and of an industry composed of truly competitive securities firms able and willing to provide the securities investor—both large and small—with the services he needs and expects.

S. 470 is a major step toward the modernization of the securities industry. The next step must be to provide a fully coordinated nationwide transaction processing system so that the securities industry will be able to control its clearing and settlement costs. We must recognize that the elimination of fixed rates is only half of the equation for a sound economic base for the securities industry. The other half is the establishment of a central authority capable of bringing into line the many, disparate forces presently at war over whether there should be a national clearing system and, if so, of what sort. Without such an authority the securities industry is surely faced with continuing uncertainty and confusion—and an almost impossible cost control situation. In such a situation the securities investor is faced with excessive costs and a lack of safety in connection with his transactions.

The bill we are introducing today deals forcefully and directly with major problems affecting all persons—individual and institutional—who buy and sell securities. This is a bipartisan bill. It is in my mind, an item of must legislation in the course of our efforts to revitalize the securities industry.

Strong capital markets are essential to the continued growth of the national economy. Brokers and dealers support the proper functioning of the capital markets by maintaining a constant flow of debt and equity instruments and therefore play an integral role in assuring the continued health of the economy. Yet during the period 1968–72 the securities industry experienced serious and persistent financial and operational problems which forced over 100 broker-dealers into liquidation, caused incalculable inconvenience and financial loss to public customers and jeopardized the continued operation of the securities markets themselves.

A major contributing factor to the financial difficulties experienced by brokers and dealers in the late 1960's was the inability to process transactions expeditiously. In 1969 it became clear that the impact of the so-called paperwork problem went far beyond the walls of any one firm and severely depleted the working capital—and the net capital—of broker-dealers throughout the Nation.

In the midst of the financial and operational crisis, Congress enacted the Securities Investor Protection Act of 1970—Public Law No. 91-598—to help protect customers from the consequences of broker-dealer insolvency. In order to avoid future securities handling problems, however, the Congress and the Securities and Exchange Commission maintained a continuing interest in the operational side of the securities business.

The Securities Investor Protection Act of 1970 directed the Commission to compile a list of unsafe and unsound practices by brokers and dealers in conducting their business, to report to the Congress on corrective steps being taken under existing law, and to submit recommendations on additional legislation which might be needed to eliminate those unsafe and unsound practices. Pursuant to this mandate the Commission concluded in its unsafe and unsound practices report:

> That the serious operational problems experienced by the securities industry during the period under study, especially the industry's inability to accurately and promptly process customer transactions, evidenced a need for greater scrutiny and control by the Federal government.

Hearings during the 92d Congress made it clear that the solution of securities handling problems would require not only centralization of decisionmaking regarding clearing agencies and depositories in the SEC but that transfer agents and corporate issuers must be brought within the purview of a central unifying authority. In addition, we found that the bank regulatory agencies must play a major role in the development of a national clearing system.

The bill which passed the Senate last year, S. 3876, reflected these conclusions. The bill we are introducing today strengthens them. Broadly stated, the first purpose of the bill is to create a system of regulation and decisionmaking which extends to every facet of the securities handling process—corporate issuers, transfer agents, clearing agencies and depositories. Only by the creation of a central unifying authority in operational matters can paper handling problems be squarely addressed. In some areas the authority conferred upon the commission by the bill is very broad. In others the commisson shares the responsibility with the appropriate bank regulatory agency.

By amendment of the Securities Exchange Act of 1934—"the Act"—the bill would require "clearing agencies" to register with and report to the commission and would empower the commission to review the rules of such clearing agencies and to adopt rules governing their activities. The commission is the primary regulatory agency for all clearing agencies, but inspection and enforcement responsibilities are delegated to the Federal bank regulatory agencies for those clearing agencies which fall within their respective jurisdictions. Thus, inspection of clearing agencies and enforcement of compliance with this legislation is the responsibility of the "appropriate regulatory agency." The appropriate regulatory agency is the Comptroller of the Currency with respect to national banks and banks operating under the Code of Law for the District of Columbia, and their subsidiaries; the Board of Governors of the Federal Reserve System with respect to State member banks of the Federal Reserve System, bank holding companies, and their respective subsidiaries; the Federal Deposit Insurance Corporation with respect to banks insured by the FDIC—nonmembers of the Federal Reserve System—and their subsidiaries; and the commission in the case of all other clearing agencies.

The bill contains several provisions designed to assure cooperation among and avoid duplicate regulation by the several agencies which regulate and enforce compliance by clearing agencies.

The commission and the bank reg-

ulatory agencies must furnish one another with copies of reports concerning clearing agencies where appropriate and must notify each other of actions taken with regard to clearing agencies. The agencies charged with regulation, inspection and compliance of clearing agencies must consult with and request the views of each other before issuing a proposed rule for public comment or adopting such a rule. Nothing in the bill impairs the authority of any State banking authority or of any other State or Federal regulatory authority which has jurisdiction over a person registered as a clearing agency to make or enforce rules governing such person if such rules are not inconsistent with the bill or any rules prescribed thereunder.

The bill would also amend the Act to require registration and reporting of transfer agents and would empower the commission to make rules and regulations applicable to transfer agents in the following areas: minimum standards for the performance of functions, measures and personnel for safe handling and custody of securities and funds, and operational compatibility of transfer agents with other facilities and participants in the securities handling process.

Another major purpose of this legislation is to initiate concrete steps toward ultimate elimination of the negotiable stock certificate as evidence of ownerships of securities. In all of our hearings on this subject it was clear that elimination of the stock certificate would significantly expedite the handling of securities transactions as well as provide some protection against loss or theft of securities.

Yet despite widespread agreement that the certificate can and should be eliminated, no firm plans have been made for this event and no timetable has been set. The bill directs the Commission, by the end of 1976, to take such steps as are within its power to bring about the elimination of the negotiable stock certificate as a means of settlement among brokers or dealers of transactions consummated on national securities exchanges or by means of instrumentalities of interstate commerce. This provision would in no way preclude individual shareholders from demanding and receiving certificates as proof of ownership of their shares. The bill also requires the Commission to report annually to Congress on its progress in eliminating the certificate as a means of settlement and its recommendations, if any, for further legislation to eliminate the certificate. I believe that the provisions of this legislation will require the securities industry and the regulatory and self-regulatory bodies to begin to do the planning needed for the eventual transition to a "certificateless society."

State-imposed stock transfer taxes have also acted as a deterrent to the development of a truly national system of clearance and settlement of securities transactions, when the only connection with the taxing state is the use of a national securities clearing agency. The bill would allow the development of an efficient national system of clearing and settling securities transactions while at the same time causing the least possible interference with State tax laws, by providing that the mere participation in a system of book entry delivery—a clearinghouse or a depository—should not alone make a transaction or securities taxable. Under this provision, States would otherwise be taxable without the coincidence of a book entry delivery in the taxing state.

The legislation which we are introducing today is designed to implement the recommendations of our committee's securities industry study regarding clearance and settlement, and to complete the legislative job we started last term. I would hope that, with the statutory tools to do the job and a mandate from Congress to proceed in a more aggressive fashion, the Securities and Exchange Commission will provide the leadership necessary to assure the investing public that it will not have to endure another "paperwork crisis."

Mr. President, I now ask unanimous consent that the full text of this proposed legislation be printed in the RECORD.

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

S. 2058

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

SECTION 1. Section 2 of the Securities Exchange Act of 1934 (15 U.S.C. 78b) is amended by striking the word "and" immediately before the phrase "to impose requirements necessary to make such regulation and control reasonably complete and effective," and by adding the following immediately after that phrase: "and to provide for the development of an integrated national system for the prompt and accurate processing and settlement of securities transactions,".

SEC. 2. Section 15A(k)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(k)(2)) is amended by inserting after clause (D) the following:

"(E) the time and method of making settlements, payments, and deliveries and of opening, maintaining, and closing accounts."

SEC. 3. Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding at the end thereof the following new paragraphs:

"(22) The term 'clearing agency' means any person who acts as an intermediary in making payments or deliveries or both in connection with transactions in securities or who provides facilities (A) for comparison of data respecting the terms of settlement of securities transactions, (B) to reduce the number of settlements of securities transactions, or (C) for the allocation of securities settlement responsibilities. Such term also means any person who acts as a custodian of securities in connection with a system which permits securities so held to be transferred, loaned, or pledged without physical delivery of securities certificates, or which otherwise permits or facilitates the settlement of securities transactions or the hypothecation or lending of securities without physical delivery of securities certificates. The term 'clearing agency' does not include (i) Federal Reserve Banks, Federal Home Loan Banks, Federal Land Banks, and (ii) banks, brokers, life insurance companies or their registered separate accounts, registered open end investment companies or unit investment trusts, building and loan, savings and loan, and homestead associations, and cooperative banks by reason of lending, fiduciary, correspondent, or safekeeping functions commonly performed by them on the date of enactment of this paragraph.

"(23) The term 'participant', when used with respect to a clearing agency means any person who uses a clearing agency or securities depository for the purpose of settling or comparing transactions in securities or making or receiving payment for or delivering, lending, or hypothecating of securities. Such term does not include a person whose only use of a clearing agency or securities depository is through another person.

"(24) The term 'transfer agent' means any person who engages on behalf of an issuer of securities, or on behalf of itself as an issuer, of securities in (A) countersigning such securities upon issuance; (B) monitoring the issuance of such securities with a view to preventing unauthorized issuance, a function commonly performed by a person called a registrar; (C) registering the transfer of such securities; (D) exchanging or converting such securities. The term 'transfer agent' does not include any person who performs such functions solely with respect to variable annuity contracts issued by insurance companies.

"(25) The term 'appropriate regulatory agency', when used with respect to a clearing agency or transfer agent required to be registered under this title, means:

"(A) the Comptroller of the Currency, in the case of a national bank or a bank operating under the Code of Law for the District of Columbia, or a subsidiary of any such bank;

"(B) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System, a subsidiary thereof, a bank holding company, or a nonbank subsidiary of a bank holding company;

"(C) the Federal Deposit Insurance Corporation in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System) or a subsidiary thereof; and

"(D) the Commission in the case of all other transfer agents and clearing agencies. As used in this paragraph, the terms 'bank holding company' and 'subsidiary' have the meaning given them in section 2 of the Bank Holding Company Act of 1956, as amended.

"(26) The term 'rules of a clearing agency' means the clearing agency's constitution, articles of incorporation, bylaws, or rules or instruments corresponding to the foregoing, and its stated policies and practices relating to its organization, participation, rules of procedures, financial condition, methods of safekeeping, settling, hypothecating, lending and accounting for funds and securities, and similar matters."

SEC. 4. Section 15(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)) is amended by adding at the end thereto the following new paragraph:

"(6) No broker or dealer shall make use of the mails or of any means or instrumentality of interestate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills) in contravention of such rules and regulations as the Commission shall prescribe as necessary or appropriate in the public interest, for the protection of investors or for the development of an integrated national system for the prompt and accurate processing and settlement of securities transactions to regulate the time and method of making settlements, payments, and deliveries and of opening, maintaining, and closing accounts. Nothing in this paragraph shall be construed (A) to affect the authority of the Board of Governors of the Federal Reserve System, pursuant to section 7 of this title, to prescribe rules and regulations for the purpose of preventing the excessive use of credit for the purchase or carrying of securities, or (B) to authorize the Commission to prescribe such rules or regulations for such purpose."

SEC. 5. The Securities Exchange Act of 1934 is amended by inserting after section 17 (15 U.S.C. 78q) the following new section:

"PROCESSING OF SECURITIES TRANSACTION

"SEC. 17A. (a) (1) Except as otherwise provided in this subsection, it shall be unlawful for any person, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the function of a clearing agency with respect to any security (other than an exempted security) unless such person is registered under this section. The Commission, by rules and regulations or by order, upon its own motion, or upon application, may conditionally or unconditionally exempt any person, security, transaction or clearing agency, or any class or classes of persons, securities, transactions, or clearing agencies from any provision or provisions of this section or of any rule or regulation prescribed under this section if the Commission finds that the application of such provision or provisions to such person, security, transaction or clearing agency or class or classes of persons, securities, transactions or clearing agencies is not practical or not necessary or appropriate in the public interest or for the prompt and accurate processing and settlement of securities transactions.

"(2) The Commission shall include in its annual reports to Congress required by section 23(b) of this title information concerning the number of requests for exemptions from this section received, the number granted, and the basis or bases upon which any exemptions were granted.

"(b) Any clearing agency may be registered for the purposes of this section by filing with the Commission a registration statement in such form as the Commission may prescribe containing the rules of the clearing agency and setting forth such other information and accompanied by such other documents as the Commission may, by rule, require.

"(c) An applicant shall not be registered as a clearing agency unless the Commission finds that—

"(1) such clearing agency is organized and operated so as to facilitate the prompt and accurate settlement of securities transactions, to safeguard funds and securities held for the accounts of participants, to comply with the provisions of this title and the rules and regulations thereunder, and to carry out the purposes of this section;

"(2) the rules of the clearing agency provide that all (A) registered brokers or dealers or members of a national securities exchange, (B) other registered clearing agencies, (C) registered investment companies, (D) banks (as defined in section 2(a)(5) of the Investment Company Act of 1940), and (E) such other persons or classes of persons as the Commission may from time to time designate by rule as appropriate to the development of an integrated national system for the prompt and accurate processing and settlement of securities transactions are eligible to become participants in such clearing agency, subject only to such other rules of the clearing agency as are expressly permitted under this paragraph. The rules of the clearing agency may condition participation upon compliance with standards of operational capacity which the Commission has, by rule, found to be necessary to assure the prompt and accurate processing of securities transactions, and upon the deposit with the clearing agency of an amount or the posting of a bond with the clearing agency in an amount which bears a reasonable relationship to the value of positions maintained by and transactions processed for the participant; and such rules may deny participation to persons who have been expelled or suspended by a registered clearing agency during the period of such expulsion or suspension;

"(3) the rules of the clearing agency assure a fair representation of its shareholders (or members) and participants in the adoption of rules of the clearing agency and any amendment thereto, the selection of its officers and directors, and in all other phases of the administration of its affairs;

"(4) the rules of the clearing agency provide for the equitable allocation of dues, fees, and other charges among its participants;

"(5) the rules of the clearing agency do not impose any schedule of prices, or fix rates or charges, for services rendered by its participants;

"(6) the rules of the clearing agency are designed to promote the prompt and accurate processing and settlement of securities transactions, to provide safeguards for securities and funds which are in its custody, to foster cooperation and coordination with national securities exchanges, national securities associations, other clearing agencies, brokers, dealers, banks, registered investment companies, and with other persons engaged in the processing and settlement of securities transactions, and to protect investors and the public interest, and do not have the effect of unfairly discriminating in the admission of participants or among participants in the use of such clearing agency;

"(7) the rules of the clearing agency provide that its participants shall be appropriately disciplined for any violation of its rules by expulsion, suspension, fine, or censure; and

"(8) the rules of the clearing agency provide a fair and orderly procedure with respect to the disciplining of participants and the denial of participation to any person seeking participation therein. In any proceeding to determine whether a participant should be disciplined, such rules shall require that specific charges of any rule violation be brought; that such participant shall be notified of and be given an opportunity to defend against such charges; that a record shall be kept; and that a determination to take disciplinary action shall be supported by a statement setting forth—

"(A) any act or practice in which such participant may be found to have engaged, or any required act or practice which such participant may be found to have omitted;

"(B) the specific rule or rules of the clearing agency which any such act or practice, or omission to act, is deemed to violate; and

"(C) the penalty imposed and the reasons therefor. In any proceeding to determine whether a person shall be denied participation, such rules shall provide that the prospective participant shall be notified of, and be given an opportunity to be heard upon, the specific grounds for denial which are under consideration, that a record shall be kept, and that the determination to deny participation shall be supported by a statement setting forth the specific grounds on which the denial is based. Notwithstanding any other provision of this section, the rules of the clearing agency may provide for the temporary suspension of a participant, the prohibition of such participant's use of the clearing agency, and the closing of its accounts pending determination on the merits of any disciplinary proceeding if, in the opinion of the clearing agency, such suspension, prohibition on use and closing of accounts are necessary for the protection of the clearing agency or its participants, or for the protection of investors or to facilitate the orderly and continuous performance of the clearing agency's services. The rules of the clearing agency shall afford the participant an expedited hearing on the merits in the case of any temporary suspension.

"(d) The Commission shall, upon the filing of an application for registration pursuant to subsection (b), publish notice of the filing and afford interested persons a reasonable opportunity for comment. Within sixty days of such filing, the Commission shall:

"(1) by order grant such registration if the Commission finds that the requirements of this section are satisfied, or

"(2) institute an appropriate administrative action to determine whether the application should be denied. After notice of the grounds for denial under consideration and opportunity for hearing, the Commission shall by order grant such registration unless it finds that a requirement of this section is not satisfied, in which case the Commission shall by order deny such regisration. The Commission shall conclude administrative action and issue an order granting or denying the application within one hundred and eighty days of the filing of the application unless the Commission finds good cause to extend such period and publishes its reasons therefor.

"(e) A clearing agency registered under this section may, upon such terms and conditions as the Commission may deem necessary in the public interest, for the protection of investors, or to assure the prompt and accurate processing and settlement of securities transactions, withdraw from registration by filing a written notice of withdrawal with the Commission. If the Commission finds that any registrant or person for whom an application of registration is pending is no longer in existence or has ceased to do business in the capacity specified in the registration statement, the Commission shall by order cancel or deny the registration.

"(f) No clearing agency registered under this section shall, directly or indirectly, participate in the processing or settlement of any transaction in a security (other than an exempted security), or engage in any other activity as clearing agency in contravention of such rules and regulations as the Commission shall prescribe as necessary or appropriate in the public interest, for the protection of investors or to effectuate the purposes of this section with regard to minimum standards for the performance of functions, measures and personnel standards for safe handling and custody of securities and funds, operational compatibility of and cooperation by the clearing agency with other persons involved in the securities handling process, and the prompt and accurate processing and settlement of securities transactions.

"(g) (1) Each registered clearing agency shall file with the Commission, in accordance with such rules as the Commission may prescribe, copies of any proposed changes in, additions to, or amendments to the rules of the clearing agency accompanied by a summary statement of the basis and purpose for such proposed change, addition, or amendment. No such proposed change, addition, or amendment shall become effective except in accordance with the provisions of this subsection.

"(2) The Commission shall, upon the filing of a proposed change in, addition to, or amendment to the rules of a clearing agency, publish notice of such proposal together with the clearing agency's statement of basis and purpose, and shall afford interested persons a reasonable opportunity for comment on the proposed change, addition, or amendment. Within thirty days of such filing the Commission shall—

"(A) by order declare such change, addition, or amendment effective if the Commission finds that the rules of the clearing agency as so changed are not inconsistent with the requirements of this section relating to the registration of clearing agencies or with the purposes of this section and are not otherwise inconsistent with the public interest, or

"(B) institute appropriate administrative action to determine whether the proposed change, addition or amendment in whole or in part, should be disapproved. Within one hundred and twenty days of the filing of the change, addition or amendment the Commission shall conclude administrative action and shall, by order, declare such change, addition or amendment effective unless it finds that the rules of the clearing agency as so

changed are inconsistent with the requirements of this section relating to the registration of clearing agencies or with the purposes of this section, or are otherwise inconsistent with the public interest, in which case the Commission shall by order disapprove such change, addition or amendment. If the Commission does not declare the change, addition or amendment to be effective or institute administrative action for its disapproval within thirty days of the date it is filed, the change, addition or amendment shall become effective on such thirtieth day with the same force and effect as though it had been declared effective by the Commission.

"(h) Each clearing agency shall at the time of filing a registration statement pursuant to subsection (b), a notice of withdrawal of its registration pursuant to subsection (e), or copies of any proposed changes in, additions to, or amendments to its rules pursuant to subsection (f), file copies of such documents with the appropriate regulatory agency.

"(i) If any registered clearing agency takes any disciplinary action against any participant therein, or denies admission to any person seeking participation therein, such action shall be subject to review by the appropriate regulatory agency, on its own motion, or upon application by any person aggrieved thereby filed within thirty days after such action has been taken or within such longer period as the appropriate regulatory agency may determine. Application to the appropriate regulatory agency for review, or the institution of review by such agency on its own motion, shall not operate as a stay of such action, unless such agency otherwise orders, after notice and opportunity for hearing on the question of a stay (which hearing may consist solely of affidavits and oral arguments).

"(j) (1) In a proceeding to review disciplinary action taken by a registered clearing agency against a participant, after notice and opportunity for hearing and upon consideration of the record before the clearing agency and such other evidence as it may deem relevant—

"(A) if the appropriate regulatory agency finds that such participant has engaged in such acts or practices, or has omitted such acts, as the clearing agency has found him to have engaged in or to have omitted, and that such acts or practices, or omissions to act, are in violation of such rules of the clearing agency as have been designated in the determination of the clearing agency, it shall by order so declare and affirm the action taken by the clearing agency or, if appropriate modify the sanctions or penalties in accordance with paragraph (2) of this subsection, or

"(B) if the appropriate regulatory agency finds that the evidence does not warrant the finding required in clause (A), or if such agency determines that such acts or practices as are found to have been engaged in are not prohibited by the designated rule or rules of the clearing agency or that such act is found to have been omitted is not required by such designated rule or rules, the appropriate regulatory agency shall by order set aside the action of the clearing agency.

"(2) The appropriate regulatory agency may, having due regard to the public interest, if it finds that any penalty imposed by a registered clearing agency upon a participant is excessive or oppressive, cancel, reduce, or require the remission of such penalty.

"(k) In any proceeding to review the denial of participation in a registered clearing agency, if the appropriate regulatory agency, after notice and opportunity for hearing and upon consideration of the record before the clearing agency, determines that the specific grounds on which such denial or bar is based exist in fact and are valid under this section, it shall by order dismiss the proceeding; In the absence of such a determination, the appropriate regulatory agency shall by order set aside the action of the clearing agency and require it to admit the applicant to participation therein.

"(l) The appropriate regulatory agency, after appropriate notice and opportunity for hearing, is authorized, by order, if such action appears to be necessary or appropriate in the public interest or for the protection of investors or to carry out the purposes of this section—

"(1) to suspend for a period not exceeding twelve months or revoke the registration of a registered clearing agency or impose limitations upon the activities, functions, or operations of such clearing agency, if the appropriate regulatory agency finds that such clearing agency has violated any provision of this title, or any rule or regulation thereunder, or has failed to enforce compliance with its own rules, or has engaged in any other activity tending to defeat the purposes of this section;

"(2) to suspend for a period not exceeding twelve months or expel from a registered clearing agency any participant therein, if the appropriate regulatory agency finds that such participant has violated any provision of this title or any rule or regulation thereunder or any rule of the clearing agency; and

"(3) to remove from office any officer or director of a registered clearing agency who, the appropriate regulatory agency finds, has willfully failed to enforce the rules of the clearing agency, or has willfully abused his authority.

"(m) If a proceeding under subsection (1)(1) of this section results in the suspension or revocation of the registration of a clearing agency, the appropriate regulatory agency may, upon notice to such clearing agency, apply to any court of competent jurisdiction specified in section 21(e) or 27 of this title for the appointment of a trustee. In such event, the court may, to the extent it deems necessary or appropriate, take exclusive jurisdiction of the clearing agency involved, and the books, records, and assets thereof, wherever located; and the court shall appoint the appropriate regulatory agency or a person designated by the appropriate regulatory agency as the trustee with the power to take possession and to continue to operate or to terminate the facilities of such clearing agency in an orderly manner, for the protection of participants and public investors, subject to such terms and conditions as the court may prescribe.

"(o) Each registered clearing agency shall make, keep, and preserve for such periods such accounts, correspondence, memorandums, papers, books, and other records, and furnish such copies thereof and make such reports and supply such information and documents as the Commission by its rules and regulations may prescribe as necessary or appropriate to keep current or to supplement the registration statement and documents filed pursuant to subsection (b), to facilitate cooperation among clearing agencies and the prompt and accurate settlement of securities transactions, to assure the safekeeping of funds and securities held for the accounts of participants, or for the protection of investors or the public interest. The Commission shall promptly furnish to the appropriate regulatory agencies all reports which it receives from registered clearing agencies pursuant to this section. All accounts, correspondence, memorandums, papers, books, and other records of a clearing agency shall be subject at any time to such reasonable periodic, special, or other examinations by examiners or other representatives of the appropriate regulatory agency as such agency may deem necessary or appropriate in the public interest, for the protection of investors or to carry out the purposes of this section. The appropriate regulatory agency shall make a full and detailed report of any examination made of a registered clearing agency and shall promptly furnish to the Commission a copy of any such report.

"(p) The agencies enumerated in section 3(a)(25) of this title shall consult and cooperate with each other and shall advise one another promptly of the pendency or determination of any proceedings, of the promulgation of any rules, and of the entry of any order relating to a clearing agency, participant, class of clearing agencies, or class of participants. At least fifteen days prior to the issuance for public comment or adoption of any proposed rule or regulation regarding clearing agencies, whether pursuant to this title or otherwise, the agency contemplating issuance or adoption of any such rule or regulation shall first consult with and request the views of each of the other agencies enumerated in section 3(a)(25) toward the end that rules and regulations applicable to banks registered as clearing agencies may be, to the maximum extent practicable, in accord with both sound banking practices and a sound system for the prompt and accurate processing and settlement of securities transactions. Nothing in this section shall impair the authority of any State banking authority or other State or Federal regulatory authority having jurisdiction over a person registered as a clearing agency from making or enforcing rules governing such person which are not inconsistent with this section or any rules or regulations promulgated hereunder.

"(q) The Commission shall, on or before December 31, 1976, take such steps as are within its power to bring about elimination of the stock certificate as a means of settlement among brokers or dealers of transactions consummated on national securities exchanges or by means of the mails or other means or instrumentalities of interstate commerce. Commencing in 1973 and ending in 1976, the Commission shall report annually to the Congress (1) the steps it has taken and progress it has made toward elimination of the stock certificate as a means of settlement, and (2) its recommendations, if any, for further legislation to eliminate the stock certificate."

SEC. 6. The Securities Exchange Act of 1934 is further amended by inserting after section 17A (added by section 5 of this Act) the following new section:

"TRANSFER AGENTS

"SEC. 17B. (a)(1) Except as otherwise provided in this subsection, it shall be unlawful for any person, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the function of a transfer agent with respect to any security unless such person is registered in accordance with this section. The Commission, by rules and regulations or by order, upon its own motion or upon application, may conditionally or unconditionally exempt any transfer agent or class of transfer agents or security or class of securities from any provision or provisions of this section or any rule or regulation prescribed under this section if the Commission finds that the application of such provision or provisions to such transfer agent or class of transfer agents or such security or class of securities is not practical or not necessary or appropriate in the public interest or for the prompt and accurate processing and settlement of securities transactions.

"(2) The Commission shall include in its annual reports to Congress required by section 23(b) of this title information concerning the number of requests for exemptions from this section received, the number granted, and the basis or bases upon which the exemptions were granted.

"(3) The provisions of this section shall apply only to securities and to persons performing the function of transfer agent with respect to securities which are registered under section 12 of this title or which would be required to be so registered except for the

exemption from registration provided in subsection (g)(2)(B) or (g)(2)(G) of that section. The provisions of this section shall not apply to variable annuity contracts issued by insurance companies.

"(b) Any transfer agent may be registered for the purposes of this section by filing with the appropriate regulatory agency a registration statement which shall state the address of its principal office or offices for transfer agent activities, the identity of the issuers and issues of securities for which it is then acting as transfer agent, and such other information in such detail as the appropriate regulatory agency may require as necessary or appropriate with regard to performance capability, standards and procedures for safe handling and custody of securities, and operational compatibility of the transfer agent's activities with those of other persons involved in the securities handling process. Each appropriate regulatory agency, other than the Commission, shall file with the Commission notice of the name of any transfer agent required to register with such agency under this section, the address of its principal office or offices for transfer agent activity, the identity of the issuers and issues of securities for which it is then acting as a transfer agent and such other information as the Commission may, by rule, require. Each appropriate regulatory agency shall also file with the Commission such additional information as the Commission may, by rule, require to keep current the information in such notice and to carry out its responsibilities under this section. Except as otherwise provided in subsection (d) of this section, a registration of a transfer agent filed under this subsection shall become effective thirty days after the receipt of the registration statement by the appropriate regulatory agency or within such shorter period of time as such agency may determine.

"(c) The appropriate regulatory agency shall, after appropriate notice and opportunity for hearing, by order, deny registration to any transfer agent seeking registration if it finds that such denial is in the public interest and that such transfer agent does not have procedures or the operational capabilities to be able to comply with the provisions and purposes of this section and the rules and regulations prescribed thereunder.

"(d) Pending final determination whether the registration of a transfer agent shall be denied, the appropriate regulatory agency may, by order, postpone the effective date of such registration for a period not to exceed ninety days, except that such agency may extend such period until final determination if it finds good cause for such extension and publishes its reasons therefor.

"(e) Any transfer agent registered under this section may, upon such terms and conditions as the appropriate regulatory agency may deem necessary in the public interest, for the protection of investors or to assure the prompt and accurate processing and settlement of securities transactions, withdraw from registration by filing a written notice of withdrawal with such agency. If such agency finds that any such transfer agent for whom a registration statement is pending is no longer in existence or has ceased to do business as a transfer agent, it shall by order cancel or deny the registration.

"(f) Each registered transfer agent shall make, keep, and preserve for such periods such accounts, correspondence, memorandums, papers, books, and other records, and furnish such copies thereof and shall make such reports and file such information and documents with the appropriate regulatory agency, as such agency by rule or regulation may prescribe as necessary or appropriate to keep current or to supplement the registration statement and documents filed pursuant to subsection (b) and to carry out the purposes of this section. Such accounts, correspondence, memorandums, papers, books, and other records shall be subject at any time to such reasonable periodic, special, or other examinations by examiners or other representatives of the appropriate regulatory agency as such agency may deem necessary or appropriate to carry out the purposes of this section. Each appropriate regulatory agency shall make a report of all examinations conducted by it of any transfer agent and shall, upon request, furnish a copy of such report to any other regulatory agency with responsibilities under this section.

"(g) No transfer agent registered under this section shall, directly or indirectly, engage in any activity as transfer agent in contravention of such rules and regulations as the Commission shall prescribe as necessary or appropriate in the public interest, for the protection of investors or to effectuate the purposes of this section with regard to standards for the performance of transfer functions, measures and procedures for safe handling and custody of securities, and operational compatibility of transfer agents with other persons involved in the securities handling process.

"(h) The appropriate regulatory agencies shall consult and cooperate with each other and, as may be appropriate, with State banking authorities having supervision over banks acting as transfer agents so that the accounts, correspondence, memorandums, papers, books, records and other data required of banks acting as transfer agents, the rules and regulations applicable to them, and the inspections thereof, may be in accord with sound banking practices and fulfill mutual regulatory needs to the maximum extent practicable. Nothing in this section shall be construed to impair the authority of any State banking authority or of any other States or Federal regulatory authority which has jurisdiction over a person registered as a transfer agent from making or enforcing rules governing such person which are not inconsistent with this section or any rules promulgated hereunder.

"(i) Compliance with the requirements imposed by this section may be enforced under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) by the appropriate regulatory agencies other than the Commission. For the purpose of the exercise by the appropriate regulatory agency of its powers under section 8 of the Federal Deposit Insurance Act, a bank holding company and a nonbank subsidiary of a bank holding company, acting as a transfer agent, shall be considered a bank. Any violation of any requirement imposed under this section upon banks, bank holding companies, or nonbank subsidiaries of bank holding companies registered as transfer agents is a violation of the requirements imposed under the Federal Deposit Insurance Act and shall constitute adequate basis for the issuance of orders under section 8(b) and 8(c) of that Act. In addition to its power under section 8 of the Federal Deposit Insurance Act, each of such appropriate regulatory agencies may, for the purpose of enforcing compliance with this section or any rule thereunder, exercise any other authority conferred on it by law.

"(j) The Commission may, after appropriate notice and opportunity for hearing, by order, censure, bar, or place limitations upon any transfer agent for which it is the appropriate regulatory agency, or upon any partner, officer, director, or employee of any such transfer agent, or to suspend for a period not exceeding twelve months or revoke the registration of any such transfer agent, if the Commission finds that such censure, barring, placing of limitations, suspension, or revocation is in the public interest or necessary for the protection of investors and that such transfer agent or partner, officer, director, or employee thereof has willfully violated or is unable to comply with any provision of this section or any rule or regulation promulgated thereunder. All of the functions and powers of the Commission under this title are available to the Commission to enforce compliance by any person with the requirements imposed under this section. Except to the extent that enforcement of the requirements imposed under this section is specifically committed to another appropriate regulatory agency, the Commission shall have primary responsibility to enforce such requirements.

"(k) At least fifteen days prior to the issuance for public comment or adoption of any proposed rule or regulation regarding transfer agents, the agency contemplating issuance or adoption of any such rule or regulation shall first consult with and request the views of each of the other agencies enumerated in section 3(a)(25) concerning such rules toward the end that rules and regulations applicable to banks registered as transfer agents may be in accord with sound banking practices and fulfill mutual regulatory needs to the extent practicable."

SEC. 7. Section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 781) is amended by inserting after subsection (i) the following new subsection:

"(j) It shall be unlawful for an issuer, any class of whose securities is registered under this section or which would be required to be so registered except for the exemption from registration provided by paragraph (2)(B) or (2)(G) of subsection (g), by the use of any means or instrumentality of interstate commerce, or of the mails, to issue, either originally or upon transfer, any such securities in a form or with a format which contravenes such rules and regulations as the Commission may prescribe as necessary or appropriate for the prompt and accurate processing of transactions in securities."

SEC. 8. Section 19 of the Securities Exchange Act of 1934 (15 U.S.C. 78s) is amended by inserting after subsection (e) the following new subsection:

"(f) The Commission is authorized and directed to make a study and investigation of the practice of registration of securities other than in the name of the beneficial owner and to determine (1) whether such registration is consistent with the policies and purposes of this title, with particular reference to section 14, and (2) if consistent, whether steps can be taken to facilitate communications between corporations and their shareholders while at the same time retaining the benefits of such registration. The Commission shall report to the Congress its preliminary findings within six months after the date of enactment of this subsection, and its final results and recommendations within one year of such date."

SEC. 9. Section 28 of the Securities Exchange Act of 1934 (15 U.S.C. 78bb) is amended by inserting after subsection (b) the following new subsection:

"(c) No State or political subdivision thereof shall impose any tax on any change in beneficial or record ownership of securities effected through the facilities of a registered clearing agency or any nominee thereof or custodian therefor or upon the delivery or transfer of securities to or through or receipt from such agency or any nominee thereof or custodian therefor, unless such transfer or delivery or receipt would otherwise be taxable by such State or political subdivision if the facilities of such registered clearing agency or any nominee thereof or custodian therefor were not physically located in the taxing State or political subdivision. No State or political subdivision thereof shall impose any tax on securities which are deposited in or retained by a registered clearing agency or any nominee thereof or custodian therefor, unless such securities would otherwise be taxable by such State or political subdivision if the facilities of such registered clearing agency or any nominee thereof or custodian therefor were not physically located in the taxing State or political subdivision."

SEC. 10. This Act shall become effective

on the date of its enactment, except that sections 17A(a) and 17B(a) of the Securities Exchange Act of 1934 (as added by this Act) shall become effective one hundred and eighty days after the date of enactment.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 11

At the request of Mr. McCLELLAN, the Senator from Arkansas (Mr. FULBRIGHT), and the Senators from Oklahoma (Mr. BELLMON and Mr. BARTLETT) were added as cosponsors of S. 11, a bill to grant the consent of the United States to the Arkansas River Basin compact.

S. 547

At the request of Mr. WILLIAMS, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 547, which allows broadcasting of information relating to State-run lottery programs via television and radio.

S. 867

At the request of Mr. WILLIAMS, the Senator from Oregon (Mr. HATFIELD), and the Senator from Nevada (Mr. CANNON), were added as cosponsors of S. 867, to eliminate discrimination against women in extending credit.

S. 904

At the request of Mr. WILLIAMS, the Senator from Nevada (Mr. CANNON) was added as a cosponsor of S. 904, the Truth in Food Labeling Act.

S. 1018

At the request of Mr. TUNNEY, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 1018, a bill to create a National Commission on the Olympic Games.

S. 1036

At the request of Mr. MUSKIE, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 1036, a bill to amend the Internal Revenue Code of 1954 with respect to legislative activity by certain types of exempt organizations.

S. 1137

At the request of Mr. JAVITS, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 1137, a bill to provide for the public safety and to increase the deterrent potential of the Federal criminal law; by requiring the imposition of certain penalties for persons convicted of offenses involving the trafficking of narcotic drugs, to provide for an assessment of the effect of Federal sentencing provisions and practices generally and for other purposes.

S. 1327

At the request of Mr. TUNNEY, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 1327, a bill to require the labeling of electrical appliances with respect to their comparative efficiency in the use of electricity and to provide for the establishment of minimum standards of efficiency for such appliances.

S. 1604

At the request of Mr. BROCK, the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BARTLETT), the Senator from Maryland (Mr. BEALL), the Senator from Utah (Mr. BENNETT), the Senator from Massachusetts (Mr. BROOKE), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Florida (Mr. GURNEY), the Senator from Rhode Island (Mr. PASTORE), the Senator from Delaware (Mr. ROTH), the Senator from Texas (Mr. TOWER), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 1604, to prevent discrimination on the basis of sex in housing.

S. 1065

At the request of Mr. BROCK, the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), the Senator from Massachusetts (Mr. BROOKE), the Senator from Idaho (Mr. CHURCH), the Senator from Louisiana (Mr. LONG), the Senator from Rhode Island (Mr. PASTORE), the Senator from Delaware (Mr. ROTH), the Senator from Alaska (Mr. STEVENS) and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 1605, to amend the Truth in Lending Act to prohibit discrimination on account of sex or marital status against individuals seeking credit.

S. 1643

At the request of Mr. JAVITS, the Senator from Rhode Island (Mr. PASTORE) and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 1643, a bill to provide minimum standards in connection with certain Federal financial assistance to State and local correctional, penal, and pretrial detention institutions and facilities.

S. 1644

At the request of Mr. JAVITS, the Senator from Rhode Island (Mr. PASTORE) and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 1644, a bill to assist urban criminal justice systems on an emergency basis in those cities where personal security, economic stability, peace, and tranquillity are most impaired and threatened by the alarming rise in the commission of serious crime.

S. 1645

At the request of Mr. JAVITS, the Senator from Rhode Island (Mr. PASTORE) and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 1645, a bill to provide assistance to State and local criminal justice departments and agencies in alleviating criminal justice departments and agencies in alleviating critical shortages in qualified professional and paraprofessional personnel, particularly in the corrections components of such systems, in developing the most advanced and enlightened personnel recruitment training and employment standards and programs, and for other purposes.

S. 1837

At the request of Mr. WILLIAMS, the Senator from Idaho (Mr. CHURCH), and the Senator from Florida (Mr. GURNEY) were added as cosponsors of S. 1837, to amend the Social Security Act, by removing arbitrary statutory limits on payments for skilled nursing homes.

S. 1949

At the request of Mr. TUNNEY, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 1949, a bill to expand the definition of "developmental disability" to include autism.

S. 1982

At the request of Mr. TOWER, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1982, to amend title II of the Social Security Act to increase to $3,000 the annual amount which individuals may earn without suffering deductions from benefits on account of excess earnings, and to lower from 72 to 70 the age after which deductions on account of excess earnings are no longer made.

S. 1983

At the request of Mr. WILLIAMS, the Senator from South Dakota (Mr. McGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Nevada (Mr. CANNON), and the Senator from Rhode Island (Mr. PASTORE) were added as cosponsors of S. 1983, the Endangered Species Conservation Act of 1973.

S. 2020

At the request of Mr. PROXMIRE, the Senator from New Hampshire (Mr. McINTYRE) was added as a cosponsor of S. 2020, a bill to require the administrator of the Social and Economic Statistics Administration to be subject to Senate confirmation.

S. 2029

At the request of Mr. WILLIAMS, the Senator from Massachusetts (Mr. BROOKE) was added as a cosponsor of S. 2029, to provide assistance for Vietnamese children.

SENATE RESOLUTION 129—SUBMISSION OF A RESOLUTION RELATING TO THE KILLING OF POLAR BEARS

(Referred to the Committee on Foreign Relations.)

Mr. PELL. Mr. President, I send to the desk for appropriate reference a resolution calling upon the President to seek an international argeement with the U.S.S.R., Canada, Denmark, and Norway for an immediate moratorium of the killing of polar bears.

I believe that Soviet leader Brezhnev's visit makes this an appropriate time to introduce the resolution. It has been the Soviet Union which has taken the lead in banning the killing of the polar bear; all killing of the world's largest carnivore ceased on Russian soil in 1956 and the Soviets have urged others to follow their lead.

None of the other four countries involved has placed a ban on the killing despite the fact that the world-wide polar bear population is down to approximately 10,000 to 20,000—and decreasing, However, each country has placed some restrictions on the killing.

The United States has failed to put the polar bear on the Endangered Species List because of what officials describe as "technical complexities." However, the State of Alaska has banned further hunting of bear from airplanes, which will greatly reduce the American kill.

The specialized scientific group concerned with this matter, the Polar Bear Group of the International Union for the Conservation of Nature, has recommended a ban.

If the United States will join with the Soviets and the IUCN in calling for a moratorium, there is every chance that

the remaining countries can be brought into the fold.

I ask at this point in the RECORD to have printed the text of the resolution, as well as the 1972 resolutions of the IUCN Group.

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

S. Res. 129

Resolved, That the President of the United States is authorized and requested to enter into negotiations with the Union of Soviet Socialist Republics, Canada, Denmark, Norway, and any other interested nations, with a view to obtain a treaty or other appropriate arrangement with such nations providing for an immediate moratorium on the killing of polar bears in the Arctic Sea, the Arctic circumpolar pack ice area, and their landed territory.

INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES, 1110 MORGES, SWITZERLAND—RESOLUTIONS ADOPTED BY THE POLAR BEAR SPECIALIST GROUP, SURVIVAL SERVICE COMMISSION

(Third Biennial Meeting, Morges, Switzerland, February 7–10, 1972)

Representatives from Canada, Denmark, Norway, the Soviet Union and the United States who comprise the Polar Bear Specialist Group of the SSC, adopted the following Resolutions at the conclusion of their meeting in Morges. This was the third scientific meeting of the group, which first convened in 1968. Proceedings will be published this year as Supplementary paper No. 35, IUCN Publications New Series.

RESOLUTION 1—IMMEDIATE PROTECTIVE MEASURES

The IUCN Polar Bear Specialist Group

Recognizing that the polar bear is a significant resource of the Arctic region, the management of which has both national and international implications;

Knowing that the polar bear is of vital importance to the economic, social and cultural well-being of local peoples in the Arctic region;

Being aware that present polar bear numbers and population densities in most parts of the Arctic region are below the optimum level and that the species is under threat of disappearance in some areas;

Being convinced that the polar bear requires additional protection if the resource is to be conserved and populations permitted to build up to optimum levels;

Considering that effective management of this resource can be achieved only by a co-ordinated international effort;

Recommends to IUCN that it strongly urge all nations concerned;

(i) To take appropriate action to prohibit from 1973 onwards, hunting of polar bears on the high seas including the area of the circumpolar pack ice, except where such hunting is carried out as a continuation of the traditional rights of local people who depend on this resource; and

(ii) To protect, within their own territories, polar bear denning and feeding areas and to manage their own separate polar bear populations in consultation with other nations sharing these populations.

RESOLUTION 2—RESEARCH CO-OPERATION

The IUCN Polar Bear Specialist Group

Having reviewed the results of research concerned with elucidating the regional and circumpolar nature of the polar bear;

Recognizing the progress made, particularly in characterizing regional populations, estimating the numbers of bears in local areas, locating some areas of importance to denning and assessing the types and incidence of disease and parasites;

Being aware however, that, despite these advances in the understanding of polar bear populations and ecology, several problems of extreme importance remain unresolved;

Realizing in particular that fundamental knowledge about polar bear stocks ranging in the Chukchi Sea and the Beaufort Sea, which are of common interest to Canada, the USSR and the USA, is insufficient to provide a basis for effective conservation action;

Realizing also that the available information about polar bears ranging in the Barents Sea and the Greenland Sea, which are of common interest to Denmark, Norway and the USSR, is inadequate especially in regard to numbers, movements and place of origin;

Being convinced also that action must be taken to locate important denning areas, both on land and sea ice, to which these stocks of bears are related;

Recognizing that whilst elements of such investigations are of principal importance to one country and may accordingly be handled on a national basis, other elements are of international scope and demand international co-operation for resolution;

Recommends to IUCN that it request all nations concerned:

(i) to expand significantly scientific programmes for studying polar bear populations probably shared by two or more countries, particularly tagging and survey programmes in the Barents Sea and the Greenland Sea (Denmark, Norway and the USSR), and the Chukchi Sea (the USSR and the USA), and

(ii) to study denning areas and denning habits of polar bears in the North Atlantic (Denmark, Norway and the USSR) and on the coastal areas of the Chukchi and Beaufort Seas (Canada, the USSR and the USA).

RESOLUTION 3—RESEARCH CO-OPERATION

The IUCN Polar Bear Specialist Group

Recognizing the vital importance of the research on the polar bear being undertaken by Denmark and Norway in Greenland and in Svalbard to the development of effective management and conservation measures;

Knowing that these two countries may share polar bear populations with Canada and the USSR and that more information on these populations is required, especially data on migration, productivity and total numbers of bears;

Realizing the urgency of securing data on these important topics because of the rapid increase in development and exploitation of the Danish and Norwegian Arctic and the resulting impact on polar bear conservation and management;

Considering the already demonstrated advantages of a co-ordinated international effort in achieving better management and conservation of the polar bear throughout the Arctic;

Considering also the views expressed at the current meeting on the importance to Canada, the USSR and the USA of the Danish and Norwegian work in resolving conservation problems in the Arctic common to all five nations;

Recommends to IUCN that it strongly urges Denmark and Norway to take all possible action to continue and increase polar bear research, particularly that related to management and conservation, within their Arctic territories.

RESOLUTION 4—RINGED SEAL STUDIES

The IUCN Polar Bear Specialist Group

Recognizing that the ringed seal is the main food item of polar bears throughout their circumpolar range, and therefore that ringed seal productivity and availability is of direct importance to polar bear welfare;

Recognizing also that the protection of polar bear feeding grounds is as important to polar bear management as is the protection and preservation of discrete polar bear populations;

Realizing that the available data on ringed seal distribution and productivity are inadequate;

Recommends to IUCN that it request member nations to initiate and support studies and action programmes concerning the management and protection of ringed seals and the areas in which they congregate.

RESOLUTION 5—FORMAL INTERNATIONAL ACTION

The IUCN Polar Bear Specialist Group

Being convinced that an international convention will be required to provide a formal framework for co-operation between Arctic nations in regard to conservation of polar bears;

Welcoming the first draft of a Convention on Conservation of Polar Bears prepared by IUCN;

Having now enunciated general principles affecting the conservation of polar bears which should form the basis of such a convention;

Realizing the delays inevitably involved in concluding a convention;

Believing that international action is needed urgently to implement specific recommendations of the Group on management of polar bears;

Recommends to IUCN:

(i) That IUCN prepare a new draft of the proposed Convention based on the principles affecting polar bear conservation enunciated by the Group and circulate it to the Group for comment;

(ii) That IUCN prepare a draft protocol based on Recommendation 1 of the 3rd meeting of the Group and circulate it to the Group for comment;

(iii) That IUCN, after amending the draft protocol as required in the light of comments from the Group, invite all nations concerned to adhere formally to the protocol.

RESOLUTION 6—SPECIAL MEETING

The IUCN Polar Bear Specialist Group

Being informed of the various topics affecting the ecology and management of natural resources in the Arctic that will be discussed at the IUCN 11th General Assembly and associated technical meetings;

Considering the importance also of early follow-up on several aspects of international co-ordination of polar bear research and management arising from the current meeting of the Group:

Recommends to IUCN that it consider convening a special meeting of the Group at Banff on 8 September 1972 immediately before the other IUCN meetings at Banff.

SENATE RESOLUTION 130—SUBMISSION OF A RESOLUTION RELATING TO THE TRANSPORTATION OF PORNOGRAPHIC MATERIAL

(Referred to the Committee on Foreign Relations.)

Mr. GURNEY submitted the following resolution:

SENATE RESOLUTION 130

Resolved, That the Senate requests the President to seek an international agreement with the governments of other countries providing that any person responsible for knowingly sending pornographic material from one country which is a party to the agreement to another such country, and any person who knowingly so sends such material (including the transporter of the material), shall be—

(1) guilty of a criminal offense in the country from which, and in the country to which, such material is sent, to be punished in accordance with uniform criminal penalties agreed upon; and

(2) civilly liable to the person to whom such material is addressed, with the damages to be awarded such person including compensatory damages, a minimum monetary amount for punitive damages, his costs of the civil proceeding, and his reasonable attorneys' fees.

(Mr. GURNEY'S remarks in connection with this resolution are found

under Statements on Introduced Bills and Joint Resolutions.)

SENATE RESOLUTION 131—ORIGINAL RESOLUTION REPORTED AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS

(Referred to the Committee on Rules and Administration.)

Mr. CHILES, from the Committee on Government Operations, reported the following resolution:

SENATE RESOLUTION 131

Resolved, That Senate Resolution 46, 93d Congress, agreed to February 26, 1973, is amended as follows:

(1) In section 3, strike out "$1,830,328" and insert in lieu thereof "$1,920,000.00".

(2) In section 5, strike out "$10,000" and insert in lieu thereof "$25,000".

(3) Sections 8 and 9 of such resolution are redesignated as sections 9 and 10, respectively.

(4) Insert immediately below section 7 the following new section:

SEC. 8. From the date this resolution is agreed to through February 28, 1974, not to exceed $89,620.00 shall be available for a study or investigation of Government procurement practices (including a review of recommendations submitted to Congress by the Commission on Government Procurement), of which amount not to exceed $15,000 may be expended for the procurement of individual consultants or organizations thereof.

(5) In section 10, as redesignated by clause (3) of this resolution, strike out "$1,840,328" and insert in lieu thereof "$1,930,000.00".

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION EXTENSION

AMENDMENT NO. 248

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

Mr. McCLELLAN. Mr. President, the authority for the Law Enforcement Assistance Administration—LEAA—will expire on June 30 of this year. If we do not want this vital program to come to an end, it is imperative that we take action before June 30.

The House, after extensive hearings and debate, has now completed its work on a comprehensive measure (H.R. 8152) to revise and to extend the LEAA program. The House-passed bill is a good bill, not perfect, but it seems to be a good compromise of competing interests. With some modifications, I feel that a majority of the Senate will want to support it.

The Subcommittee on Criminal Laws and Procedures, which I am privileged to chair, has held 2 days of hearings on a number of LEAA related proposals. Testimony has been taken from the Attorney General, Members of the House and Senate, and representatives of the Governors, counties, mayors, and public interest groups. On June 19, the subcommittee also reported to full committee its own version of comprehensive legislation to revise and to extend the LEAA program. Wednesday, mindful of the time pressures we are now laboring under, I attempted to bring this measure up before the full Committee on the Judiciary. It appeared that a majority of the committee was apparently willing to report it out. Nevertheless, some members of the committee moved to postpone further consideration of the bill for 1 week, as the committee rules provide.

Mr. President, this 1 week delay will make it most difficult, if not impossible, for the Senate and House to work its will on this comprehensive legislation in time to save this program from expiration on June 30. It appears that we will now be forced to take up the House-passed measure directly on the Senate floor. And that is my intention as soon as the business on the calendar permits, probably Monday or Tuesday.

Mr. President, I am introducing with the Senator from Nebraska (Mr. HRUSKA), an amendment in the nature of a substitute to the House-passed bill, H.R. 8152. The amendment is, with only typographical changes, the bill which was reported by the subcommittee and which is now pending before the Senate Judiciary Committee.

My purpose in making these remarks is to give the Senate due notice that this amendment—the Senate bill—will be offered as a substitute, when the House bill is called up in the Senate.

Mr. President, I ask unanimous consent that the following appear in the RECORD at this point:

First. Exhibit No. 1—The text of the amendment (No. 248) in the nature of a substitute.

Second. Exhibit No. 2—Summary of the major features of the subcommittee amendment.

Third. Exhibit No. 3—Section by section analysis of subcommittee amendment.

Fourth. Exhibit No. 4—Summary of the major actions taken by the House.

Fifth. Exhibit No. 5—Excerpts from the subcommittee report.

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

AMENDMENT NO. 248

Strike out all after the enacting clause and insert the following:

That this Act may be cited as the "Crime Control Act of 1973."

SEC. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351), as amended (42 U.S.C. 3701 et seq.), is struck in its entirety and the following is substituted in lieu thereof:

"TITLE I—LAW ENFORCEMENT ASSISTANCE

"DECLARATIONS AND PURPOSE

"Congress finds that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens. To reduce and prevent crime and juvenile delinquency, and to insure the greater safety of the people, law enforcement and criminal justice efforts must be better coordinated, intensified, and made more effective at all levels of Government.

"Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

"It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement and criminal justice at every level by national assistance. It is the purpose of this title to (1) encourage States and units of general local government to develop and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement and criminal justice; (2) authorize grants to States and units of local government in order to improve and strengthen law enforcement and criminal justice; and (3) encourage research and development directed toward the improvement of law enforcement and criminal justice and the development of new methods for the prevention and reduction of crime and the detection, apprehension, and rehabilitation of criminals.

"PART A—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

"SEC. 101. (a) There is hereby established within the Department of Justice, under the general authority of the Attorney General, a Law Enforcement Assistance Administration (hereinafter referred to in this title as 'Administration') composed of an Administrator of Law Enforcement Assistance and two Deputy Administrators of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) The Administrator shall be the head of the agency. One Deputy Administrator shall be designated the Deputy Administrator for Policy Development. The second Deputy Administrator shall be designated the Deputy Administrator for Administration.

"PART B—PLANNING GRANTS

"SEC. 201. It is the purpose of this part to encourage States and units of general local government to develop and adopt comprehensive law enforcement and criminal justice plans based on their evaluation of State and local problems of law enforcement and criminal justice.

"SEC. 202. The Administration shall make grants to the States for the establishment and operation of State law enforcement and criminal justice planning agencies (hereinafter referred to in this title as 'State planning agencies') for the preparation, development, and revision of the State plan required under section 303 of this title. Any State may make application to the Administration for such grants within six months of the date of enactment of this Act.

"SEC. 203. (a) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. The State planning agency shall be representative of law enforcement agencies, units of general local government, and public agencies maintaining programs to reduce and control crime. Any regional planning units within the State shall be comprised of a majority of local elected executive officials and shall include representatives of law enforcement and criminal justice agencies.

"(b) The State planning agency shall—

"(1) develop, in accordance with part C, a comprehensive statewide plan for the improvement of law enforcement and criminal justice throughout the State;

"(2) define, develop, and correlate programs and projects for the State and the units of general local government in the State or combinations of States or units for improvement in law enforcement and criminal justice; and

"(3) establish priorities for the improvement in law enforcement and criminal justice throughout the State.

"(c) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least 40 per centum of all Federal funds granted to such agency under this part for any fiscal year will be available to units of general local government or combinations of such units to enable such units and combinations of such units to participate in the formulation of the comprehensive State plan required under this part. The Administration may waive this requirement, in whole or in part, upon a finding that the requirement is inappropriate in view of the respective law enforcement and criminal justice

planning responsibilities exercised by the State and its units of general local government and that adherence to the requirement would not contribute to the efficient development of the State plan required under this part. In allocating funds under this subsection, the State planning agency shall assure that major cities and counties within the State receive planning funds to develop comprehensive plans and coordinate functions at the local level. Any portion of such 40 per centum in any State for any fiscal year not required for the purpose set forth in this subsection shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development by it of the State plan required under this part.

"(d) The State planning agency and any other planning organization for the purposes of the title shall hold each meeting open to the public, giving public notice of the time and place of such meeting, and the nature of the business to be transacted, if final action is taken at that meeting on (A) the State plan, or (B) any application for funds under this title. The State planning agency and any other planning organization for the purposes of the title shall provide for public access to all records relating to its functions under this Act, except such records as are required to be kept confidential by any other provision of local, State, or Federal law.

"SEC. 204. A Federal grant authorized under this part shall not exceed 90 per centum of the expenses incurred by the State and units of general local government under this part, and may be up to 100 per centum of the expenses incurred by regional planning units under this part. The non-Federal funding of such expenses, shall be of money appropriated in the aggregate by the State or units of general local government, except that the State shall provide in the aggregate not less than one-half of the non-Federal funding required of units of general local government under this part.

"SEC. 205. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. The Administration shall allocate $200,000 to each of the States; and it shall then allocate the remainder of such funds available among the States according to their relative populations.

"PART C—LAW ENFORCEMENT REVENUE SHARING

"SEC. 301. (a) It is the purpose of this part to encourage States and units of general local government to carry out programs and projects to improve and strengthen law enforcement and criminal justice.

"(b) The Administration is authorized to make grants to States having comprehensive State plans approved by it under this part, for—

"(1) public protection, including the development, demonstration, evaluation, implementation, and purchase of methods, devices, facilities, and equipment designed to improve and strengthen law enforcement and criminal justice and reduce crime in public and private places;

"(2) the recruiting of law enforcement and criminal justice personnel and the training of personnel in law enforcement and criminal justice;

"(3) public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and programs to improve public understanding of and cooperation with law enforcement and criminal justice agencies;

"(4) constructing buildings or other physical facilities which would fulfill or implement the purpose of this section, including local correctional facilities, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence;

"(5) the organization, education, and training of special law enforcement and criminal justice units to combat organized crime, including the establishment and development of State organized crime prevention councils, the recruiting and training of special investigative and prosecuting personnel, and the development of systems for collecting, storing, and disseminating information relating to the control of organized crime;

"(6) the organization, education, and training of regular law enforcement and criminal justice officers, special law enforcement and criminal justice units, and law enforcement reserve units for the prevention, detection, and control of riots and other violent civil disorders, including the acquisition of riot control equipment;

"(7) the recruiting, organization, training, and education of community service officers to serve with and assist local and State law enforcement and criminal justice agencies in the discharge of their duties through such activities as recruiting; improvement of police-community relations and grievance resolution mechanism; community patrol activities; encouragement of neighborhood participation in crime prevention and public safety efforts; and other activities designed to improve police capabilities, public safety, and the objectives of this section: *Provided*, That in no case shall a grant be made under this subcategory without the approval of the local government or local law enforcement and criminal justice agency;

"(8) the establishment of a Criminal Justice Coordinating Council for any unit of general local government or any combination of such units within the State, having a population of two hundred and fifty thousand or more, to assure improved planning and coordination of all law enforcement and criminal justice activities;

"(9) The development and operation of community-based delinquent prevention and correctional programs, emphasizing halfway houses and other community-based rehabilitation centers for initial preconviction or postconviction referral of offenders; expanded probationary programs, including paraprofessional and volunteer participation; and community service centers for the guidance and supervision of potential repeat youthful offenders; and

"(10) The establishment of interstate metropolitan regional planning units to prepare and coordinate plans of State and local governments and agencies concerned with regional planning for metropolitan areas.

"(c) The portion of any Federal grant made under this section for the purposes of paragraph (4) of subsection (b) of this section may be up to 50 per centum of the cost of the program or project specified in the application for such grant. The portion of any Federal grant made under this section to be used for any other purpose set forth in this section may be up to 90 per centum of the cost of the program or project specified in application for such grant. No part of any grant made under this section for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under this section to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. The non-Federal funding of the cost of any program or project to be funded by a grant under this section shall be of money appropriated, in the aggregate, by State or individual units of government, for the purposes of the shared funding of such programs or projects, or, where grant is made to a nonprofit organization, money contributed by such organization.

"(d) Not more than one-third of any grant made under this section may be expended for the compensation of police and other regular law enforcement and criminal justice personnel. The amount of any such grant expended for the compensation of such personnel shall not exceed the amount of State or local funds made available to increase such compensation. The limitations contained in this subsection shall not apply to the compensation of personnel for time engaged in conducting or undergoing training programs or to the compensation of personnel engaged in research, development, demonstration, or other short-term programs.

"SEC. 302. Any State desiring to participate in the grant program under this part shall within six months after approval of a planning grant under part B submit to the Administration through such State planning agency a comprehensive State plan developed pursuant to part B of this title.

"SEC. 303. (a) The Administration shall make grants under this title to a State planning agency if such agency has on file with the Administration an approved comprehensive State plan (not more than one year in age) which conforms with the purposes and requirements of this title. No State plan shall be approved as comprehensive unless the Administration finds that the plan provides for the allocation of adequate assistance to deal with law enforcement and criminal justice problems in areas characterized by both high crime incidence and high law enforcement and criminal justice activity. Each such plan shall—

"(1) provide for the administration of such grants by the State planning agency;

"(2) provide that at least the per centum of Federal assistance granted to the State planning agency under this part for any fiscal year which corresponds to the per centum of the State and local law enforcement expenditures funded and expended in the immediately preceding fiscal year by units of general local government will be made available to such units or combinations of such units in the immediately following fiscal year for the development and implementation of programs and projects for the improvement of law enforcement and criminal justice, and that with respect to such programs or projects the State will provide in the aggregate not less than on-half of the non-Federal funding. Per centum determinations under this paragraph for law enforcement funding and expenditures for such immediately preceding fiscal year shall be based upon the most accurate and complete data available for such fiscal year or for the last fiscal year for which such data are available. The Administration shall have the authority to approve such determinations and to review the accuracy and completeness of such data;

"(3) adequately take into account the needs and requests of the units of general local government in the State and encourage local initiative in the development of programs and projects for improvements in law enforcement and criminal justice, and provide for an appropriately balanced allocation of funds between the State and the units of general local government in the State and among such units;

"(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement and criminal justice dealt with in the plan, including descriptions of: (A) general needs and problems; (B) existing systems; (C) available resources; (D) organizational systems and administrative machinery for implementing the plan; (E) the direction, scope, and general type of improvements to be made in the future; and (F) to the extent appropriate, the relationship of the plan to other relevant State or

local law enforcement and criminal justice plans and systems;

"(5) provide for effective utilization of existing facilities and permit and encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment.

"(6) provide for research and development;

"(7) provide for appropriate review of procedures of actions taken by the State planning agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or combinations of such units;

"(8) demonstrate the willingness of the State and units of general local government to assume the costs of improvements funded under this part after a reasonable period of Federal assistance;

"(9) demonstrate the willingness of the State to contribute technical assistance or services for programs and projects contemplated by the statewide comprehensive plan and the programs and projects contemplated by units of general local government or combinations of such units;

"(10) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for law enforcement and criminal justice;

"(11) provide for such fund accounting, audit, monitoring, and evaluation procedures as may be necessary to assure fiscal control, proper management, and disbursement of funds received under this title;

"(12) provide for the maintenance of such data and information, and for the submission of such reports in such form, at such times, and containing such data and information as the Administration may reasonably require to evaluate programs and projects carried out under this title and to administer other provisions of this title;

"(13) provide funding incentives to those units of general local government that coordinate or combine law enforcement and criminal justice functions or activities with other such units within the State for the purpose of improving law enforcement and criminal justice; and

"(14) provide for procedures that will insure that (A) all applications by units of general local government or combinations thereof to the State planning agency for assistance shall be approved or disapproved, in whole or in part, no later than ninety days after receipt by the State planning agency, (B) if not disapproved (and returned with the reasons for such disapproval, including the reasons for the disapproval of each fairly severable part of such application which is disapproved) within ninety days of such application, any part of such application which is not so disapproved shall be deemed approved for the purposes of this title, and the State planning agency shall disburse the approved funds to the applicant in accordance with procedures established by the Administration, (C) the reasons for disapproval of such application or any part thereof, in order to be effective for the purposes of this section, shall contain a detailed explanation of the reasons for which such application or any part thereof was disapproved, or an explanation of what supporting material is necessary for the State planning agency to evaluate such application, and (D) disapproval of any application or part thereof shall not preclude the resubmission of such application or part thereof to the State planning agency at a later date. Any portion of the per centum to be made available pursuant to paragraph (2) of this section in any State in any fiscal year not required for the purposes set forth in such paragraph (2) shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development and implementation of programs and projects for the improvement of law enforcement and in conformity with the State plan.

"(b) No approval shall be given to any State plan unless and until the Administration finds that such plan reflects a determined effort to improve the quality of law enforcement and criminal justice throughout the State. No award of funds which are allocated to the States under this title on the basis of population shall be made with respect to a program or project other than a program or project contained in an approved plan.

"(c) No plan shall be approved as comprehensive unless it establishes statewide priorities for the improvement and coordination of all aspects of law enforcement and criminal justice, and considers the relationships of activities carried out under this title to related activities being carried out under other Federal programs, the general types of improvements to be made in the future, the effective utilization of existing facilities, the encouragement of cooperative arrangements between units of general local government, innovations and advanced techniques in the design of institutions and facilities, and advanced practices in the recruitment, organization, training, and education of law enforcement and criminal justice personnel. It shall thoroughly address improved court and correctional programs and practices throughout the State.

"SEC. 304. State planning agencies shall receive applications for financial assistance from units of general local government and combinations of such units. When a State planning agency determines that such an application is in accordance with the purposes stated in section 301 and is in conformance with any existing statewide comprehensive law enforcement plan, the State planning agency is authorized to disburse funds to the applicant.

"SEC. 305. Where a State has failed to have a comprehensive State plan approved under this title within the period specified by the Administration for such purpose, the funds allocated for such State under paragraph (1) of section 306(a) of this title shall be available for reallocation by the Administration under paragraph (2) of section 306(a).

"SEC. 306. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) Eighty-five per centum of such funds shall be allocated among the States according to their respective populations for grants to State planning agencies.

"(2) Fifteen per centum of such funds, plus any additional amounts made available by virtue of the application of the provisions of sections 305 and 509 of this title to the grant of any State, may, in the discretion of the Administration, be allocated among the States for grants to State planning agencies, units of general local government, combinations of such units, or private nonprofit organizations, according to the criteria and on the terms and conditions the Administration determines consistent with this title. Any grant made from funds available under paragraph (2) of this subsection may be up to 90 per centum of the cost of the program or project for which such grant is made. No part of any grant under such paragraph for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under such paragraph to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the costs of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. The limitations on the expenditure of portions of grants for the compensation of personnel in subsection (d) of section 301 of this title shall apply to a grant under such paragraph.

"The non-Federal share of the cost of any program or project to be funded under this section shall be of money appropriated in the aggregate by the State or units of general local government, or provided in the aggregate by a private nonprofit organization. The Administration shall make grants in its discretion under paragraph (2) of this subsection in such a manner as to accord funding incentives to those States or units of general local government that coordinate law enforcement and criminal justice functions and activities with other such States or units of general local government thereof for the purpose of improving law enforcement and criminal justice.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year for grants to the State planning agency of the State will not be required by the State, or that the State will be unable to qualify to receive any portion of the funds under the requirements of this part, that portion shall be available for reallocation to other States under paragraph (1) of subsection (a) of this section.

"SEC. 307. In making grants under this part, the Administration and each State planning agency, as the case may be, shall give special emphasis, where appropriate or feasible, to programs and projects dealing with the prevention, detection, and control of organized crime and of riots and other violent civil disorders.

"SEC. 308. Each State plan submitted to the Administration for approval under section 302 shall be either approved or disapproved, in whole or in part, by the Administration no later than ninety days after the date of submission. If not disapproved (and returned with the reasons for such disapproval, within such ninety days of such application, such plan shall be deemed approved for the purposes of this title. The reasons for disapproval of such plan, in order to be effective for the purposes of this section, shall contain an explanation of which requirements enumerated in section 303(b) such plan fails to comply with, or an explanation of what supporting material is necessary for the Administration to evaluate such plan. For the purposes of this section, the term 'date of submission' means the date on which a State plan which the State has designated as the 'final State plan application' for the appropriate fiscal year is delivered to the Administration.

"PART D—TRAINING, EDUCATION, RESEARCH, DEMONSTRATION, AND SPECIAL GRANTS

"SEC. 401. It is the purpose of this part to provide for and encourage training, education, research, and development for the purpose of improving law enforcement and criminal justice and developing new methods for the prevention and reduction of crime, and the detection and apprehension of criminals.

"SEC. 402. (a) There is established within the Department of Justice a National Institute of Law Enforcement and Criminal Justice (hereinafter referred to in this part as 'Institute'). The Institute shall be under the general authority of the Administration. The chief administrative officer of the Institute shall be a Director appointed by the Administrator. It shall be the purpose of the Institute to encourage research and development to improve and strengthen law enforcement and criminal justice and to disseminate the results of such efforts to State and local governments.

"(b) The Institute is authorized—

"(1) to make grants to, or enter into contracts with, public agencies, institutions of higher education, or private organizations to conduct research, demonstrations, or special

projects pertaining to the purposes described in this title, including the development of new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice;

"(2) to make continuing studies and undertake programs of research to develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice, including, but not limited to, the effectiveness of projects or programs carried out under this title;

"(3) to carry out programs of behavioral research designed to provide more accurate information on the causes of crime and the effectiveness and various means of preventing crime, and to evaluate the success of correctional procedures;

"(4) to make recommendations for action which can be taken by Federal, State, and local governments and by private persons and organizations to improve and strengthen law enforcement and criminal justice;

"(5) to carry out programs of instructional assistance consisting of research fellowships for the programs provided under this section, and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects authorized by this title;

"(6) to carry out a program of collection and dissemination of information obtained by the Institute or other Federal agencies, public agencies, institutions of higher education, or private organizations engaged in projects under this title, including information relating to new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement; and

"(7) to establish a research center to carry out the programs described in this section.

"(c) The Institute shall serve as a national and international clearinghouse for the exchange of information with respect to the improvement of law enforcement and criminal justice, including but not limited to police, courts, prosecutors, public defenders, and corrections.

"The Institute shall undertake, where possible, to evaluate various programs and projects carried out under this title to determine their impact upon the quality of law enforcement and criminal justice and the extent to which they have met or failed to meet the purposes and policies of this title, and shall disseminate such information to State planning agencies and, upon request, to units of general local government.

"The Institute shall report annually to the President, the Congress, the State planning agencies, and, upon request, to units of general local government, on the research and development activities undertaken pursuant to paragraphs (1), (2), and (3) of subsection (b), and shall describe in such report the potential benefits of such activities to law enforcement and criminal justice and the results of the evaluation made pursuant to the second paragraph of this subsection. Such report shall also describe the programs of instructional assistance, the special workshops, and the training programs undertaken pursuant to paragraphs (5) and (6) of subsection (b).

"SEC. 403. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Institute shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

"SEC. 404. (a) The Director of the Federal Bureau of Investigation is authorized to—

"(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local law enforcement personnel;

"(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice; and

"(3) assist in conducting, at the request of a State or unit of local government, local and regional training programs for the training of State and local law enforcement personnel. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of local government, sheriffs and their deputies, and such other persons as the State or unit may nominate for police training while such persons are actually employed as officers of such State or unit.

"(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

"SEC. 405. (a) Subject to the provisions of this section, the Law Enforcement Assistance Act of 1965 (79 Stat. 828) is repealed: *Provided*, That—

"(1) The Administration, or the Attorney General until such time as the members of the Administration are appointed, is authorized to obligate funds for the continuation of projects approved under the Law Enforcement Assistance Act of 1965 prior to the date of enactment of this Act to the extent that such approval provided for continuation.

"(2) Any funds obligated under subsection (1) of this section and all activities necessary or appropriate for the review under subsection (3) of this section may be carried out with funds previously appropriated and funds appropriated pursuant to this title.

"(3) Immediately upon establishment of the Administration, it shall be its duty to study, review, and evaluate projects and programs funded under the Law Enforcement Assistance Act of 1965. Continuation of projects and programs under subsections (1) and (2) of this section shall be in the discretion of the Administration.

SEC. 406. (a) Pursuant to the provisions of subsections (b) and (c) of this section, the Administration is authorized, after appropriate consultation with the Commissioner of Education, to carry out programs of academic educational assistance to improve and strengthen law enforcement and criminal justice.

"(b) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for loans, not exceeding $2,200 per academic year to any person, to persons enrolled on a full-time basis in undergraduate or graduate programs approved by the Administration and leading to degrees or certificates in areas related to law enforcement and criminal justice or suitable for persons employed in law enforcement and criminal justice, with special consideration to police or correctional personnel of States or units of general local government on academic leave to earn such degrees or certificates. Loans to persons assisted under this subsection shall be made on such terms and conditions as the Administration and the institution offering such programs may determine, except that the total amount of any such loan, plus interest, shall be canceled for service as a full-time officer or employee of a law enforcement and criminal justice agency at the rate of 25 per centum of the total amount of such loans plus interest for each complete year of such service or its equivalent of such service, as determined under regulations of the Administration.

"(c) The Administration is authorized to enter into contracts to make, and make payments to institutions of higher education for tuition, books and fees, not exceeding $250 per academic quarter or $400 per semester for any person, for officers of any publicly funded law enforcement agency enrolled on a full-time or part-time basis in courses included in an undergraduate or graduate program which is approved by the Administration and which leads to a degree or certificate in an area related to law enforcement and criminal justice or an area suitable for persons employed in law enforcement and criminal justice. Assistance under this subsection may be granted only on behalf of an applicant who enters into an agreement to remain in the service of a law enforcement and criminal justice agency program for the construction, acquisition, or two years followig completion of any course for which payments are provided under this subsection, and in the event such service is not completed, to repay the full amount of such payments on such terms and in such manner as the Administrator may prescribe.

"(d) Full-time teachers or persons preparing for careers as full-time teachers of courses related to law enforcement and criminal justice or suitable for persons employed in law enforcement and criminal justice, in institutions of higher education which are eligible to receive funds under this section, shall be eligible to receive assistance under subsections (b) and (c) of this section as determined under regulations of the Administration.

"(e) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the development or demonstration of improved methods of law enforcement and criminal justice education, including—

"(1) planning for the development or expansion of undergraduate or graduate programs in law enforcement and criminal justice;

"(2) education and training of faculty members;

"(3) strengthening the law enforcement and criminal justice aspects of courses leading to an undergraduate, graduate, or professional degree; and

"(4) research into, and development of, methods of educating students or faculty, including the preparation of teaching materials and the planning of curriculums.

The amount of a grant or contract may be up to 75 per centum of the total cost of programs and projects for which a grant or contract is made.

"(f) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for grants not exceeding $65 per week to persons enrolled on a full-time basis in undergraduate or graduate degree programs who are accepted for and serve in full-time internships in law enforcement and criminal justice agencies for not less than eight weeks during any summer recess or for any entire quarter or semester on leave from the degree program.

"SEC. 407. The Administration is authorized to develop and support regional and national training programs, workshops, and seminars to instruct State and local law enforcement personnel in improved methods of crime prevention and reduction and enforcement of the criminal law. Such training activities shall be designed to supplement and improve, rather than supplant, the training activities of the State and units of general local government, and shall not duplicate the activities of the Federal Bureau of Investigation under section 404 of this title.

"SEC. 408. (a) The Administration is authorized to establish and support a training program for prosecuting attorneys from State and local offices engaged in the prosecution of organized crime. The program shall be designed to develop new or improved approaches, techniques, systems, manuals, and devices to strengthen prosecutive capabilities against organized crime.

"(b) While participating in the training

program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and per diem allowance in the same manner as prescribed under section 5703(b) of title 5, United States Code, for persons employed intermittently in the Government service.

"(c) The cost of training State and local personnel under this section shall be provided out of funds appropriated to the Administration for the purpose of such training.

"PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

"SEC. 451. It is the purpose of this part to encourage States and units of general local government to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices.

"SEC. 452. A State desiring to receive a grant under this part for any fiscal year shall, consistent with the basic criteria which the Administration establishes under section 454 of this title, incorporate its application for such grant in the comprehensive State plan submitted to the Administration for that fiscal year in accordance with section 302 of this title.

"SEC. 453. The Administration is authorized to make a grant under this part to a State planning agency if the application incorporated in the comprehensive State plan—

"(1) sets forth a comprehensive statewide program for the construction, acquisition, or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State;

"(2) provides satisfactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;

"(3) provides satisfactory assurances that the availability of funds under this part shall not reduce the amount of funds under Part C of this title which a State would, in the absence of funds under this part, allocate for purposes of this part;

"(4) provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation, and other supervisory release programs for preadjudication and postadjudication referral of delinquents, youthful offenders, and first offenders, and community-oriented programs for the supervision of parolees;

"(5) provides for advanced techniques in the design of institutions and facilities;

"(6) provides, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis;

"(7) provides satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices;

"(8) provides satisfactory assurances that the State is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities including those of probation, parole, and rehabilitation;

"(9) provides necessary arrangements for the development and operation of narcotic treatment programs in correctional institutions and facilities and in connection with probation or other supervisory release programs for all persons, incarcerated or on parole, who are drug addicts or drug abusers; and

"(10) complies with the same requirements established for comprehensive State plans under paragraphs (1), (3), (4), (5), (7), (8), (9), (10), (11), and (12) of section 303 of this title.

"SEC. 454. The Administration shall after consultation with the Federal Bureau of Prisons, by regulation prescribe basic criteria for applicants and grantees under this part.

"In addition, the Administration shall issue guidelines for drug treatment programs in State and local prisons and for those to which persons on parole are assigned.

"SEC. 455. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) Fifty percentum of the funds shall be available for grants to State planning agencies.

"(2) The remaining fifty per centum of the funds may be made available, as the Administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this part.

Any grant made from funds available under this part may be up to 90 per centum of the cost of the program or project for which such grant is made. The non-Federal funding of the cost of any program or project to be funded by a grant under this section shall be of money appropriated in the aggregate by the State or units of general local government or where a subgrant is to a nonprofit organization, such organization shall provide the non-Federal share of funds. No funds awarded under this part may be used for land acquisition.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds granted to an applicant for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of this title, that portion shall be available for reallocation under paragraph (2) of subsection (a) of this section.

"PART F—ADMINISTRATIVE PROVISIONS

"SEC. 501. The Administration is authorized after appropriate consultation with representatives of States and units of general local government, to establish such rules, regulations, and procedures as are necessary to the exercise of its functions, and are consistent with the stated purpose of this title.

"SEC. 502. The Administration may delegate to any officer or official of the Administration, or, with the approval of the Attorney General to any officer of the Department of Justice such functions as it deems appropriate.

"SEC. 503. The functions, powers, and duties specified in this title to be carried out by the Administration shall not be transferred elsewhere in the Department of Justice unless specifically hereafter authorized by the Congress.

"SEC. 504. In carrying out its functions, the Administration, or upon authorization of the Administration, any member thereof or any hearing examiner assigned to or employed by the Administration, shall have the power to hold hearings, sign and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate.

"SEC. 505. Section 5314 of title 5, United States Code, is amended by adding at the end thereof—

"'(55) Administrator of Law Enforcement Assistance.'

"SEC. 506. Title 5, United States Code, is amended as follows:

"(a) Section 5315(90) is amended by deleting 'Associate Administrator of Law Enforcement Assistance (2)' and inserting in lieu thereof 'Deputy Administrator for Policy Development.'

"(b) Section 5316 is amended by adding at the end thereof 'Deputy Administrator for Administration.'

"(c) Section 5108(c)(10) is amended by deleting the word 'twenty' and inserting in lieu thereof the word 'twenty-four'.

"SEC. 507. Subject to the civil service and classification laws, the Administration is authorized to select, appoint, employ, and fix compensation of such officers and employees, including hearing examiners, as shall be necessary to carry out its powers and duties under this title.

"SEC. 508. The Administration is authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of the Department of Justice and of other civilian or military agencies and instrumentalities of the Federal Government, and to cooperate with the Department of Justice and such other agencies and instrumentalities in the establishment and use of services, equipment, personnel, and facilities of the Administration. The Administration is further authorized to confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other local agencies, and to receive and utilize, for the purposes of this title, property donated or transferred for the general purposes of testing by any other Federal agencies, States, units of general local government, public or private agencies or organizations, institutions of higher education, or individuals. The Administration is also authorized to transfer funds to the Amercan Revolution Bicentennial Commission or any other Federal agency dealing with activities of the Bicentennial for planning or coordinating law enforcement efforts and other appropriate efforts related to Administration activities.

"SEC. 509. Whenever the Administration, after reasonable notice and opportunity for hearing to an applicant or a grantee under this title, finds that, with respect to any payments made or to be made under this title, there is a substantial failure to comply with—

"(a) the provisions of this title;

"(b) regulations promulgated by the Administration under this title; or

"(c) a plan or application submitted in accordance with the provisions of this title;

the Administration shall notify such applicant or grantee that further payments shall not be made (or in its discretion that further payments shall not be made for activities in which there is such failure), until there is no longer such failure.

"SEC. 510. (a) In carrying out the functions vested by this title in the Administration, the determination, findings, and conclusions of the Administration shall be final and conclusive upon all applicants except as hereinafter provided.

"(b) If the application has been rejected or an applicant has been denied a grant or has had a grant, or any portion of a grant, discontinued, or has been given a grant in a lesser amount than such applicant believes appropriate under the provisions of this title, the Administration shall notify the applicant or grantee of its action and set forth the reason for the action taken. Whenever an applicant or grantee requests a hearing on action taken by the Administration on an application or a grant, the Administration, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations at such times and places as the Administration deems necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made by the Administration with respect thereto shall be final and conclusive, except as otherwise provided herein.

"(c) If such applicant is still dissatisfied with the findings and determinations of the Administration, following the notice and hearing provided for in subsection (b) of this section, a request may be made for rehearing, under such regulations and procedures as the Administration may establish, and such applicant shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved. The findings and determinations of the Administra-

tion, following such rehearing, shall be final and conclusive upon all parties concerned, except as hereafter provided.

"SEC. 511. (a) If any applicant or grantee is dissatisfied with the Administration's final action with respect to the approval of its application or plan submitted under this title, or any applicant or grantee is dissatisfied with the Administration's final action under section 509 or section 510, such applicant or grantee may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or grantee is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administration. The Administration shall thereupon file in the court the record of the proceedings on which the action of the Administration was based, as provided in section 2112 of title 28, United States Code.

"(b) The determinations and the findings of fact by the Administration, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Administration to take further evidence. The Administration may thereupon make new or modified findings of fact and may modify its previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact or determinations shall likewise be conclusive if supported by substantial evidence.

"(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Administration or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"SEC. 512. Unless otherwise specified in this title, the Administration shall carry out the programs provided for in this title during the fiscal year ending June 30, 1974, and the four succeeding fiscal years.

"SEC. 513. To insure that all Federal assistance to State and local programs under this title is carried out in a coordinated manner, the Administration is authorized to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Administration deems necessary to carry out its functions under this title. Each such department or agency is authorized to cooperate with the Administration and, to the extent permitted by law, to furnish such materials to the Administration. Any Federal department or agency engaged in administering programs related to this title shall, to the maximum extent practicable, consult with and seek fully coordinated efforts, and the Administration shall undertake to coordinate such efforts.

"SEC. 514. The Administration may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of its functions under this title.

"SEC. 515. The Administration is authorized—

"(a) to conduct evaluation studies of the programs and activities assisted under or related to the purposes of this title;

"(b) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement within and without the United States; and

"(c) to cooperate with and render technical assistance to States, units of general local government, combinations of such States or units, or other public or private agencies, organizations, institutions, or international agencies in matters relating to law enforcement and criminal justice.

Funds appropriated for the purpose of this section may be expended by grant or contract as the Administration may determine to be appropriate.

"SEC. 516. (a) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Administration, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of the joint resolution entitled 'Joint resolution to prohibit expenditure of any moneys for housing, feeding, or transporting conventions or meetings', approved February 2, 1935 (31 U.S.C. 551).

"(b) Not more than 12 per centum of the sums appropriated for any fiscal year to carry out the provisions of this title may be used within any one State except that this limitation shall not apply to grants made pursuant to part D.

"SEC. 517. (a) The Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5, United States Code.

"(b) The Administration is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising the Administration or attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5 of the United States Code and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

"SEC. 518. (a) Nothing contained in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement and criminal justice agency of any State or any political subdivision thereof.

"(b) Notwithstanding any other provision of law, nothing contained in this title shall be construed to authorize the Administration (1) to require, or condition the availability or amount of a grant upon, the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance or to eliminnate racial imbalance in any law enforcement agency, or (2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio, system, or other program.

"(c)(1) No person in any State shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

"(2) Whenever the Administration determines that a State government or any unit of general local government has failed to comply with subsection (c)(1) or an applicable regluation, it shall notify the chief executive of the State of the noncompliance and shall request the chief executive to secure compliance. If within a reasonable time after such notification the chief executive fails or refuses to secure compliance, the Administration is authorized:

"(A) to institute an appropriate civil action;

"(B) to exercise the powers and functions pursuant to title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d(d));

"(C) to exercise the powers and functions provided in section 509 of this title; or

"(D) to take such other action as may be provided by law.

"(3) Whenever the Attnorey General has reason to believe that a State government or unit of local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

"SEC. 519. On or before December 31 of each year, the Administration shall report to the President and to the Congress on activities pursuant to the provisions of this title during the preceding fiscal year.

"SEC. 520. There is authorized to be appropriated $1,000,000,000 for the fiscal year ending June 30, 1974; $1,250,000,000 for the fiscal year ending June 30, 1975; $1,500,000,000 for the fiscal year ending June 30, 1976; $1,750,000,000 for the fiscal year ending June 30, 1977; and $2,000,000,000 for the fiscal year ending June 30, 1978. Funds appropriated for any fiscal year may remain available for obligation until expended. Beginning in the fiscal year ending June 30, 1972, and in each fiscal year thereafter there shall be allocated for the purposes of part E an amount equal to not less than 20 per centum of the amount allocated for the purposes of part C.

"SEC. 521. (a) Each recipient of assistance under this Act shall keep such records as the Administration shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, nad such other records as will facilitate an effective audit.

"(b) The Administration and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this title.

"(c) The provisions of this section shall apply to all recipients of assistance under this Act, whether by direct grant or contract from the Administration or by subgrant or subcontract from primary grantees or contractors of the Administration.

"SEC. 522. Section 204(a) of the Demonstration Cities and Metroplitan Development Act of 1966 is amended by inserting 'law enforcement facilities,' immediately after 'transportation facilities.'

"SEC. 523. Any funds made available under parts B, C, and E prior to July 1, 1973, which are not obligated by a State may be used to provide up to 90 percent of the cost of any program or project. The non-Federal share of the cost of any such program or project shall be of money appropriated in the aggregate by the State or units or general local government.

"SEC. 524. (a) Except as provided by Federal law other than this title, no officer or employee of the Federal Government, or any recipient of assistance under the provisions of this title shall use or reveal any research or statistical information furnished under this title by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this title. Copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

"(b) Any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed $10,000, in addition to any other penalty imposed by law.

"SEC. 525. The last two sentences of section 203(n) of the Federal Property and Administrative Services Act of 1949, as amended, are amended as follows: 'In addition, under

such cooperative agreements, and subject to such other conditions as may be imposed by the Secretary of Health, Education, and Welfare, or the Director, Office of Civil and Defense Mobilization, or the Administrator, Law Enforcement Assistance Administration, surplus property which the Administrator may approve for donation for use in any State for purposes of law enforcement programs, education, public health, or civil defense, or for research for any such purposes, pursuant to subsection (j)(3) or (j)(4), may with the approval of the Administrator be made available to the State agency after a determination by the Secretary or the Director or the Administrator, Law Enforcement Assistance Administration that such property is necessary to, or would facilitate, the effective operation of the State agency in performing its functions in connection with such program. Upon a determination by the Secretary or the Director or Administrator, Law Enforcement Assistance Administration, that such action is necessary to, or would facilitate, the effective use of such surplus property made available under the terms of a cooperative agreement, title thereto may with the approval of the Administrator be vested in the State agency.'

"PART G—DEFINITIONS

"SEC. 601. As used in this title—

"(a) 'Law enforcement and criminal justice' means any activity pertaining to crime prevention, control or reduction of the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

"(b) 'Organized crime' means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations.

"(c) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(d) 'Unit of general local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia and funds appropriated by the Congress for the activities of such agencies may be used to provide the non-Federal share of the cost of programs or projects funded under this title: *Provided, however,* That such assistance eligibility of any agency of the United States Government shall be for the sole purpose of facilitating the transfer of criminal jurisdiction from the United States District Court for the District of Columbia to the Superior Court of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970.

"(e) 'Combination' as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a law enforcement plan.

"(f) 'Construction' means the erection, acquisition, expansion, or repair (but not including minor remodeling or minor repairs) of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefor.

"(g) 'State organized crime prevention council' means a council composed of not more than seven persons established pursuant to State law or established by the chief executive of the State for the purpose of this title, or an existing agency so designated, which council shall be broadly representative of law enforcement officials within such State and whose members by virtue of their training or experience, shall be knowledgeable in the prevention and control of organized crime.

"(h) 'Metropolitan area' means a standard metropolitan statistical area as established by the Office of Management and Budget, subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

"(i) 'Public agency' means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing.

"(j) 'Institution of higher education' means any such institution as defined by section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

"(k) 'Community service officer' means any citizen with the capacity, motivation, integrity, and stability to assist in or perform police work but who may not meet ordinary standards for employment as a regular police officer selected from the immediate locality of the police department of which he is to be a part, and meeting such other qualifications promulgated in regulations pursuant to section 501 as the Administration may determine to be appropriate to further the purposes of section 301(b)(7) and this Act.

"(l) The term 'correctional institution or facility' means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses.

"(m) The term 'comprehensive' means that the plan must be a total and integrated analysis of the problems regarding the law enforcement and criminal justice system within the State. Goals, priorities, and standards must be established in the plan. The plan must address methods, organization, and operational performance; physical and human resources necessary to accomplish crime prevention, identification, detection, and apprehension of suspects; adjudication; custodial treatment of suspects and offenders; and institutional and noninstitutional rehabilitative measures.

"PART H—CRIMINAL PENALTIES

"SEC. 651. Whoever embezzles, willfully misapplies, steals, or obtains by fraud or endeavors to embezzle, willfully misapply, steal, or obtain by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, or whoever receives, conceals, or retains such funds, assets, or property with intent to convert such funds, assets, or property to his use or gain, knowing such funds, assets, or property have been embezzled, willfully misapplied, stolen, or obtained by fraud, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

"SEC. 652. Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this title or in any records required to be maintained pursuant to this title shall be subject to prosecution under the provisions of section 1001 of title 18, United States Code.

"SEC. 653. Any law enforcement and criminal justice program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, shall be subject to the provisions of section 371 of title 18, United States Code.

"PART I—ATTORNEY GENERAL'S ANNUAL REPORT OF FEDERAL LAW ENFORCEMENT AND CRIMINAL JUSTICE ACTIVITIES

"SEC. 670. The Attorney General, in consultation with the appropriate officials in the agencies involved, within 90 days of the end of each fiscal year shall submit to the President and to the Congress an Annual Report of Federal Law Enforcement and Criminal Justice Assistance Activities setting forth the programs conducted, expenditures made, results achieved, plans developed, and problems discovered in the operations and coordination of the various Federal assistance programs relating to crime prevention and control, including, but not limited to, the Juvenile Delinquency Prevention and Control Act of 1968, the Narcotics Addict Rehabilitation Act 1968, the Gun Control Act 1968, the Criminal Justice Act of 1964, title XI of the Organized Crime Control Act of 1970 (relating to the regulation of explosives), and title III of the Omnibus Crime Control and Safe Streets Act of 1968 (relating to wiretapping and electronic surveillance)."

SEC. 3. If the provisions of any part of this Act are found invalid or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

SEC. 4. This Act shall become effective upon the date of enactment.

EXHIBIT NO. 2

SUMMARY—MAJOR FEATURES OF THE SUBCOMMITTEE AMENDMENTS

1. *Present Law Retained*—The basic block grant concept established by the Omnibus Crime Control and Safe Streets Act is retained. Separate planning fund and supplemental corrections fund sources remain essentially the same. State plan approval by LEAA and matching fund requirements, although modified, are retained.

2. *Administration*—The two Associate Administrators are replaced with a Deputy Administrator for Policy Development and a Deputy for Administrative Management.

3. *Public Accountability*—Open meeting and records access provisions are added.

4. *State Planning Function*—The minimum planning allocation is increased to $200,000. Regional planning boards are required to be governed by a majority of local executive officials.

5. *Matching Requirements*—Soft match has been eliminated. Part B, C, and E are now all governed by a 10 percent cash requirement. Funds must be appropriated by governmental units or provided by non-profit organizations when the non-profit organization is a grantee. State buy-in provisions are retained for Part C and added to Parts B and E. A limited retroactive provision is included.

6. *Comprehensive Plan*—More specificity has been added to the definition of a "comprehensive plan." A maximum of 90 days is provided for LEAA approval or disapproval.

7. *Discretionary Program*—Authority to make direct grants to non-profit organizations is provided. All match has been specified to be 10 percent cash match. Authority to make grants to multi-State planning bodies (councils of government) is provided. Funding incentives for coordination are added.

8. *Law Enforcement Education Program.* Benefits for law enforcement students and interns have been increased. Another amendment provides that a recipient of these funds need not remain in the same law enforcement agency to retain eligibility for benefits.

9. *Correctional Program.* New requirements

have been added relating to narcotics treatment programs.

10. *Accountability.* The standard of State accountability has been upgraded and additional requirements for LEAA evaluation authority and responsibility are added.

11. *Civil Rights.* The provisions of Title VI of the Civil Rights Act are incorporated along with the optional remedies.

12. *Confidential Information.* Statistical and research information received for research purposes is governed by new confidentiality provisions.

13. *Criminal Penalties.* New language relating to criminal endeavors as well as completed acts has been added.

14. *Authorization.* A 5-year authorization is provided with provision for authorized funding from one billion dollars to two billion dollars over the 5-year period.

EXHIBIT No. 3

SECTION-BY-SECTION ANALYSIS OF SUCOMMITTEE AMENDMENT

Section 2—Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended in its entirety as follows:

The Declarations and Purpose Clause has been amended to indicate that it is the purpose of this Act to reduce as well as prevent crime and juvenile delinquency. The words "criminal justice" have been added throughout to more accurately reflect the broader purposes of the program.

PART A—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Section 101—Section 101 of Part A retains within the Department of Justice, under the general authority of the Attorney General, a Law Enforcement Assistance Administration. The positions of Associate Administrators are deleted. Two Deputy Administrators are provided to be appointed by the President, by and with the advice and consent of the Senate. One Deputy will assist the Administrator in the policy area and the second Deputy will be delegated administrative functions. Concurrence is not required for the Administrator to exercise any functions.

PART B—PLANNING GRANTS

Sections 201 and 202—Sections 201 and 202 which provide for the adoption of comprehensive plans, and authorizes a grant program, remains the same with the addition of the words "criminal justice" here and conformed throughout the Act, to more accurately reflect the broader purposes of the program.

Section 203(a)—Section 203(a) is amended to provide that any regional planning units within the State shall be comprised of a majority of local elected executive officials and shall include representatives of law enforcement agencies.

Subsection (d) is added to Section 203 to require planning units to hold open meetings when final action is taken on a State plan or application for funds. The subsection also requires that the planning agency provide for public access to non-confidential records.

Section 204—Section 204 has been amended to provide that a grant authorized under this part shall not exceed 90 per centum of the expenses incurred by the State or units of local government. The non-Federal funding of such expenses is now required to be of money appropriated in the aggregate with the State providing not less than one half of such funds required of units of local government. The grant to regional planning units, because of their lack of access to appropriated money, may be up to 100 per centum of the cost incurred in the planning process and the overall match requirement on the Part B grant is reduced accordingly.

Section 205—Section 205 is amended to increase the initial allocation to each State from $100,000 to $200,000. The remaining funds are thereafter allocated on a population basis.

PART C—LAW EFORCEMENT REVENUE SHARING

The title of Part C has been amended to read "Law Enforcement Revenue Sharing" to more acurately reflect the basic concept of the block grant program.

Section 301(a)—Section 301(a) setting forth the purposes for which grants may be made, remain the same with the addition of the words "criminal justice" throughout.

Section 301(b)—Paragraph (10) is added to subsection (b) to authorize grants for interstate metropolitan area planning.

Section 301(c)—Section 301(c) changes the matching fund requirements from a combination of cash and in-kind match totaling 25% to a total 10% cash match appropriated on an aggregate basis by the city, county, State or non-profit organization recipient. The aggregate basis permits a recipient to meet the requirement by provision of 10% cash to any number of the total subgrants it receives in any year, so long as the Federal share of its grants does not exceed 90% of the total costs of the programs and projects undertaken.

Section 301(d)—Subsection (d) of section 301 regarding personnel compensation limitations remains the same.

Section 302—Section 302 has a technical amendment requiring the State planning agency to submit a comprehensive State plan *developed* rather than *formulated* pursuant to Part B.

Section 303—Section 303(a)(2) is amended to require that the State provide in the aggregate not less than one-half of the non-federal funding of programs and projects undertaken by units of general local government or combination of such units under paragraph (2) with the required Part C pass-through funds.

Three new paragraphs are added: paragraph (12) requires the maintenance and submission of reports as may be required to evaluate the programs and projects under this title and to administer other provisions of this title; paragraph (13) is added to provide funding incentives—the purpose of this provision is to eliminate fragmentation and duplication of functions which would more effectively be administered in a coordinated manner; paragraph (14) has been added to provide applicants for subgrants with a fixed period of 90 days in which to get a response to an application for funds. It also provides that the basis for disapproval be set forth when a denial is made.

Section 304 and Section 305—Section 304 and section 305 remain the same.

Section 306—Section 306(a)(2) is amended to permit nonprofit organizations to be eligible direct recipients of discretionary grant awards and to accord coordinated program effort funding incentives.

Section 307—Section 307 contains a technical amendment, deleting subsection (b) since no longer applicable.

Section 308—Section 308 is new. This section has been added to require that each State plan be either approved or disapproved by the Administration no later than 90 days after submission. Where a plan is disapproved, there must be an explanation either as to how the plan failed to comply with the provisions of section 303(b) or what supporting material is necessary for the Administration to evaluate such plan.

PART D—TRAINING, EDUCATION, RESEARCH, DEMONSTRATION AND SPECIAL GRANTS

Section 401—Section 401 states the purpose of this part.

Section 402—Section 402(a) is amended to provide for a Director of the Institute appointed by the Administrator. In addition, the purpose of the Institute has been expanded to encompass the dissemination of data on the efforts of State and local governments to improve and strengthen law enforcement and criminal justice.

A new subparagraph (c) has been added which authorizes the Institute to serve as a national and international clearinghouse for the exchange of law enforcement and criminal justice information.

The Institute is required, where possible, to evaluate various programs and projects carried out under this title and report annually to the President, Congress and State planning agencies concerning activities undertaken pursuant to paragraphs (1), (2), (3), (5) and (6) of subsection (b).

Section 403 and Section 404—Section 403 and section 404 remain the same.

Section 405—Section 405 remains the same.

Section 406—Section 406 remains the same with the exception that the loan payments have been increased under subsection (b) to $2,200 from $1,800; in subsection (c) assistance has been increased from $200 to $250, and from $300 to $400; in subsection (f) internship grants from $50 to $65. In addition, subsection (c) is amended to provide that a recipient of funds under this provision must remain in the law enforcement and criminal justice system, rather than the same agency to retain eligibility for the benefits.

Section 407 and Section 408—Section 407 and section 408 remain the same.

PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

Section 451 and Section 452—Sections 451 and 452 providing for grants for the improvement of correctional programs and practices remain the same.

Section 453—Section 453 has been amended by adding a new paragraph (9) to require that the plan provide for the development and operation of narcotic treatment programs in appropriate correctional institutions and in connection with probation or other supervisory release programs for all those incarcerated or on parole who are drug addicts or drug abusers.

Former paragraph (9) has been renumbered paragraph (10).

Section 454—Section 454 has been amended to provide that the Administration issue guidelines for drug treatment programs.

Section 455—Section 455 has been amended to allow up to 90 per centum federal funding of programs and projects under this part. The non-federal funding must be money appropriated in the aggregate by the State or units of general local government. The term "aggregate" applies to the total of all subgrants to a recipient. Where a subgrant is to a nonprofit organization, such an organization shall provide the non-federal share of funds.

PART F—ADMINISTRATIVE PROVISIONS

Section 501, 502, 503 and 504—are retained as in the present Act.

Section 505—remains the same.

Section 506—Section 506 amends title 5, United States Code to (1) delete the positions of Associate Administrators; (2) add two Deputy Administrators (one at the executive level 4 and one at the executive level 5); and (3) increase the number of GS–16, 17 and 18 grade levels allotted to the Administration from twenty to twenty-four.

Section 507—Section 507 remains the same.

Section 508—Section 508 is amended to provide authority to the Administration to transfer funds or otherwise provide for planning or coordinated law enforcement efforts for activities of the American Revolution Bicentennial Commission.

Section 509 through Section 511—are retained as in the present Act.

Section 512—Section 512 authorizes the continuation of the program through FY 1978.

Section 513 and 514 are retained as in the present Act.

Section 515—Section 515 remains the same with the exception that the authority to collect, evaluate and transfer law enforcement information of an international origin is specified.

Section 516 and Section 517 are retained as in the present Act.

Section 518—Section 518 is amended to add a new subsection (c) which provides that no person shall be excluded from participation in the program or projects funded under this Act due to discrimination. Paragraph (2) and (3) of subsection (c) sets forth the actions that may be taken by the Administration and the Attorney General upon a failure to comply with subsection (c)(1).

Section 519—Section 519 is amended by deleting subsection (b) since the Administration has submitted the legislation requested in this subsection.

Section 520—Section 520 is amended to authorize appropriations through FY 1978. Insofar as Part E is concerned, an amount not less than 20 per centum of the amount allocated for the purposes of part C shall be allocated for the purposes of part E.

Section 521 and Section 522 remain the same.

Section 523—Section 523 provides for a retroactive application of the new hard match requirements to programs and projects in State plans funded prior to FY '74 but not yet obligated by the State to State or local subgrantees. The provision applies to Parts B and E funds as well as Part C funds. It is specified so that competitive fund sources will not be available during the initial stages of the new matching requirements.

Section 524—Section 524 provides for the confidentiality of statistical and research information collected under Administration programs and for civil sanctions to enforce such confidentiality.

Section 525—Section 525 amends section 203(n) of the Federal Property and Administrative Services Act of 1949, as amended, to provide authority to donate federal surplus property to a State agency to use for law enforcement purposes.

PART G—DEFINITIONS

Section 601—The definitions in section 601 remain the same except for the following changes: Subsection (a) specifies prosecutorial and defender services to those agencies considered as law enforcement and criminal justice-related agencies; subsection (m) is added which defines the term "comprehensive" as it applies to a State plan.

PART H—CRIMINAL PENALTIES

Section 651—Section 651 is amended to provide a higher standard of care in handling Administration funds. The amendment provides penalties for those endeavoring to embezzle, willfully misapply, steal, or obtain by fraud, any funds, assets or property which are subject of a grant or contract or other form of assistance under this Act. This has been added to strengthen this provision in order to cover those who may not have totally completed the conversion of such funds or property to their use or gain or those who may have received said funds or property knowingly.

Section 652 and Section 653 remain the same.

PART I—ATTORNEY GENERAL'S ANNUAL REPORT ON FEDERAL LAW ENFORCEMENT AND CRIMINAL JUSTICE ACTIVITIES

Section 670 remains the same.

EXHIBIT NO. 4

H.R. 8152—SUMMARY OF ACTIONS TAKEN BY HOUSE AND DIFFERENCE WITH SUBCOMMITTEE AMENDMENT

A. House Bill amendments to LEAA program.

1. Miscellaneous language changes adding "criminal justice" to the bill's law enforcement definition and a number of other minor additions (such as, the "reduction of crime and juvenile delinquency," addition of "community-based" and "rehabilitation" terminology where appropriate.

2. The House Bill replaced the Associate Administrators with one Deputy.

3. Open meetings and record access provisions. (See Sec. 203(d)).

4. New hard match provisions and no match provisions for regional units receiving planning grants. (See sec. 204.)

5. Increased Part B planning fund minimum allocation to $200,000. (See Sec. 205.)

6. Added 90–10 hard match aggregate requirements. (See Sec. 301(c).)

7. Included 50% State buy-in requirements. (See sec. 303(a)(2).)

8. Included accounting up-grading language; and other changes related to data and reporting, funding incentives, and a limited subgrant review cycle. (See Sec. 303(a) (11 thru 14).)

9. Included new "comprehensive" requirements specifying a "determined effort" to improve the quality of law enforcement and an emphasis on establishment of statewide improvement priorities as elements necessary to approval of a State plan by LEAA. (See Sec. 303 (b) and (c).)

10. Included direct discretionary grant authority for nonprofit organizations. See Sec. 306(a)(2).)

11. Included 90–10 cash match for discretionary grants. (See Sec. 306(a)(2).)

12. Included funding incentives for "coordination" efforts in the discretionary program. (See Ssc. 306(a)(2).)

13. Included a requirement for administration approval of State plans within *60 days*. (See Sec. 308).

14. Included a specification for a "Director" of the Institute. (See Sec. 402(a).)

15. Amended Institute purpose statement to include the dissemination of research data to State and local governments. (See Sec. 402(a).)

16. Expanded Administration report and evaluation authority and responsibility. (See Sec. 402(c).)

17. Increased benefits for LEEP and internship recipients to take into account cost of living increases. (See Sec. 406(b) (c) (f). (Kennedy internship amendments of 1970).)

(18. Added Part E criteria related to narcotics treatment programs (as part of the overall State correctional effort) and guideline authority on the same. (See Sec. 453(9) and 454.)

19. Included hard match for Part E but provided for additional authority to permit nonprofit organization funds to be used when a nonprofit organization is the grantee. (See Sec. 455(a)(2).)

20. Adopted in general the civil rights language. (See Sec. 518(c).)

21. Adopted retroactive hard match provision but incorporated technical change to reflect current practice related to obligation of funds, i.e., clarified that the provision would not apply to the mid-point of an ongoing project. (See Sec. 523.)

22. Included confidentiality requirements of statistical and research information received by LEAA for research purposes. (See Sec. 524.)

23. Adopted a definition of the term "comprehensive." (See Sec. 601(m).)

24. Adopted new criminal penalties language. (See Sec. 651.)

B. The following differences include items contrary or substantially differing from the House bill provisions and includes other changes to existing legislation:

1. 5 year authorization. (See Secs. 512 and 520.)

2. Part C has been designated Law Enforcement Revenue Sharing.

3. Two deputies have replaced the two Associates. Levels have been reset to:

(i) Deputy Administrator for Policy Development—Level 4

(ii) Deputy Administrator for Administration—Level 5 (See Secs. 101 and 506.)

4. State Supervisory composition remains the same while a majority of *elected officials* is required for regional boards. (See Sec. 203(a).)

5. For State subgrants to nonprofit organizations, nonprofit organization cash is good hard match. (See Sec. 301(c) for Part C and Sec. 455(a)(a) for Part E.)

6. The retroactive match provision is technically changed to reflect that prior *State* awarded funds will not be subject to two different match rules. (See Sec. 523.)

7. International activity authority has been added for information and research purposes. (See Sec. 402 and 515).

8. Donation of surplus Federal property authority has been added. (See Sec. 525).

9. Bicentennial funding and staffing authority has been added. (See Sec. 508).

10. Four supergrades have been added. (See Sec. 505).

11. Appropriation authorization is set forth going from $1 billion dollars in 1974 in increments to $2 billion in 1978.

12. The expanded Institute training function has not been adopted per the House version and the FBI and 407 (grant supported regional law enforcement training) training authority has been retained.

13. An amendment authorizing grants for bi-state metropolitan planning units has been added. (See Sec. 301(b)(10). (Mathias Amendment)

14. An amendment allowing a LEEP recipient to be employed anywhere in the criminal justice system rather than by the same agency for a two year period (Taft amendment) (See Sec. 406(c)).

EXHIBIT NO. 5

EXCEPTS FROM SUBCOMMITTEE REPORT

PURPOSE

The purpose of S. 1234, as amended is to make a variety of amendments to title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90–351; 42 U.S.C. 3701 *et seq.*) that established the federal Law Enforcement Assistance Administration (LEAA) and authorized it to provide financial and technical assistance to the States and local governments for improved methods of law enforcement and crime control. Most importantly, the bill would authorize appropriations for LEAA for the next five fiscal years, modify the administrative management of LEAA, and make numerous changes in the Safe Streets Act designed to address deficiencies that have in the past hampered LEAA's responsiveness to the needs of the States and cities.

GENERAL STATEMENT

LEAA's initial 5-year authorization expires on June 30, 1973. Numerous legislative proposals have been introduced to extend the program. On June 5 and 6 of this year, the Subcommittee on Criminal Laws and Procedures held hearings on a number of such proposals. During the hearings, the subcommittee received testimony from the Attorney General, Members of Congress, Mayors, State directors of the LEAA program, and representatives of the National League of Cities/United States Conference of Mayors, the National Association of Counties, the Lawyers' Committee for Civil Rights Under Law, the National Association of Regional Councils and the National Association of Urban Criminal Justice Planning Directors.

Points of view expressed during the hearings ranged from the testimony of the Attorney General in support of the Administration's special law enforcement revenue sharing proposal, which would largely convert LEAA funding into an annual population-based "no strings attached" grant to each State with greatly reduced federal direction and control, to testimony of Members of Congress and others in support of various proposals to modify the State-oriented block grant program by providing for direct categorical or block grants to the larger cities based upon population and crime statistics.

After carefully studying all of the bills and considering the testimony received, the Committee has rejected all proposals for major

changes in the LEAA program. In this regard, the Committee agrees with the conclusions reached by the Judiciary Committee of the House of Representatives, which, after extensive hearings, favoraby reported a bill (H.R. 8152) which retains the basic structure and authority of LEAA, as set forth in the 1968 Act, with a number of changes designed to streamline the existing block grant funding mechanism and to emphasize LEAA's responsibility for administering the program and for assisting the States in comprehensive planning. The substitute bill incorporates most of the provisions of H.R. 8152.

The amendments to existing law are discussed in detail in the section-by-section analysis later in this report. The Committee believes it appropriate, however, to discuss at this point several of the more important amendments and the Committee's reasons for its decisions concerning them.

LEAA management

The bill eliminates entirely the unwieldly "troika" system of LEAA administration and replaces it with a single Administrator and two Deputy Administrators appointed by the President with the advice and consent of the Senate. All policy and administrative authority is vested in the Administrator, a change that the Committee feels will enhance the operational and management efficiency of LEAA. Both S. 1234 as introduced and H.R. 8152 provided for the abolition of the troika and substitution of an Administrator and a single Deputy Administrator. The Committee has provided for two Deputy Administrators in anticipation that one deputy may be delegated administrative responsibilities and the other may assist the Administrator in policy matters.

Scope of the LEAA program

The Committee has adopted a series of changes included in H.R. 8152 designed to emphasize the intention of Congress that monies expended under the Safe Streets Act address all aspects of the criminal justice system—not merely police, and not merely the purchase of police hardware. To clarify this matter, the bill adds the words "and criminal justice" after the words "law enforcement" wherever they appear throughout the LEAA statute. In this regard, the bill broadens the definition of "law enforcement and criminal justice" expressly to include prosecutorial and defender services, broadens the definition of the term "comprehensive" as it relates to State plans and amends the Act's statement of purpose to include the purpose of rehabilitating criminals as well as detecting and apprehending them.

State plan approval

As noted, the Committee rejected proposals to delete the authority and responsibility of LEAA for assisting and supervising the State in comprehensive planning. In fact, LEEA is made more, not less, accountable in this regard.

Annual approval of State plans as a condition precedent to funding is retained, with the additional provision that a plan not be approved unless LEAA finds therein a "determined effort" to improve the quality of law enforcement and criminal justice throughout the State. This provision, together with the broadened definition of "comprehensive" as it relates to plan submismisions, is intended to stress the requirement that a State plan should do more than merely provide for a wide geographic or institutional distribution of funds within a State and avoid transgression of any provision of the Act or LEAA's regulations. It should be a balanced and integrated effort to address all of the particular needs of the State, including specifically the needs of the court system and correctional system as well as those of the police.

The Committee also expects a "determined effort" by LEAA to implement this increased standard of law enforcement and criminal justice planning. In the Committee's opinion, LEAA has in the past not fully exercised the leverage provided to it by the plan approval authority to induce the State to improve the quality of planning for crime control programs. This is especially regrettable, since the plan approval function is in a real sense the keystone of the Act. Some States are meeting high standards in the implementation of LEAA programs, but all too many are not. The Committee hopes that the additional authority and emphasis provided by these amendments will enable and require LEAA to enforce high standards in all of the States.

To streamline the approval process, the bill mandates LEAA to perform its approval or disapproval function within 90 days after receipt of the State plan, thus assuring both an adequate time for meaningful consideration and a prompt flow of funds to the States. Similarly, the bill directs the States to establish procedures to assure that all fund applications by localities to State planning agencies be approved or disapproved within 90 days, thus expediting the flow of money from the State to its units of local government. These provisions are similar to provisions of S. 1497, introduced by Senator Tunney.

Needs of the cities

The Committee rejected proposals to authorize revenue sharing payments or categorical grants directly to cities pursuant to a distribution formula based in part on crime statistics. Although there can be no doubt that the cities, particularly the large cities, bear a disproportionately large share of the crime problem, the Committee is of the view that the existing block grant structure, with its pass-through requirement and its emphasis on high crime areas, has delivered an appropriate share of funds to the large cities. Statistics provided during the hearings[1] indicated that during the fiscal years 1969–1972, the States allocated almost 65 percent of all local funds to high crime urban areas. These areas contain about 49 percent of the nation's population and about 70 percent of reported serious crimes. Significantly, in fiscal 1972 the States allocated over 71 percent of local funds to these high crime areas. Thus, under the present LEAA funding structure the large cities are now receiving a greater proportion of funds than they would be entitled to on the basis of either population or crime statistics and, signficantly, a substantially greater share than they would be entitled to under the formulas included in the legislative proposals for direct large-city grants.

The Committee does not share the view that direct grants are necessary to speed up the flow and to eliminate State bureaucracies that work to the disadvantage of the cities. Again, the only statistics made available to the Committee during the hearings simply do not support these contentions. These statistics show that the State planning agencies have been awarding funds to local subgrantees in a timely fashion and that the fund flow or "pipeline" problem is actually a reflection of the inability of local units to expend the money on subgrant projects in a timely fashion. For example, as of December 31, 1972, the State planning agencies had awarded to subgrantees 95% of fiscal year 1971 funds and 68% of fiscal year 1972 funds. However, their subgrantees, mostly local governments, had actually withdrawn for expenditure only 64% of fiscal year 1971 funds and 20% of fiscal 1972 funds.[2]

[1] "State of the States on Crime and Justice," A Report by the National Conference of State Criminal Justice Planning Administrators, pp. 8, 46.

[2] *Id.*, pp. 32–33.

On the second point, the contention that State planning bureaucracies generally disfavor local units, the Committee notes that, on a national average, 60% of the members of State Planning Agency supervisory boards are local government representatives.[3]

Other provisions of the bill help to assure a continued flow of adequate assistance to the large cities. The present Act requires that 40 percent of a State's planning funds be passed through to units of local government, and a Committee amendment increases the minimum planning funds to each State from $100,000 to $200,000. The Act provides that before a State plan can be approved, it must assure an allocation of adequate assistance to deal with law enforcement and criminal justice problems in areas characterized by both high crime incidence and high law enforcement and criminal justice activity. Other Committee amendments provide funding incentives for localities that coordinate law enforcement and criminal justice activities with other localities, even where such coordination is achieved over a bi-state region. Moreover, under the law, it is within the discretion of the State planning agencies to fund localities for a package of programs and projects as well as simply for single programs or projects on an individual basis.

Matching requirements

The cities also will benefit from various committee revisions in the Act's matching provisions. Except for construction projects, which remain at the 50 percent matching level provided in the present Act, all non-federal match is reduced from 25 percent of total project costs to 10 percent of project costs. This new 90–10 matching ratio will now apply to all grant programs that require match—Part B planning grants, Part C block grants, Part C discretionary grants and Part E grants for corrections improvements. The Committee bill requires that this 10 percent non-federal share of project costs be contributed in cash as opposed to donated services or other forms of "soft match." Elimination of non-cash match will, the Committee believes, do away with procedures that have encouraged imaginative bookkeeping by grant recipients and visited nightmarish monitoring problems upon LEAA.

Based upon the experience of the States and cities under the cash match provisions that were added to the Act in 1970 and which became effective in the present fiscal year, the Committee believes that the new cash match requirements will not impose undue hardships upon the States. As for the cities, the Committee amendments will considerably benefit them, since the State "buy-in" has been increased from 25 percent to 50 percent for Part C grants and from 0 to 50 percent for Part B grants. Thus, the States will now be required to contribute, in the aggregate, at least 50 percent of the local share of the costs of both planning and action programs.

In the case of planning grants to regional planning units, the matching requirement has been eliminated entirely, thus authorizing 100 percent planning grants to such units. This is one of several changes in the law designed to encourage regional cooperation and planning. As noted above, LEAA will now be required to allocate discretionary funds in such a way as to provide incentives to such regional cooperative undertakings. In addition, the Committee has provided that the majority of the membership of regional planning units shall be elected local executive officials, thus increasing local participation and responsibility on such planning boards.

The Committee retained language providing that cash matches shall be appropriated in the aggregate, so that a governmental unit

[3] "State of the States on Crime and Justice," A Report by the National Conference of State Criminal Justice Planning Administrators, p. 17.

need show only that its total grants under the Act do not exceed 90 percent of the cost of programs and projects undertaken, rather than being required to demonstrate that there is a 10 percent match for each of its programs and projects. In view of the Committee's conclusion regarding the undesirability of requiring "soft match," the Committee also eliminated the soft match with regard to funds made available under parts B, C, and E prior to July 1, 1973 which have not been obligated (or were obligated and later de-obligated) by the States or units of general local government in making awards. Such funds may provide up to 90 percent of the cost of any program or project. It is expected that the Administration, however, will not provide in excess of 50 percent of the cost of any construction program or project funded under part C lest these non-obligated funds become more "desirable" than funds made available after July 1, 1973.

The State "buy-in" provisions, with respect to funds passed through to units of general local government under Part B or C, are also written in the "aggregate." This means that a State is not obligated to buy into any specific program or project. Rather, a State may pick and choose which programs or projects and whose program or projects to assist, provided that the total of such assistance equals at least 50 percent of the total of all obligations with respect to the funds passed through. This flexibility is believed desirable so that each State may decide which units of general local government within the State are in greatest need and render assistance accordingly.

Personnel salaries

The Committee has retained the provision of the Act that limits the use of grant funds to pay the salaries of police and other regular law enforcement and criminal justice personnel. The Act provides that not more than one-third of any grant may be used to pay such salaries. The House Committee, in H.R. 8152, restricted the application of this provision to police officers' salaries only. This Committee believes that the limitation should apply to all regular law enforcement personnel to assure that LEAA funds will be used primarily for innovative and improved methods of crime control and law enforcement rather than to augment State and local salary outlays. Moreover, the meaning of the existing law is understood by LEAA and by the States and cities and should not, in the Committee's view, be clouded by language changes that will introduce a period of uncertainty while the provision is undergoing interpretation.

Private non-profit grantees

The bill provides that LEAA may make grants from its 15 percent discretionary funds to private non-profit organizations. Many important programs relating to law enforcement and criminal justice involve more than one State or locality or are national in scope. Such programs cannot be appropriately funded by a single State. Nonetheless, present law requires that LEAA grants be awarded to units of State and local government with the result that a State planning agency must be willing to accept the administrative burden of serving as the conduit for funding to non-profit organizations which are qualified to operate the multi-State programs. The addition of non-profit organizations to the list of those entities entitled to receive LEAA discretionary funds would eliminate the cumbersome administrative arrangement currently employed and relieve State planning agencies of the unwarranted burden of administering grants to non-profit organizations for programs which may have little direct relationship to the "host" State. The addition of non-profit organizations is intended to facilitate the funding of programs operated by organizations such as, but by no means limited to: The National District Attorneys Association, The National Association of Attorneys General, The American Bar Association, the YMCA and The Urban League. It is not the intention of the Committee that private "non-profit organization" in this context be construed to mean neighborhood, community patrol activities.

The National Institute

The National Institute of Law Enforcement and Criminal Justice is strengthened, and given a major new role in evaluating projects and acting as a clearinghouse to stimulate research and reform. In performing its evaluation function, the Institute will find it necessary to evaluate programs or projects on the basis of standards. The Committee believes that it will be useful in appropriate cases for the Institute to refer to recommendations of the National Advisory Commission on Criminal Justice Standards and Goals. The State plans themselves must assure that programs and projects funded under the Act maintain the data and information necessary to allow the Institute to perform meaningful evaluation.

The Committee has deleted an amendment contained in H.R. 8152 which would transfer to the Institute the present authority given to the FBI by section 404 of the Act to provide local and regional training programs for State and local law enforcement personnel. The National Advisory Commission on Criminal Justice Standards and Goals, in its *Report on Police*, indicated that "During FY 1972, the FBI's approximately 1,600 Special Agent instructors provided training assistance in 10,165 police training schools attended by over 300,000 State and local officers." If section 404 were amended as provided by H.R. 8152, there is serious question as to whether the FBI could continue to provide any of this assistance and an even greater question as to whether LEAA would be able to find the expertise to pick up this training burden. LEAA would be faced with two alternatives: (1) provide a considerably smaller training program than provided by the FBI because of the lack of available expertise; or (2) contract with the FBI to provide indirectly the level of service they provided directly under provisions of section 404 during FY 1972. Neither of these alternatives is desirable or necessary, in the Committee's view.

Miscellaneous

The Committee has made numerous changes to strengthen and improve existing LEAA programs and responsibilities. Part E, the special section added in 1970 to assure adequate attention to corrections programs, has been amended to require plans submitted by the States pursuant to the part to provide for the development and operation of narcotic treatment programs in correctional institutions, and to require LEAA to issue regulations to guide the States in this important area.

Also retained and strengthened is LEEP, the Law Enforcement Education Program. The Committee has raised the amount of funds that may be provided to LEEP students in order to keep pace with the cost of living. A similar increase has been authorized for the internship program added to the Act in 1970 by an amendment authorized by Senator Kennedy. The Committee added an amendment offered by Senator Taft to remove the requirement that a LEEP recipient must remain with the law enforcement agency where he was employed during his LEEP studies in order to earn cancellation of his LEEP debts. The amendment will permit a recipient to earn cancellation so long as he remains employed in law enforcement.

In addition, there are new requirements that all planning meetings be open to the public when final action is taken on State plans; that each plan must provide for "fund accounting, audit, monitoring, and evaluation procedures," to assure "fiscal control and proper management" of funds; and new provisions guaranteeing the privacy and confidentiality of research and statistical data gathered under the Act.

The Committee adopted an amendment offered by Senator Mathias in S. 1796 authorizing grants to interstate metropolitan regional planning units to enable such units to coordinate plans of State and local units concerned with planning for metropolitan area that extend across State lines. The amendment permits such grants to be made from Part C funds in order to avoid diminishing Part B planning funds available to local units and interfering with the existing statutory formula for distribution of planning funds.

For the first time the Act itself contains provisions protecting civil rights. These provisions are substantially identical to those contained in the general revenue sharing act and in the various special revenue sharing proposals now under consideration. The Committee has retained section 518(b) of the Act which prohibits the imposition of a percentage ratio or quota system as a condition of LEAA funding. In general, these amended provisions clarify, but do not substantially change, the legal basis of the civil rights compliance obligations of LEAA.

Finally, the Committee has retained the sections providing criminal penalties for embezzlement, fraud and other fund misuses, and has added language punishing "endeavors" to commit any of these offenses. The use of the word "endeavor" instead of "attempt" is intended to codify the result reached in *Osborn* v. *U.S.*, 385 U.S. 323 (1966) and related cases to the effect that technical defenses (such as impossibility) that have diluted criminal attempt statutes are not applicable to statutes that proscribe endeavors to break the law.

Authorization

The bill would extend the life of LEAA for an additional 5 years and would authorize the appropriation of $1 billion for fiscal 1974, $1.25 billion for fiscal 1975, $1.5 billion for fiscal 1976, $1.75 billion for fiscal 1977 and $2 billion for fiscal 1978.

Mr. HRUSKA. Mr. President, I take this opportunity to make a brief statement regarding the necessity for a prompt consideration of the authorizing legislation for the Law Enforcement Assistance Administration.

In 1968, the Congress passed the Omnibus Crime Control and Safe Streets Act which by title I established the Law Enforcement Assistance Administration and authorized it to provide financial and technical assistance to the States and local governments for improved methods of law enforcement and crime control.

Two years later, the Congress again considered LEAA and in 1970 enacted a series of amendments to the 1968 legislation which were designed to improve LEAA's capabilities in supporting the initiatives of State and local government to reduce the incidence of crime in this country.

The value of this program to date must be recognized. Crime is still with us, of course, but we need to acknowledge the great strides forward that have been taken in the effort to combat lawlessness since LEAA was enacted.

Federal support of State and local crime control programs is having its desired effect. Tremendous progress is noted.

Since 1968, LEAA has provided the several States with a total of approximately $2.5 billion which in turn has

been made available to all segments of the law enforcement community, including police courts and corrections, pursuant to comprehensive statewide planning strategies.

Each of the 55 States and territorial jurisdictions in the Nation now has an operative planning administration which facilitates a solution of the interdependent problems of the criminal justice process in America. These problems had been festering for decades, but until the advent of LEAA, a criminal justice planning capability simply did not exist in the United States.

LEAA has begun to turn criminal justice agencies toward mutual understanding and cooperation—not only through annual comprehensive plans assessing the needs of all components of the system, but, most importantly, through the exchange of local/State and police/court/corrections views on the State boards.

The latest FBI crime statistics indicate that inroads are being made on the crime problem.

For the first time since 1955—17 years—there was last year an actual downturn of crime in this country.

The number of serious crimes reported in the United States in 1972 was 3 percent less than in the year before.

Declines of from 2 to 7 percent were reported in 1972 for burglary, auto theft, larceny, and robbery.

In the six U.S. cities of a million or more population, the combined decrease for all crimes was 12 percent; in cities of 500,000 to 1 million, it was 7 percent; in cities of 100,000 to 500,000, it was 2 percent.

Of the 154 cities having 100,000 or more population 94 of them reported a decline in serious crime. This compares with decreases reported by 53 cities the year before, 22 cities in 1970, and only 17 cities in 1969.

Serious crime in our Nation's Capital declined last year by 27 percent—the steepest drop of any big city in the country.

On June 30 the current authorizing legislation for LEAA will expire. With approximately 1 week left on the calendar prior to the expiration date, it is essential that we move swiftly to guarantee continued support for the operations of LEAA.

Early this year, the House Judiciary Committee embarked upon an ambitious set of hearings to consider the fate of this program. This month, the House Committee completed action on a number of proposals and on June 18, the House passed H.R. 8152, which would provide a number of worthwhile changes to the statutory scheme governing LEAA. This bill is now pending on the Senate calendar.

By and large, the House-passed bill would not reject the basic provisions upon which LEAA currently operates.

On June 5 and 6 of this year the Subcommittee on Criminal Laws and Procedures conducted its hearings on this program and a series of related proposals. During the hearings, the subcommittee received testimony from the Attorney General, Members of Congress, mayors, State directors of the LEAA program and representatives of the National League of Cities/U.S. Conference of Mayors, the National Association of Counties, the Lawyers' Committee for Civil Rights Under Law, the National Association of Regional Councils, and the National Association of Urban Criminal Justice Planning Directors.

Points of view expressed during the hearings ranged from the testimony of the Attorney General in support of the administration's special law enforcement revenue sharing proposal (1234) which I introduced early in the current session, to testimony by Members of Congress and others in support of various proposals to modify the State-oriented bloc grant program by providing for direct categorical or bloc grants to the larger cities based upon population and crime statistics.

After carefully studying all of the bills and considering the testimony received the subcommittee on June 16 reported to the full Judiciary Committee a "clean" bill which in essence rejected all proposals for major changes in the LEAA program. In this regard, the subcommittee agreed with the conclusion reached by the Judiciary Committee in the House of Representatives which also suggested an approval of the basic structure and authority of LEAA but recommended a number of changes designed to streamline the existing bloc grant funding mechanism and emphasized LEAA's responsibility for administering the program and for assisting the States in comprehensive planning.

On June 20, the full Committee on the Judiciary met to consider the bill which was drafted by the Criminal Laws Subcommittee. At that meeting it appeared to this Senator that there was overwhelming support for the bill. However, it also appeared that it would be impossible to promptly report the bill to the Senate for consideration and action prior to the June 30 deadline.

Accordingly, this Senator believes that the Senate as a whole must proceed with haste to a consideration of the LEAA program.

The distinguished chairman of the Criminal Laws Subcommittee (Senator McCLELLAN) and I have introduced today a proposed amendment to H.R. 8152 which incorporates the recommendations of the Criminal Laws Subcommittee. Thus, the Senate, as a whole, will have the opportunity to consider the work product of the Criminal Laws Subcommittee in addition to the House-passed measure as we move, hopefully, to guarantee the continued existence of LEAA.

AMENDMENT NO. 249

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

JUVENILE JUSTICE AMENDMENT

Mr. BAYH. Mr. President, I ask unanimous consent that the text of an amendment which Senators COOK, MATHIAS, and I are submitting for printing and intend to offer to the bill extending the Law Enforcement Assistance Administration, and a copy of the letter concerning this amendment which we have sent today to our colleagues be printed in the RECORD at this point.

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

U.S. SENATE,
Washington, D.C., June 22, 1973.

DEAR COLLEAGUE: Enclosed is an amendment we intend to offer to the bill extending Title I of the Omnibus Crime Control and Safe Streets Act which provides authorization for the Law Enforcement Assistance Administration (LEAA). We understand that this bill will probably be taken up early next week.

Our amendment requires a state to allocate 20% the first year, and 30% in any subsequent year, of the LEAA block grants it receives to a comprehensive program to improve juvenile justice. Our amendment does not require additional appropriations: it simply ensures that states will allocate crime control funds more nearly in proportion to the seriousness of the juvenile delinquency problem.

LEAA reports that on an average, 19% of the total block grant funds are already being allocated to juvenile delinquency programs. In light of the fact that juveniles account for half the crime problem in this country, we consider this amendment to be a minimal effort.

A "comprehensive program to improve juvenile justice" is broadly defined in our amendment to include programs and services to prevent juvenile delinquency, rehabilitate juvenile delinquents, and to improve all aspects of the juvenile justice system. Our amendment thus leaves maximum flexibility for states to determine their greatest needs with respect to juvenile delinquency programs and services. Our amendment would also provide a transitional year to allow the states to bring their juvenile justice programs up to an adequate level.

As members of the Judiciary Subcommittee on Juvenile Delinquency, we believe that juvenile delinquency is one of the most critical aspects of the crime problem facing our nation today. During the past decade, arrests of juveniles under 18 for violent crimes, such as murder, rape, and robbery, jumped 193%. Existing programs are plainly inadequate: recidivism among juvenile offenders is currently estimated to be at least 75%. Statistics confirm that today's juvenile delinquent is tomorrow's adult felon.

The minimal first step we can take in reversing this alarming trend is to put our crime control money to work on our biggest crime problem—juvenile delinquency.

We urge you to support our amendment. If you have any questions or wish to cosponsor our amendment, please contact one of us, or have a member of your staff call Mathea Falco, x-2951 (Senator Bayh), Ron Meredith, x-4343 (Senator Cook), or Quincy Rodgers, x-4654 (Senator Mathias).

Sincerely,

BIRCH BAYH,
Chairman.
MARLOW W. COOK,
Ranking Minority Member.
CHARLES McC. MATHIAS,
Subcommittee Member.

AMENDMENT NO. 249

On page 11, line 24, after the period, insert the following:

"No State plan shall be approved as comprehensive, unless it includes a comprehensive program for the improvement of juvenile justice, as defined in part G, section 601(n), and provides that at least 20 percentum of Federal assistance granted to the State under parts C and E for the first fiscal year after enactment of this section be allocated to such comprehensive program for the improvement of juvenile justice, and that at least 30 per centum of Federal assistance granted to the State under parts C and E for any subsequent fiscal year be allocated to such comprehensive program for the improvement of juvenile justice."

On page 50, between lines 17 and 18, insert the following:

"(n) "a comprehensive program for the improvement of juvenile justice" means programs and services to prevent juvenile delinquency, rehabilitate juvenile delinquents, and improve the juvenile justice system, which includes, but is not limited to, the following:

"(1) community-based programs and services for the prevention and treatment of juvenile delinquency through the development of foster-care and shelter-care homes, group homes, halfway houses, and any other designated community-based diagnostic, treatment, or rehabilitative service;

"(2) community-based programs and services to work with parents and other family members to maintain and strengthen the family unit, so that the juvenile may be retained in his home;

"(3) community-based programs to support, counsel, provide work and recreational opportunities for delinquents and youth in danger of becoming delinquent;

"(4) comprehensive programs of drug abuse education and prevention, and programs for the treatment and rehabilitation of drug addicted youth, and "drug dependent" youth (as defined in section 2(g) of the Public Health Service (42 U.S.C. 201(g));

"(5) educational programs or supportive services designed to keep delinquents or youth in danger of becoming delinquent in elementary and secondary schools or in alternative learning situations;

"(6) diagnostic facilities and services on a statewide, regional, or local basis;

"(7) expanded use of probation as an alternative to incarceration, including programs of probation subsidies, probation caseloads commensurate with recognized optimum standards, the recruitment and training of probation officers and other personnel, and community-oriented programs for the supervision of juvenile probationers and parolees; and

"(8) programs and services, including training of court and correctional personnel, to improve the administration of juvenile justice, and to protect the rights of juveniles."

CHANGE IN DATE OF FEDERAL ELECTIONS—AMENDMENT

AMENDMENT NO. 250

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

Mr. DOMINICK. Mr. President, I submit for printing an amendment to S. 343, a bill to designate the Tuesday next after the first Monday in October as the day for Federal elections, and I ask unanimous consent that the amendment be printed in the RECORD at this point. This amendment passed the Senate as an amendment to the Bicentennial bill in the last session, but it never received action in the House.

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

AMENDMENT NO. 250

At the end of the bill add a new section as follows:

SEC. —. On every national election day, the closing time of the polling places in the several states for the election of electors for President and Vice President of the United States and the election of United States Senators and Representatives shall be as follows: 11 post meridian standard time in the eastern time zone; 10 post meridian standard time in the central time zone; 9 post meridian standard time in the mountain time zone; 8 post meridian standard time in the Pacific time zone; 7 post meridian standard time in the Yukon time zone; 6 post meridian standard time in the Alaska-Hawaii time zone; and 5 post meridian standard time in the Bering time zone. Provided, that the polling places in each of the states shall be open for at least twelve hours.

AMENDMENT NO. 256

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

Mr. BELLMON. Mr. President, I am submitting an amendment to S. 343, the Federal elections bill, which will make it a Federal crime for election officials to publicly disclose the election returns for President, Vice President, and Members of Congress prior to midnight, eastern standard time, during Presidential election years.

The amendment will eliminate the possibility that early returns and predictions based on these returns from the eastern part of the United States will affect election results in areas where the polls have not closed. Many citizens are concerned because of the likelihood that the present practice of broadcasting returns influences the way many votes are cast, and discourages others from voting because of the belief that the outcome of the election has already been decided.

The net effect of this provision will be to prevent the public disclosure of election returns until midnight, eastern standard time; 11 p.m., central standard time; 10 p.m., mountain standard time; and 9 p.m., Pacific standard time at which time all polls in western States should be closed.

In my view, this proposal represents a much better approach to this problem than either directly regulating the broadcast industry or establishing a simultaneous closing time throughout the United States which raises the very practical problem of unfavorable voting hours in some States.

Mr. President, S. 343 represents the proper vehicle for this reform measure, and I firmly believe that it deserves serious consideration. I ask unanimous consent that the text of this amendment be printed in full in the RECORD at this point.

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

AMENDMENT NO. 256

On page 5, between lines 18 and 19, insert the following new section:

SEC. 5. (a) Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 614. Early disclosure of Federal election results in Presidential election years

"Whoever makes public any information with respect to the number of votes cast for any candidate for election to Federal office (or to the office of Presidential and Vice Presidential elector) in the general election held for the appointment of Presidential electors and the election of other Federal officers, prior to midnight, eastern standard time, on the first Tuesday in October on which such election is held shall be fined not more than $5,000, imprisoned for not more than one year, or both."

(b) Section 591 of title 18, United States Code, is amended by striking out "and 611" and inserting in lieu thereof "611, and 614".

(c) The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"614. Early disclosure of Federal election results in Presidential election years."

On page 5, line 19, strike "SEC. 5." and insert in lieu thereof "SEC. 6".

THE ALASKAN PIPELINE—AMENDMENT

AMENDMENT NO. 251

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

TEMPORARY STUDY COMMISSION ON ENERGY FUELS INDUSTRIES

Mr. NELSON. Mr. President, I introduced an amendment to S. 1081, the Alaska pipeline bill. This amendment would establish a Temporary Study Commission on Energy Fuels Industries. The Commission would study the present market structure of the energy fuels industry—principally oil, gas and coal—to see how this structure may have contributed to our current energy problems.

In considering how the public interest might better be served, the Commission would examine alternative market arrangements over the full spectrum of options ranging from virtually no governmental restrictions on the industry to government ownership and control.

The study options would include:

Restructuring of the private ownership and operation of such industries to assure the fullest possible competition;

Continued private ownership and operation of America's energy resources, but with substantially increased government controls and regulations;

Applying the public utility concept to the industry where ownership would remain private, but earnings and price levels would be governmentally regulated;

Creating a public/private partnership where the Federal Government owns 51 percent of the enterprise and the private sector owns the remainder;

Public ownership and operation.

The Commission would be composed of 17 Members from Congress, the Executive Branch, the public, academia, industry, and labor appointed—variously—by the President, the President of the Senate, and the Speaker of the House of Representatives. No more than 10 could be of the same party.

I feel strongly that at a time when we are asked to pass on a major public policy issue like the Alaska pipeline involving a consortium of the major oil industry members it is entirely proper that we provide for a long overdue full and fair analysis of the market structure of this industry and how it might legislatively be made more responsive to the public's energy needs and economic welfare.

America today is faced with the threat of a full blown national energy crisis. While the duration and severity of the current gasoline and heating oil shortages are uncertain, it is dramatically clear that overall, this country is fast coming to the end of the age of unlimited, cheap energy.

The American energy squeeze is a product of fantastic, soaring levels of demand and ominously shrinking supplies. Our per capita electricity consumption has been doubling almost every 10 years. Our total U.S. automobile gasoline consumption was 24.3 billion gallons in 1950;

in 1970, it was 65.8 billion gallons; in the year 2000, it is estimated the figure will reach 120 billion gallons.

Meanwhile, our domestic supplies of readily available natural gas could be drained by 1988 at present consumption patterns and domestic oil reserves are under similar pressure. Only a 10 years' supply of uranium ore, the fuel for nuclear powerplants is available to the United States at current competitive prices, according to one estimate. As yet unresolved technological problems are making it difficult to easily tap the massive coal reserves that might help ease the energy crunch.

Energy is the life blood of our highly sophisticated technological-industrial society. Substantial shortages of energy would create chaos, if not cause the total collapse of the whole system.

Yet we have only partial answers or no answers to most of the important energy questions. We have inadequate knowledge and understanding of the whole energy complex; how it works; who makes the decisions; what are our immediately available supplies; what are our reserves; what is the status of our research; what are our future needs; where can we cut wastage and how much; what social, cultural, and life style changes are going to be forced upon us. In short, where are we, where are we going and who is in charge?

This amendment is directed to just one aspect of the energy complex. It is in this spirit of examining every important aspect of our energy affairs that I believe we must immediately launch a high priority, full-scale study of the role of the energy fuel industries and their market structure in our accelerating energy problems.

I do not prejudge the question of whether our energy fuels industries should be restructured, and if so, how? I am suggesting that it is a question too important to be left unstudied, unevaluated and unresolved. It will be the task of the Temporary Study Commission on Energy Fuels Industries proposed by this amendment to study the options, evaluate the problems and supply basic information for public and congressional consideration.

I ask unanimous consent that a more detailed explanation of the amendment be printed at this point in the RECORD along with the text of the amendment.

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

AMENDMENT NO. 251

At the end of the bill, add the following new title:

TITLE III—MARKETING STRUCTURE OF ENERGY RESOURCES INDUSTRIES

SEC. 301. The Congress finds that a searching and comprehensive evaluation of the existing market structure of energy fuels industries, its relation to industry performance, and an assessment of the adequacy of that performance in terms of this society's goals is a matter of national importance. With our increasingly serious energy problems and the growing influence of energy fuels industries, such an inquiry is an especially necessary and timely step. The possible need for legislative remedies, and the detailed information which would be required for making any basic changes in energy market structures clearly justify special study action at this time.

SEC. 302. (a) To conduct the study referred to in section 301 of this title, there is established the Temporary Study Commission on Energy Fuels Industries (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of 17 members appointed as follows:

(1) Three members appointed from the membership of the United States Senate by the President of the Senate;

(2) Three members appointed from the membership of the House of Representatives by the Speaker of the House;

(3) Two members appointed by the President of the United States from the executive branch of the Government;

(4) Two members appointed from industry, one by the President of the Senate and one by the Speaker of the House of Representatives;

(5) Two members appointed from labor organizations, one by the President of the Senate and one by the Speaker of the House of Representatives;

(6) Two members appointed from institutions of higher education, one by the President of the Senate and one by the Speaker of the House of Representatives;

(7) Three members appointed from among members of the public who have particular knowledge and expertise with respect to fuels and energy, one by the President of the United States, one by the President of the Senate, and one by the Speaker of the House of Representatives.

(c) The appointments specified in subsection (b) shall be made within 30 days of the date of enactment of this Act. Not more than 10 of the members of the Commission shall be members of the same political party.

(d) The Commission shall elect a Chairman and Vice Chairman from among its members.

(e) Nine members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(f) Each member of the Commission who is not otherwise employed by the United States Government shall receive an amount equal to the daily rate paid a GS–18 under the General Schedule contained in section 5332 of title 5, United States Code, for each day (including traveltime) during which such member is engaged in the actual performance of his duties as a member of the Commission. A member of the Commission who is an officer or employee of the United States Government shall serve without additional compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(g) The first meeting of the Commission shall be called by the President within the sixty-calendar-day period following the date of enactment of this Act.

SEC. 303. (a) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals;

(3) hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or any subcommittee or member thereof may deem advisable.

(b) In the case of contumacy or refusal to obey a subpena, issued under subsection (a)(3), by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, the district court, at the request of the Chairman of the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee or member thereof, there to produce evidence is so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey an such order of the court may be punished by the court as a contempt thereof.

SEC. 304. Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish the Commission, upon request made by the Chairman, such data, reports, information and other resources as the Commission deems necessary to carry out its function under this title.

SEC. 305. (a) The Commission shall make a full and complete investigation and study with a view to determine the extent to which, if any, the present marketing structures of energy resources industries are responsible for current problems in the energy fields and whether alternative marketing arrangements involving less or more Federal control might be more responsive to the public interests. In conducting such study, the Commission shall consider and evaluate alternative marketing structures relating to such industries, including the degree, if any, to which the Government should involve itself in the operation and control of such industries, including the spectrum of options ranging from no governmental controls, restrictions or other actions, to full governmental ownership and control thereof. Within such spectrum, the Commission shall consider—

(1) continued private ownership and operation of such industries, but with substantially increased governmental controls and regulations and institutional changes, such as requiring public members on the boards-of-directors of such industries;

(2) restructuring of the private ownership and operation of such industries as will assure the fullest possible competition between the industries as part of a free economic system;

(3) applying the public utility concept to all or part (such as refining) of such industries, where ownership would remain private but operations and results would be governmentally regulated;

(4) creating the concept of a public-private partnership, where the Government owns fifty-one per centum of the enterprise and the remainder is privately owned; or

(5) selective public ownership in such industries under the so-called "yardstick principle" of public control, wherein a sector which is generally in private ownership has within it public entities against which the performance of the private element of such sector can be measured.

(b) In conducting its analysis, the Commission shall establish agreed-upon standards of performance of such industries as a basis for evaluating marketing arrangements alternative to the existing system. The economic aspects of the present case of vertically integrated companies in such industries shall be assessed as well as the economic consequences of dissolution, divorcement and divestiture proceedings against members of

such industries. Important tests of performance shall include concentration and competition, entry and exit, investment behavior, pricing practices, returns, efficiency, employment, income generation, and corporate management and innovation, with particular emphasis on the present structure and the near-term and intermediate-term future. In conducting such study, the Commission shall consider the extent to which the Government itself is both a contributor to and a victim of the exising market structure by its regulations and procurement policies and the possible effects on the Government of alternative market arrangements.

SEC. 306. (a) The Commission shall submit to the President and the Congress such interim reports as the Commission deems advisable, and, not later than twenty-four months following the date of the enactment of this Act, a comprehensive and final report to the President and the Congress containing the findings and recommendations of the Commission with respect to its study and investigation. Such recommendations may include such legislative and administrative actions as the Commission deems advisable.

(b) The Commission shall cease to exist sixty days after the submission of its final report.

SEC. 307. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

EXPLANATION OF NELSON AMENDMENT TO S. 1081, THE ALASKA PIPELINE BILL PROPOSING A TEMPORARY STUDY COMMISSION ON ENERGY FUELS INDUSTRIES

WHAT WOULD IT DO?

This proposal would amend S. 1081, the Temporary Study Commission on Energy Fuels Industries to inquire into the need for legislative remedies to the present market structure and operation of the energy fuels industries (principally oil, gas and coal). Specifically the Commission would analyze alternative market arrangements to the present system ranging from virtually no governmental control to full governmental ownership and operation. The "in between cases" to be studied include:

(1) continued private ownership and operation of such industries, but with substantially increased governmental controls and regulations and institutional changes, such as requiring public members of the board-of-directors of such industries;

(2) restructuring of the private ownership and operation of such industries to assure the fullest possible competition between the industries as part of a free economic system;

(3) applying the public utility concept to all or part (such as refining) of such industries, where ownership would remain private but operations and results would be governmentally regulated;

(4) creating the concept of a public-private partnership, where the Government owns fifty-one per centum of the enterprise and the remainder is privately owned; or

(5) selective public ownership in such industries under the so-called "yardstick principle" of public control, wherein a sector which is generally in private ownership has within it public entities against which the performance of the private element of such sector can be measured.

WHO WOULD BE ON THE COMMISSION?

Seventeen members from Congress, the executive branch, the public, industry, labor and academia appointed (variously) by the President, the President of the Senate, and the Speaker of the House of Representatives. No more than ten could be of the same party.

WHAT WOULD BE THE NATURE OF ITS PRODUCTS?

Hearings, analyses, interim report and final report written within two years—recommendatory in character.

WHAT WOULD BE ITS FOCUS?

The fundamental concern of the Commission would be to study whether and how the energy fuels industry could be made more responsive to the energy and other public concerns of the nation through altering its structure. The Commission would establish at the outset agreed-upon measures of performance of the industry as a basis for evaluating alternative arrangements to the existing system. In particular, the economic aspects of the present system of vertically integrated companies would be assessed as well as the economic implications of dissolution, divorcement, and divestiture proceedings against members of the industry. Among the study's tests of performance would be the traditional ones of concentration and competition, ease of entry and exit pricing practices, investment behavior and innovation, returns, efficiency and employment.

WHY DO IT NOW?

With our increasingly serious energy problems and the growing influence of the energy fuels industry, such an inquiry is an especially necessary and timely step. At this critically important juncture in the nation's energy decision-making, we need an independent evaluation of the existing market structure of this industry, the structure's relation to industry performance, and an assessment of that performance in terms of this society's goals. This proposal, which will provide the detailed information necessary for making any basic changes in energy market structures, is complementary to other current investigative efforts in the energy field.

WHY CHOOSE THIS VEHICLE?

The rights-of-way bill (S. 1081) chiefly concerns the issue of the Alaska pipeline, a project which involves a consortium of major oil companies having individual interests in a major pipeline and indeed a total system. The intraindustry arrangements that would be fostered by the project are a nationally-important example of the kinds of structures and practices that would be studied and appraised by the Commission.

AMENDMENT OF FAIR LABOR STANDARDS ACT—AMENDMENT

AMENDMENT NO. 252

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

Mr. TOWER. Mr. President, I am today introducing an amendment in the nature of a substitute for S. 1961, a bill to increase the minimum wage, which I understand will be scheduled for Senate debate in mid-July. Senator FANNIN is joining me as an original sponsor of the substitute. S. 1861 is very similar to H.R. 7935, the House passed minimum wage bill.

These bills would increase the minimum wage from the current $1.60 to $2 soon after enactment and to $2.20 1-year later. Additionally similar wage boosts under the Fair Labor Standards Act would be scheduled for those occupational groups brought under the act by the 1966 amendments and for agricultural employees. Both bills make numerous changes in existing provisions relating to exemptions from basic minimum wage and overtime coverage. These revisions include extension of the act's provisions, both in minimum wage and overtime coverage, to Federal, State, and local government employees, and domestic employees. The Senate bill, in the form as approved by the Subcommittee on Labor, would reduce or eliminate minimum wage or overtime exemptions in such industries, just to name a few, as agricultural processing, seafood processing, cotton ginning, sugar processing, catering, and food services.

I am strongly opposed to the House passed measure and S. 1861. If minimum wage legislation is enacted and it resembles the measures I have just described, substantial unemployment, inflation resulting in higher consumer prices and small business closings will occur. Particularly hard hit will be the employment opportunities of America's youth and marginally skilled and unskilled adult workers. In short, this Nation's economy, which is already threatened by inflationary pressures, cannot withstand a 37.5-percent increase in the minimum wage within a 12-month period.

Senator FANNIN and I, therefore, have drafted a substitute amendment which recognizes the impact of inflation on marginally and unskilled workers, but does not treat the Fair Labor Standards Act as some type of all-powerful Federal tool to erase poverty in the Nation. This latter position, which we feel is at least partially an underlying basis of those advancing the House passed bill and S. 1861, is wrought with poor reasoning. In fact, passage of S. 1861 will have the opposite effect.

INCREASE IN MINIMUM WAGES

The Tower-Fannin proposal calls for an increase in the minimum wage for nonagricultural workers now covered in the Fair Labor Standards Act from $1.60 to $1.75 60 days after enactment; $1.85 during the second year; $1.95 during the third year and $2.05 during the fourth year from the effective date of the legislation.

The current minimum wage for agricultural workers under the FLSA is $1.30 and the Tower-Fannin amendment would gradually raise this minimum to $1.75 over the same time period.

EMPLOYMENT OPPORTUNITIES FOR YOUTH

Our amendment recognizes that the minimum wage is a real deterrent to the employment of America's youth. Recent figures show a 17.2 percent unemployment rate for workers between the ages of 16 and 18. Therefore, the substitute amendment contains a "youth differential" for teenagers below age 18 and fulltime students below age 21 of $1.60 to be increased to $1.75 when the adult wage rises to $1.95. These special wage rates for nonstudents could only apply for a maximum of 180 days.

The need to include fulltime students in the youth differential is buttressed by testimony presented by the American Association of Presidents of Independent Colleges and Universities stating that an immediate increase to $2 will force the reduction of student employment in all aspects to college and university operations.

EXTENSIONS OF COVERAGE AND THE REMOVAL OF OVERTIME EXEMPTIONS

The amendment does not make any changes in existing coverage with respect to both application of the minimum wage and the overtime exemptions. Instead, we propose that the Department of Labor undertake a 3-year review of all existing exemptions. There are specific factors involved in the debate over

the retention or removal of all of these exemptions and each one should receive a thorough review before they are modified. Those proposing changes now should have the burden of proof of showing why such changes would be in the public interest. The type of review needed to make each of these judgments has not been sufficiently completed.

In summary, Mr. President, the Tower-Fannin amendment represents a more responsible proposal, taking into consideration the economics of minimum wage and the need to engage in consistent legislating in coordination with the President's and the Congress deep concern over the Nation's economic conditions.

We realize that another alternative measure, similar to ours in many respects, has been introduced by Senators DOMINICK and TAFT. While this proposal is a positive response to this issue, the Senate should be in a position to analyze a wide variety of suggestions and proposals.

Mr. President, increases in the minimum wage is one of the most important subjects the Senate will consider this session. I urge my colleagues to consider the measure introduced today. I now ask unanimous consent that the amendment be inserted into the RECORD.

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

S. 1861

AMENDMENT NO. 252

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

That this Act may be cited as the "Fair Labor Standards Amendments of 1973".

INCREASE IN MINIMUM WAGE

SEC. 2. (a) Section 6(a)(1) of the Fair Labor Standards Act of 1938 is amended to read as follows:

"(1)(A) not less than $1.75 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1973,

"(B) not less than $1.85 an hour during the second year from the effective date of such amendments,

"(C) not less than $1.95 an hour during the third year from the effective date of such amendments, and

"(D) not less than $2.05 an hour thereafter."

(b) Paragraph (5) of section (6)(a) is amended to read as follows:

"(5) if such employee is employed in agriculture, not less than $1.45 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1973, not less than $1.55 an hour during the second year from the effective date of such amendments, not less than $1.65 an hour during the third year from the effective date of such amendments, and not less than $1.75 an hour thereafter." (c)(1) Section 6(b) of such Act is repealed.

(2) Subsections (c), (d), and (e) of section 6 of such Act are redesignated as subsections (b), (c), and (d), respectively.

EMPLOYEES IN THE CANAL ZONE

SEC. 3. Section 6(a) of the Fair Labor Standards Act of 1938 is amended by striking out the period at the end of paragraph (5) of such section and inserting in lieu thereof a semicolon and the word "or", and by adding at the end thereof the following new paragraph:

"(6) if such employees is employed in the Canal Zone not less than $1.60 an hour."

EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 4. Paragraphs (A) and (B) of section 6(b)(2) of the Fair Labor Standards Act of 1938 (as redesignated by section 3(c)(2) of this Act) are amended to read as follows:

"(A) The rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1973 increased by 8.5 per centum unless such rates or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a review committee appointed under paragraph (C). Such rate or rates shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1973, or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"(B)(i) Effective one year after the applicable effective date under paragraph (A), the rate or rates prescribed by paragraph (A), increased by an amount equal to 8.5 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1973 unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendation of a review committee appointed under paragraph (C).

"(ii) Effective two years after the applicable effective date under paragraph (A), the rate or rates prescribed by subparagraph (i) of this paragraph increased by an amount equal to 8.5 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1973 unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendation of a review committee appointed under paragraph (C)."

EXPANDING EMPLOYMENT OPPORTUNITIES FOR YOUTH; SPECIAL MINIMUM WAGES FOR EMPLOYEES UNDER EIGHTEEN AND STUDENTS

SEC. 5. Section 14(b) of the Fair Labor Standards Act of 1938 is amended to read as follows:

"(b) (1) Subject to paragraph (2) and to such standards and requirements as may be required by the Secretary under paragraph (4), any employer may, in compliance with applicable child labor laws, employ, at the special minimum wage rate prescribed in paragraph (3), any employee—

"(A) to whom the minimum wage rate required by section 6 would apply in such employment but for this subsection, and

"(B) who is under the age of eighteen or is a full-time student.

"(2) No employer may employ, at the special minimum wage rate authorized by this subsection—

"(A) for a period in excess of one hundred and eighty days any employee who is under the age of eighteen and is not a full-time student; or

"(B) for longer than twenty hours per week any employee who is a full-time student, except in any case in which any such student is employed by the educational institution at which he is enrolled.

"(3) The special minimum wage rate authorized by this subsection is a wage rate which is not less than $1.60 an hour during the first two years from the effective date of the Fair Labor Standards Amendments of 1973, and not less than $1.75 an hour thereafter, except that such special minimum wage rate for employees in Puerto Rico, the Virgin Islands, and American Samoa shall not be less than 85 per centum of the industry wage order rate otherwise applicable to such employees, but in no case shall such special minimum wage rate be less than that provided for under the most recent wage order issued prior to the effective date of the Fair Labor Standards Amendments of 1973.

"(4) The Secretary shall by regulation prescribe standards and requirements to insure that this subsection will not create a substantial probability of reducing the full-time employment opportunities of persons other than those to whom the minimum wage rate authorized by this subsection is applicable.

"(5) For purposes of sections 16(b) and 16(c)—

"(A) any employer who employs any employee under this subsection at a wage rate which is less than the minimum wage rate prescribed by paragraph (3) shall be considered to have violated the provisions of section 6 in his employment of the employee, and the liability of the employer for unpaid wages and overtime compensation shall be determined on the basis of the otherwise applicable minimum wage rate under section 6; and

"(B) any employer who employs any employee under this subsection for a period in excess of the period prescribed by paragraph (2) shall be considered to have violated the provisions of section 6 in his employment of the employee during the period in excess of the authorized period. "(6) The provisions of this subsection shall not apply to employment in agriculture."

PENALTIES

SEC. 6. The first two sentences of section 16 (c) of the Fair Labor Standards Act of 1938, as amended, are amended to read as follows: "The Secretary is authorized to supervise the payment of the unpaid minimum wages or the unpaid overtime compensation owing to any employee or employees under section 6 or 7 of this Act, and the agreement of any employee to accept such payment shall upon payment in full constitute a waiver by such employee of any right he may have under subsection (b) of this section to such unpaid minimum wages or unpaid overtime compensation and an additional equal amount as liquidated damages. The Secretary may bring an action in any court of competent jurisdiction to recover the amount of the unpaid minimum wages or overtime compensation and an equal amount as liquidated damages."

EXEMPTION REVIEW

SEC. 7. The Secretary of Labor is hereby instructed to commence immediately a comprehensive review of the exemptions under section 13 of the Fair Labor Standards Act of 1938 and submit to the Congress not later than three years after the date of enactment of this Act a report containing: (1) an analysis of the reasons why each exemption was established; (2) an evaluation of the need for each exemption in light of current economic conditions, including an analysis of the economic impact its removal would have on the affected industry; and (3) recommendations with regard to whether each exemption should be continued, removed, or modified.

TECHNICAL AMENDMENTS

SEC. 8. (a) Section 6(c)(2)(C) of the Fair Labor Standards Act of 1938 is amended by substituting "1973" for "1966".

(b)(1) Section 6(c)(3) of such Act is repealed.

(2) Section 6(c)(4) of such Act is redesignated as 6(c)(3).

(c)(1) Section 7(a)(1) of such Act is redesignated as 7(a).

(2) Section 7(a)(2) of such Act is repealed.

(d) Section 14(c) of such Act is repealed and section 14(d) is redesignated as 14(c).

(e) Section 18(b) is amended by striking out "section 6(b)", and inserting in lieu thereof "section 6(a)(6)", and by striking out "Section 7(a)(1)" and inserting in lieu thereof "section 7(a)".

EFFECTIVE DATE

SEC. 9. Except as otherwise provided in this Act, the amendments made by this Act shall take effect sixty days after enactment. On and after the date of enactment of this Act, the Secretary is authorized to promulgate necessary rules, regulations, or orders with regard to the amendments made by this Act.

THE FURNISHING OF DEFENSE ARTICLES TO FOREIGN COUNTRIES—AMENDMENT

AMENDMENT NO. 253

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

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations.

INCREASE IN THE PUBLIC DEBT LIMIT—AMENDMENT

AMENDMENT NO. 254

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

RENT FREEZE AMENDMENT

Mr. KENNEDY. Mr. President, I send to the desk an amendment to H.R. 8410, the Debt Ceiling Bill, and I ask that it may lie on the table and be printed.

The purpose of this amendment is to add rents to the list of items covered by the otherwise comprehensive price freeze announced last week by the President. If the amendment is adopted, rents will be frozen, in accord with the terms of the Executive order issued by the President, at no higher levels than those charged during the first 8 days of June, and the rent freeze will continue for the period of the current 60-day freeze.

Although I generally supported the price freeze announced by the President as a necessary but preliminary first step to plan the action needed to bring inflation under control for the long run, it makes no sense to enact a comprehensive price freeze and then exclude rents from its coverage. Rents have long been a significant part of the Consumer Price Index, and in my view, controls on rents are no more difficult to enforce than controls on a myriad of other prices in the overall index. I agree that a freeze is the proper current medicine for our sick economy. But I see no justification for the administration's arbitrary decision to exclude consumers from the benefit of the freeze in the important area of rents.

From published reports, we have a clear indication of the debates that went on in the administration before the freeze was adopted. We know about the controversy over whether there would be a price freeze at all, and over whether the price freeze should be comprehensive or selective. In his decision last week, the President clearly chose the course of the comprehensive price freeze. Yet, inexplicably, he omitted rents, even though the logic of a comprehensive price freeze compels a freeze on rents, along with all the other commodities and services whose prices are frozen. Surely, fundamental fairness to the American consumer demands that he enjoy the promised benefits of the freeze and gain the relief he deserves from rising rents.

Certainly, the two reasons offered by the administration are too shallow to be sustained.

First, it was argued that the price index for rent had shown steady improvement under phase III, with the monthly increase declining from 0.6 in February to 0.5 in March to 0.4 in April. But yesterday's Consumer Price Index figures for May shattered that tidy progression. Once again, the index is back up by a 0.5 unit, an annual rate of increase of over 4 percent, clearly and substantially higher than the administration's pledge to keep inflation at 2.5–3 percent.

Second, it was argued, rising rent is a localized problem, more appropriately left to local action in the areas affected. True, the problem may be more aggravated in some areas than in others, and local agencies have occasionally acted with significant effect. But that is no excuse for the administration to bury its head in the sand and ignore the pervasive national problem of rent inflation as an endemic part of our sick economy.

Where were these administration arguments when the original freeze was announced in August 1971? Rent was included in that freeze, although the same arguments used today to exclude rents might also have been used at that time.

If anything, the case for freezing rents is stronger today than it was in August 1971. As the following table indicates, comparing rent increases for the 5 months preceding the respective freezes, rents are rising substantially more rapidly today than they were 2 years ago:

RENT COMPONENT OF CPI (1967=100)

	Index	Increase	
		Absolute	Percent annual rate
1971:			
March	113.9	0.3	3.2
April	114.4	.5	5.3
May	114.7	.3	3.1
June	115.2	.5	5.2
July	115.4	.2	2.1
Total		1.8	3.8
1973:			
January	121.5	0.5	5.0
February	122.1	.6	5.9
March	122.6	.5	4.9
April	123.0	.4	3.9
May	123.5	.5	4.9
Total		2.5	5.0

Thus, for the 5-month period under phase III before the freeze this year, rents had been rising 30 percent more rapidly than they had been rising in the comparable period before the 1971 freeze. Yet, the President chose to freeze rents in 1971, but not in 1973.

At best, the decision to exclude rents from the present freeze is a sop to the faction of the President's current economic advisers who wanted no freeze at all. At worst, it is an open invitation to landlords in every section of the country to bleed their tenants dry while the administration looks the other way.

Of course, the comprehensive freeze today is a freeze on prices, unlike the 1971 freeze, which included wages, too. No one argues today that wages should be frozen, since wages have simply not participated in the demand-pull inflation we had in the 5 disastrous months of phase III.

But the obvious justifications for excluding wages are inoperative in the case of rent. On grounds of equity and fundamental fairness to the American consumer, rents should now be frozen, and I hope the Senate will accept the amendment I am offering as a simple act of justice for millions of rent-payers in every city, town and village in this country.

Mr. President, I ask unanimous consent that the text of the amendment may be printed in the RECORD.

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

AMENDMENT NO. 254

At the end of the bill, add the following new section:

RENT FREEZE

SEC. . The Economic Stabilization Act of 1970 is amended by inserting after section 203 the following new section:

"§ 203A. Rent freeze

"Immediately upon the enactment of this section, the Presient shall issue an order freezing rents, in accordance with the same provisions of Executive Order 11723, dated June 13, 1973, which apply to certain prices for commodities and services."

FOREIGN ASSISTANCE AUTHORIZATIONS, 1974—AMENDMENT

AMENDMENT NO. 255

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

Mr. KENNEDY. Mr. President, I am submitting today an amendment to S. 1711, the administration's pending foreign assistance authorization bill for fiscal year 1974. The amendment involves section 17 of this bill, whose heading is "Indochina postwar reconstruction."

Many problems remain in that tortured area of the world. Despite the administration's repetitive claims of peace, violence and war continue—and our country is still involved. America bombs Cambodia—and supports military activities elsewhere. Diplomatic problems remain in concluding or implementing cease-fire agreements. And so do the people problems in really building the peace.

The amendment I am introducing today concerns these people problems—and the kinds of effort our country should make in helping to resolve them. The amendment is an effort to help remedy some serious shortcomings in the administration's proposal for assistance to Indochina—a proposal which continues some tired patterns and failures of the past, and all but ignores the new realities of the present, and the future. Finally, the amendment is the result of extensive discussion in many quarters and with many experts, in this country and overseas—and it reflects what I firmly believe

broadly represents the long-term will of the American poeple and the Congress on the issue of future assistance to the countries of Indochina.

PURPOSES OF THE AMENDMENT

The amendment seeks these basic objectives:

First, it "affirms the willingness of the United States to provide assistance for the humanitarian relief, rehabilitation, and reconstruction of the peoples and countries of Indochina."

Second, it provides that people problems—and programs for meeting the humanitarian needs of refugees, civilian war casualties, orphans, and all war victims—are the overriding concern and objective of American assistance to the countries of Indochina.

Third, it promotes a rapid transition in American policy—from essentially bilateral, master-client relationships with Saigon, Vientiane, and Phnom Penh—to participation in multilateral and international efforts to help heal the wounds of war and really build the peace. The amendment promotes America's disengagement from direct and often heavy involvement in the governmental processes of Saigon, Vientiane, and Phnom Penh—by encouraging the phasing out or elimination of public safety, pacification, and similar programs—and by providing that American assistance to the area "shall be distributed to the maximum degree practicable under the auspices of and by the United Nations, other international organizations, multilateral institutions, and private voluntary agencies."

In this connection, the amendment "urges the President to solicit the cooperation of other governments" to support and participate in an international relief and rehabilitation program for Indochina. It also "urges the President to solicit the cooperation of other governments in encouraging the United Nations' Secretary General to establish immediately an autonomous United Nations Fund for Indochina, to receive humanitarian and developmental contributions" for the area.

Finally, Mr. President, recognizing our country's responsibility to help restore the life and spirit of war victims—but also recognizing the administration's total failure to provide a reasonable alternative to the bankrupt policies and programs of the past—the amendment reduces by some $240 million the administration's budget request for assistance to South Vietnam, Laos, and Cambodia. Instead of the $630 million requested by the President, the amendment authorizes some $390 million.

This is an ample American contribution for humanitarian purposes—as well as for the general support of Saigon, Vientiane, and Phnom Penh—in their transition from nearly total dependence on American aid, to growing assistance from others in the international community.

MEANING OF CEASE-FIRE AGREEMENTS

Mr. President, the cease-fire agreements for Vietnam and Laos, and the administration's assurance of a similar agreement for Cambodia, are benchmarks of immense historical proportions in the evolution of our policy and involvement in the countries of Indochina. And even though conditions are mixed in the field, and many difficult problems continue for all parties involved—the fact remains that for the first time in many years, we have real opportunities to embark on new policies, to change our involvement, to reorder our priorities, and to finally practice some lessons from the failures and frustrations of the past.

We can finally end the master-client relationships between Washington and the capitols of Indochina. We can finally disengage from our direct and manipulative involvement in the remaining political and military confrontations of the area. We can finally chart a new beginning—in cooperation with the international community and the governments of Indochina—to help repair the damage of conflict and heal the wounds of war. We can finally shift our focus from fueling death and destruction, to really building the peace.

This is what the return of our servicemen and prisoners of war means to most Americans. And this is the promise of a peace with honor—and the hope of cease-fire agreements, which extricate our country from the Indochina war.

ISSUE FOR CONGRESS: SHORTCOMINGS IN ADMINISTRATION'S PROPOSAL

But this promise and this hope, Mr. President, is apparently not shared by this administration. And the dichotomy between the opportunities for change implicit in the cease-fire agreements, and the tired patterns of the past implicit in the President's budget request for Indochina, is a crucial issue for the Congress—and all Americans—as we consider the administration's proposal for assistance to South Vietnam, Laos, and Cambodia.

Every indicator—especially the administration's proposal for Indochina postwar reconstruction assistance—strongly suggests that the administration is prepared to continue our client relationships with Saigon, Vientiane, and Phnom Penh—and our direct involvement in the confrontations among political elements throughout the area.

The administration's proposal represents only a cosmetic change in the quality, quantity, and purpose of American aid to South Vietnam, Laos, and Cambodia. Especially for South Vietnam, last year's request for pacification funds has become this year's request for reconstruction and humanitarian assistance. Last year's public safety programs have been shifted to other quarters, or buried in public works, public administration, and technical support projects for what is called reconstruction. Last year's supporting assistance has become this year's stabilization.

And despite the administration's greater verbal emphasis on humanitarian concerns and assistance—which stands in sharp contrast to assistance justifications in previous years—the administration's actions in this area are far from adequate, and cry out for more priority and concern at the highest levels of our Government.

Just a few weeks ago a study mission representing the Judiciary Subcommittee on Refugees, which I serve as chairman, returned from Indochina. Subcommittee hearings since then document the situation clearly. For example, in reporting its findings and recommendations on the escalating crisis of people in Cambodia, the study mission stated:

> To summarize the refugee situation—the prognosis is dismal. Neither our Government nor the Cambodian Government have any organized refugee program. Adequate housing, sanitation, and medical service are either nonexistent or in short supply. Increasing numbers of refugees are being generated by an accelerated level of military activity and intensified American bombing. The repression on both is increasing with the Government losing its precarious control and relying more and more on American intervention. And in the midst of this are a million refugees, half of them children. They are receiving virtually no assistance and face malnutrition, serious food shortages and, in some areas, the real specter of starvation.

But nothing really illustrates the situation more, Mr. President, than the truly shameful neglect by our Government of the tremendous humanitarian needs among the youngest war victims—including some 25,000 American-fathered children in South Vietnam. Our neglect of these children, and the tens of thousands of orphans, and millions of other children disadvantaged by battle—especially in South Vietnam—is a national disgrace. Its only remedy is immediate and positive action by the administration on numerous recommendations—which are apparently still under review at the White House, the Department of State, and the Agency for International Development. It defies understanding as to what it takes to move the administration and Saigon on facilitating adoptions overseas and upgrading child welfare in South Vietnam.

Certainly, Mr. President, it is not for any lack of compassion or support among the Congress or the American people. And neither is it for any lack of money, which we freely spend on the bombing of Cambodia—nor is it for any lack of reasonable suggestions as to how we should answer the children's cries for help. But there is a logjam in the administration which needs to be broken. And I appeal, again, as I did in a letter on May 22, for the President's help in breaking this logjam—and in meeting the tremendous humanitarian needs among the children of South Vietnam and Indochina.

The list of shortcomings in the administration's proposal on Indochina continues. Given the new opportunities for change, Mr. President, one of the most glaring omissions relates to international cooperation in helping to heal the wounds of war. Except for a general reference to the future possibility of multilateral approaches, the administration's proposal is silent.

Clearly, the thinking of a wartime bureaucracy, preoccupied with how to maximize American influence and presence, still dominates our policy and programs in Indochina—even under today's new conditions. And offers of international assistance—even for humanitarian purposes—are all but ignored. In past weeks, the study mission of the Refugee Subcommittee visited a number of capitals, and held lengthy discussions with offi-

cials of various governments and international organizations. And I can report today that the study mission returned greatly encouraged over the possibilities for an international humanitarian alliance.

The record is clear that a number of governments are prepared to support and contribute to humanitarian programs under international auspices. In fact a number of governments have already earmarked funds for this purpose. The record is clear that the United Nations stands ready to help. The record is clear that UNICEF is prepared to move at a moment's notice. The record is clear that the Indochina operations group of the International Red Cross—and many voluntary agencies—are prepared to upgrade and expand their efforts. But the record is also clear that not much word of encouragement or support—let alone any initiative—have come from our Government—or from its counterparts in Saigon, Vientiane, or Phnom Penh. And so we are needlessly locked into the tired patterns and policies of the past.

FUNDING FOR INDOCHINA

Mr. President, as I suggested earlier, the amendment I am introducing today reduces the President's request for assistance to South Vietnam, Laos, and Cambodia—from some $630 to $390 million. Pending our development of a new national assistance policy toward Indochina, and a more stable political and military situation throughout the area, this $390 million is a generous amount, I feel, to meet our initial humanitarian responsibilities following the cease-fire agreements—and to provide some basic transition support to the governments involved. If we apply the tests of humanitarian and basic support objectives to our proposed assistance, a great deal can, and must, be cut back or eliminated from the President's pending request.

The President's request for $630 million is allocated as follows:

	Millions
South Vietnam	$475
Laos	55
Cambodia	75
Regional development program	9
Interregional support costs	16

My amendment's authorization of $390 million could be allocated along these lines:

	Millions
South Vietnam	$300
Laos	35
Cambodia	40
Regional development program	5
Interregional support costs	10

Again, applying the tests of humanitarian and basic support objectives to the administration's allocation for South Vietnam, I strongly feel that a number of projects recommended by the administration should be totally eliminated and others drastically reduced. Because they encourage and continue our direct involvement in South Vietnam, public safety programs, disguised under new labels, must be eliminated. The projects labeled trade union development, logistics general support, support of local government, development planning, public assistance and public works general support, Vietnamese engineering and construction company, support of rural development, and some others should also be eliminated.

Drastic cuts should be made in several projects—especially in the $25 million project for Saigon's national economic development fund, the $8 million My Thuan bridge project, and the more than $17 million allocation for U.S. aid technical support. Additionally, Mr. President, the administration's allocation of some $275 million for the commercial import program, should be reduced by at least $125 million.

Applying the same tests to the administration's allocation for Laos, again, I strongly feel that the public safety program must be eliminated, and a number of other projects reduced—especially those labeled development of Lao national roads, development of rural economy, air technical support. Additionally, the administration's allocation of some $18,200,000 for the multilateral stabilization fund, should probably be reduced by several millions of dollars.

The situation in Cambodia is dismal at best—with a truly desperate crisis of people and little territory under the control of the Phnom Penh government. But just as we should stop the bombing in support of this government, so should we also reduce the flow of our dollars which fuels its corruption. Clearly our immediate responsibilities are the tremendous humanitarian needs of refugees and war victims—and the urgent need for persistent efforts in behalf of a cease-fire agreement.

Mr. President, I have outlined briefly what I feel are some of the principal issues facing our country regarding future assistance to Indochina. And a great deal more will be said by all of us in the coming weeks and months.

The countries of Indochina are in a period of transition, which is clearly not reflected in the President's assistance request for fiscal year 1974. And in the absence of any new directions and initiatives from our national leadership, it is incumbent upon the Congress that it develop a responsible alternative.

I feel that the guidelines and authorization in the amendment I am introducing today, are a reasonable and generous beginning—and hopefully they will be given full consideration by the appropriate committees of the Senate.

Mr. President, I ask unanimous consent to have the text of the amendment printed at this point in the RECORD.

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

AMENDMENT No. 255

Section 17 is amended to read as follows:

"SECTION 17. The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new part:

"PART V

"Chapter 1—POLICY

"SEC. 801. (a) The Congress, recognizing that the realization of human hopes and aspirations are important in contributing to a stable peace in Indochina, affirms the willingness of the United States to provide assistance for the humanitarian relief, rehabilitation, and reconstruction of the peoples and countries of Indochina. Assistance for such purposes shall have a primary concern over restoring the life and spirit of refugees, civilian war casualties, war orphans, and other persons disadvantaged by hostilities or conditions related to those hostilities, and over rebuilding civilian facilities damaged or destroyed by those hostilities in the war affected areas of Indochina.

"(b) Assistance for such purposes shall be distributed to the maximum extent practicable under the auspices of and by the United Nations, other international organizations, multilateral institutions, and private voluntary agencies with a minimum presence and activity of United States Government personnel. The Congress urges the President to solicit the cooperation of other governments to support and participate in the humanitarian relief, rehabilitation, and reconstruction of the people and countries of Indochina under international auspices.

"(c) The Congress further urges the President to solicit the cooperation of other governments in encouraging the United Nations Secretary General to establish immediately an autonomous United Nations Fund for Indochina, or other appropriate institutional arrangements, to receive humanitarian and developmental contributions to support to the maximum extent practicable the humanitarian relief, rehabilitation, and reconstruction of the people and countries of Indochina under international auspices.

"Chapter 2—GENERAL AUTHORITY AND AUTHORIZATION

"SEC. 821. GENERAL AUTHORITY—The President is authorized to furnish, on such terms and conditions as he may determine, and to the maximum extent practicable under international auspices, assistance for the humanitarian relief, rehabilitation, and reconstruction of the people and countries of Indochina, especially humanitarian assistance for restoring the life and spirit of persons disadvantaged by hostilities or conditions relating to those hostilities, and for rebuilding civilian facilities damaged or destroyed by those hostilities in the war affected areas of Indochina.

"SEC. 822. AUTHORIZATION—There is authorized to be appropriated to the President to carry out the purposes of this chapter in South Vietnam, Laos, and Cambodia, in addition to funds otherwise available for such purposes, for the fiscal year 1974 not to exceed $390,000,000, which amount is authorized to remain available until expended."

NOTICE OF HEARING ON FEDERAL PAPERWORK BURDEN

Mr. McINTYRE. Mr. President, the Subcommittee on Government Regulation of the Senate Select Committee on Small Business will continue its hearings into the Federal paperwork burden and the impact on small business on July 11 and 12, 1973, beginning at 10 a.m. each day. The room number and witness lists will be released by the subcommittee at a later date.

On July 11, the subcommittee will take testimony as to the paperwork burden imposed on small business by the Bureau of the Census.

On July 12, the reporting requirements imposed on small broker-dealers by the Securities and Exchange Commission will be examined.

Further information regarding these hearings can be obtained from the offices of the Senate Select Committee on Small Business, extension 5–5175.

NOTICE OF HEARING RELATING TO THE MENDOCINO NATIONAL FOREST

Mr. JACKSON. Mr. President, I wish to announce to the Members of the Sen-

ate and the general public that the Subcommittee on Public Lands of the Senate Committee on Interior and Insular Affairs will hold an open hearing on S. 114, a bill to designate 37,000 acres within the Mendocino National Forest, Calif., as the Snow Mountain Wilderness Area.

The hearing will be held on June 29, 1973, at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

ANNOUNCEMENT OF HEALTH HEARINGS

Mr. KENNEDY. Mr. President, as chairman of the Senate Health Subcommittee, I want to take this opportunity to announce for my colleagues' benefit a continuation of public hearings by the subcommittee in the general area of the quality of health care and the protection of patient rights in respecting human experimentation. Specifically, the subcommittee will be conducting hearings next Thursday and Friday, June 28 and June 29, on legislation concerning the need for continued Federal assistance for biomedical research training and fellowships and the need for more effective oversight respecting the involvement of humans in biomedical research projects. The hearings will be conducted on H.R. 7724, S. 974, S. 878, Senate Joint Resolution 71, and two additional bills which I shall introduce early next week. Inquiries regarding these hearings may be made at the subcommittee office, room 4226, Dirksen Office Building, to Dr. Larry Horowitz.

ADDITIONAL STATEMENTS

CAPITOL HILL POLICE OFFICER E. M. CURTIS COMMENDED

Mr. BARTLETT. Mr. President, the Capitol Hill Police force is one we take all too often for granted. We see them everywhere directing traffic, helping tourists, and doing the general routine duties for which they are noted.

But, Wednesday afternoon, an event occurred which helps to show what a fine group of men this institution has at its service.

Shortly after noon, a woman tourist, whose name I do not know, collapsed while standing in a line of the third-floor corridor between the House and Senate.

Luckily, and that is an understatement, Officer E. M. Curtis was at the camera checking stand where she fell. Officer Curtis quickly radioed for help and then performed mouth-to-mouth resuscitation in a desperate effort to keep her alive until the doctors could arrive.

His fellow officers did a superb job in keeping the crowd from gathering around the victim and assisting in medical help.

In the long agonizing moments, Officer Curtis was the sole lifeline of that woman. She is, I hear, in the intensive care ward of a local hospital in critical condition.

I do not know whether she will live. But, the fact that she has any chance of survival at all, is due to the fact of the quick action and calm response to the emergency by Officer Curtis.

He is to be commended for having performed one of the greatest actions of which mankind is capable—the saving of a life of another human being.

He, and the men around him, are to be commended and I think the Senate will do well to take note.

FREE EMIGRATION OF SOVIET JEWS URGED AS A PREREQUISITE TO CREDITS AND FAVORED TARIFF TREATMENT

Mr. TALMADGE. Mr. President, the U.S. Senate Select Committee on Presidential Campaign Activities, of which I am a member, has voted to suspend hearings into the circumstances surrounding the June 17, 1972, break-in at the Democratic National Committee offices at the Watergate Office Building. We so voted as an act of encouragement to the current negotiations between General Secretary Brezhnev and President Nixon and with the hope of fostering good will between the United States and the Soviet Union.

I have noted that during our postponement Secretary Brezhnev spoke to leaders of the Congress and advised them that his statistics show that there are no problems of emigration for Soviet Jews and others. He urged that the link between emigration of Soviet Jews and U.S. credits and tariffs is an artificial "pretext" to trade negotiations between our two countries.

I wish to take this opportunity to disagree with Mr. Brezhnev's analysis of this situation. Mr. Brezhnev has said that 60,200 persons have been given current permission to emigrate and that approximately 68,000 persons who have left the Soviet Union are part of a current emigration. The statistics which have been made available to myself and other Members of the Senate by Jewish organizations throughout the world greatly contradict those figures.

They show that 68,000 persons spoken of by Mr. Brezhnev are not part of a current emigration, but are the total emigration to Israel since 1948. They also show that of the 60,200 persons which Mr. Brezhnev states have been given permission to emigrate, only 32,000 have actually left. Additionally, there are untold scores of affidavits received by these organizations from persons wishing to emigrate which have not been acted upon. Even as Mr. Brezhnev spoke this week of the nonexistence of any problems, Soviet Jews were rounded up and arrested because of their desire to emigrate.

I wish to point out to Mr. Brezhnev that I have not altered my position of support for the Jackson amendment. The United States is a country founded upon the principle of free religious beliefs. My native Georgia was founded by men and women who emigrated from their countries to find a better way of life for themselves. There are thousands in Mr. Brezhnev's Georgian Republic who should be given the same opportunity.

The farmers who grew the very wheat which the Soviet Union now seeks from our country are descendants of those who emigrated from Russia and other countries in order to be able to grow those agricultural products. In my opinion, it would be an insult to the memory of those early immigrants to give the products of their sons and grandsons to a country which will not allow all of its citizens to freely emigrate. There are many countries which are seeking our goods and are willing to pay high prices for them.

We should not sell those goods at a discount with credits and a most-favored-nation tariff treatment to the Soviet Union unless it agrees in writing to permit free emigration of all of those people who seek to leave and can further prove that such emigration will continue during the course of any long-range economic relationships with the United States.

In the same spirit with which the Select Committee suspended its hearings, I hereby call upon General Secretary Brezhnev to suspend all restrictions upon free emigration from the Soviet Union. If our two countries are to establish new and lasting economic and social relationships, mutual respect is the atmosphere in which they must be created.

VIC VAUGHN

Mr. PERCY. Mr. President, it is with a mixture of happiness and sadness that I have learned that Vic Vaughn plans to retire from the Department of Agriculture at the end of this month.

I am happy for Vic and his wife, Rae, in that they will be able to pursue their outside interests such as travel more widely. Vic, undoubtedly, will also be able to play more golf and to increase the size of his garden to help increase crop production in this country.

I am sad, though, that we will miss Vic's expertise as the Department's congressional relations officer for the Senate. Vic has always been attentive to the needs of my office, has always provided information that was needed—all with a good spirit and in good humor. The Department will miss him. I will miss him.

GENOCIDE IN TIME OF WAR

Mr. PROXMIRE. Mr. President, article I of the Genocide Convention states the purpose of this treaty as being that:

> The contracting parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

The phrase "in time of war" has caused some opposition to the ratification of the convention, and thus it requires explanation.

There are those who fear that this clause would have an adverse effect on U.S. military troops participating in combat actions abroad. In other words, these people believe that our soldiers, although taking part in ordinary battle, could later be tried on charges of committing genocide. But a closer examination of the treaty shows that this is not a valid assumption.

INTENT MUST BE PROVEN

Once again, intent provides the basis for determining if an action is genocidal. As stated in article II, genocide means certain acts "committed with intent to destroy in whole or in part" a human group. Consequently, unless it can be proven that the troops at My Lai, for

example, intended to destroy all or a substantial part of the South Vietnamese people, these deaths do not constitute genocide. Thus it is seen that the treaty does not create any unnecessary hazards for our Armed Forces.

Why, then, it might be asked, should the words "in time of war" be inserted in the first place? Although killing is condoned during a war, we must remember that war is not a license to commit wholesale slaughter and that limits do exist. Genocide is just as repugnant during war as in peace. It is precisely this reasoning that makes it imperative that the United States take immediate affirmative action on ratification of the Genocide Convention.

DAVID JONES' WORK WITH YOUNGSTERS PRAISED

Mr. BARTLETT. Mr. President, almost a year ago, an article by Mr. J. D. Bethea of the Washington Star newspaper staff was entered into the CONGRESSIONAL RECORD.

That article talked about a little league baseball coach's approach to managing youngsters.

The gist was that to this coach, not just winning, but the overall development of each youngster as a sound and constructive individual, was of primary importance.

I am proud to say that this coach's approach is not only preferred, but can be successful as well, as his team has now won their first league championship. My congratulations to the Reston Cobras for this cherished accomplishment.

The leadership provided young people in their early life, to a very great extent, determines the character of that person as an adult.

Mr. David L. Jones, of Tulsa, Okla., has touched the lives of many young people through his little league work—each and every player will be a better adult due to that experience.

ALCOHOL: MOST SERIOUS DRUG ABUSE PROBLEM IN AMERICA

Mr. KENNEDY. Mr. President, I would like to commend my colleague, Mr. HUGHES, chairman of Subcommittee on Alcoholism and Narcotics for designing the excellent provisions included in S. 1125.

This legislation amends the Comprehensive, Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act.

According to numerous studies completed in the last few years, alcohol abuse and alcoholism is now the most serious drug abuse problem in the country. According to these reports there are approximately 9 million alcohol abusers or alcoholics in the United States who cost the national economy at least $15 million in lost working time.

In my own State of Massachusetts significant progress has been made in the area of alcoholic intervention and rehabilitation. The Massachusetts Department of Public Health has established 12 functional alcoholism rehab programs that conduct and coordinate educational seminars and maintain continued activities in the implementation of alcohol treatment programs. Perhaps, the most outstanding achievement of the State division of alcoholism has been the liberalization of statewide health policies that provide ready access to alcoholism treatment for employees, both from the public and the private sector.

Estimates from some experts suggest that as much as one-third of the current work force may suffer from the debilitation caused by excessive alcohol usage. Yet, our health policies and indeed many employee regulations, prevent these workers from receiving the care and attention they deserve.

Successes in these new programs reveal how important proper care can be. Workers have obtained needed medical and counseling assistance, and employers have received improvements in productivity and workers attitudes.

These innovations point toward the direction that ought to be taken in the battle against alcoholism. I am pleased to note that the legislation before the Senate at this time, can provide badly needed Federal assistance in this area.

All States in this country can use the benefits provided under the provisions of S. 1125. And I am certain that officials in Massachusetts will look to this measure as an effective resource to aid in their struggle to combat the effects of this damaging affliction.

I am pleased to see that the Senate has moved to approve this vital legislation and I am hopeful that it will continue providing aid and treatment for the many men and women who so badly need the care and attention that this measure offers.

DR. DAYTON DUNBAR KRAJICEK

Mr. DOLE. Mr. President, it is a privilege and an honor for me to recognize a public servant who has demonstrated extraordinary leadership and dedication in the direction of the dental service of the Veterans' Administration. Dr. Dayton Dunbar Krajicek was appointed Assistant Chief Medical Director for dentistry in March 1970, after having established an outstanding record as Chief of the Dental Service, Veterans' Administration Center, Wadsworth, Kans.

In a little more than 3 years in VA Central Office, Washington, D.C., Dr. Krajicek has had a major impact in bringing about changes to improve the quality of service to veterans and the stature of the dental service as a whole.

On approving with deep regret Dr. Krajicek's request for a less demanding position, due to personal health considerations, that would again involve direct patient care, the Administrator, Donald E. Johnson stated:

> Dr. Krajicek has given dynamic leadership to the Dental Service by strengthening educational affiliations and managing a nationwide program of dental benefits for thousands of Vietnam Veterans.

Dr. Krajicek, a Diplomate of the American Board of Prosthodontics, lectured extensively during his tenure to academic and professional groups throughout the Nation and published numerous papers in professional journals. He is visiting professor, College of Dentistry, Howard University, clinical associate of prosthodontics, Georgetown University and visiting professor, University of Missouri at Kansas City School of Dentistry.

He has displayed a missionary zeal to advance hospital dentistry and to fully integrate the dental service with other medical disciples in a hospital. He exhibited a deep concern for the oral health care needs of the veteran and emphasized the preventive aspects of dental care.

In recognizing the vital importance of advanced speciality training and continuing education, he has cultivated strong relationships with schools of dentistry and allied health training institutions. Under his inspired leadership, young highly qualified dentists have been attracted to the service and have infused a new spirit and new vitality into the dental program.

In addition to his VA responsibilities, Dr. Krajicek is chairman, Council on Federal Dental Services of the American Association of Dental Schools; president, American Association of Hospital Dentists. He served during 1972 as program chairman, First International Prosthodontic Congress and during the same years he was VA's nominee for the National Civil Service League Special Achievement Award, and was chosen to receive the Outstanding Alumni Achievement Award of the University of Missouri at Kansas City. Two of several consultantships held are: First, American Dental Association Council on Dental Education and Hospital Dental Services, and second, consultant in Prosthodontics, Kansas State Board of Dental Examiners.

The veterans of this Nation benefit from the diligent and conscientious efforts from men like Dr. Krajicek who exemplify the dedicated public servant who daily provide unexcelled medical care and concern for our veterans in the Veterans' Administration hospital system.

THE SPACE SHUTTLE

Mr. MOSS. Mr. President, during the debate on the floor earlier this week on the NASA authorization bill for 1974, I discussed the strong support which organized labor gives to the shuttle. My mail for that day included a letter from Andrew J. Biemiller highlighting the importance of the shuttle to the Nation, and I ask unanimous consent that the letter and the statement by the AFL–CIO Executive Council be printed in the RECORD.

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

AFL–CIO,
Washington, D.C., June 19, 1973.

HON. FRANK E. MOSS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MOSS: The AFL–CIO has long supported this country's endeavors in the field of space exploration. Important scientific advances, particularly in the fields of communication, medicine and meteorology have more than proven the worth of the nation's investment on this program. Organized labor and indeed all citizens can point with pride to America's historical accomplishments in this area, as well as to the prestige and position of world leadership which these successes have given all of us.

Organized labor firmly believes that only through the continuation and expansion of the space program through such projects as the space shuttle can the United States improve upon and continue to gain from the benefits which this country has already received from this valuable program. At a time when conversion from a wartime to a peacetime economy is of paramount concern to our economic well being, programs such as the space shuttle can provide the essential catalysts of jobs—estimated at 127,000 over the next 3 years—increased production and improved technology so necessary for this economic transition.

It is our understanding that the Senate in debate on the NASA Budget will be deliberating the merits of the proposed space shuttle project. I would, therefore, respectfully urge that you oppose any effort to delete or reduce the existing funding level for the space shuttle project as is now provided for in the NASA appropriations bill.

I hope the enclosed resolution will be of interest to you and your staff. Thank you for your time and consideration.

Sincerely yours,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON SPACE SHUTTLE

The United States space program is reaching another milestone. At the peak of the Apollo project, the space program employed 400,000 Americans—about half of whom have since been laid off. This year will see the end of Apollo.

In Apollo, American science, engineering and craftsmanship made possible the fulfillment of one of man's oldest dreams—to walk on the moon. In so doing, we unlocked vast new technologies, strengthened our national security and reinforced America's world position.

Next year, the Skylab project will put nine astronauts into orbit to live and work for periods of from four to eight weeks, learning more about our world and the space around it.

The next logical step for the United States space program is the development of a space shuttle which will provide economical transportation from earth to space and back. It will make space as accessible as the airplane has made the other continents. The shuttle will assist us in exploration, in science and technology and, if necessary, in defense and provide 50,000 jobs in the United States. Without the shuttle we cannot develop our scientific and technological investments that already have given us space communications, weather satellites and geodetic programs.

The benefits of next generation space applications in such fields as the management of our natural resources, monitoring of pollution, weather modification and climate control, television distribution, earthquake prediction, and public health and safety will not be fully realized unless we can reduce costs, raise efficiency and acquire a flexibility of action not yet possible. That is what the space shuttle is for. Without it, we will lose many valuable programs.

International relations today involve space. We can no more ignore space than we can ignore the oceans or the continents. We would not have the free world without ships, without aircraft or without land mobility. We cannot envision a secure, technologically advanced western world without technologies that allow us the freedom of space as well.

For these reasons, we urge Congress to vote funds for the development of a space shuttle.

VIC VAUGHN'S RETIREMENT

Mr. HELMS. Mr. President, it is with mixed emotions that I note the retirement of Victor Vaughn, a dedicated official of the Department of Agriculture. I am happy that Vic will be enjoying the rewards he has earned in his 35 years of Government service, but I am saddened that those of us on the Hill will no longer have the benefit of Vic's efficient service and wise counsel.

During my brief tenure in the Senate, I have found no representative of the executive branch who has served the Senate more efficiently and capably than Viv Vaughn. He has helped his Department compile an excellent record of cooperation with the legislative branch.

I am personally grateful to Vic for the assistance he has given me and I wish him and Mrs. Vaughn the best in their future endeavors.

FINANCIAL STATEMENT OF SENATOR AND MRS. DICK CLARK

Mr. CLARK. Mr. President, over the years, a number of Senators have made it their practice to make periodic public disclosures of their financial status. I think that is a sound practice—one I would like to adopt.

If there is no objection, I would like the following financial statement for myself and my wife printed in the CONGRESSIONAL RECORD—along with a letter to the Secretary of the Senate.

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

Financial statement of Senator and Mrs. Dick Clark as of January 3, 1973—Summary

ASSETS

Cash in checking and savings account	$650.00
Stocks and other securities (see below)	17,359.37
Real Estate (see below)	43,870.12
Miscellaneous (see below)	11,700.00

LIABILITIES

Mortgage—Waterloo Savings and Loan, Waterloo, Iowa	19,000.00
Mortgage—Oelwein Federal Savings and Loan, Oelwein, Iowa	10,453.10
Total net worth	44,126.39

Stocks and other securities:	
1,608.849 shares, Investors Corporation, mutual fund	15,975.87
14 shares, Champion Spark Plugs	597.00
5 shares, Exxon	447.50
12 shares, Iowa Southern Utilities	339.00
Real estate:	
Home, Marion, Iowa	$26,000.00
Contract receivable (sale of home in Fayette, Iowa)	17,870.12
Miscellaneous:	
Cars, furniture, books, clothing	11,700.00

Hon. FRANCIS R. VALEO,
Secretary of the Senate,
Washington, D.C.

DEAR MR. SECRETARY: Enclosed is a complete financial statement for myself and my wife. It details our family's assets and liabilities as of January 3, 1973.

I intend to submit a similar report to your office each year that I am a member of the U.S. Senate. Please make it available to the public on request.

Thank you.

Sincerely,

DICK CLARK.

VOLUNTARY FUEL ALLOCATIONS FOR FARMERS

Mr. THURMOND. Mr. President, the word "crisis" is one of the most abused words of the English language. It seems that our people are crisis oriented—we perform best when our backs are against the walls. As a result, we use the word crisis all too freely and sometimes get a distorted meaning of the term.

"Crisis" has been used to describe the energy shortage. We have been aware all along that ours is an energy consuming Nation and the problem of having enough energy to meet our needs has been evident. All of a sudden, we find ourselves viewing this situation realistically, instead of in an academic manner. We are told the energy crisis is at hand. I would prefer to call the situation in which we find ourselves an energy crunch. Unless we act decisively and expeditiously, however, a severe energy crisis will surely develop. The most discussed aspect of the energy crunch, and perhaps the most important, is the shortage of gasoline.

The fact that we are the greatest consumers of energy on the face of the earth is undisputed. Our Nation has only 6 percent of the world's population, but last year we consumed one-third of the world's energies and 47 percent of its raw materials.

The gasoline crunch could get worse before it gets better. Our stocks of gasoline are not adequate to meet the needs of consumers. It is predicted that by early next year, we may have a daily shortage of 300,000 barrels. Next summer could be much worse. Experts now say that the shortage could reach 900,000 barrels a day within the next 2 years.

Consumption of gasoline in this country totaled over 102 billion gallons for 1972. This was an increase of 6.5 percent in 1971. In the decade since 1962, the rise in gasoline consumption has been an astounding 55 percent.

One needs only to look as far as the neighborhood service station for hard evidence of gasoline shortages. Service stations are closing earlier and staying open fewer days than in the past. Independent stations across the country are being forced out of business because of the shortage. It is ironic that a nation which can provide every family with two cars is having difficulty providing these families with the fuel necessary to operate them.

When shortages occur, the next logical step is to determine who should be given top priority to receive the fuel left. While we have not yet been put in the position of strictly rationing gas to everyone, we have had to objectively decide which segments of our society can least afford to do without fuel and ask that they be given first consideration. A few weeks ago, the Office of Oil and Gas, to its credit, took a long, hard look at the problem and determined that the farming industry related to food cultivation, production, and preservation should be given top priority. Producers, refiners, marketers, jobbers, and distributors of these products were then asked to voluntarily place farmers at the top of their lists in selling oil and gasoline.

This was a sound decision. Agriculture is the backbone of this Nation's economy. The farmers' problems are everyone's problems. If the farmer has a good year, food is cheaper and more plentiful. If he has a bad year, all of us feel the pinch in

the form of high prices, bad quality, and less quantity. Although we may live many miles from the fields, they are as close as our supermarkets.

Thus, for the well-being of the country, it is imperative that the farmer get the necessary fuel with which to plant and harvest his crops.

Like everyone else, the farmers are requiring more fuel to get the job done. This year, they intend to plant an acreage of grains and soybeans 12 percent larger than the acreage planted last year. In all, farmers have been encouraged to plant about 40 million additional acres of food and feed crops this year.

Planting delays caused by floods, cold weather, and other natural causes have spread the volume needs of fuel this spring and summer. Normally, May is the peak month for fuel. This year, however, spring farm work has backed up to June.

The Department of Agriculture estimates fuel needs for June to be 615 million gallons of gasoline, which is about 8 percent higher than for June of 1972. Furthermore, the use of diesel fuel has skyrocketed 19 percent over the past year.

It has been a little more than a month since the voluntary fuel allocations were put into effect. As of now, it is still too early to get a definite indication as to how the fuel industry is adhering to the guidelines. Evidence at hand, however, shows a number of apparent violations. Since mid-May, there have been more than 700 complaints from farmers all across the Nation. Of these, 106 cases have been solved and more than 600 still remain in doubt.

Mr. President, the Members of this august body have already shown their intolerance of those who would cut the economic rug out from under this country by denying the farmers fuel. A measure to require mandatory allocations was recently overwhelmingly passed in the Senate and is now in the House.

I believe this vote was a warning to the fuel industry to either abide by the volunteer guidelines or face Federal intervention and be required to comply.

Mr. President, since the energy shortage first became apparent, I have chosen not to join the chorus of voices fixing blame. I do support any fair investigation which may shed some light on the reasons behind the shortage. If anyone is found to have acted unethically or illegally, then they should be punished.

I have chosen, instead, to take a pragmatic look at where we stand now and how we can avert a real energy crisis in the future.

I do not choose, however, to sit back and watch the farmers lose their crops because of arbitrary refusals to comply with voluntary allocations. I have talked with literally hundreds of farmers in South Carolina and have done all within my power to assist them in obtaining fuel for planting and harvesting. I will continue to do so.

Throughout recent history, the farmers have been subjected to undue criticism and their plight has been difficult. They are now being blamed for higher food prices and no doubt they will be blamed if, because of the fuel shortage, they fail to harvest their crops.

Mr. President, it is my conviction and, I believe, that of the Senate, that the farmers should not be short circuited in this instance. If the voluntary fuel allocations are followed, and the farmers are able to plant and harvest their crops, then my concern will be groundless. If, on the other hand, the volunteer regulations do not work, then it is our responsibility to see that mandatory allocations become a reality.

The next few weeks and months will determine which course will be followed.

SUBSIDIZED WHEAT DEALS WITH RUSSIA

Mr. HUGHES. Mr. President, evidence is continuing to mount that the controversial, unnecessarily subsidized wheat deals with Russia has had disastrous effects on our economy—upsetting the commodity market, disrupting the transportation system, spurring rises in domestic food prices—all to the disadvantage of the American farmer and consumer. The way in which these foreign sales of farm commodities was handled by the administration represents a colossal example of Government mismanagement. Clark Mollenhoff, Pulitizer prize-winning chief of the Des Moines Register's Washington bureau has ably pointed up the disastrous consequences of these hurried, bargain-basement sales in an article in the Des Moines Sunday Register of June 17. I ask unanimous consent that this article be printed in the RECORD.

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

WHEAT DEAL PROBE MAY JOLT NIXON

(By Clark R. Mollenhoff)

WASHINGTON, D.C.—The Senate permanent investigating subcommittee will conduct hearings on the controversial "wheat deals" to Russia that may be almost as devastating to the Nixon administration as the Watergate hearings.

Chairman Henry M. Jackson (Dem., Wash.) has investigators out in the field now developing new evidence for hearings in the late summer or early fall on the grain sales that even administration officials now concede involved monumental blunders.

These governmental officials admit the U.S. consumers and farmers are paying a high price for the deals which involved blatant election-year political gimmickry by the Nixon administration.

Increased foreign sales of farm commodities could have been handled in a manner that did not upset the entire commodity market, dislocate the U.S. transportation system, stimulate rises in domestic food prices and the hundreds of millions of dollars in subsidies to help the Russians buy products that they desperately needed.

NEW WOES SEEN

If President Nixon survives the Watergate hearings, the investigation of political pressures on the commodity deals could add significant new political woes.

Partisan political gain was one of the overriding considerations in the grain sales and the advice of subordinates with the competence to be wary of such a large transaction were disregarded, according to White House sources.

The White House is believed to be preparing to make Agriculture Secretary Earl Butz the scapegoat for political policies that had their origins in the White House.

The permanent investigating subcommittee has a reputation for tough thoroughness developed over the last 20 years and highlighted by its investigations of labor rackets, the multibillion-dollar blunders on the TFX warplane contract and more recently the multimillion-dollar Vietnam Club scandals and the subsequent cover-ups by the Army.

The blundering of the administration in paying more than $140 million in wheat subsidies has been admitted. These subsidies allowed the Russians to buy our grain at artificially low prices even as the sales resulted in sharp rises in the prices that American food companies had to pay for grain.

The Senate subcommittee's hearings will detail the incompetence of high level U.S. negotiators and will provide a sharp contrast to the public image of President Nixon and Henry A. Kissinger as skillful international bargainers.

This will be a blow to the supporters of Mr. Nixon who are playing down the importance of the Watergate scandals by pointing to triumphs of the President and Kissinger in their international dealings with Russia and China.

It is doubtful that Kissinger can escape responsibility for supplying "political pressures" which his National Security Council (NSC) subordinate now blame for the mistakes made on the hurriedly conceived wheat deals.

Last month, a NSC source told this reporter that the U.S. negotiators openly discussed among themselves the fact that President Nixon wanted a great deal to be consummated quickly and that he wanted "reasonable concessions" made to the Soviet Union in terms of cash subsidies and credit.

"We were all very much aware of the President's desire to pull this off before the election" one source said.

The Jackson subcommittee also will be looking into allegation that the big grain firms used their knowledge of the impending sales to rig the price of wheat futures at the Kansas City Board of Trade.

SELF INVESTIGATION

The Commodity Exchange Authority (CEA), the government agency charged with regulating the nation's commodity markets, first permitted the Board of Trade, to investigate itself, a more that predictably resulted in a "whitewash" report of innocence.

But, under press and Senate subcommittee pressure, the CEA has now admitted finding evidence of possible criminal acts and has sent the case to the Criminal Fraud Division of the Justice Department.

A growing practice among service station operators to cut back on their hours of operation and a tendency for one or two of the stations among those clustered at major interchanges to be closed at any given time.

Prices for premium gas that ranged from 41 cents a gallon near Atlantic, Ia., up to a top of 48.9 cents per gallon in the West.

At only one of the 18 service stations where we stopped were we limited as to how much gas we were allowed. That was a limit of 10 gallon in Atlantic. Nowhere else were we limited, restricted or refused, but every service station manager was talking about the end of the month and the possible end of the gas.

No simple brand's station operators were free of the fear of anticipated problems from Iowa to California.

But, it seemed, no one really knew what the situation would be by the end of the month.

SUPPORT OF THE LAND USE POLICY AND PLANNING ASSISTANCE ACT

Mr. DOMENICI. Mr. President, in view of the rejection of certain amendments to S. 268, I was pleased to support it. In its final version I felt that it maintains the proper relationship between the Federal Government and State and local

governments. It adheres to the principle of inducing rather than forcing action at the State and local level to achieve its important purposes. It maintains the concept of incentives as the means to encourage and assist States and local government in carrying out its provision. Finally, it relies, as it seems to me it should, on good faith efforts of State government toward compliance rather than some rigid national standard to be interpreted by an official of the Federal Government.

I feel, Mr. President, that there can be no disagreement with the needs for and objectives of this legislation. We must develop national land use policies before the practices of the past combine with the complexities of the present to eliminate beneficial uses of our land and our environment.

This is particularly true in my part of the country where conditions are changing so very rapidly and the potential for further drastic changes are so great. In that regard, I would like to quote from a statement by Mr. Jack Campbell, former Governor of New Mexico, and presently president of the Federation of Rocky Mountain States, on the need for land use planning in that area. The Federation of Rocky Mountain States is a broad, cooperative innovation of six Western States; Colorado, Utah, Wyoming, Montana, Idaho, and New Mexico—incorporated to provide an organization through which the Rocky Mountain States can work together effectively to solve regional problems. The Governors of the six Rocky Mountain States, including Governor Bruce King of New Mexico, concur in this statement illustrating the need for land use planning and coordination.

The Mountain Western states are undergoing a population growth rate 56% higher that average in the country with even higher rates of investments in energy development, mineral production, recreation, retirement services, health, transportation, etc. This means rapid changes in land use and shifting of manpower among occupations and among areas, essentially into urban areas. Although some may not visualize the cinematic west as an urbanizing region, we are witnessing the formation of long corridors, following major water supplies in valleys, or along mountain fronts, together with heavy transportation, fuel and power lines and industrial development. We are apprehensive of this pattern of intermittent, partial urban development which is costly in public services and voracious in land consumption. For example, of the 20 years 1950 to 1970, the Pueblo-Denver-Cheyenne urban chain formed, 200 miles long, with 13 cities each over 10,000 population, across 9 counties, with hundreds of school, fire, recreation and other districts; increasing in population by 80%, while the rest of Colorado and southeast Wyoming grew only 1%. The Provo-Logan urban chain, 100 miles long, with 8 cities over 10,000 population, 4 counties and many special districts, grew by 74% while the average growth of the rest of Utah was only 7%. The Albuquerque-Santa Fe chain, some 60 miles long, grew by 88% while the rest of New Mexico grew by 4%. The Boise to Twin Falls urban chain, some 60 miles long, grew by 36% while the average growth of the rest of Idaho was only 13%. Even the Billings-Great Falls urbanizing area grew by some 540%.

Mr. Campbell concludes his statement with support for S. 268 and noted that—

We are quite aware that the implementation of a national land use policy by the state and local governments of our country is going to be a difficult and sometimes painful process. We are sincere in our hope that the appropriate arrangements can be made to improve the coordination and cooperation and minimize the chances for conflicts and controversy. We welcome the opportunity to work in a constructive way to try to achieve these results. We believe that S. 268 with some rather minor modifications could, in fact, more clearly establish the arrangements which will lead to maximum cooperation and minimum of conflict.

At this point I must insert a cautionary note concerning cooperation and conflict. We cannot afford to let this legislation propel us into an era of national zoning practice with its nerve center in Washington or even in Federal regional offices around the country.

In order to avoid that situation, States, cities, and counties must be receptive to the spirit of the law and diligently strive to implement it's provisions, drawing upon the Federal Government for the assistance and guidance provided by this bill. The Federal Government must consistently recognize that this is truly a partnership effort and constantly guard against the urge to become more than an equal partner.

This kind of cooperative effort is absolutely essential to prevent this act, which has such vast potential for public good, from deteriorating into a Federal zoning law. I am confident, Mr. President, that citizens and officials of government at all levels recognize this danger and will join together to prevent the dire consequences I have just mentioned.

U.S. INTERNATIONAL TRADE NEGOTIATIONS

Mr. CHILES. Mr. President, the trade bill we will consider shortly and the trade negotiations we are about to enter into are extremely important to this country. We must be in a strong position to negotiate changes in trade policies in Europe and Japan to give our exports greater access to these markets.

This bill we are considering today is important because it affects the relationship that the trade negotiators for the United States will have with the President and with the Congress. Before we give to the President significant new authority in trade policy we need to be sure that that authority is clearly vested in our negotiators and that those negotiators and policymakers are continually responsive congressional interests. The issue of accountability is as important in trade as it is in war.

Therefore, I think it is extremely important that the Executive Director of the Council on International Economic Policy be confirmed by the Senate as are the special trade representative, who is the chief trade negotiator for the United States, and his two deputies. I am hopeful that this provision will be adopted by the House in conference.

Second, I think the oversight provisions in relation to the Council on International Economic Policy mentioned in the Foreign Relations Committee report should be closely adhered to.

Third, the possibility of the merger of the office of the U.S. trade negotiator—STR—into the Council—CIEP—should be carefully considered before it is undertaken. The authority of the trade negotiator to represent the President as is now clear by his title and his office, should not be blurred or reduced in the eyes of other countries by any reshuffling of the bureaucratic deck just as we are about to enter trade negotiations. Any changes that do take place should protect the direct authority to represent the President which the trade negotiator now has. The trade negotiator for the United States should not appear to be a third layer bureaucrat. The present negotiators also have established a record of responsiveness to the Congress which, I think is essential to preserve. I therefore support the provisions of this bill which preserve the professional character of the STR staff.

VICE PRESIDENT AGNEW LAUDED IN ARTICLE FOR HIS ACCOMPLISHMENTS

Mr. HELMS. Mr. President, a recent issue of County News, the newspaper published by the National Association of Counties, lauded the many accomplishments of our distinguished Vice President, SPIRO T. AGNEW.

I certainly commend this article to the attention of my colleagues and ask unanimous consent that it be printed in the RECORD.

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

A WIDER ROLE FOR THE "VEEP"

We are delighted that President Richard M. Nixon has announced that Vice President Spiro T. Agnew's role in domestic affairs is about to be expanded. We have only the "bare bones" announcement at this writing that the "Veep" will be made Vice Chairman of the Domestic Council.

We are hoping that the "Veep's" role will be much more comprehensive. At this moment no one can tell where the Watergate scandals will finally lead. We do know that, from the point of view of county officials, we stand to lose a very great deal if President Nixon's efforts to return control of the government back to state and local elected officials through "New Federalism" becomes a casualty of Watergate.

CONGRESSIONAL LIAISON

Perhaps the most important question now is what will Congress do with respect to New Federalism legislation, particularly special revenue sharing measures? One school of thought has it that, with the President at least temporarily weakened, that there will be no pressure on Congress to enact legislation recommended by him. Another school thinks Congress will be very anxious to establish a leadership position and will take positive and effective action to pass the Congressional version of special revenue sharing and other New Federalism measures.

In either event, it is important to have a new leadership role for "the Veep." To the best of our knowledge, in his capacity as presiding officer of the United States Senate, Vice President Agnew has a good working relationship with the Senators. Many of them disagree with the policies of the Administration, but he appears to have the respect and even affection of a great portion of the Senate.

This could be extremely important to New Federalism in the weeks and months ahead.

LOCAL GOVERNMENT KNOWLEDGE

It would also seem that "the Veep" is one of the most knowledgeable men in the Ad-

ministration on state and local government affairs. We all know that he has been a successful school board member; and effective Elected County Executive of Baltimore County, Md., and that he was a good Governor of Maryland.

Not only does he thoroughly understand and articulate the problems and concerns of the city, county, state officials, he also has a progressive record in these areas. As County Executive, for example, he fought (unsuccessfully and unfortunately) for housing and urban renewal programs in his county. He was in the forefront of the effort to modernize the Constitution of the State of Maryland.

His leadership qualities in these areas were recognized in the National Association of Counties when he was elected to the Board of Directors of NACo, and served with great distinction as Chairman of NACo's Transportation Committee. He had similar recognition of his leadership ability in his elevation by his colleagues to leadership positions in the Governor's Conference.

HONESTY

Most of the hundreds of officials who know Vice President Agnew personally can attest to his complete personal honesty and integrity. It is reflected in his speech. In many respects he is the Republican Harry Truman. He speaks his mind in a most honest and forthright manner. This often gets him in trouble with the press, but we suspect that the American public is going to be looking increasingly for complete honesty in their leaders as the Watergate scandal unfolds.

We should also keep in mind that the Vice President has not been involved in any way with the Watergate scandals. It has been fashionable in the recent past to speculate that President Nixon would not support Vice President Agnew for the Presidency in 1976. There have been innumerable articles pointing out that the Vice President was having a smaller and smaller role in the Administration. This now can be a tremendous asset because it is clear that the decisions involved in the Watergate matter and related developments did not in any way involve Vice President Agnew.

COURAGE

In this time of trouble we suspect that another leadership trait that will be in great demand is courage. Vice President Agnew has guts. Even his critics will admit that he is a courageous fighter and not a man given to quiting. This can be a tremendously important asset for President Nixon in his efforts to respond to the current national crisis.

PERFORMANCE

Finally, we come to the question of evaluating past performance. In the first four years of the Nixon Administration, Vice President Agnew was designated liaison between city, county, and state officials and the White House. He performed extremely well. The Office of Intergovernmental Relations which he headed became a valuable one for hundreds of city, county, and state officials.

In all candor, many of us were surprised when the White House announced that the Vice President, at his request, was being phased out of the liaison role with state and local government.

We yielded to the considerable logic that the best place to have liaison was directly with the President through the Domestic Council and the President's Domestic Council Staff. The council composed as it is of the President, Vice President and the principal Cabinet officers, is obviously the decision making body. It was important to have liaison at this very high level.

At this writing it is very difficult to predict what will happen with the reorganization of the White House high command. It could be extremely valuable if the Vice President, in addition to, being Vice Chairman of the Domestic Council as already has been announced were, also given a direct responsibility for city, county, and state liaison.

We can see the Vice President with the major role in "putting it all together" in terms of New Federalism programs. Again, we look to the past record of performance. Nearly 2,000 of our county officials will recall that the Vice President was the dominant leader in our NACo "Jet-In" in support of general revenue sharing. He faced more hostile state legislators, state leaders, and press criticism on this subject than probably anyone else. He was tenacious. He did his homework and understood the legislation from A to Z. He inspired city, county and state officials to get behind one of the most united, best organized and effective efforts ever to pass legislation that has as its ultimate aim return of control of government to the people through their local and state elected officials.

He is the number two elected official in the United States. He obviously has or had the strong support of the President from the very beginning or he wouldn't have been on the ticket in the first place. He has been an independent thinker but a loyal supporter of the President's programs.

In short we think the man and the event have come together and the President should now turn to his Vice President to get New Federalism moving.

BERNARD F. HILLENBRAND.

ADDRESS OF GEORGE A. NEWBURY AT ECUMENICAL VESPER SERVICE, PROVIDENCE, R.I.

Mr. PELL. Mr. President, Mr. George A. Newbury, the Sovereign Grand Commander of the Ancient Accepted Scottish Rite, gave a remarkable and completely extemporaneous speech when he spoke at the Ecumenical Vesper Service in Mecham Auditorium, Providence, on May 6, 1973.

Because I found his words so remarkable and so moving, that I requested a transcript of his speech, a speech which I believe would be of very real interest to my colleagues.

For this reason, I ask unanimous consent that Mr. Newbury's words be printed in the RECORD.

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

LIFE'S FINAL STAR

It is a high privilege to be here this afternoon, at this ecumenical service, and to endeavor to put into words some of the thoughts which I am sure are in the minds of all of us. However, vastly more important than anything that I can say, or will say, is the fact that this service is being held; that you are here; and that these dedicated men of the clergy are here on this, a very busy day for them. What we say here will be "little noted nor long remembered," as Lincoln said in that famous Gettysburg Address—not true in his case, but very true in this. But the fact that we are here will be noted and will be remembered; that we have come here to express our belief in brotherhood; and may I say, our determination that brotherhood will be more evident in our city, in our nation, in the world, and in our lives, than it has been.

I am sure that many of you will have noted that the subject which I have chosen, "Life's Final Star," is from that famous quotation from Edwin Markham: "The crest and the crowning of all good, life's final star, is brotherhood." This is no new thought. It's as old as history. Teachers down through the ages have proclaimed it. But men have failed to heed it and to abide by it. The same thought is also beautifully expressed in that lovely hymn by Katherine Lee Bates which we enjoy singing, "America the Beautiful." You will recall the refrain—"America, America, God shed His grace on thee, and crown thy good with brotherhood, from sea to shining sea"—an old theme, but one which really is never old, and one that never should be old in our minds and in our lives.

Some years ago when in London I, like many a tourist, went down to the crypt under St. Paul's, where some of the great of Britain are buried. In a little alcove just off the great sarcophagus to Lord Nelson, there are a series of busts of famous men with inscriptions on the pedestals supporting them. One of them—that of Sir Stafford Cripps—attracted my attention and, as I read it, the words were seared into my mind. I could never forget them: "If man neglects the full armour of God, he will seal the doom of future generations. Is it a prophetic phrase? If we neglect the things of the spirit, if we fail to put on the full armour of God, will the doom of future generations be sealed? As we look about us in this world today, we might well believe that it is prophetic. With the crime on our streets, with the difficulties in our cities, in our slums, in our Ghettos; with the problems over ecology, discrimination, endless problems right here at home and on the world scene, problems to which it seems utterly impossible to find a solution; there surely is need for us to turn to things of the spirit and to put on the full armour of God. And among the things of the spirit, I would say there is none more important than that of brotherhood.

A speaker, whom I heard some years ago, recently returned from the Holy Land, was describing his experience visiting an archaeological excavation. He described what had been a city which back in the days sof Solomon was so strongly fortified that, as he said, the armies of those days had been unable to breach its fortifications. As he stood there he noted that a plane flew over and he reflected that one bomb from that plane could not only have breached the walls of that city, but would have completely demolished it and left it a dust-filled hole in the ground. Then he added: "What tremendous progress we have made since the days of Solomon."

Well, my mind went to something else. At the time the engineers, the military men, of that day, were fortifying that city, there were some shepherds tending their flocks in the surrounding hills and thinking some noble thoughts. You have heard some of them here from this rostrum this afternoon. You will find others in those glorious Psalms and throughout the Old Testament. "The heavens declare the glory of God and the firmament showeth His handiwork. Day unto day uttereth speech and night unto night showeth knowledge. There is no voice nor tongue that their words are not heard"; "Blessed is the man who walketh not in the counsel of the ungodly, nor standeth in the way of sinners, nor sitteth in the seat of the scornful, but his delight is in the law of the Lord, and in His law doth he meditate day and night." I ask you to reflect; how many men and women in this day and age can think at the spiritual level of those ancient shepherds?

We have made tremendous progress over the years in material things. We boast, particularly in our land, of more automobiles, more telephones, more television sets, more radios, and more of this and more of that. Our scientists have probed deeply into many scientific fields. Some, in the biological field, seem perhaps verging on finding the secret of life itself. We have seen the tremendous scientific advances that have gone into the exploration of space. Tremendous advances, in a material way, but have we gone forward, or backward, in the things of the spirit? Well we may reflect: "If man neglects the things of the spirit, and fails to put on the full armour of God, he will seal the doom of future generations."

Durant, in his encyclopedic history which he spent a lifetime in writing—some ten volumes altogether—has one entitled "The Age of Faith," and another, "The Age of Reason." "The Age of Faith" Durant sees ending about the time of Dante and "The Age of Reason," the age of the industrial revolution, that which followed it. In a paragraph in the Epilogue to "The Age of Faith," Durant, after a lifetime of study of history, said this: " 'The Age of Faith' may return if 'The Age of Reason' achieves catastrophe." A thought well worth reflecting on and a good subject for a sermon in itself. The one way, and I think we might agree the only way, to avoid that catastrophe and solve the problems of this Age is to develop a greater sense of brotherhood among men; to have more regard for the other fellow and his opinions and his desires.

When is a man or a woman a brother or a sister? Some words come to mind that were written in another sense, but they describe the essence of brotherhood.

"When he can look out over the rivers, the hills, to the far horizon with a profound sense of his own littleness in the vast scheme of things, and yet have faith, which is the root of every virtue. When he knows that deep down in his heart every man is as noble, as vile, as divine, as diabolical, and as lonely as himself, and seeks to know and to love his fellow man. When he can sympathize with men, even in their sins, knowing that every man fights a hard fight against many odds, and still have faith in them—even when they do not have faith in themselves. When he has learned how to make friends, and how to keep them—and, above all, how to keep friends with himself. When he loves the flowers, can hunt the birds without a gun, and feel the thrill of "an old forgotten joy when he hears the laugh of a little child. When he can be happy and high-minded amid the meaner drudgeries of life. When no voice of distress reaches his ears in vain, and no hand seeks his aid without response." Now listen to this: "When he feels a public inequity as a personal sin, and a human calamity as a private bereavement—sharing the guilt and the sorrow of his fellows. When star-crowned trees and the gleam of sunlight on flowing water subdue him as a memory of one much loved and lost awhile. When he can look into a wayside puddle and see something beside mud, and into the face of the most forlorn human and see something beyond sin. When he has been true to himself, to his fellow man, and to his God, in his hand a sword for evil and in his heart a bit of a song, glad to live, but not afraid to die." Such a man is a brother and has learned the art of brotherhood.

In conclusion, I would like to leave with you the thought that it is only by developing that kind of a sense of brotherhood among men—all men; that sense of our being a part of all humanity; that willingness to accept all as brothers, to be tolerant and understanding of their opinions and their aspirations and their desires; that we can hope to solve the grave problems facing us in America and in the World today. It is only so, that we can develop the kind of a civilization which we would like to develop.

We have seen the futility of laws. The statute books of our Nation, our States, and of the Countries of the World are filled with them. They have not solved our problems. We have seen the efforts of police and military in our cities, and in our Nation, and on the world front—and they have not solved our problems. And in this World with its growing populations, with its growing tensions, we will continue to have unsolvable problems until we develop more of a sense of brotherhood of the character of which we have just been speaking.

I would hope that in this city and in those throughout our land, there will be many more meetings such as this, devoted to the cause of brotherhood, to promoting understanding, to promoting toleration, to promoting, yes, plain unselfishness. We can never solve the problem of intolerance by intolerance. Tolerance is the only solution. We can never solve the problem of selfishness with selfishness. Unselfishness is the only solution. And we can't solve the problem of hate with hate. Love is the only solution.

And finally, I would ask that we all reflect on that glorious prayer of Saint Francis:

"Our Heavenly Father, grant that we may be instruments of Thy peace. Where there is hate, let us sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; and where there is sorrow, joy. And oh Divine Master, grant that we may not so much want to be understood, as to understand; to be loved, as to love; to be pardoned, as to pardon. For it is in giving that we receive. It is in loving that we are loved. And it is in dying that we are born to eternal life."

Life's Final Star is Brotherhood.

UNITED STATES-JAPAN ECONOMIC RELATIONS

Mr. JAVITS. Mr. President, today I had the opportunity to address the Advisory Council on Japan-U.S. Economic Relations.

I ask unanimous consent that my remarks be printed in the RECORD.

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

UNITED STATES-JAPAN ECONOMIC RELATIONS

I have been asked to speak on current U.S.-Japan economic relations. The past is the prologue to the current state of relations and a few words must be said about the recent past.

U.S.-Japanese relations have been somewhat troubled over the past four years—a reflection of the very rapid changes that have occurred in the world during this period of time. In turn, the past four years have been a turbulent and traumatic period in the United States encompassing major political, military and economic problems. Our external relations have not been immune from these domestic strains.

Perhaps the early symbol of changing U.S.-Japan relations was the textile dispute of 1969–1971. It is my understanding that this dispute had an intensity of coverage in Japan that only our coverage of the Watergate affair rivals. As we know, this dispute was characterized by policy errors on both sides of the Pacific as neither side fully recognized the stark political and economic realities which determined seemingly rigid negotiating positions. Unfortunately, the textile dispute had already clouded the air when the two "Nixon shocks" of July and August 1971 rocked U.S.-Japan relations.

THE AUGUST 15, 1971 ECONOMIC "SHOCK"

In retrospect, I remain convinced that the freeze and international economic measures which were announced on August 15 were absolutely essential and initiated the long overdue process of re-ordering the international economic relations between the major industrial nations of the world. This re-ordering process continues today and will be with us for some years to come.

President Nixon's August 15, 1971 measures were announced at a time when the substantial undervaluation of the yen was causing increased economic as well as political resentment against Japan. I doubt whether the steps that were required and necessary would have been taken by Japan otherwise, and the new economic program initiated a long overdue process of defining a new and realistic parity for the Japanese yen.

Since that date the yen has been revalued against the dollar by more than 35 percent. A shift of this magnitude over less than two years is bound to cause economic dislocations but it must be placed in its historical context since the yen-dollar parity had remained unchanged since the end of the Second World War and the intervening years witnessed remarkable changes in the relative strengths of our economies.

These re-alignments in exchange rates already are showing their desired effect and the U.S. trade deficit with Japan in the first four months of this year narrowed to $538 million as compared with the totally unacceptable trade deficit figure in the first four months of 1972 of $1.2 billion.

Trade between our two nations continued to expand dramatically and in the first four months of 1973 the two way trade between our nations was in excess of $5.6 billion as compared to some $4.4 billion in the comparable 1972 period. Looking at all of 1972 the record level of two way trade between our nations was slightly in excess of $14 billion.

These figures make clear the extent of interdependence between the two most powerful economies in the non-communist world—an interdependence which is likely to grow as the investment relationships as well as trade relationships between our nations continue to grow and strengthen. In this regard the recent liberalization of the Japanese investment climate is welcomed and the re-alignment of the dollar-yen parity also should provide considerable incentive for increased Japanese investment in the United States.

THE CHINA "SHOCK"

The China "shock" of July 15, 1971 was of a different nature and in retrospect, it must be seriously questioned as to whether the extraordinary secrecy which precluded advance consultations with Japan was really necessary. Let me say in this regard that the U.S. Congress had no more information on this gifted initiative of the Nixon Administration than did the Japanese government.

But again, President Nixon's China initiative does have a silver lining in terms of our bi-lateral relations with Japan. Japan has moved quickly to strengthen her relations with the People's Republic of China and it is to be hoped that the new diplomatic flexibility that Japan now has because of this, will contribute to a prompt and amicable settlement of the existing territorial claims arising out of the Second World War between Japan and the Soviet Union. In this regard, I note the reversion agreement of May 1972 through which Okinawa was returned to Japanese sovereignty by the United States.

In turn, the President's China initiative, has had the effect of setting the pace of Japanese political and diplomatic interaction in the world in a manner consonant with Japan's economic strength. Difficult choices remain ahead of Japan but is it not better to have choices based on a realistic evaluation of one's true strength in the world than to be locked into unrealistic attitudes related to Japan's traumatic situation after the Second World War which now must be outgrown?

One of these choices concerns Japan's future role in the United Nations—in particular the question of a possible Japanese seat on the Security Council. I have no counsel in this regard except to say that increased responsibility commensurate with increased economic strength is not something that is to be feared. I realize that this issue raises difficult problems in Japan with particular reference to the peace keeping mandate of the United Nations.

This particular choice becomes available because of the new role of the People's Republic of China and the United Nations and its specialized agencies. In my judgment, just as Japan faces new policy options, the People's Republic of China and the Soviet Union must seriously consider the question of membership in the World Bank family. Such

membership would clearly signal to the world the long range intent of the People's Republic of China and the Soviet Union to cooperate with the rest of the world in promoting a stable monetary system and to cooperate with the rest of the world in promoting the economic development (and in Southeast Asia the reconstruction) of the developing world.

JAPAN'S AID ROLE

This brings me to the question of Japan's future role in development assistance and her future role in Southeast Asian reconstruction. Let us call it as it is and say that while for understandable reasons, it is yet a fact that Japan continues to get a relatively free ride in national defense. Japan's defense budget remains by far the lowest in the world while U.S. responsibilities in Asia and the Pacific contribute to the fact that the U.S. defense budget is the highest in the world. It is my judgment that this existing condition which is not likely to change in the near future because of internal Japanese political factors, mandates that Japan do more in the development assistance area.

There is little room for self-congratulation in Japan's public foreign aid performance to date. And it would be my hope that Japan will quickly reach—and even go beyond—the 1 percent aid target as put forward by the United Nations in its second Development Decade. A one percent transfer of real resources by Japan to the developing world does not loom so large in light of Japan's small defense budget. In turn, when the United States does not reach the 1 percent aid target, let us not forget that our projected defense budget for FY 1974 will continue to eat up $.30 of every budget dollar, total some $80 million and account for approximately 7 percent of our gross national product.

It would be my contention that Japan's future aid role will be an increasingly important factor in its political and economic relations with the other countries of the industrialized world—all of which carry a heavier defense burden.

Japan's future role as a donor nation will be a particularly significant factor in terms of the reconstruction of war-torn Southeast Asia. At this period in time, the political realities in the United States raise some doubt whether the U.S. Congress will agree to channeling development assistance to North Vietnam. However, such development assistance may be an essential element in building a durable peace. It is my understanding that Japanese political considerations have the reverse twist—namely that the Japanese political climate would oppose a sizable Southeast Asian aid program which excluded North Vietnam. In these respective political realities, the seeds for a resolution of a dilemma and the seeds for a meaningful Southeast Asia reconstruction program are contained. It is my hope that policy officials in both countries are now putting together such a program—an integral element of which would be Japan's willingness to assist in the reconstruction of all Southeast Asia including North Vietnam.

I would like to make two final points to this distinguished audience and the topics I now would like to broach contains the seeds of potential conflict between not only the United States and Japan but also the United States—Japan and Western Europe. We must take steps now to insure that the potentiality for disruption in our relations is averted. I refer, to the petroleum situation, and the trade situation.

In both these areas conditions are changing most rapidly, particularly since the United States is becoming a deficit nation in terms of petroleum and since the United States is finding it increasingly difficult to meet growing needs at home while still supplying the growing demands of the world for a wide variety of agricultural and forestry products.

President Nixon's request of last week for new authority to allow him to impose export controls with particular reference to food products is symbolic of these changed conditions. Japan, a traditional market for U.S. farm products has expressed deep concern over the implications of this policy for future Japanese purchases. In turn, Japan has already voluntarily curbed purchases of logs from the United States in recognition of the supply shortages developing in this area. It is my feeling that the problem of unilateral export restraints over the coming years may become as difficult a problem as disruptive imports have been in the past.

The time clearly is at hand where our trade negotiators must turn their attention to devising new rules of the game covering export restraints. There has been much talk about the need to negotiate a multilateral system of import safeguards—the events of June 15, 1973 demand that the negotiation of a multilateral system covering export restraints receive equal time before this problem unnecessarily damages our economic relations.

My final point concerns oil. Last year, despite operation at 100% capacity, the United States domestic production began to decline and no reversal of this disturbing trend is foreseen. This production decline coincides with an unprecedented increase in demand for petroleum products and it is projected that domestic demand for total U.S. consumption of oil which is expected to approach 18 million barrels a day in 1973 will increase to about 21 million barrels a day in 1975 and some 25 million barrels a day in 1980.

This dramatic shift in the gap between U.S. production and U.S. consumption is being met by increased imports and projections indicate that imports which were 27 percent of total U.S. consumption in 1972 will increase to 33 percent of consumption in 1973 to over 50 percent of domestic consumption by 1980. In dollar terms, it has been estimated that our payment outflow due to oil imports will approach $7 billion in 1973, $10 billion in 1975 and as high as $17 billion by 1980.

The United States can no longer meet its energy needs in this hemisphere. Venezuelan resources are being rapidly depleted and the recent decisions of the Canadian government to limit shipments of gasoline, home heating oil and crude oil speak for themselves. It will be years before Alaskan oil begins to reach the U.S. market and programs to exploit tar sands, shale, solar energy, to gassify coal and to maximize the use of nuclear power have a very long development lead time.

Over the next ten years, then, the United States will increasingly enter the market for Middle Eastern oil and the Middle East has been the traditional supplier of Japan as well as Western Europe. In this situation, the possibility of such intense competition as to be very damaging developing between the United States, Japan and Western Europe cannot be overlooked. In my judgment, this type of competition could be destructive not only to our international economic relations but also our security relationships, and can be avoided only if consuming countries today begin to coordinate their energy policies looking towards a joint approach.

In making this recommendation I am not speaking of confrontation with the oil producing states who already are cooperating intimately in the OPEC. I am speaking of a joint approach where the consuming countries of the world choose the course of cooperation rather than the course of going it alone. In this area I am convinced that the phrase "united we stand, divided we fall" is a truism. I am also convinced that in totality this problem is of a magnitude well beyond the capability of the private oil companies to handle.

Let us begin cooperating now, let us recognize that the United States has no alternative to increased dependence on Middle Eastern oil in the foreseeable future, let us accept that petroleum and natural gas will loom even larger in our respective relations with the Soviet Union and let us resolve that we will not take action that will result in serious damage to each other. Let the lessons of the thirties make us resolve that there is no alternative to a joint approach to such a common supply problem.

Thank you.

MARTIN ARANOW

Mr. WILLIAMS. Mr. President, recently, New Jersey and the Nation lost an outstanding citizen with the death of Martin Aranow.

Marty Aranow was a rare and gifted individual. In many ways, he virtually was a living lesson in democracy. He demonstrated what one man can do in the American system when he truly is motivated.

As a tenant, he became outraged at the treatment he was accorded. He was a highly successful business executive and easily might have yielded to the temptation to just move and change his personal situation.

But, he did not. He looked into the problem and found that the plight of many tenants was an onerous one. And, in all too many instances, these tenants, for a variety of reasons, including economics, could do nothing to help themselves.

So, Marty Aranow set about organizing tenants and he set out on a campaign of public education to create a new awareness of the plight of tenants. Subsequently, he placed a special emphasis on organizing senior citizen tenants who because of their limited incomes often are our most helpless tenants.

The direct result of Marty Aranow's tireless, constructive, and enlightened efforts was the enactment in New Jersey of a "Tenant's Bill of Rights" and a "Senior's Bill of Rights." New Jersey became the first State to have such legislation and I believe it remains the only State to have both.

Mr. President, as a younger man, Marty Aranow enjoyed great success as a basketball player. Because of his height, he stood out in a crowd.

Even after his playing career, he continued to stand out in a crowd; not just because of his physical size but because of the height of his dedication, wisdom, and human understanding.

Life only granted him 36 years, but he made the most of his time. I think that all of us hope that that can be said about us.

Mr. President, Marty Aranow's achievements were commemorated in an editorial which appeared in the June 16 issue of the Star-Ledger of Newark, N.J. I ask unanimous consent to have that editorial printed in the RECORD.

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

MARTIN ARANOW

He did not hold high office nor was there any indication that he aspired to a career in politics, but even without these influential forums as a power base Martin Aranow represented a vigorous force in the lives of millions of Jersey residents.

Social commitment was a way of life for this young business executive, an awareness that had a populist-oriented genesis in the strong tenant movement he founded and nurtured to a vigorous maturity almost single-handedly.

Affronted by the "exorbitant, unjustified rent increase" on his high-rise apartment, Mr. Aranow became an articulate spokesman for other harried tenants in the state. With his wife, he drafted a "Tenant's Bill of Rights" and a "Senior's Bill of Rights," a careful documentation of the concerns and remedies for these neglected groups.

Because of his missionary zeal, New Jersey was in the vanguard of states on tenant protection. His reasoned thinking on the highly volatile issue of rising rentals was endorsed by Gov. Cahill and largely incorporated in the measure enacted by the Legislature that became a pioneering prototype of tenant reform for other states.

Mr. Aranow's life was cut shockingly short by a rare blood disease. He was only 36 when he died, but it is apparent that he used his years well, a fulfillment that can be measured in rare human terms—helping others who could not help themselves.

COLLINSVILLE, ILL.: A SAD COMMENTARY ON FEDERAL DRUG LAW ENFORCEMENT

Mr. PERCY. Mr. President, I regard as sheer nonsense explanations last week by Federal drug law enforcement officials concerning the continued activity of four Federal narcotics agents despite their purported suspension. The four agents were suspended pending the outcome of an investigation into their conduct during mistaken drug raids on two Collinsville, Ill., families 6 weeks ago.

Assistant Attorney General Myles Ambrose, Director of the Office of Drug Abuse Law Enforcement, announced to a press conference on May 1 that—

The BNDD agents assigned to DALE involved in the (Collinsville) incident have been suspended from further assignments until the case is concluded.

He reiterated that statement in a letter to me dated May 4, 1973, and again in direct conversation in my office on May 14.

I have been apprised that the agents, suspended with pay, until now have been reporting regulary to work, have participated in courtroom and grand jury appearances, have engaged in work relating to pending narcotics investigations, and have otherwise assisted agents not under suspension in the conduct of drug law enforcement activities. One of the agents, Dennis R. Moriarity, was personally involved in the execution of a search warrant last Friday in Maryville, Ill., near Collinsvile, that led to the discovery of approximately a half-pound of cocaine. Moriarity evidently furnished information to establish probable cause for the warrant and transmitted the warrant to the agent in charge on the motel grounds where the warrant was executed. He was on the scene, outside the searched room, but in the immediate vicinity of the search, seizure, and arrest.

Mr. Moriarity even signed the return stating:

I received the attached search warrant at 11:00 p.m., June 8, 1973, and have executed it as follows: On June, 1973 at 11:45 p.m. o'clock, I searched the premises described in the warrant. . . . I swear that this inventory is a true and detailed account of all the property taken by me on the warrant.

These facts are deeply troubling. If indeed there was good cause to suspend the four Federal agents as a result of their participation in the Collinsville raid, I do not believe that they should continue to involve themselves in Federal narcotics law enforcement, or be called upon to do so, until their role in the raid is fully explained and appropriate actions are taken.

Suspension either means just that or it means nothing at all. The justifications given by officials to explain away the continued participation of these agents in critical drug law enforcement activity strike me as unconvincing. Such continued activity casts a shadow over Federal drug abuse law enforcement and may help to foment drug law enforcement abuse.

We must not be guilty in this country of breaking the law, or tampering with it, in order to enforce the law.

If, as has been communicated to me, Federal drug law enforcement in the St. Louis area has been impeded by the suspension of these agents, I urge the Department of Justice to reassign additional agents forthwith to take the place of those suspended agents and successfully carry out their important duty of wiping out bigtime narcotics peddling.

I am pleased to say that, with respect to information relating to the incidents associated with the mistaken Collinsville raids on the evening of April 23, the Justice Department and I have reached a mutually satisfactory understanding which will permit me to be kept fully informed about significant aspects and developments of this case, now the subject of a grand jury investigation.

I have asked the Attorney General personally to look into the matter as to whether any Federal agents or personnel conducted postraid investigations into the private lives, life styles, and habits of Mr. and Mrs. Giglotto or any members of the Askew family.

During the course of a Senate hearing I conducted in Chicago last month, together with Senator, SAM NUNN, on behalf of the Reorganization Subcommittee of the Government Operations Committee, Mr. Herbert Giglotto, in sworn testimony, stated that such an investigation had been conducted by Federal agents with a view toward harassing his wife and himself and discrediting them in the community in which they live and work. FBI Director, William Ruckelshaus, immediately assured me that the FBI had no involvement in any such postraid inquiry, but other law enforcement agencies have not addressed the charge.

I certainly hope and trust that it is not standard operating procedure that the innocent victims of a senseless mistaken drug raid are to be further intimidated in this manner. We are not a police state and will not become one. Police state tactics, for whatever good cause, however worthy, cannot and will not be condoned.

On a related matter, I welcome the decision of Attorney General Richardson to call in the Civil Rights Division—criminal section—and the FBI to assist a grand jury investigation, headed by a U.S. attorney in Springfield, Ill., in determining whether there has been any deprivation of the civil rights of the victims of the Collinsville raids in violation of section 242 of title 18 of the United States Code.

Finally, let me say that under no circumstances should we lose sight of the festering sore of drug abuse which bigtime narcotics pushers are all too anxious to let spread. But at the same time, in our striving for a drug-free America, we cannot forfeit the underlying values of a free America. To the extent we permit stormtrooper indignities to traduce those values and to deprive our citizens of their rights of privacy and due process, we seriously imperil all that our society stands for.

Mr. President, I ask unanimous consent to append to my remarks at this point three editorials from the Wall Street Journal of May 8, 1973, the Chicago Tribune of May 7, 1973, and the New York Times of April 30, 1973, commenting on the Collinsville raids. I would also like included in the RECORD at this point an outstanding news analysis piece on the subject of search and seizure and fourth amendment rights, written by Lawrence Mosher and appearing in the National Observer for the week ending June 23, 1973.

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

DUE PROCESS COMES FIRST

Travelers awaiting customs clearance at New York's JFK airport can ponder a Customs Bureau sign that reads, "Patience Please, a Drug-Free America Comes First."

That's a harmless bit of P.R., we suppose, but we fear that some U.S. drug law enforcers have been taking the message too literally. From all appearances, they have been putting their quest for drug traffickers ahead of everything else, including common decency and, most importantly, the precepts of a free society.

It is the sort of thing that deserves to be vigorously condemned and we are glad to see that others, including a federal grand jury, share our concern.

We refer, of course, to the abortive drug "busts" in which plain-clothes narcotics agents have invaded private homes and terrorized the occupants, only to find that they had picked the wrong targets, or at least so the initial evidence, or lack thereof, would indicate.

Last January, it was a 15-member team of Massachusetts agents which raided the home of Mr. and Mrs. William Pine of Winthrop in search of drugs. The Pines claim that they and their daughter were terrorized for 15 minutes before the agents realized their mistake. And late last month, federal narcotics agents pulled a similar raid on two houses in Collinsville, Ill., also, apparently, in error. Newspaper accounts of the raids, in which bearded and long-haired agents in hippie garb brandished guns and shouted obscenities, have a Kafkaesque flavor; the underground has been employed in the service of the state.

Myles J. Ambrose, Special Assistant Attorney General in charge of the Office for Drug Abuse and Law Enforcement, says the Illinois raids will be investigated by a federal grand jury. He says four agents have been suspended and that the families had been promised compensation for any proven damage.

Mr. Ambrose has been quoted by The New York Times as saying: "Drug people are the very vermin of humanity. Occasionally we must adopt their dress and tactics. But if anyone acted improperly, we will take action.

People who use their badge for illegal purposes are worse than the criminals they seek."

However, the question raised by the raids goes beyond Mr. Ambrose's office or the specifics of these raids. The question is how far can a free society afford to go in suspending fundamental rights when it is trying to cope with admittedly serious problems? The answer being suggested by the drug raids is that it suspends such rights only at grave risk of becoming something other than a free society.

The drug raids stem from the Comprehensive Drug Abuse Prevention and Control Act of 1970. That law contained the controversial "no-knock" provision which provided for search warrants giving enforcement officials the right to enter premises to be searched without notice to the occupants "if there is probable cause to believe that the property sought would be destroyed or someone's life or safety endangered if notice were given."

The Justice Department Bureau of Narcotics and Dangerous Drugs has set up 38 teams of agents which specialize in no-knock "busts." Team members quite often look more hippie than the people they bust; they "psych" themselves up for their sometimes dangerous raids much as does a football team before it takes the field; in action, they often are a fearsome sight.

Is it all worth it? We doubt it. Admittedly, the raiders have had their successes. But we find it hard to believe that the key to effective law enforcement lies in this kind of state-conducted terrorism and invasion of privacy. Watergate has again demonstrated that it is too easy, once the bars have been lowered, for the same tactics to be applied illegally in other "good causes," such as finding out what the opposing political party is up to.

If a society is going to be guided by a set of principles—guaranteeing its members legal protections against the power of the state—it can't suspend them when it is faced with a drug problem or some other worrisome threat. Rather, it is at such times that it should reaffirm those principles. It should demand that the problems be met without destruction of fundamental rights.

In other words, a drug-free America does not come first. The American citizen and his rights to due process under the law come first. When government forgets that, we are all in trouble.

[From the Chicago Tribune, May 7, 1973]

WRONG NUMBER, WRONG TACTICS

What happened to two families at Collinsville, Ill., one night recently should not happen anywhere, least of all in the United States. Federal narcotics agents out of St. Louis barged in, crashing thru doors, throwing clothes and furniture around, uttering obscenities, brandishing weapons, and saying such things as "You're going to die if you don't tell us where the drugs are" and "Don't get smart; I'm gonna kill you." When they realized that they had blundered into wrong addresses, they said, "We've made a mistake" at one home and "We've gotten a bum tip" at the other. The agents had no warrants issued for any addresses.

These outrages were perpetrated by operatives of the Office for Drug Abuse Law Enforcement, which in Collinsville at least deserves to be known as the Office of Law Enforcement Abuse. As one of the victims said of the terrorists who invaded his home, "If they were representatives of the federal government, we're all in trouble."

In Washington, Myles J. Ambrose, the burocrat in charge of the Office for Drug Abuse Law Enforcement, ordered a "thoro investigation," suspended the agents involved, and called their actions "stupid." Of course. At the very least, picking on unintended targets surely was unprogrammed.

But Mr. Ambrose's comments are not wholly reassuring. "Drug people are the very vermin of humanity," he said. "Occasionally we must adopt their dress and tactics." Drug people, of course, do not get legal warrants for their activities, carefully identify the individuals they pull into their orbit, or try to minimize the harm they do to persons and property. But surely it is not asking too much to expect Mr. Ambrose to avoid their "tactics" in these respects.

Bad as "drug people" are, the Office for Drug Abuse Law Enforcement is hardly justified in categorizing them as "vermin," or in threatening summary executions during a raid, even if at an address for which a warrant had been issued.

Government men who consciously embrace verminous tactics come too close to illustrating another remark of Mr. Ambrose's: "People who use their badge for illegal purposes are worse than the criminals they seek."

[From the New York Times, Apr. 30, 1973]

LAW AND ORDER

"There are those who say that law and order are just code words for repression and bigotry. "This is dangerous nonsense," President Nixon declared last month as he unveiled harsh new anticrime proposals. "Law and order are code words for goodness and decency in America."

As if the unfolding Watergate scandals were not enough, two fresh disclosures over the weekend further serve to underscore the extent to which goodness and decency have been despoiled in this country through the perversion of justice that poses as law and order today in Washington.

In the small southern Illinois town of Collinsville, it was revealed, two families were terrified one night last week by unkempt men shouting obscenities who kicked down doors, overturned furniture and threatened them with guns. The men were Federal narcotics agents, acting apparently without warrants. After discovering they had entered the wrong houses, the agents withdrew without apologies. These were not isolated incidents. A Massachusetts family suffered similar indignities at the hands of errant narcotics agents last January.

The Administration's haphazard approach to law and order which leads to such outrageous abuses of the rights of ordinary citizens does not extend to all who may be suspected of criminal activity. Government sources in Los Angeles reported that top-ranking officials of the Justice Department have turned down a request by the Federal Bureau of Investigation to continue authorized electronic surveillance that they say had begun to penetrate connections between the Mafia and the teamsters' union, whose president, Frank E. Fitzsimmons, is the Nixon Administration's staunchest ally in all of labor.

To ride roughshod over the constitutional rights of citizens in the reckless pursuit of one class of criminal while failing to use every available legitimate means to detect possible crime among those who enjoy favor in high places subverts the American system of justice. There can be no order when those entrusted with law enforcement themselves show contempt for the law. Law and order under such conditions become code words for repression and hypocrisy.

[From the National Observer, June 23, 1973]

THE LAW AS AN UNWARRANTED INTRUDER

(By Lawrence Mosher)

"I thought they were all maniacs who had come to kill us. . . . I didn't know police operated like that in America."

Fourth Amendment to the Constitution: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

On the night of April 23 in Collinsville, Ill., the nation suffered a rude warning: No matter who you are, white or black, middle-class or not, straight or hip, the Government can suddenly and without warning break down your door and get you.

That evening the Herbert Giglottos were asleep when Federal narcotics agents and local cops smashed through the Giglottos' front door with so much force it was knocked out of its frame. They entered the two-floor town house so fast that Giglotto could take only three steps from his bed upstairs before they were on him, pinning him to the bed, handcuffing him, and threatening his wife, who was clad in a thin, lime-colored negligee.

The raid, it turned out, was a mistake. The Giglottos possessed no drugs and never had. Nevertheless, these same law officers went on to repeat the mistake that night at another home.

NO LONGER A CASTLE?

In the aftermath of demands for law and order following the turbulence of the '60s, a man's house may no longer be his castle. This is so despite the Constitution's Fourth Amendment, all the liberal decisions handed down by the U.S. Supreme Court of Chief Justice Earl Warren, and an eloquent tradition of Anglo-American common law that goes back to the Semayne's Case of 1603.

"The Sheriff may break the party's house," the court said then, "either to arrest him or to do other execution of the King's process, if otherwise he cannot enter. But before he breaks it, he ought to signify the cause of his coming, and to make request to open the doors."

These days, however, it would seem that overzealous agents are battering down people's doors even before they have a chance to open them. The Collinsville incident may be unique in that the law officers never bothered to get either search or arrest warrants, as Federal officials assert. But it is not unique in how the agents entered the homes, or what they did inside.

Discussions with Federal drug-law enforcement officials, Justice Department lawyers, private lawyers, law professors, congressmen, and Capitol Hill experts lead to these conclusions:

The simple requirement of notice before entry, spelled out four centuries ago in England, is not being properly heeded in this country today.

Drug-law enforcement procedures too often use the arrest warrant in place of the search warrant as the only court authority to force entry and discover evidence.

This development pinpoints a major Fourth Amendment weakness: It safeguards a person's property much better than it protects his privacy.

There is no adequate remedy for unreasonable searches and seizures. Public outrage and political reaction are the citizens' best defenses.

There are increasing instances in which narcotics agents are breaking into homes and tearing them up. If drugs are found and an arrest takes place, nothing is said. But if agents break into the wrong house, which happened at least two other times earlier this year in one state alone, the incident may get reported.

"I THOUGHT THEY WERE MANIACS"

In Winthrop, Mass., last Jan. 10 a raiding party led by state agents never gave William Pine, his wife, Phyllis, or their 13-year-old daughter the opportunity to open the door. The Pines' front and back doors suddenly were smashed into bits. Then there were 15 men in street clothes standing in the living room with drawn guns.

"I thought they were all maniacs who had come to kill us," says Mrs. Pine. "I could only think of Poland or the Olympics, that they came to get us because we are Jewish. They never told us who they were or that they were police officers even after they left.

I didn't know police operated like that in America."

The raiders made no attempt to knock or ring the doorbell and wait a reasonable time for someone to answer. They did not indicate their identities or their purpose. And they did not possess a specific no-knock search warrant as required by Title 21, section 879 of the U.S. Code.

That statute, part of the Omnibus Crime Control Act of 1970, empowers narcotics agents to break into buildings after they have demonstrated to a judge or U.S. magistrate that there is probable cause to believe one of two possibilities: either that giving notice would allow the evidence sought to be easily or quickly destroyed or disposed of, or that such notice would immediately endanger lives.

ABUSED PROCEDURE

"To effect a no-knock entry," says Myles J. Ambrose, who administers the Government's Drug Abuse Law Enforcement (DALE) program, "you go to court and say we know he has a gun, or we know he's going to throw the stuff down the toilet, so we want a no-knock search warrant. But this is a very rare situation."

Narcotics agents many times don't even bother to get regular search warrants, let alone no-knock search warrants. "One of the things we tried to do in the DALE program," Ambrose says, "is extend the court processes. But what happens too frequently is that investigators don't use search warrants because it's too much trouble for them. So they'll use the search-incident-to-arrest procedure."

This "procedure" is possibly the most easily and widely abused power wielded by narcotics agents in search-and-seizure operations. Armed only with an arrest warrant that specifies the person but not a place, law officers then must frequently exercise judgments that can easily lead to flagrant abuses of the Fourth Amendment. Not only may they decide to break down doors without knocking in order to get their man, but they also may decide to extend the legality of their search inside the house. This is called a search incident to arrest.

THE MAIN PROBLEM

Take Collinsville. Set aside the agents' gross mistake of forcibly entering the wrong house. The main problem, according to Ambrose, was that their legal officer, a Justice Department lawyer assigned to DALE's St. Louis office, never gave the agents authorization "to forcibly enter any premises to effect an arrest."

This suggests that such authority can and is given outside of the court, without the benefit of a search warrant, and, if need be, without having obtained an arrest warrant. The 1970 crime-control act also empowers narcotics agents to make arrests without a warrant not only for offenses committed in their presence but also if they have probable cause to believe a suspect committed a felony in the past.

What all this means is that break-ins have become *de rigueur* for narcotics agents. The minimum "paper" needed to make a forced entry now is the arrest warrant. "Yes, that's the way we feel about it," admits Ambrose.

As long as they get their man and find the dope, such violations of the Fourth Amendment are overlooked. But when the agents make a mistake and break into the wrong house, then these same tactics take on a different hue.

"What's unusual about Collinsville," says Prof. Yale Kamisar of the University of Michigan Law School, "is that it's a middle-class case that people can identify with. These are people we can believe. It's only when you get a situation like this that people wake up.

MAN, WIFE WOUNDED

"Unfortunately, the police sense that many middle-class people don't really give a damn about how they handle the human garbage. Policemen tend to feel there are two kinds of people, the nice kind and the criminal. So they develop two standards. But sometimes they make a mistake."

How many mistakes? Collinsville and Winthrop, Mass., are not the only recent examples.

In February 1971 sheriff's deputies broke into a Dallas apartment at 1 a.m. looking for two accused murderers. Thomas Rodriquez, not one of the accused, fired one shot at the intruders. They returned the fire, wounding both him and his pregnant wife. The deputies, acting on a bad tip, had made a mistake.

In Silver Spring, Md., later that year Treasury agents and county police broke into the apartment of Kenyon and Saralouise Ballew, looking for illegal firearms. Ballew, an antique-gun collector, fired one shot in defense. The officers answered with a fusillade, crippling the 28-year-old Ballew for life. The agents had made a mistake.

NO "GIANT LAB"

On April 4, 1972, Federal narcotics agents and local deputies swooped down on the wooded retreat of Dirk Dickenson, 24, and his girl friend, Judy Arnold, in the hills south of Eureka, Calif. A green unmarked Huey helicopter borrowed from the military was employed by agents to locate what they thought would prove to be a "giant lab" producing Phencyclidine hydrochloride, an animal tranquilizer that delivers a "high." Narcotics agent Lloyd Clifton shot and killed Dickenson, who was unarmed. There was no "giant lab."

A year ago narcotics agents ransacked the home and grounds of John Conforti in Massapequa, N.Y., looking for heroin. Conforti's brother-in-law was a convicted smuggler. Before giving up, the agents had dug up his yard, torn the aluminum siding off his house, and ripped up the rooms. Conforti sued the Justice Department for $18 million and recently settled out of court for $160,000.

Last Oct. 13 the American Civil Liberties Union (ACLU) in St. Louis helped Dorothy King sue three Federal narcotics agents for "wanton destruction of personal property" and pursuing a "vendetta" against her. The agents had raided her home earlier that year, finding heroin deposited by her husband, who was subsequently convicted. She was not at home.

Mrs. King's lawsuit alleges that the agents smashed her TV set, slashed an oil painting, destroyed her stereo set, poured liquor all over her clothes, emptied cartons of milk and frozen food in her back-yard, shot up her walls, and ripped out paneling. It turns out the three defendants also conducted the two erroneous Collinsville raids last April.

NOWHERE TO BE FOUND

In addition, the ACLU has been unable to have the three agents served. They are Dennis Moriarity, 29; Dennis Harker, 26; and Kenneth Bloemker, 27. The ACLU's St. Louis director, Joyce Armstrong, says neither the agents' St. Louis office nor the Justice Department will co-operate. "We are simply told they are not there when the officer tries to serve them," she says.

Giglotto has brought a $1 million lawsuit against the U.S. Government, the Justice Department, and 11 officers, including the four Federal narcotics agents then attached to DALE—Moriarity, Harker, Bloemker, and William Dwyer, 29. The Collinsville incidents also are being investigated by Federal and county grand juries. In addition, the criminal and civil rights divisions of the Justice Department are examining the incidents. "The allegations involve conspiracy," J. Stanley Pottinger, civil rights division chief, said last week.

Immediately following the Collinsville raids, DALE's Ambrose announced from Washington that the four narcotics agents "have been suspended from further assignments until this case is concluded." But earlier this month it was learned that the four men were back working in their St. Louis office five days after they were "suspended."

LIMITED DUTY

"The [Bureau of Narcotics and Dangerous Drugs] did not feel it was prepared at that point to suspend the men," explains Vernon D. Meyer, the bureau's regional director in Kansas City, Mo. "The agency didn't have the necessary facts. So they were placed in a limited-duty capacity." The four agents reportedly still have not been reissued their guns and badges.

Sen. Charles Percy of Illinois, initially angered about a reported secret Federal investigation of Giglotto, said this about the four agents' return to work: "Suspension means just that, or it means nothing at all." The agents' annual salaries range from $11,614 to $18,350; they had been suspended with pay.

Federal narcotics-bureau director John E. Ingersoll blames DALE for the Collinsville foul-ups. The raiders were members of the DALE "strike force" based in St. Louis, a national structure set up by President Nixon in January 1972 to employ Federal agents at the local level under close legal supervision. (DALE goes out of existence July 1 when all drug activities are consolidated into one new Justice Department unit, called the Drug Enforcement Administration.)

WHAT ARE THE RULES?

"We require a supervisor to be in charge of these kinds of operations," Ingersoll said in an interview. "You know this incident occurred outside our supervision and control. Our people were involved, but only as participants in another program. When these errors occur, it's because they don't follow the rules."

And what are the Federal narcotics bureau's rules? The bureau refuses to show outsiders its training manual. But Ingersoll says that during their 10-week course in Washington, agents receive 26 hours of instruction in search and seizure, plus field exercises. He admits that the four St. Louis agents never went through the Washington course.

Ingersoll says his men wear coats and ties "whenever possible" so there's "no chance of their being misidentified.

"They are required to announce their presence before they break into a place, and to give sufficient time for the door to be answered. They can go in if they believe something is occurring inside that is life-threatening or would result in the destruction of evidence."

TOUGH DECISIONS

Ambrose, who is a lawyer, admits that the drug-law enforcement procedures now being used put a crushing burden on the law officer to be right. "It's tough. You can imagine the difficulty these poor agents have," he says. "They have to make decisions that the Supreme Court spends months going over and then decides 5 to 4 with three differing opinions."

Ingersoll, a former police chief in North Carolina, says this is nothing new and that current drug-law enforcement policy is adding no fresh challenges to the Fourth Amendment. "This is not a unique or novel situation," he says. "Police officers have had to confront this decision-making responsibility since there have been police."

But Professor Kamisar at Michigan suggests that because illegal drugs are now a suburban, middle-class phenomenon, enforcement tactics that have been tolerated for criminals and urban blacks will not be so easily tolerated when they are suffered by middle-class noncriminal whites.

There is little doubt that the current reliance by law officers on the arrest warrant as the minimum "paper" for break-ins is a direct result of tougher drug-law enforcement. This is because the search-incident-to-arrest procedure often produces the

evidence needed for conviction. Thus the pressures to make fast, unannounced breakins are enormous.

Curiously, Kamisar notes, the Fourth Amendment's weakest link concerns illegal arrests. "We seem to give more protection to papers and property than we do to human beings," he says. "It wasn't until 10 years ago that arrests were covered by the Fourth Amendment.

"There are no real remedies other than political ones," says Kamisar. "The real protection of the citizen has to come from within the law-enforcement system—the top people. If the mayor becomes outraged enough he will fire someone."

THE PLIGHT OF OUR FISHING INDUSTRY

Mr. PELL. Mr. President, each year, the Law of the Sea Institute at the University of Rhode Island, sponsors a major conference at which prominent scholars, diplomats, and Government officials discuss the complex and vitally important effort to develop international agreements on man's use of the oceans.

At the concluding session of the 1973 conference last night, the distinguished senior Senator from Maine, Senator MUSKIE, was the principal speaker and delivered a forceful and eloquent appeal for interim actions to protect U.S. fisheries while we press forward to obtain a meaningful and effective international agreement.

The senior Senator from Maine has an intimate knowledge of the problems of New England fishermen and, in addition, he has a keen understanding of the problems involved in obtaining the international agreements which are essential to provide effective protection for our fisheries and our fishermen.

As chairman of the subcommittee on Oceans and International Environment of the Senate Foreign Relations Committee, I am particularly aware of Senator MUSKIE'S deep concern over the plight of our fishing industry, and of his efforts to provide effective solutions.

The address delivered by Senator MUSKIE last night at the Law of the Sea Institute is an important contribution to the effort to preserve and protect the fishery industry and the fishery resources off our coasts, and I ask unanimous consent that it be printed in the RECORD.

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

REMARKS OF SENATOR EDMUND S. MUSKIE TO THE LAW OF THE SEAS INSTITUTE, KINGSTON, R.I., JUNE 21, 1973

I come from a state that lives by the sea. So it is a particular pleasure for me to be home in New England and to have the opportunity to talk to many of you who are dealing with the future of the world's seas.

To our ancestors on this continent, the sea was infinite—an infinite, if often dangerous, source of food and work; an infinite protection from foreign interference . . . a barrier and shield for a new country and its people; an infinite disposal for the refuse of man in his headlong pursuit of industrial development. In this century the safe havens of our ocean frontiers have disappeared one by one before the onward rush of technology.

Hence, the oceans no longer isolate us from the politics of other nations. Contamination and depredation of the sea and its inhabitants have risen to terrifying proportions. The technology that brings closer to hand the economic wealth of the seas also presents the prospect of the same shortsighted pursuit of wealth that has left our land scarred, our water poisoned, and our air polluted.

George Santayana once said that those who cannot learn from history are doomed to repeat it. To me this is the essence of the problems that confront us here in the United States and will confront all nations at the upcoming Law of the Seas Conference. The primary question is not whether the U.S. can reconcile its conflicting domestic pressures to pursue an equitable adjustment of international ocean problems. Nor is the question whether developing states can temper their understandably urgent quest for a share of the world's goods by claiming jurisdiction over the seas that others have so long controlled. The question is really whether the nations of the world have learned the lessons necessary to prevent the abuse of the seas from reaching the point some scientists predict will be our ultimate doom.

A hundred years ago, the British scientist Thomas Huxley wrote of this nation, "I cannot say that I am in the slightest degree impressed by your bigness or your material resources as such . . . the great issue is what are you going to do with all these."

Huxley's statement has a great deal of relevance today vis-a-vis man's use of the ocean. At present, more than a hundred nations are involved in probably the most significant international negotiations ever conducted concerning the seas. An orderly and equitable ocean regime has become both more vital to nations and more difficult for them to agree upon. They are more dependent than ever before on access to critical areas of the ocean, on its ecological health, and on its mineral and food resources.

As ocean users multiply—and as competition among them intensifies—the classical political question of "who gets what" is thrust to the center of the debate over the future of the oceans. With wise answers to this question, international cooperation and justice can prevail in the ocean. With shortsighted answers, 70% of the earth's surface could become an arena for serious international tension and conflict.

As everyone in this audience knows so well, highly nationalistic and parochial trends have become evident during preparations for next year's Conference. Pressures against international solutions are powerful and growing—in developed as well as developing nations. The present cod war between Iceland and Britain and the proliferation of all kinds of jurisdictional claims painfully underscore this reality and the inadequacy of present law. A "beggar my neighbor" world of ocean politics can no longer be considered a mere alarmist fantasy.

Despite these trends, I remain convinced that we can forestall that new colonial race in the oceans President Johnson warned about some years ago, and Dean Rusk spoke of before a Congressional committee more recently.

I remain convinced that international accommodation is possible in the ocean.

I remain convinced that a broadly agreed-upon and comprehensive international ocean regime can serve both the world's interest and the national interest.

I remain convinced that the international community can bring stability and justice to the seas without compromising the security or the welfare of any nation with high stakes in the ocean.

Indeed, I believe that only with concerted action can our collective interests in the ocean be satisfied.

Concerted action will call for vision and statesmanship of the highest order. What outcomes are needed?

New international law to regulate the multiple and often conflicting uses of the sea;

New principles of national behavior and self-restraint to insure that sheer military might and technological prowess do not become the sole arbiters of ocean affairs;

New institutions and processes to enable all concerned nations to participate in decisions about the oceans;

New arrangements to facilitate scientific study and interpretation of the marine environment;

New policies toward ocean resources to insure rational and fair distribution of ocean wealth;

New initiatives to help the world's poor countries to benefit more fully from the potential of the ocean.

In sum, we must nurture a new sense of international community toward the ocean. With it must come an overarching conception of the common good, a capacity for handling our inevitable disputes peacefully, and a set of new political habits and reciprocity, good faith and mutual accountability for our activities in the ocean. These goals are no longer utopian hopes. They now are the imperatives of prudent diplomacy.

This helps explain why the upcoming Law of the Seas Conference is so important. For the Conference represents the opening of a new political process for working together on shared ocean problems. So awesomely complex an enterprise as the Conference cannot realistically expect to succeed in all major respects. Most governments, including the U.S., will likely have to settle for less than their maximum demands. Some tasks needing international attention will remain incomplete. Some outstanding issues will be settled ambiguously, if at all.

I am not urging that we slacken our efforts to achieve productive and timely results. Or that we move any less vigorously towards agreements which can halt the extension of competitive nationalism into the seas.

I am urging, however, that we anticipate what inevitably must be the equivalent of a continuing and permanent Law of the Seas Conference. History will not judge next year's session by some scoreboard tally of completed actions on a long agenda. What will count in the end will be whether today's statements leave the ocean as a lasting international resource and whether future Conferences will have a durable and flexible political framework for collective action.

Several Resolutions currently before the U.S. Congress endorse the objectives that were envisioned in President Nixon's statement on Ocean Policy in May 1970. These Resolutions—as well as the President's statement—are the culmination of several years of study within the American government, debate among government officials and private interest groups, and negotiations with other countries. The Resolutions envision:

(1) protection of the freedom of the high seas, beyond a twelve-mile territorial sea, for navigation, communication and scientific research;

(2) recognition that the protection of the ocean environment requires certain internationally agreed-upon duties of the international community as a whole;

(3) establishment of an international regime to regulate the development of deep seabed mineral resources;

(4) protection of our fisheries resources through coastal zone management of coastal and anadromous species and international management of migratory species.

These are notable and worthwhile goals for the United States to pursue. They reflect a genuine concern on the part of our government to establish the beginnings of effective international regulation in an area covering 70% of the globe. And in Congress, I have supported and intend to continue to support legislative efforts designed to achieve these objectives.

We should all realize, though, that these are long-run goals that may take many years to achieve. The Law of the Seas Conference is not scheduled to convene in Chile until next May and it may be several years after

the conclusion of the Conference before we have any international agreements governing the use of the seas.

In the short-run, we must be aware of and deal with very real problems that cannot be filed away while treaties are negotiated. Specifically, in this country, it is important for our government to formulate and pursue an interim oceans policy responsive to the needs of both the American people and the international community. Let me emphasize that this does not mean that the United States, in the short-run, should adopt short-sighted policies, such as the American Mining Congress bill currently before the Senate Interior Committee. That proposal calls for the mining of hard mineral resources of the deep seabed under government protection. The unilateral adoption of such a policy course by our government would likely trigger an international race to colonize the seas, jeopardize American credibility at the Law of the Seas Conference, and be prejudicial to the future conclusion of international accords on the oceans.

No, what I am talking about is the need for this country to adopt enlightened, interim policies that, on the one hand, are responsive to the needs of the American people, and on the other hand, will not prejudice the future conclusion of international agreements. Such an enlightened policy course will not be easy to formulate. Nor will it be easy to pursue.

Let me take the example of fishing, a subject which is of prime concern to the people of the State of Maine. In Maine, fishermen are currently losing the livelihood of generations because as a nation we have not responded adequately to global developments, allowing our fishing industry to sink to low estate in our national priorities. Within the last ten years, the fishing effort of foreign fleets off our coasts has increased several fold. At any given time today, hundreds of large foreign vessels can be sighted within 100 miles off our shores. In fact the world's fishing effort is now so much greater than even a decade ago that stocks can be decimated in a season or two, a rate much faster than our traditionally cumbersome, international negotiations can impose effective regulation upon them.

The experience in the Northwest Atlantic is illustrative of the gravity and immediacy of the situation. From 1952 through 1960, the U.S. fish catch from New England waters averaged about 700 million pounds a year, or 99% of the total catch from that area. In the early 1960's, the Russians, the Poles, the Germans, and other foreign fleets moved into these waters in large numbers. By 1969, the Soviet Fleet was taking 836 million pounds, or 50% of the total catch from New England waters; while the U.S. catch had declined to about 418 million pounds, or about 25% of the area's total harvest.

The efforts of the International Commission for the Northwest Atlantic Fisheries to manage fisheries resources off the New England Coast, unfortunately, have failed miserably. Enforcement of current ICNAF regulations is virtually nonexistent because the Coast Guard does not have the capability to adequately police the Northwest Atlantic. In addition, the Coast Guard is not permitted to search when boarding foreign ships; has to rely on the information provided by foreigners as to their landings off the New England Coast; and has to contend with a multitude of local, state, regional, federal, and international jurisdictions often having conflicting objectives.

Clearly, if regulation is to have any meaning, we must strengthen our ability to deal with fishing problems. As one means of doing this, we need to improve our knowledge of our fish resources and the nature of the difficulties faced by our domestic fishing industry. Secondly, we have to have not only more effective but better coordinated regulation between various entities so that our fishermen can compete with foreigners fishing off our waters. And finally, we need better enforcement of existing regulations.

What do we have? We have a situation in which the agency that can provide us with additional knowledge of our fisheries resources is losing both money and status. We have a situation in which our domestic enforcement arm—the Coast Guard—cannot begin to police the area with available resources. And we do not have the kind of workable regulation that might overcome these handicaps.

When the National Ocean and Atmospheric Administration was established in November 1970 as a direct result of the findings of the Stratton Commission, it was hoped—and intended—that this organization would become a strong focal point for ocean research programs. That need has not begun to be met. Yet three NOAA Marine laboratories, including one in Maine, will be closed down at the end of this month and other urgent programs will be curtailed for lack of funds. The Nixon Administration, on the one hand, is urging for this country a leading role in the international effort to preserve the ocean environment, and on the other hand, it has severely slashed the funding of the agency concerned with the research that might tell us how best to do it.

At stake is not corporate profits, but much-needed research and people's jobs—not panaceas for a dying industry but means to restore it to health. Unfortunately, the Administration is providing neither the health measures nor the kind of constructive proposals needed to meet the difficulties faced by our domestic fishing industry.

I do not suggest there is nothing the industry and the states can do. Certainly the differing regulations in neighboring states and regions concerning the same stock is both unnecessary and remediable. Unfair advantage offered to one renders all measures ineffective and unenforceable. And certainly the government can provide means to help our domestic fishermen to adopt the vessels and the gear that will enable them to compete. Much as I suspect some of our fishermen would prefer that the competition simply fade away, becoming competitive is a more realistic view of the future.

Finally, and I am sure that this will be one of the conclusions of the Law of the Sea Conference regarding fisheries, all coastal states must have a recognized interest, not only in a fair share of the catch, but in seeing that our fish resources are not destroyed by visiting fleets that have only a passing interest, easily transferable to new and more promising grounds. In recent years the depletion of haddock stocks on Georges Bank in the northwest Atlantic has been so great as to cause a recommendation by the National Marine Fisheries Service that haddock fishing be suspended. And now, many experts are predicting similar fates for cod, sea scallops, lobster, and yellow-tail flounder.

To the extent that fishing stocks continue to vanish, the pressures for unilateral action to extend our fishing limits to 200 miles or to the edge of the continental shelf will increase, and such action may well be the most effective way to produce the international approach to management of the oceans that we need. If in upcoming months international agreement on global fisheries problems appears increasingly unlikely in the short-term, then unilateral steps may have to be implemented to insure the existence of a strong U.S. fishing industry.

Let me add that I am aware of the apparent illogic of advocating measures to benefit American fishermen, while condemning national measures that would benefit our mineral industry or indeed any number of other countries that have made unilateral claims in defense of this or that vital interest or special circumstance.

As far as I know, there is no shortage of critical minerals that compels us to scoop up manganese modules in the next six months or even in the next six years. There is, however, something to be said for the view of fishermen that international treaties will be of little value if by the time they are negotiated, certain species will have been severely, or, in some cases, totally depleted because of over-exploitation.

Additionally, there seems to be a distinction with a difference in situations in which interim measures might follow the path of predictable outcome. I believe there would be little argument that in some form, the preferential rights of coastal states over both the control and distribution of catch off their coasts will be substantially increased whether that increase is measured in distance, or by species, or by some combination of both. If in fact that is a fair prognostication, I think it should be possible to take immediate measures without prejudice either to negotiating positions or to the form in which such rights may ultimately be couched.

For these reasons and as one measure that would bring some light to bear on this situation, I have supported a Senate resolution calling for a national fisheries policy in this country. This Resolution, which was recently passed by the Senate, expresses congressional support for a U.S. oceans policy that will permit us to deal more effectively with excessive foreign fishing off our coasts, and that will facilitate better coordination among our states. This bill recommends the utilization of existing entities—the Atlantic States, Gulf States, and Pacific Marine Fisheries Commissions—to gather facts, ideas and suggestions needed to formulate policy and insure a strong commercial fishing industry in this country.

Another measure I have recently supported in Congress is legislation to have the lobster designated a creature of the continental shelf. This legislation would limit foreign lobster fishing off our coasts and help conserve existing lobster stocks, which are being depleted at an unusually rapid rate. In the bill, it is explicitly stated that this legislation, if enacted, would remain in force only until future international agreement is reached.

These initiatives, interim though they are, should help our fishing industry. But their effectiveness—no matter how well planned or prepared the steps—will depend ultimately on our ability to enforce the measures. With more than 15 foreign countries fishing off our shores for a wide variety of stocks, enforcement will be impossible unless the regulations are simple, straightforward and subject to easy surveillance. Even then, it will be essential that the Coast Guard be fully funded so that it will have the vessels and aircraft needed to ensure that the regulations are obeyed and that the heritage—as well as the livelihood—of our fishermen are protected.

I have chosen to speak at some length tonight about our fisheries problems only in part because I know that coastal fishing jurisdiction will be an important—and perhaps critical—element in the successful resolution of law of the seas problems. I also speak to this question because I recognize the kind of political pressure that can build from jobs and revenue lost and resources depleted while diplomats negotiate.

As someone who has spent a large part of his career concerned with the preservation of our land and water, I believe in the imperative of a regime for the oceans that will treat them as the one world they are—the legacy of all mankind. I do not think that this great objective is either inconsistent with or would be ill-served by sensible interim measures to alleviate immediate fisheries problems.

George Kennan once wrote, "a political society does not live to conduct foreign policy . . . it conducts foreign policy in order to live." This aphorism should be kept in mind by our government today, if we are to

ensure that the oceans will live and their riches will be justly shared and nurtured for future generations.

REMARKS OF R. BUCKMINSTER FULLER ON AGING AT THE DEDICATION OF THE ETHEL PERCY ANDRUS GERONTOLOGY CENTER, UNIVERSITY OF SOUTHERN CALIFORNIA, LOS ANGELES, FEBRUARY 13, 1973

Mr. STAFFORD. Mr. President, during the week of February 12, the University of Southern California dedicated new facilities for the Ethel Percy Andrus Gerontology Center, one of the largest centers for study and research in aging and the aged in the world.

During those ceremonies, R. Buckminster Fuller, the distinguished American philosopher and mathematician, delivered a perceptive address on the past increases in the elderly populations of developed nations as a result of the historic burgeoning of technology and industrialization.

Mr. President, I ask unanimous consent to print Mr. Fuller's remarks in the RECORD so that I may share them with my colleagues.

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

REMARKS ON AGING AND THE AGED

(By R. Buckminster Fuller)

I do not think that I have been thoughtless or rude in failing to prepare a special lecture for today. I intuit that our whole life must be our preparation. If our whole life has not prepared us to think out loud then a few days or hours of cramming are futile. We have all learned that it is possible to think out loud spontaneously when just two of us meet. Though we may have known each other for a number of years, and may have seen each other only yesterday, when we meet today we always have a greater inventory of what we have experienced and thought about. Thus, for instance, I have learned that without preparing lectures I can think out loud with large audiences as well as with individuals but I have also learned never to ask people to listen to me. They only listen when they ask you to speak to them. When they do ask me, I try to give them my best.

Our conference's concern with the fact that human beings are now everywhere manifest in ever greater numbers at a greater age is possibly significant of something much more important than a problem in national political economics. I want to think out loud about that.

POPULATION DATA

First let me think about some of the population figures that have just been discussed by the previous speakers. A half century ago I became interested in trying to think about what evolution might be trying to do with humanity on our planet, and thinking about the total pattern of resources and the total pattern of developing knowledge with which to solve problems for and by all of humanity. Thus, I became deeply interested in world population. I found, as you would if you delved deeply into the subject, that the knowledge we have is historically very skimpy. Dr. Leakey and Dr. Leakey's son found the skull of a human who lived 2½ million years ago. However, written information from the past goes back only about 8,000 of those 2½ million years. If you go into the history of the census of population we find the earliest census in the United States was 1790 and the European ones are not much older and the Asiatic and Pacific data very meager indeed. The census figures go back only about 200 years anywhere around the world. There is almost 2½ million years of human presence during which we know nothing officially about population. We knew nothing about the official population figures of the great mass of people in China until after World War II when the Communists took over. A lot of over-night experts who rushed to proclaim the "population explosion" did not know that the pre-1950 Chinese population figures were pure guesses so when the Chinese Communists' actual count was made and appeared larger than the previous guesses, the "population explosionists" thought they were being vindicated.

In 1927 I undertook the search for a reliable means of estimating world population figures previous to official censuses. In 1938 to 1940 I was Science and Technology Advisor to *Fortune* Magazine and was in need of reliable information about the population figures in Colonia America previous to our first census of 1790. How many people came in ships like the Mayflower? How many of what sized ships were known to have been built, outfitted, and sailed? How did how many get here and at what rate did they multiply after arrival?

I found there was a good way of obtaining pre-first census of 1790 figures. It was the old family Bible. The pre-1790 family Bibles always list on their front pages all the family births, marriages, and deaths. They present a sad story, because often the mother died in childbirth and many children died at a very young age.

If you are not familiar with those old figures you will not realize that the early American families average somewhere over 10 children per family. My figures showed a family average of 12 consisting of 10 children and 2 parents. This is quite a different figure than the present 2 children per family. I plotted a curve of children per American family from the year 1620 to the present date, and found it descending rapidly as the years went on. This descending curve correlated inversely with the historically rising curve brought about by the introduction and use of scientifically conceived and techno-developed community facilities such as sewers and waterworks. Anything that began to improve the physical environmental potentials began to show marked overall effects on the Colonial and later United States society. As the technology increased, life expectancy began to rise.

LIFE EXPECTANCY

Life insurance companies bet that humans are going to live longer and the "insured" humans are betting that they are going to live shorter lives. The life insurance companies have a very good thing because human minds are always learning a little more and always gaining a little more physical advantage, making many mistakes such as pollution and other shortsightedly overlooked side effects of their improvement yet gradually recognizing and rectifying their errors with in-due-course attainment of more favorably sustained inter-relationship of humans with their environment. Humans are inherently bound to live longer as enough time goes by.

My father's life insurance "expectancy" was 27. When I was born my expectancy was figured by the life insurance actuarians as 42. Expectancy has since almost doubled. It is now 69 for the males and 72 for females and this has all happened just within my lifetime.

We see then that after all those millions of year of humans on planet Earth that suddenly some extraordinary changes have been realized and are continuing to be realized in our era.

One important reason for life expectancy rising is that those who used to die are not dying and the greatest class of those who were dying yesterday, but are not dying today, are those at childbirth and those in the first four years of life.

A decade after World War One's boost of medical science, doctors began in the 30's to get the causes of infantile death under control. Suddenly the children born in the 30's just didin't die at their previous history rate. This meant that the time when the saved infants would be big enough to be seen in the street crowds was not until just after World War II. Not studying the data and being unfamiliar with this new population bulge, amateur demographic "experts" were saying that the population was exploding and that humanity was just "making too many babies." That, however, was not the case.

I found in my long historical, children-per-family population curve that for a very few (5 or 6) years after the Civil War, after World War I and after World War II there was a mild increase in children per family. Humans, quite unknown to themselves were inadvertently cooperating with evolution in replacing the war losses.

At any rate, the momentary increase in new babies right after World War II compounded with the bulge of people of all ages who hadn't died, and the compounding set off the clamour about "a population explosion." But now it is suddenly in popular evidence that the birthrate in all the developed countries is falling off rapidly.

I find a constant relationship holding between increase of life expectancy and decrease in children per family—which life extension relates directly to the knowledge humanity has acquired and employs in effectively economical ways, while freeing humans from working as physical muscle machines and converting them to function as thoughtful explorers. This trend resolves into a rapidly increasing inanimate energy use curve. The rate of increase of kilowatts equivalent of energy from all sources being consumed (especially in the homes) is the most illuminating criteria. As the kilowatts go up, down goes the birth rate. This is true in every country around the world.

All the great industrialized countries' birth rates are going down, down, down everywhere. It is really precipitous in some of them. Russia is cutting down its birthrate very much more rapidly than is the United States. The United States ranks only 13th amongst the industrial countries in the rate of decrease of births. The birth versus death rates have come to stabilization in many of the world's industrial countries.

INDUSTRIALIZATION

The only place where new babies are coming in more rapidly is where they are as yet only meagerly industrialized, such as in India, Africa, and Latin America.

Starting three centuries ago industrialization was inadvertently acquired in Europe, which thought of itself fundamentally as a farming economy. It began with windmills and water wheels coupled with trains of gears which are in fact a circular array of levers. The inadvertent swords to plows industrial trending enormously increased the advantage and capability of man to control his local environment and to provide for more years of life for more individuals. Europe took 200 years to industrialize.

The United States, greatly advantaged with the knowledge already gained in Europe, industrialized in only 100 years. Russia, after its great revolution of 1917, undertook industrialization with its series of 5 year plans. When the great depression occurred in America and Europe, the Russians were able to contract with the great corporations in America to come to Russia and provide the know-how with which to build prototype industrial production factories. So Russia started industrialization at the highest level of American development, as had America started at Europe's highest level of attained competence. So Russia

industrialized in 50 years, after Europe had industrialized in 200, and the USA in 100. This successive halving of time to institute national industralization made it possible for me to say in 1947 that China would industrialize in only 25 years, and that is exactly what China did, and that is why they opened to the U.S. and Europe in 1972. Because 99% of modern electro-magnetic and electro-chemical industrialization is invisible to humanity, it has really surprised the world how quickly China has brought its billion population into industrial production.

Thus, I am going to say to you, India, Africa, and South America will all be industrialized by 1985. With that event will come full world population stabilization. That is what I have been saying throughout the recent years of the public false alarm over population explosion. I notice that the alarmists are now silent. The large number of the young who didn't die weighted the appearance of change and made it seem as if the great majority would be increasingly young. But what is going on in this bulge is that you are going to see man's life expectancy continuing to increase with median age continually increasing. And you are going to find greater and greater health and youthfulness at ever greater ages.

THE EARTH—A COSMIC SPECK

I want to share with you a little exercise I frequently give myself in order, hopefully to decondition my subconscious reflexing whenever that reflexing produces my spontaneous behaviors in ways that we know through experience to be ignorant, inept, irrelevant, and evolution, frustrating. This is my cosmological exercise. I think about the following—the planet Earth is about 8,000 miles in diameter. The highest mountain is 5 miles above sea level. The deepest ocean is 5 miles below sea level. There is a 10 mile differential between the innermost and outermost aberrations in the spheric surface of our Earth. 10 miles in relation to 8,000 miles is 1/800.

If you take a twelve inch World globe of polished steel, it probably has greater radial dimension aberration than 1/800th of its diameter. Astronauts cannot see any signs of humans aboard our planet as they approach the Earth from the Moon. They do not see even mountains. They see only a polished, color "marbelized" ocean and continents pattern through the dominant cloud cover. The average height of humans of all ages is about 5 feet. There are approximately 5,000 feet in a mile. If 1,000 humans made a column by standing successively upon the topmost other's head we would make a column about 1 mile high. If ten thousand of us stood on one another's heads, we would make a column ten miles high. Ten miles is the difference between the deepest ocean and the highest mountain. So you and I, then, are 1/10,000th of invisible on our 12 inch globe. Since 75 percent of our planet Earth is covered with water, and another 20 percent is uninhabited for one "frozen mountain" reason or another. Our 3,600,000,000 Earthian humans are invisibly secreted in fractional percentage on those little continents with six percent in Central and South America, eight percent in North America, ten percent in Africa, twenty percent in Europe, and fifty-six percent in Asia.

The diameter of the star Sun is just exactly 100 times that of our 8,000 miles diameter Earth. With an engineer's scale you can see 1/50th of an inch but you can't read 1/100the of an inch—it is a blur. If you make a little circle of wire one inch in diameter and hold it away at arm's length from your eye, you will find it exactly matching the size of the perimeter of the white-ghost disc of the Sun, on one of these days when it is cloudy. And so, against that one inch, the 1/100th of an inch which is our Earth's diameter would not be visible.

The star Betelegeux in the constellation Orion's Belt has a diameter larger than that of the orbit of the Earth around the Sun. Betelegeux is one of the big stars. Our Sun is one of the small stars. There are a hundred billion stars in our galaxy. There are a billion other such galaxies within the twenty-two billion light year diameter sphere of observation of Mt. Palomar's 200 inch "reflector." Ninety-nine percent of the one hundred quadrillion "known" stars are beyond our naked eye's vision range, but they altogether form in effect a thickly begalaxied spherical cloud array omnisurrounding us at whose sixty-six quintillion mile radiused center is located our little Milky Way galaxy and deep within it our miniscule solar system, deep within which, in turn, rotates and orbits our miniscule, Earth. That will give you an idea of what a fantastically negligible cosmic speck is this Earth of ours. We are 92,000,000 miles away from the Sun and getting all our life support energy from it. This life support on Earth received exclusively by radio from the 92 million mile distant star Sun is a pretty good piece of design in itself.

In our local "gas station", the Sun, ran out of "life support" energy, the next nearest refueling star is 25 trillion miles away. Its light takes 4⅔ years to get to us—coming at 700,000,000 miles an hour. So when anybody says, "Never mind that space stuff. Let's get *down* to earth—let's be practical"—don't pay any attention to that voice ever again. We are nothing but a space program. We are so physically negligible as to be approximately space itself.

I don't think that stars are paying much attention when one of those little three and one-half billion specks on board this almost invisible Earth says, "We can't afford it." I don't think the Sun is saying "We can't afford to keep those people living on planet Earth because they haven't paid their bill." The universe is not concerned about how Earthians raise millions of something called dollars to win the next presidency and something called a sovereign state.

THE MIND OF MAN

What do we know. Our universe is eternally regenerative, and externally successful. You and I have been given extraordinary capability despite our negligable physical stature. We have been given minds, and with minds we have been able to discover principles. We have learned a little from all the cumulative experience of all the human beings who have inhabited our planet. We have invented words so that we can accumulate our human experiences and we have invented successively sign language, pictographs, phonetics, television, video and video cassetting, and around the world satellite relaying of any program, and computerization with which to recall any information anywhere, any time, by anybody, to make the cumulative experience available to all ensuing generations of humanity. Little humans, with no physical stature whatsoever, with their beautiful minds have been able to apprehend and inventory vast cosmic information and to take count of those one hundred quadrillion stars. And having learned in principle of the extraordinary differentiation of frequencies unique to each of all the 92 regenerative chamical elements, have, by telescope and spectroscope, been able to inventory all the elements present in all those stars within our now known 122 quintillion mile diametered sphere of celestial observation. Dealing in an electromagnetic reality which is 99 percent invisible, humanity has been able to find out enough about the principles operating in Universe to enable it to become an intelligent function of cosmic evolution.

Human mind on planet Earth has that kind of capability and it must begin to commit itself realistically to its comprehensive knowledge in a comprehensively inter-accounted basis. I am saying, incidentally, that, personally, I would be terribly concerned if I felt that the universe were being run by the President of the United States or any other head of state. I am convinced that they are some of the necessary historical gun pointing nonsense in the process of discovery by trial and error, the more error the more comprehensive the pull out from error must be and the more comprehensive the gains for all.

UNEXPECTED TECHNOLOGY

There has not been a single stage of our technology that has been predicted. Having had the census of 1790, in 1810, 20 years later, the United States Congress decided that it would be a good idea to have an economic census of the country. As the beautiful document available in Washington shows, there were 1,000,000 human families in the United States in 1810. There were also 1,000,000 human slaves, which is a very formidable figure. Obviously all the families didn't have slaves. Very few did, but the point is that the one for one ratio is there to confront us.

The census then found that the average homestead was worth $350 and the average slave was estimated to be worth $400, so the human machine rated as worth more than the homestead.

Taking their total evaluation including canals, highways and so forth, and their estimated value of the wilderness at $1,500 per family, the U.S. Treasury came to the conclusion that the total capital value of the United States in 1810 was 3 billion dollars ($3,000,000,000).

Despite many inflation-deflation fluctuations since 1810 there is relative magnitude significance to the fact that last year, 1972, the gross national income for the first time reached one trillion dollars ($1,000,000,000,000). Now to earn a conservative trillion dollars at five, (5) percent means that our invested capital worth must be twenty trillion dollars.

Since 1810, our capital worth has gone from 3 billion to 20 trillion dollars. It is about six thousand fold.

The three billion dollar national capital worth estimate of 1810 occurred before we knew nothing about our present technology. Electro-magnetics had been only theoretically discovered but had not been put into usable operation. We didn't have a telegraph. There were no steel mills. There was nothing known of present day "industry". Public works consisted exclusively of tollways, canals, and wooden ships. Let us suppose the people of the United States of 1810 having learned of the total capital wealth potential said to one another, "Alright, let's get together a committee of the most responsible leaders in our society, whose economic judgment we also trust and ask them to determine the most logical and safe way in which to invest our three billion dollar national wealth thereby hopeful to multiply our total capital wealth and thereby also to take care of ever more people at ever higher living standards. In anyone on the committee had said, "Alright, I'm going to invent a machine to replace those human slaves," the others would have said, "Alright, how do you do that? No answer. "Throw him off the committee. He obviously doesn't know what he is talking about." If some other committeemen defended the world-be-slave-eliminating machine inventor and said, "I think he has a pretty good idea, and I'm going to dream that we can develop invisible power and send it over solid wire," again, the committee would have had said, "Throw them both off the committee. Obviously, we can't send energy from here to there through a solid wire."

Starting soon after that time all these

inventions and thousands of others considered equally preposterous in 1810 have happened. All the really fundamental technological changes of our world have happened since that 1810 pre-dawn of world industrialization. I have lived through the major portion of this historical development and can state incontrovertibly that not one stage of it was ever publicly anticipated until the invention occurred and was demonstrated. Not one.

Most of you here are old enough to realize what has happened and can recall how many things that have happened contradicted popular thought.

Though I am coming to the end of the time allotted me I do not feel that I am trespassing on you if I take a few more minutes to do a little mental housecleaning to allow us to think perceptively about gerontology.

CHEMISTRY AND LIFE

In the game of "twenty questions" as played in my childhood the first question to be asked was "Is it animate or inanimate" The words animate and inanimate had been invented by man long before chemistry and biology started. Early humans apparently assumed there was obviously a fundamental difference between *warm, soft flesh* and cold, hard stone, ergo, the quickest way to narrow the field of potential answers was first to ask "is it animate or inanimate".

As humans learned more and more about self and environment they identified various species by names. At this late twentieth century—with Darwin's work only 100 years old—humanity has acquired a great deal of knowledge now about biological phenomena. A contemporary of Darwin, Dalton was the leading physicist of their time. Dalton misassumed that the hydrogen atom was the "building block" of all the other then known sixty chemical elements. Looking for the "building blocks" of "the key" to any subject seemed popularly logical.

Darwin's theory of evolution was built with the visible single-cell amobea as its building block. In their early days physics, chemistry and biology were three different worlds—biology was visible as is the amoeba and chemistry consisted of invisible initiated phenomena.

Suddenly scientific instrumentation increased the macromicro range of eye-piece visible exploration. Only as recently as World War II did the interrelatedness of physics, chemistry, and biology dawn. In 1940 we suddenly have the hyphens-biochemists, bio-physicists, et al. The instrumentation produced over-lapping of these previously separated worlds. Post World War I biology developed knowledge of the genes controlling the design of biological species. Further biological exploration focused on the even more fundamental virus. In virology we have teams consisting of physicists, chemists, geneticists, biologists—really across the broad teams of different specializations zeroing in on virology.

The virology exploration brought discovery on the protein shell of the virus and within it the DNA and RNA design codification of all biological phenomena. All this time there was thought to be a fundamental cosmic threshold lying between animate and inanimate organisms. The individuals co-working in Virology have been too busy and too specialized, to philosophize regarding the significance of the incidentally discovered fact that no threshold exists between animate and inanimate. The inanimate crystalline behaviors of inanimate atoms crosses right over the threshold. We know that you in the audience consist physically entirely of atoms and atoms are completely inanimate.

What is inanimate about all biological organisms has become clearer and clearer and what is physically animate has become not only less clear all the time but is apparently zero or non-physically existent. There is no experimentally demonstrable physical animism. Cinema cartoons can be "animated" to superficially assimilate the presence of animism in the exclusively atom structured organic mechanisms. Apparently the original hypothesis erred in assuming both animate and inanimate to be physical. There have been quite a number of weighings of people as they died. Many cancer-doomed paupers have been willing to have their beds on scales. The only weight difference manifest between before and after death is that of the air lost from the lungs or urine. Whatever life is, it doesn't weigh anything. I am not credulous when I hear "pure science" research chemists talking about finding the key chemical constituents of life in Earth intercepted stardust, nor with which to synthesize the key enzymes of life and thereby can institute and control the design of life.

This chemistry is not the life. The chemistry is physical. That chemistry comprises 100% of the physical inventory. Life is metaphysical, weightless, limitless. Each life is an eternally individual, unque pattern integrity.

I am 77—and there may be others in this room at that age, and some may be more or less—but at my age I find that I have now taken in over 1,000 tons of water, food, and air, whose chemistry is temporarily employed for different lengths of time as hair, skin, flesh, bone, blood, etc. and progressively discarded. I weighed in at 7 pounds and I got to be 70, then 170, and I even got to 207 pounds. Then I took off 70 pounds and I said, "Who was that 70 pounds, because here I am". The 70 pounds I got rid of was 10 times the flesh and bone inventory with which I had "weighed-in" at in 1895.

I am sure that I am not the "avoirdupois" of the most recent meals I have eaten, some of which will become my hair to be cut off twice a month. This seventy pounds of organic chemistry obviously wasn't me, nor are any of the rest of my yet associated atoms "me". We have been making great error in identifying "me" or "you" as being these truly transient and ergo sensorially detectable chemistries.

UNDERSTANDING AND COMMUNICATION

Throughout the last 20 years I have been meeting 1,500 or 2,000 people 3 or 4 times a week. As a consequence, I am absolutely confident that what is going on between us here today as I think out loud with you—in the same manner as with all those other 3,000 audiences—is absolutely metaphysical and weightless. It is *understanding* and *meaning* and has nothing to do with the length or size of the words I am using, or the sound wave disturbance that I am making in the air, not the language that I am employing. If we had no air to make sounds with I would have to communicate with other tools. We could use electronic flash instruments and talk by dot and dash Morse Code or we could write and read one another. Each of us can use many telephone instruments. We could make colored movie talkies, video cassetted 3-D documentaries of ourselves "thinking out loud" by which our seemingly live images would appear in our respective TV screens but we would not be the TV sets. We would be as we are now only what each of us is communicating to one another in spoken words, gestures, postures, and flashes of the eye. We can't see one another, we can only see our respective communication devices. I am quite confident that life is inherently immortal.

We know very little but we are gradually learning a little. We know that our physical brain's function is to cope with and remember each of our special case experiences. The mind alone is able to survey those special local-in Universe experiences and from time to time to discover a generalized principle, for instance that of the lever by which humans can lift manyfold the weights their bare muscles can lift. Thus, human mind discovered vast amplification of its integral facilities. To qualify as scientific generalizations principles must be innocent of any exception. That means that a principle is inherently eternal. Now the human mind is the only phenomena of which we know in Universe that is able either to discover or to apply eternal principles. Human mind has gradually discovered one by one a whole complex of eternal principles, such as the great mathematically generalized principles of refraction of radiation or of mass attraction or of leverage or of precession and so forth. None of them have been found to interfere with any or all other generalized principles. All of the principles are inter-accommodative.

A complex of absolutely weightless, eternal, only intellectually discoverable principles which are all inter-accommodative with some of them inter-accommodative at exponential rates of inter-augmentation, is in itself generalizable as the description of a design. Deliberate intellectual inter-accommodation is design. Human beings of cosmically negligible "size" are the only phenomena of which we know that have access to any of the great eternal design laws. But despite the magnificence of what we have already discovered of that design it is inherent to the history of those separate discoveries that humans as yet know very little of its eternal ramifications.

If you and I in this room are developing any understanding it is only by virtue of our being able to employ those so far discovered generalized principles. We are communicating in the terms of eternity. Considering the most prominent historic data we can say that we humans were obviously given conditioned reflexes so we would be sure to regenerate and prosper on planet Earth. So that in due course we could discover that our minds are everything and our muscles apparently naught and to discover further that humanity has an essential function in Universe—in the macro-micro ranges of the great design scenario and its realization in time. There is drawing in us an intuition of the integrity and immortality of the individual. Awareness is terminal but knowledge is eternal. The brain is temporal, the mind eternal. Awareness and apprehending are temporal, terminal. Comprehending and knowing are eternal. Little children know this intuitively. The child can play "shoot grandmother" because he knows that her love is eternal. You can't kill grandma. Grandma, grandpa, and everyone else are eternal. A *true story*: Father, mother and little boy driving along the freeway enroute to grandmother's house. Little boy keeps talking about grandpa and how he is going to play with grandpa. Finally his mother says, "Darling, you have forgotten that grandpa is dead." Little boy: "What, again!?" Only residual ignorance of temporality dulls the growing comprehension and allows fear to corrupt the child's innately absolute trust in love.

RULES OF THE SPECIAL COMMITTEE ON AGING

Mr. CHURCH. Mr. President, pursuant to section 133 B of the Legislative Reorganization Act of 1970—which requires Senate Committees to publish their rules of procedure in the CONGRESSIONAL RECORD—I submit the rules of the Senate Committee on Aging, and ask that the committee's rules be printed in the RECORD.

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

RULES OF THE U.S. SENATE SPECIAL COMMITTEE ON AGING

(As adopted June 12, 1963, as amended February 28, 1973)

Rule 1.—*Convening of meetings.* The Committee shall meet at the call of the Chairman or at the request of five members of the Committee. The Chairman may, upon proper notice, call such additional meetings as he may deem necessary. Regularly scheduled meetings of the Committee may be postponed or cancelled by the Chairman should there be insufficient business before the Committee to warrant such a meeting. Subcommittee Chairmen may call meetings of the Subcommittees at such time as they deem necessary except that no such meetings may be called at a time when the full Committee is scheduled to meet. Special meetings may be called by a majority of all Committee or Subcommittee members upon written notice to the Clerk of the Committee. The Clerk shall give at least 24 hours notice to every member of the meeting, time, and place.

Rule 2.—*Presiding officer.* The Chairman of the Committee (or Subcommittee) or if the Chairman is not present, the ranking Majority member present shall preside at all meetings.

Rule 3.—*Quorum.* A majority of the Committee or any Subcommittee shall constitute a quorum sufficient for the conduct of business at executive sessions. One member shall constitute a quorum for the receipt of evidence, the swearing of witnesses and the taking of testimony at hearings.

Rule 4.—*Subcommittees.* Matters referred to the Committee shall be considered initially by the full Committee or by such Subcommittees as the Chairman with the approval of the Committee, shall designate. Subcommittees may be established and their size determined by vote of a majority of all members of the Committee. The Chairman of the full Committee and the ranking minority member shall be ex officio members of all Subcommittees. Party membership of each Subcommittee shall be proportionate to Party membership on the full Committee. Each Subcommittee is subject to these rules and any limitations imposed by the full Committee and is authorized a) to hold and report hearings; b) to sit and act during meetings of the Senate and during recesses or adjournment of the Senate; and c) to require by subpoena or otherwise the attendance of witnesses and the production of doucumentary evidence.

Rule 5.—*Agenda and voting at meetings.* The business to be considered at any meeting of the Committee or a Subcommittee shall be designated by its Chairman and any other measure, motion or matter substantive or procedural within the jurisdiction of the Committee or a Subcommittee shall be considered at such meeting and in such order as a majority of the members of such Committee indicate by their votes or by presentation of written notice filed with the Clerk. Voting by proxy shall be permitted in the full Committee and all Subcommittees.

Rule 6.—*Right to counsel.* Any witness subpoenaed to a public or executive hearing may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

Rule 7.—*Amendment of rules.* The rules of the Committee may be changed, modified, amended, or suspended at any time, provided, however, that not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Rule 8.—*Reports.* Staff reports and Committee reports shall be printed only with the prior approval of a majority of the full Committee. The printing, as Committee documents, of materials not originating with the Committee or its staff shall also require prior approval of a majority of the full Committee. The printing of a Subcommittee report shall require prior approval of a majority of the Subcommittee concerned. With respect to the printing of Staff reports, the Chairman is authorized to conduct a poll of the Committee. In such cases, the Minority shall have the right to request reconsideration of the results of such poll at the next meeting of the Committee.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

Mr. HATFIELD. Mr. President, I am pleased that S. 268, the Land Use Policy and Planning Assistance Act, has been approved by the Senate. The Senate Interior Committee, on which I serve, has been considering land use legislation for several years, and I am hopeful that the House will take action soon so that a bill will be signed into law and the States can move ahead with the important job of land use planning, utilizing the assistance this act will provide.

I wish at this time to commend the distinguished chairman of the Senate Interior Committee (Mr. JACKSON) for his hard work and leadership role in developing this bill. I also wish to commend the distinguished Senator from Arizona (Mr. FANNIN) and the distinguished Senator from Wyoming (Mr. HANSEN) for their outstanding and diligent efforts in raising serious questions about particular sections of S. 268. There are many critical issues involved in land use legislation which merit careful consideration and these Senators have identified them in an articulate manner.

I also wish to bring attention to the excellent Interior Committee staff work which has been so important in the development of this bill. Mr. Harrison Loesch and Mr. Fred Craft of the minority staff, as well as Mr. Steven Quarles and Mr. Bill Van Ness of the majority side, together with many others, have spent countless long and arduous hours drafting, examining, and reexamining every detail of the bill.

AMERICAN VICE CONSUL ROBERT HENRY CAYER

Mr. MUSKIE. Mr. President, James Barry Coughlin, a 26-year-old Vietnam veteran from my hometown of Rumford, Maine, died tragically last April in Rabat, Morocco. With the help of American Vice Consul Robert Henry Cayer, Barry's family was able to journey to Rabat to see Barry before his death. His family has since written me that—

Mr. Cayer's helpfulness went beyond his high professional competence to a thoughtful personal concern.

The Coughlin family has asked me to bring Mr. Cayer's work to the attention of the Senate, and for this purpose I ask unanimous consent that the following letter be printed in the RECORD.

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

RUMFORD, MAINE, *May 22, 1973.*

Hon. EDMUND S. MUSKIE,
U.S. Senate,
Washington, D.C.

SIR: It is the sincere hope of the family of the late James Barry Coughlin that you will personally read this letter.

Barry grew up in Rumford, attended Rumford schools and went on to graduate from the University of Vermont. He was drafted and served in Vietnam.

Earlier this year while on a trip through Morocco, he became very ill from eating local mushrooms. Barry died in Rabat, Morocco, on April 13 at the age of 26. Before his death we were able to make the journey to Rabat to see him. His family will never be able to express in words the depth of generosity and thoughtfulness extended to them by Vice Consul Mr. Robert Henry Cayer and his staff during their brief and trying time in this unfamiliar environment.

From the time Mr. Cayer phoned Rumford to advise us of Barry's critical condition until seven days later when he put us aboard a plane in Casablanca to return home from this sad journey, his calming helpfulness smoothed a very rough road of communications and decision making during a most tragic situation. Mr. Cayer's helpfulness went beyond his high professional competence to a thoughtful personal concern.

It s our urgent wish that recognition of Mr. Cayer's ability and sincerity be placed in the Congressional Record and that the Department of State be informed of the immense and comprehensive service he is giving to the citizens of this country.

Very truly yours,

EUGENE C. COUGHLIN.

DISASTERS—"NEED LONGER SPAN OF ATTENTION"

Mr. DOMENICI. Mr. President, as ranking minority member on the Senate Disaster Relief Subcommittee, I have attended a series of field hearings in which my colleagues and I have attempted to examine the effectiveness of Federal disaster relief efforts. After hearing hours of testimony from disaster victims, I have learned of many problems and inadequacies existing in our Federal disaster assistance program. When I testified before the Senate Housing and Urban Affairs Committee concerning disaster assistance, I recounted some of these problems. My testimony has been entered in the RECORD by the distinguished Senator from Tennessee (Mr. BAKER) and I will not go into detail again here today. But I would like to discuss one problem that seems to me to pervade the entire disaster relief program. It is the lack of what I will call a continuing sense of crisis.

There is an automatic sense of crisis in the emergency phase of a disaster in which residents are being evacuated and emergency housing and medical care are being provided. Next comes the recovery and temporary restoration phase during which community residents attempt to clean up the debris and to salvage homes, businesses and possessions. Third, is the long-term redevelopment phase in which permanent rebuilding and restoration must be accomplished.

I am concerned that this latter phase may well be the most important yet it is the one in which the Federal Government has been most negligent.

An article in the current issue of the National Observer vividly portrays the devastating effects that this lack of a continuing sense of concern can have. In the article, reporter J. R. Freeman takes a perceptive look at Wilkes-Barre, Pa., 1 year after tropical storm Agnes hit. Our Disaster Relief Subcommittee conducted field hearings in that same

city just last month ago and discovered many of the same problems Mr. Freeman writes about.

Residents complain of paralyzing governmental red tape, bureaucratic insensitivity, spiraling prices and profiteering.

Federal interest in the city's problems and, consequently, Federal relief efforts are quickly dwindling away. Yet, the effects of the year-old disaster are still a vivid reality to residents of Wilkes-Barre.

Parents are sending their children to foster homes because they cannot afford to feed and house them, houses remain unrepaired and unlivable and thousands of residents are still living in temporary trailers and the Federal Government's relief efforts are soon to be "jerked out from under them," in the Observer's words.

This poignant account presents a vivid picture to those here in Washington and throughout the country who would like to think that because the emergency phase of the disaster is over that the community is back to normal. Nothing could be further from the truth.

If we are truly to help the victims of disaster and if we are to help those Americans who need assistance in these critical times, then we must regognize the need for a continuing sense of crisis. True, the flood waters have subsided and most people have temporary roofs over their heads, but this does not mean we have completed our job. I would reiterate my often stated belief that we must have a centralized, coordinated disaster relief program that treats all victims equally—and that treats all stages of disasters with equal concern. I would like to commend the National Observer for its coverage, and I would like to thank that publication for pointing out the vivid realities and the vivid hardships of long-term disaster recovery.

I ask unanimous consent that the article from the National Observer be printed in the RECORD.

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

DEFEAT, DESPAIR BEGIN TO HAUNT VICTIMS OF TROPICAL STORM AGNES

(By J. F. Freeman)

Roselle McGrath, 30-year-old mother of four, has a house on Carey Avenue—a mud-caked shell she hasn't lived in for almost a year. Most of what she owned was destroyed in June 1972 when the Susquehanna River, fed by the rains of tropical storm Agnes, rampaged through Wyoming Valley.

As problems multiplied for Mrs. McGrath, one of 70,000 persons left homeless by the floods here, she became less able to care for her children; so she had them placed in foster homes. She now lives at Pad 369 in the Lombarde Trailer Park. She is receiving psychiatric treatment. She doesn't know what she'll do about her damaged house—or about a number of other decisions she must soon make.

For Mrs. McGrath, Agnes is still creating turmoil. She, like thousands of others here, simply cannot yet go home again.

She is better off than others affected by the flood; for example, her house wasn't totally destroyed. Yet in some ways her situation is worse. The house needs $14,000 worth of repairs., she is divorced, her four daughters require extra care because of sight and walking handicaps, and she is one of many in this valley who seem as dislocated and uncertain about their future as they were when the waters receded almost a year ago.

Volunteers have poured muscle, money, and programs into the Wilkes-Barre area to repair the damage done by the storm, which coursed through several states. Yet many flood victims say they still feel defeat and despair.

Residents complain of paralyzing governmental red tape, bureaucratic insensitivity, spiraling prices, and profiteering. They fear that the area's newly booming economy may soon bust as Federal aid ends and more of the costs of survival are shifted back to the flood's victims. (A Senate subcommittee last week held hearings on bills to broaden Federal flood-insurance and disaster-assistance programs.)

NEEDED: $1 BILLION MORE

Federal and state aid programs have poured about $1 billion into this valley, which suffered some $2 billion in flood damage. The remaining loss will have to be borne by residents. Some wonder whether this region, far from prosperous before Agnes, can afford $1 billion to return to where it was a year ago.

For many, decisions have to be made soon. An estimated 28,000 people are living rent-free in some 7,600 mobile homes supplied by the Department of Housing and Urban Development (HUD). Nearly one-third of the units are in temporary trailer parks, and others are next to occupants' damaged homes.

And for all, the free rent lasts only one year. By the fall most will have to vacate their trailers or start paying up to $95 a month to rent them.

THAT $5,000 GRUBSTAKE

The Small Business Administration through mid-April had received 33,416 applications for disaster loans at its Wilkes-barre office. Most loan applications include provisions under the amended Disaster Relief Act of 1970 to allow low-interest loans to flood victims, including a $5,000 forgiveness clause. Under this program, thousands of flood victims have received money that has boosted the economy—at least for now. Banks are flourishing, department-store sales and manufacturing payrolls are up, construction is at an all-time high, and unemployment is low. But a number of persons remain jobless. Many hard-hit flood victims have managed to live so far on the $5,000 obtained through the loan clause, but what's going to happen when the $5,000 runs out isn't clear.

"The big question is whether there is a recession on the horizon because of our false economy," says John Viola, head of a Luzerne County mental-health project. "If there is, then perhaps we're in trouble in the mental-health field."

MENTAL HEALTH SUFFERS

For Roselle McGrath, the economics of her recovery—discouraging as they appear—make up only part of her problems that began the week last year that her house filled with water to the first-floor ceiling.

She was barely getting along in pre-flood days, she says. She had a $12,000 mortgage on her two-family house, valued then at $15,000. After moving into a HUD trailer on a muddy street last August, the trailer's hot-water heater exploded (flooding her few flood-salvaged belongings), its electrical wiring required repair, and its stove malfunctioned.

Mrs. McGrath detected the beginnings of emotional problems in her children, she says. Her former husband's child-support payments temporarily stopped. She enrolled in a county assistance program that provides $200 a month, most of which went for heat and electricity last winter. On her psychiatrist's advice she had her children placed in foster homes. But the big problem is the house.

"HOME MY ONLY HOPE"

To make it livable, she says, would require some $14,000 in repairs. "I could sell it for less money than the mortgage," she says, "but then I would have to keep paying $160 a month on a house I wouldn't even have." If her house were not structurally sound, the area redevelopment authority might buy it at preflood value and then destroy it.

"The home was my only hope," says Mrs. McGrath. "I had my children, and rental income from half the house. But the flood killed that hope. Now I can't even keep my kids. The house, I guess, is my last chance." She adds: "It's a long way to crawl back up just to where I was before the flood."

Government programs, Mrs. McGrath insists, "only act to tie people to their worthless homes" through Government loans. "Now what are we going to do?" she asks. "I have to get out of my HUD trailer soon, and like everybody else, I don't know where I'm going to go."

Hundreds haven't even started cleaning up their properties, which will mean getting rid of rats, rotten food, and the stench of river mud. With such tasks still ahead of many residents, some authorities wonder whether psychologically for this community the worst is yet to come.

Dr. George Hudock, Luzerne County coroner, doesn't think so. In 1970 there were 22 reported suicides in the county, he notes, in 1971 there were 23, and last year there were 38—19 before the June 23 floods. So far this year there have been only five suicides. Suspicions that the disaster led to increases in violent and unexpected deaths haven't been proven, but at least one major research project is under way here to explore that possibility.

Dr. Stanley Rynkiewiez, a 91-year-old physician in Kingston, says there are plenty of mental-health problems now. A flood victim himself, he sees patients daily and says he is writing more prescriptions for tranquilizers for his flood-victim patients than ever before. "I see the despair in their eyes," he says.

ONE COUPLE'S ANGUISH

"Lots of people are bitching," says Harold Crop of Edwardsville, "and they are organizing. It disturbs me when we can throw away money in Indochina, but we can't do anything for our own people right here at home." He adds: "We feel we were exploited before last year's election. After the election we were forgotten."

The Crops' house floated off in the flood. After he and his wife moved in with their daughter 20 miles away, they were told they would have to return to their homesite in order to receive a HUD trailer. The Crops, in their 60's, lived in their front yard for six weeks last summer while waiting for their trailer. They appealed to many agencies, they say, and an aide of Frank Carlucci, then the President's representative to the flood-devastated area, gave them "rude treatment."

TRAILER TIME EXPIRING

Ed Hefferon at Project Outreach, a mental-health unit supported by a $500,000 grant from the National Institute of Mental Health, says his 50-member team tried to head off mental-health problems arising from flood victims' beliefs that the Government did not supply mobile homes fast enough or was not sufficiently willing to consider residents' human frailties. They worked also with people impatient with debris clean-up, processing to receive free rent, and impersonal dealings with officials.

"Some of the victims must vacate their trailers very soon," he notes "and they have no home to go back to."

"Many decided to wait out the winter in a temporary shelter, but it's now over and

there is no place to return. Some refuse to take Government help, can you believe; we had to motivate them to take the help. The memories are all they have left, and particularly the older ones are becoming more and more depressed. You can sense the despair."

KEY PROBLEM: THE ELDERLY

Elliott Knauer, former state deputy secretary of public welfare and chief state coordinator of flood recovery, says the young, the middle-class, and workingclass will recover. "The aging we must worry about. They cannot bounce back and cannot move and start their lives over elsewhere."

Yet one of the overlooked questions of last year's flood, says Robert Hallett, leader of a church-supported volunteer group called Interfaith, is: "How do you measure how much people can take?" Says Hallett: "Some are really better people because of the flood. Others are ruined for life. Some should have been in a mental-health program before the flood. When they have to vacate their trailers and go back home, this is when the carpet is going to be jerked from under them."

LLOYD TUPLING

Mr. CHURCH. Mr. President, one of America's leading environmentalists—Lloyd Tupling—is retiring after a lifetime of dedication to the cause of conservation and our natural heritage.

Many of us recall Lloyd Tupling's service when he served as an aide to Senator Richard Neuberger and Senator Maurine Neuberger of Oregon.

I first knew Tup in Boise, Idaho, where he owned a weekly newspaper, and following that service, when he was managing the Hells Canyon Association.

In Tup's long service, he is probably best known for his years as the Washington representative of the Sierra Club. It was in this capacity that he worked so effectively on behalf of such projects as the Cascade and Redwood National Parks, the struggle to defeat the SST, and a host of other environmental concerns—the last of which has been the effort to protect Hells Canyon, the deepest gorge on the North American Continent.

A. Robert Smith, a Washington correspondent for Oregon, Idaho, and other western newspapers, has devoted a recent column to Lloyd Tupling. He summed up Tup's career with these words:

Tup, who is retiring again, would rate all-pro on the lineup of Oregon power brokers in Washington. Against the toughest opposition, he knew how to score.

Mr. President, I ask unanimous consent that Mr. Smith's column be printed in the RECORD.

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

WASHINGTON REPORT—LLOYD TUPLING

(By A. Robert Smith)

For most of the past 20 years, Lloyd Tupling was one of the most influential and yet modestly anonymous men behind the scenes of Oregon-Idaho politics.

Only Rep. Edith Green, D-Ore., has been involved as long among the men and women who make up the Oregon and Idaho delegations and their key staff members in Washington.

For the past five years Tupling has been the chief Washington representative of the Sierra Club, probably the most politically savvy of the growing number of conservation organizations that have promoted environmental protection laws in Congress and similar policies with the executive agencies.

Tupling came full cycle in an ironic sense, for he began his political career promoting a big federal dam in Hells Canyon and ended it opposing any more dams in the Snake River below Hells Canyon. Both times he was on the side of the angels, as conservationists viewed these separate crusades.

The crusade for a Bureau of Reclamation dam in the Snake River on the Oregon-Idaho border had profound political repercussions for Oregon and Idaho. The issue was joined in a long battle before the Federal Power Commission on an application by Idaho Power Co. for three smaller dams, and in Congress on legislation to authorize a giant federal dam instead.

Thanks to the preference of the Eisenhower administration, the utility got its license and the Hells Canyon bill was defeated in Congress. The National Hells Canyon Association, which Tupling managed, stirred up the grass roots sufficiently to defeat Rep. Sam Coon, a Baker Republican, succeeded by Rep. Al Ullman, a Baker Democrat who had worked with Tupling for the federal dam.

This issue also helped elect Idaho's Democratic Sen. Frank Church and Oregon's first Democratic senator in 40 years, Richard Neuberger, who brought Tupling along to Washington as his press secretary. Tupling had previously worked for United Press and had been publisher of a weekly at Boise, the *Idaho Statewide*, which he later sold.

Tupling subsequently became the senator's right-hand man, and Dick Neuberger gained recognition as "Mr. Conservationist" in an era when progress was almost always equated with commercial and industrial expansion. That, indeed, was the talking point for the federal Hells Canyon dam: it would provide more cheap power that would attract new industry to rural Oregon and Idaho, plus financial subsidies for Idaho irrigation expansion.

After Neuberger died, Tupling played the same role for his widow, Maurine, after she was elected to his seat for a single six-year term. For about a decade Tup was the man to see as far as many Oregon business and labor men were concerned when they had problems in Washington, D.C.

When Maurine Neuberger retired, so did Tupling—but not for long. The Sierra Club under the leadership of the militant David Brower opened a Washington office and hired Tupling to run it.

The Sierra Club has left its mark on the events of the past five years, in no small part because Tupling had personal contacts with the key senators working in the conservation area, notably Sen. Henry M. Jackson, D-Wash., and Senator Church, and he knew how to organize effective legislative campaigns.

He was active in the coalition that blocked the SST airplane and killed the proposed timber supply act which the lumber industry was promoting as a means of intensifying timber harvesting on the national forests. He promoted expansion of wilderness areas and the creation of Redwoods and the Cascade National Parks.

Having lost the first battle over the Snake River at Hells Canyon, Tupling and his allies appear to have the upper hand in the current effort to preserve what is left of the free flowing river below Hells Canyon. There will be arguments over details of the pending bills, but it seems certain there will be no more dams.

Tup, who is retiring again, would rate all-pro on the lineup of Oregon's power brokers in Washington. Against the toughest opposition, he knew how to score.

THE ENVIRONMENTAL QUALITY LABORATORY

Mr. MUSKIE. Mr. President, the Environmental Quality Laboratory of the California Institute of Technology has issued a report which describes a "management standards" approach for achieving drastic reductions in the number of "smoggy" days in the South Coast Air Basin of California by the end of 1977. In order to illustrate the kinds of control measures that are required if the management air quality standards are to be satisfied, the laboratory chose one particular control strategy for detailed study. This strategy, called EQL strategy No. 1, is based on new "technical" control measures on stationary sources and used motor vehicles, combined with a set of social and economic incentives and disincentives designed to encourage the shift to low-pollution motor vehicles, to encourage the use of multiple- occupancy vehicles—buses, carpools, and so forth—and to halt or at least reduce the annual rate of increase in gasoline consumption in the basin. If EQL Strategy No. 1 is followed, they estimated that the average number of days per year on which the California ambient air quality standard on photochemical oxidants is violated would be reduced from 241 days in 1970 to 50 days by the end of 1975, and to 25 days by the end of 1977.

I call my colleagues' attention to this interesting and innovative approach to improving air quality. I ask unanimous consent that a summary of that study and a statement to the Environmental Protection Agency by Prof. Lester Lees of the Environmental Quality Laboratory be printed in the RECORD.

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

PART I: EQL STRATEGY NO. 1—A SUMMARY

PART 1: SUMMARY

(Figures mentioned in text not printed in RECORD)

In 1970, 25 years after California enacted its first air pollution control law, Los Angeles County still had air that did not meet state air quality standards for photochemical oxidants (such as ozone) on 65% of the days, for carbon monoxide on 55% of the days, and for nitrogen dioxide on 31% of the days. Clean air was three decades behind us, and state and local enforcement agencies estimated that it was two decades ahead—in 1990. The federal government said otherwise. With the enactment of the Clean Air Amendments of 1970 the timetable for clean air was moved ahead to 1975—or 1977, at the latest.

The California strategy, on one hand, and federal requirements, on the other, seemed to represent two extremes. One was so slow that the time when economic and population growth would overtake control measures could be readily predicted. This would happen sometime in the middle of the 1980's. The other was so rapid that only a sudden and wrenching curtailment of transportation and economic activity could produce the required results. In the latter case, the cure might be worse than the disease.

An interdisciplinary team of researchers at the Environmental Quality Laboratory concluded that for air basins with critical air pollution problems—like that of Los Angeles and surrounding areas—a compromise was needed. The team put together a strategy that seemed practical and—when added to pollution control measures presently in effect

or planned—would reduce the number of substandard, smoggy days 80% by 1975 and 90% by 1977.

EQL Strategy #1—so designated since it was only one of many possible combinations—would introduce several novel features to air pollution control. It would focus on the millions of motor vehicles presently on the road instead of relying, as has been the case heretofore, only on increasingly stringent control of new cars. Engine and evaporation emissions from the existing stock of cars would be reduced by a number of practical means: changing the fuel from gasoline to the cleaner-burning natural gas or propane; retrofit devices and engine modification; mandatory inspection and testing of vehicle emissions. Somewhat more radical were socio-economics policies that would reduce use of motor vehicles significantly and thus, for the first time, test the motorist's determination to reduce air pollution by asking of him a personal sacrifice of a measure of his freedom in deciding where, when, and how he would use his car. Stationary sources would be recognized as significant causes of pollution in the Basin and efforts to make further emission reductions at power plants, industry, and even service stations, would be redoubled.

The cost of such a program is not small—about $1 billion for those technical measures to which a dollar value can be attached. That's about $100 a head for everyone in the South Coast Air Basin, or, looked at another way, it's less than 35 miles of a new freeway in Los Angeles.

1/1 NEED FOR A NEW AIR POLLUTION CONTROL STRATEGY IN THE SOUTH COAST AIR BASIN

Twenty five years ago the California State Legislature passed its first air pollution legislation. During the last quarter-century California has come to be recognized as a world leader in air pollution control. Yet in 1970 the California state ambient air quality standard on photochemical oxidants (including ozone), chosen so that it lies "below that (level) associated with aggravation of respiratory diseases,"[1] was violated on 241 days in the South Coast Air Basin. In that same year the standard on nitrogen dioxide was exceeded on 115 days and the standard on carbon monoxide (12 hour average) was violated on 203 days.[2]

Without the air pollution control measures on stationary sources and new motor vehicles now in effect the situation would be even worse. But if the State and local control program in effect in 1971 were to be followed for the rest of this decade, it would lead at best to a relatively slow improvement in air quality in this Basin. For example, it is estimated that the California standard on oxidents would still be violated on 140 days in 1975 and on 85 days in 1980. The two principal reasons for this slow progress are: (1) the low "death rate" of dirty old cars and the low "birth rate" of new motor vehicles that meet stringent exhaust emission and evaporative control standards; (2) the increase in gasoline consumption at a rate of about 4% per year. The EQL is certainly not the only group to conclude that a new air pollution control strategy that would deal effectively with these two problems is urgently needed (Section II/1.1.).

While the EQL study of the "smog" problem was in progress, the federal government began to exert pressure for a much faster rate of improvement in air quality than the 1971 State and local strategy could possibly provide (Section II/1.2). On April 30, 1971, the Administrator of the Environmental Protection Agency, acting under the provisions of the Federal Clean Air Act of 1970 (as amended), published new federal air quality standards that are even more stringent than the California standards. Except for the standard on nitrogen dioxide, the federal standards are not to be exceeded more than once a year. These standards must be attained within three years of the date of final approval of the state plan, except that an extension of up to two years may be granted by the Administrator.

Thus, the South Coast Air Basin is required to meet the new federal ambient air quality standards by 1975, except in the case of photochemical oxidants, for which the EPA granted a two-year extension.

If the state agencies do not prepare a satisfactory implementation plan, the Act empowers the Administrator of EPA to develop such a plan, and if the states do not have the authority to carry out the plan, the Act has given broad authority to the Administrator. Even if the Administrator does not act, private citizens and groups can sue under the Act to force compliance with federal ambient air quality standards.

In contrast to these new federal requirements the Los Angeles County Air Pollution Control District stated in its 1971 annual report[3] that the present strategy would bring air quality up to the California state standards by 1990!

Thus, the present California control program places "clean air" so far in the future that any improvements in air quality might well be overtaken by population and economic growth long before the distant "target date" is reached. But to reduce violations of air quality standards from the present level of 241 days per year for photochemical oxidants (for example) to literally *one day per year* within the period allowed by the Clean Air Act would require drastic curtailments in the rates of consumption of gasoline, natural gas and residual oil in the Basin, and a sudden brake on economic activity. The most effective practical approach must lie somewhere in between these two extremes.

The approach adopted in this report occupies this "middle ground." We recognize that the South Coast Air Basin in California is faced with a uniquely difficult air pollution control problem. Because of its special meteorology and topography, and the enormous rate of consumption of fossil fuels,[4] even the best technology likely to be available in this decade would not reduce the average number of days per year on which State air quality standards on photochemical oxidants are violated below a lower bound of 10–15 days.[5] We chose for detailed study a particular control strategy (called EQL Strategy #1) designed to drive toward these lower limits as rapidly as feasible in the *spirit* (if not the letter) of the Clean Air Act of 1970 (as amended).[6] In summary, EQL Strategy #1 is based partly on new "technical" control measures to reduce emissions from stationary sources and *used* motor vehicles.[7] But even in the short run (1972–1977) we found it necessary to combine these technical measures with a set of social and economic incentives and disincentives designed to encourage the shift to low-pollution motor vehicles, to encourage the use of multiple-occupancy vehicles (buses, carpools, etc.), and to reduce the annual rate of increase in gasoline consumption in the Basin. These control measures are not supposed to be all-inclusive, and the "mix" is not optimized for minimum cost to achieve a given level of air quality.[8] But they are representative of the kind of measures that are required.

1/2.1 GENERAL FEATURES

The EQL strategy depends on the concept of "management standards," based on technical, economic and social feasibility, that would serve as milestones enroute to the clean air required by both the California and federal ambient air quality standards. These management standards would set a first "target date," by which time significant *percentage reductions* are to be achieved in the number of days per year that ambient air quality standards are violated in the Basin. By the second "target date" substantial percentage reductions would have to be made in the *remaining* number of these "objectionable" days, etc. This approach provides the flexibility required, and allows for "feedback" from the public as it assesses the beneficial effects of specific control measures, measured against the economic and social costs of these measures.

The Clean Air Act of 1970 (as amended) appears to give the Administrator of the EPA discretionary authority to approve such an approach by a state during the period in which a time extension is in effect. Such extensions can be granted when (among other reasons) the necessary technology is unavailable; when the state has implemented reasonable alternatives (as would be the case if a strategy similar to EQL Strategy #1 were adopted); when reasonable interim measures are provided for (the basis of the EQL strategy). EPA regulations published in the Federal Register on August 14, 1971 encourage each state "to consider the socio-economic impact and the relative costs and benefits" of alternative strategies. Public welfare and productive capacity are to be weighed as well as public health.

Before discussing specific control measures contained in EQL Strategy #1, certain desirable main features of any such strategy are outlined as follows:

1. In order to be credible the "target dates" for the achievement of management standards ought to be set well within the present decade and not in the vague future one or two decades hence. December 31, 1975 is a reasonable first target date (corresponding roughly to the end of the 3-year period allowed under the Clean Air Act), and December 31, 1977 is a reasonable second target date (corresponding to the end of the 2-year extension period).

2. These management standards should be expressed in terms of percentage reductions in the average number of days per year on which the California (or federal) standards on oxidants, nitrogen dioxide and carbon monoxide are exceeded. For example, a reasonable goal is to reduce these "objectionable" days in the South Coast Air Basin from the 1970 level of 241 per year to a level of 50 days per year by the end of 1975 (a reduction of 80%). By the second target date, at the end of 1977, the objectionable days should be reduced to 25 (an additional reduction of 50%).[9]

3. Because of the relatively short time periods involved, the "technical" control measures required to reach these management standards will have to be based mainly on existing technology that can be developed and introduced within the next 2–4 years.

4. Any strategy must rely on a number of different control measures, each of which provides a modest improvement. It is the cumulative effect which is significant. There is no one "magic solution."

One such strategy (EQL Strategy #1) is described in the next sub-section. The control measures that are proposed are not supposed to be all-inclusive, nor are control costs supposed to be minimized. Our purpose is to illustrate the kinds of measures that must be taken if the requirements listed above are to be met. In most of the discussion to follow we are making the "conservative" assumption that *new* motor vehicles for model years beyond 1974 will meet the 1974 California exhaust emissions standards, but not the more stringent 1975–76 federal standards. Some of the figures to be presented in Part II will show the additional benefits to be gained (at additional cost!) if new motor vehicles do in fact meet the federal standards beginning in 1975.

1/2.2 SPECIFIC CONTROL MEASURES

The nature and extent of the specific control measures that are needed depend on the

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magnitude of the reductions in emissions of reactive hydrocarbons and nitrogen oxides that are required in order to meet the management air quality standards set forth in EQL Strategy #1. At present no general theory exists that would enable us to predict ambient air quality for photochemical oxidants, nitrogen dioxide and carbon monoxide in terms of the emissions level of the primary contaminants. In lieu of such a theory, the relationship between air quality and emissions levels is here established by means of a statistical analysis of air quality monitoring data obtained at the ground-level stations of the Los Angeles Air Pollution Control District over the last several years.[10] An important simplifying physical assumption is made that *for given meteorological conditions* the atmospheric concentrations of carbon monoxide and the "early morning" [11] concentrations of reactive hydrocarbons and nitrogen oxides are directly proportional to their respective emissions levels.

The application of this simple idea to the statistical data is best illustrated by dealing first with the contaminant nitrogen dioxide, which tends to be approximately proportional to the total input of nitrogen oxides. Statistical data is displayed in terms of the average number of days per year that the maximum atmospheric concentration exceeds a given level for at least one hour, plotted against the concentration (Figure 1). (The solid curve in Figure 1 corresponds to the 1969 average of about 1000 tons per day of nitrogen oxides emissions in the Basin.) As expected, "low" one-hour maximum concentrations of nitrogen dioxide around 10 pphm [12] are exceeded quite frequently, but "high" concentrations around 50 pphm are rarely exceeded at this emissions level. These observations correspond roughly to the relatively high frequency of occurrence of maximum mixing layer heights (or heights of the base of the infamous inversion layer) that are 3500 feet or less, compared to the infrequent appearance of maximum mixing layer heights that are 700 feet, or less. These relatively infreqent low inversion layers markedly concentrate the pollutants near the ground.

Suppose that by means of a set of control measures the level of emission of nitrogen oxides in the Basin is reduced by 50% to 500 tons per day. For the *same meteorological conditions,* atmospheric concentrations of nitrogen dioxide are also cut in half (dashed curve in Figure 1). In other words, if emissions are reduced by 50%, the simple rule to follow is that the number of days per year on which a particular maximum one-hour concentration of nitrogen dioxide is exceeded is the same as the number of days per year on which twice this concentration was exceeded at twice the emission level (horizontal dashed line in Figure 1). By following this rule, we see that at the new emissions level, a concentration of 25 pphm for one hour (California state standard) is exceeded on the same number of days per year as a concentration of 50 pphm was exceeded at the old emissions level. A 50% reduction in emissions level leads to a 90–95% reduction in days per year of violations of the state standard (vertical dashed line in Figure 1).

The situation for photochemical oxidants is more complicated than for nitrogen dioxide because the peak one-hour oxidant level depends on "early-morning" concentrations of reactive hydrocarbons and nitrogen oxides, on sunlight intensity, temperature and other variables in a complex manner. In spite of this difficulty, by using the Los Angeles APCD data Trijonis was able to work out "summer" and "winter" correlations between daily one-hour average oxidant level and "early morning" concentrations of reactive hydrocarbons and nitrogen oxides. The effect of reductions in smissions levels on the concentrations of these two substances is calculated just as nitrogen dioxide was analyzed in the simple illustrative example given earlier.[13]

Our calculations show that in order to reduce from 241 to 50 the average number of days per year on which the maximum daily one-hour average oxidant concentration of 0.10 ppm is exceeded [14] (first "target" on EQL Strategy #1) the total emissions of reactive hydrocarbons from all sources in the Basin must be reduced to 28% of *present levels,* and emissions of nitrogen oxides must be reduced to about *45% of present levels.* If these reductions were made, the California ambient air quality standards for nitrogen dioxide of 25 pphm for one hour would be exceeded on 10 days per year as compared with 130 days in 1970. The "health warning" [15] level of a one-hour average oxidant concentration of 0.20 ppm (twice the State standard) for persons with coronary artery diseases or chronic respiratory diseases would be exceeded on 15 days per year, as compared with 150 days per year in 1970.

Thus, Phase 1 of EQL Strategy #1 is designed to reduce total emissions of reactive hydrocarbons to 28% of present levels and nitrogen oxide emissions to 45% of present levels by December 31, 1975.

These objectives would be accomplished by means of the following *Phase I control measures,* combined with the effects of the new cars introduced into the Basin.

A. MOTOR VEHICLES

1. Mandatory conversion of all gasoline-burning commercial motor vehicles of model years 1970 and later in both small and large fleets (trucks, taxis, buses, cars) to burn a gaseous fuel, such as compressed natural gas or liquid propane gas, by *December 31, 1973,* in the South Coast Air Basin. This measure means that about 33% of the gasoline now burned in the Basin would be replaced by gaseous fuels.

2. (a) Mandatory installation on 1960–1965 gasoline-powered cars of a currently available control device that reduces hydrocarbon emissions by about 60% and NO_x emissions by about 35% on pre-1966 cars.[16]

(b) Mandatory installation on 1966–1970 gasoline-powered cars of a control device that reduces nitrogen oxides emissions by a substantial amount.[17]

3. Mandatory installation of an evaporative control device on gasoline-powered 1966–1969 vehicles that reduces fuel tank evaporative emissions by 90%. (Starting with the 1970 models new cars have such controls.) Since this device is estimated to cost approximately $150 to purchase and install, some subsidy or cost-sharing would be required. (Less expensive retrofit devices are currently under study at the EQL.) If such a subsidy were to be paid to vehicle owners for installation of this device, an equal subsidy ought to be made available to vehicle owners who elect any other step that would reduce reactive hydrocarbon emission in the Basin by a comparable amount. *Example:* purchase of a post-1969 vehicle to replace an older vehicle that is sold to a new owner who lives and works outside the Basin.

4. A mandatory vehicle emissions inspection system that would: (1) insure that new and used gasoline-powered vehicles meet the emissions standards set for them by present and proposed control measures; (2) insure that vehicles operating on gaseous fuels are properly tuned to achieve the low exhaust emissions levels qualifying them for the 7 cents/gallon (equivalent) State fuel tax remission;[18] (3) form the basis for a system of emission taxes.

5. Social and economic incentives and disincentives designed to encourage the shift to low-pollution motor vehicles by motorists and vehicle manufacturers, to encourage the use of multiple-occupancy vehicles, and to halt or at least reduce the annual rate of increase in gasoline consumption. Such measures include: (1) emissions taxes assessed on car owners in proportion to the amount of emissions their cars discharge into the air; (2) reserved "fast lanes" on freeways for buses and carpools; (3) controlled access to freeways so that buses and carpools are given priority during rush hours; (4) free or subsidized parking for carpoolers; (5) buses and demand-jitneys partially subsidized by revenues collected from emissions taxes; (6) as a last resort, additional gasoline taxes and/or a limit on the total consumption of gasoline in the Basin at 2.7 billion gallons per year by a system of freely auctioned coupons, giving motorists in the Basin gasoline purchase rights up to this total amount, but no more.[19]

In out calculations we assumed that by December 31, 1975, the combined effect of all the measures under #5 amounts to a 20% reduction in the motor vehicle pollution remaining after measures #1–4 are put into practice.

B. STATIONARY SOURCES

1. *Nitrogen Oxides.* Mandatory installation of two-stage combustion and/or gas recirculation (or other control devices) designed to cut NO_x emissions by 50% by the end of 1973 in all fossil-fuel power plants.[20] Mandatory use of low "excess" air in industrial boilers and heaters using natural gas with a rating in excess of 30 million BTU/hour (about 8.5 megawatts).

2. *Hydrocarbons.* (a) Substitution of nonreactive materials by users of organic solvents emitting "high reactivity" HC (as defined by the Los Angeles APCD) in order to cut these emissions by 50% by 1973.[21] (b) Mandatory recirculation of vapors from gasoline storage tanks in filling stations back to tanker trucks during filling operations.

C. PHASE TWO

Phase 2 of EQL Strategy #1 consists of a limited number of "smog alerts" to be called in the Basin during the period July through September when the oxidant exceeds 0.20 ppm at any station in the Basin, or when early morning inversion layer height and temperature indicate a high probability that this level will be exceeded.[22] Beginning in 1973 two or three such alerts would be called, and by 1975 the number of such alerts would be increased to 6–8.

Although we do not attribute any specific reduction in the number of "objectionable" days to Phase 2, it seems clear that the two phases of EQL Strategy #1 are mutually reenforcing. Incentives for reducing emissions are created by calling smog alerts that shut down or curtail emission sources while reductions in emissions require fewer smog alerts. If our target of about 15 days per year for an oxidant level of 0.20 ppm is reached by the end of 1975, these smog alerts could be discontinued.

1. During these smog alerts only "low emission" vehicles,[23] vehicles with two or more passengers, and buses and jitneys would be permitted on the freeways.

2. During an alert all stationary sources of "high reactivity" HC emissions would be shut down.

Rough estimates indicate that the cost of Phase 1 of EQL Strategy #1 for the South Coast Air Basin is about one billion dollars through December 31, 1975, which amounts to about $100 per head, or $300 per household ($25 per head per year or $75 per household per year). The cost breakdown is as follows: (1) loss of federal and State tax revenues by conversion to gaseous fuels—$400 million; (2) Vacuum Spark Advance Disconnect—$70 million; (3) evaporative control retrofit—$225 million; (4) mandatory motor vehicle inspection program—$200 million; (5) controls for stationary sources—$100 million.[24]

By the second target date of December 31, 1977, EQL Strategy #1 calls for no more than

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25 days per year on which the California ambient air quality standards for oxidants is violated in the Basin. Our calculations show that in order to achieve this objective the total emissions of reactive hydrocarbons in the Basin must be reduced by about 22% *of present levels* and nitrogen oxides emissions must be reduced to about 38% *of present levels*. If the Phase I control measures are successful in reaching their targets by the end of 1975, it turns out that the *additional* reductions in total emissions that are required by the end of 1977 could be achieved by means of two specific control measures: (1) continued conversion of gasoline-burning commercial vehicles to burn a gaseous fuel, as long as emissions from new vehicles are significantly higher than emissions from gaseous-fueled vehicles (maintaining the level of one-third of the gasoline replaced by gaseous fuels at all times); (2) continuation of mandatory vehicle emissions inspection program (A.4 of Phase 1). The social and economic incentives and disincentives listed under A.5 of Phase I would almost certainly be necessary in the long run (Section I/3), but no additional reductions in emissions after 1975 are attributed to these measures in the present "conservative" calculations. The *additional* cost of this program from the end of 1975 to the end of 1977 is estimated at about $380 million. (The total cost of the emission controls for new cars for 1976 and 1977 is estimated at about $300 million in this Basin.)

In Section II/2 of this report the reductions in emissions from motor vehicles and stationary sources that can be achieved by each of the control measures in EQL Strategy #1 are discussed in detail. In Figure 3 and 4 we show the breakdown in reductions in reactive automotive hydrocarbons and nitrogen oxide emissions for L.A. County. Figures 5 and 6 show the contribution from stationary sources and the reductions in *total* reactive automotive hydrocarbons and nitrogen oxide emissions. Based on these reductions the projected improvement in ambient air quality for photochemical oxidant and nitrogen dioxide are calculated by methods already outlined and described in detail in Section II/2.2. In Figures 7 and 8 the results of these calculations are illustrated for the "present strategy" (1971) and for EQL Strategy #1. Figure 9 shows the projected reductions in the number of "health warning" days (proposed by the Los Angeles County Medical Association for persons suffering from coronary artery diseases or chronic respiratory diseases).

Control measures A.1 and A.5 on motor vehicles will also greatly reduce carbon monoxide emissions into the atmosphere of the Basin, as shown in Figure 10. In Figure 11 we show the corresponding projected improvements in ambient air quality for carbon monoxide according to the "present strategy" and EQL Strategy #1. By 1977 EQL Strategy #1 would virtually eliminate the carbon monoxide problem in L.A. County.

In Sections II/3 and II/4 the feasibility of the "technical" control measures A.1–A.4 and B.1 and 2 for motor vehicles and stationary sources is examined. By feasibility we mean supply, distribution and marketing of gaseous fuels; economics of conversion to gaseous fuels; safety, insurance and reliability of gaseous-fueled motor vehicles; economics and performance of "retrofit" devices on used cars; availability and performance of control devices for stationary sources. No important technical or economic difficulties were uncovered in this study. However, a considerable amount of "risk capital" and organizational effort is required to put these control measures into effect on the time schedule adopted in EQL Strategy #1. On the other hand, the program provides some attractive opportunities for profitable business ventures and for employment of presently under-employed or unemployed skilled people in the Los Angeles area.

In Section II/3 the controversial question of the conversion of commercial motor vehicles to burn a gaseous fuel is discussed in some detail. The supply problems for compressed natural gas (CNG) and propane (LPG) in this Basin were studied carefully, not only by the EQL staff but also independently by a well-known oil and gas consulting firm retained by the EQL—The Pace Company of Houston, Texas. The Pace Company report concluded that supplies of CNG and LPG are adequate to replace up to 33% of the gasoline burned in the Basin.[25] The report recommended a "mix" of 25% CNG and 8% LPG to make up the figure of 33%. This amount of CNG is equivalent to 250 million cubic feet per day. In the "smoggy" summer months "firm" customer demand for natural gas is about 500 million cubic feet per day, leaving about 2.5 billion cubic feet per day for "interruptible" users (Figure 12). About 10% of the "interruptible" supply would have to be diverted from electric power plants and industrial users to motor vehicles. Such a diversion could be accomplished by means of a small price differential. In the relatively "smog-free" winter months natural gas is in short supply because of large "firm" customer demand. Thus motor vehicles converted to CNG are almost always equipped with "dual-fuel systems that allow them to switch to gasoline in the winter months, or when they are outside the Basin.

If 8% of the projected gasoline consumption in the Basin is replaced by propane by 1975, the requirement for propane amounts to about 10 million barrels per year, a quantity equal to the total consumption of propane in California in 1970 (Fgure 13). However, propane supply is increasing rapidly in the 1970's. Canadian propane supplies are available, and the figure of 8% is regarded by the Pace Company as a reasonable initial target that would not place too great a strain on refineries and other sources (mainly natural gas fields).

So far as distribution of CNG is concerned commercial fleets generally would have their own fueling facility, including compressor and storage tank. Recently the Union Oil Co. and Pacific Lighting Corp. announced a cooperative pilot program whereby two service stations in Riverside, California, will sell CNG to motor vehicles.[26] This system could be expanded rapidly to include a certain fraction of the service stations in the Basin. Propane, on the other hand, is already available at about 64 stations in the Los Angeles area, and a number of other stations now selling propane to campers could easily obtain the necessary permit to sell this fuel to motor vehicles. This distribution system could also be expanded once the demand was established.

Similar conclusions about feasibility were reached regarding the possible rate of conversion of motor vehicles to burn a gaseous fuel. After several days of training, a good mechanic can convert one vehicle in about one working day. Thus 1000 mechanics working 250 days per year could convert the estimated 500,000 commercial fleet vehicles in the Basin in about two years.

In contrast to these technical-economic measures, the detailed effects of the social and economic measures listed under A.5 (and discussed in detail in Section II/5) are very difficult to forecast. The whole purpose of this set of incentives and disincentives is to provide alternate modes of transportation and to influence human behavior. Lacking a predictive theory of human behavior we need to introduce demonstration or "pilot" programs in order to obtain "feedback" from the public in a reasonably short time period. In the case of the emissions tax, for example, an iterative procedure could be utilized, in which a certain reasonable tax schedule is set and the effects observed for one year, after which the schedule is revised as needed. These pilot and iterative programs are necessary first steps toward a long-range strategy for the post-1982 period.

1/3 A GLIMPSE AT THE POST 1982 PERIOD AND LONG-RANGE NEEDS

Sometimes in the early 1980's emissions of reactive hydrocarbons, nitrogen oxides and carbon monoxide into the atmosphere and the number of smoggy days in the Basin will begin to increase again, even if EQL Strategy No. 1 is fully implemented (Figure 14). The projected growth in population and in the rate of consumption of gasoline, natural gas and oil in the Basin makes this outcome inevitable—*if no new steps are taken*. Section II/6 of this report contains a brief discussion of some possible approaches to the long-term air pollution problem in the Basin, including (1) introduction of new technology, e.g., electric commuter cars, replacement of natural gas and oil-fueled industrial burners by electric-powered devices, replacement of electric power plants inside the Basin by new power plants located outside the Basin; (2) limitations on population, industry and commerce in the Basin, provision for a balanced transportation system, and important changes in life-style.

FOOTNOTES

[1] Air Resources Board, Annual Report to Governor Ronald Reagan and the Legislature, entitled *Air Pollution Control in California, 1970*, January, 1971, Table 1, p. 24.

[2] *Profile of Air Pollution Control*, Los Angeles APCD, 1971.

[3] *Profile of Air Pollution Control*, Los Angeles APCD, 1971.

[4] List, E. J., *Energy Use in California: Implications for the Environment*, EQL Report No. 3, December, 1971.

[5] The California ambient air quality standard states that the maximum daily one-hour average oxidant level should not exceed 0.10 ppm (parts per million).

[6] Later (Section II/1.1) this strategy is compared with a strategy that relies mainly on new car controls and does not meet the requirements of the Clean Air Act of 1970 (as amended) even in spirit.

[7] Some of these measures are included in the new State implementation Plan (February, 1972).

[8] Cost optimization for a wide range of strategies is treated in some detail by Trijonis, John, *An Economic Air Pollution Model. Application: Photochemical Smog in Los Angeles County in 1975*, Summer, 1972.

[9] If desired a third target date could be set at the end of 1979 by which time a reduction of 50% in the remaining number of these "objectionable" days must be achieved (to about 13 days per year).

[10] This analysis was carried out by Mr. John Trijonis as part of his Caltech PhD thesis research on the economics of air pollution control.

[11] By "early morning" we mean before 9:30 a.m., in Los Angeles, or before photochemical reactions have begun.

[12] Parts per hundred million.

[13] Estimates of the number of objectionable days per year for each pollutant were obtained for Central Los Angeles. The average number of days per year on which the California ambient air quality standards are violated at *some* station in the entire Basin is significantly higher. For photochemical oxidant the number of objectionable days for the entire Basin is 1.7 times higher on the average than in Central L.A., and for nitrogen dioxide the number of such days is 2.3 times higher on the average.

[14] California State ambient air quality standard.

[15] Proposed by the Los Angeles County Medical Association.

[16] The State Air Resources Board has approved the General Motors vacuum spark advance disconnect device and the Air Quality Products capacitor discharge, ignition optimization system for these cars (Section II/3.4).

[17] In November 1971 Governor Reagan signed the Sieroty-Cologne Bill, which requires that beginning in 1973 all 1966–1970 cars must be equipped with a device that will "significantly" cut nitrogen oxide emissions. The certification that such a device is installed on the car is to be made on initial registration, on transfer of ownership, or on renewal of registration. A limit of $35 is set on the initial cost of such a device, including installation charges, and the bill specifies that it should not require maintenance more than once every 12,000 miles at a maximum cost of $15. The State Air Resources Board must now set the standards for such equipment.

[18] California law presently exempts vehicles operating with propane or natural gas conversion systems approved by the Air Resources Board from the State tax on vehicle fuel.

[19] According to E. J. List, the actual rate of gasoline consumption in 1969 was 4 billion gallons a year. The figure of 2.7 billion gallons represents what is left after one-third of current gasoline demand is converted to gaseous fuels.

[20] Such control devices are now being installed in the large electric power plants of Southern California Edison and the Los Angeles Department of Water and Power.

[21] Approximately 100 tons/day of "high reactivity" HC are emitted by these sources. Another 550 tons/day of "low reactivity" HC emissions from stationary sources would not be affected by this program.

[22] At present first stage smog alerts are called when the oxidant level exceeds 0.50 ppm (five times the State air quality standard). No emissions sources are curtailed during these alerts.

[23] These vehicles could be identified by means of special windshield stickers.

[24] The costs to the buyers of new cars that meet the California exhaust emission standards is estimated at approximately $400 million over this same period. This estimate is based on an additional cost of pollution controls of $50/car in 1972, $150/car in 1973 and $300/car in 1974 and 1975. Detailed cost calculations contained in Trijonis' thesis based on "harder" data later shows that the cost of Phase 1 in the South Coast Air Basin in about $1.8 billion, including new car controls. This cost amounts to about $45 per capita per year, or about 1.2% of disposable income per capita after taxes.

[25] The major conclusions of the Pace Report are discussed in Section II/3.1.

[26] These stations began selling CNG to motor vehicles in May, 1972.

STATEMENT TO THE ENVIRONMENTAL PROTECTION AGENCY

(By Lester Lees)

NOTE: Figures are not reprinted in RECORD.

A significant milestone in the long struggle to abate smog in the Los Angeles Basin was reached with the publication of the transportation control plan by the EPA on January 15, 1973. In preparing the plan the EPA firmly established the fact that not only would no single abatement measure eliminate smog, but that even the vigorous implementation of all available measures for emission reduction would fall far short of achieving the federal ambient air quality standards. To achieve these standards would require the imposition on a vast scale of other kinds of measures which are largely untried and mostly unpredictable. In commenting on the plan today, I will concentrate on three main points. First is the need for management standards to serve as interim goals in a time-phase program to achieve the ambient air quality standards. Second is the desirability of a flexible strategy which employs several measures in addition to the technical emission reduction measures. The third is concerned with providing the time required to bring measures of the second kind into effective operation—that is, the need for a build-up period. Finally I will comment on the cost of an effective smog abatement program. A technical commentary on the analytical technique used in preparing the plan is in an appendix submitted for the record. Also submitted for the record are four additional documents which contain the detailed reasoning on which this statement is based.

In order that we can discuss the question of air quality on a common basis, I would like to point out that the air quality standards consist of two parts. One part is a specified concentration level and averaging time; for example, the oxidant standard 0.08 ppm (federal) or 0.1 ppm (State of California) for one hour. The second part is the number of days per year that this specified level may be exceeded. In the Clean Air Act this number is more than one day per year. Air quality is best measured in terms of the average number of days per year that the specified level is exceeded (currently over 200 days per year for oxidant in this air basin).

For this discussion I will use the level of 0.1 ppm of oxidant averaged for one hour as the specified level. In order to illustrate the effect of the choice of level on the average number of days per year that a particular level is exceeded, I will also show some results for a level of 0.2 ppm of oxidant averaged over one hour.

My three main points can all be made by referring to Figue 1. The segmented bar in the center with the hatching represents the daily hydrocarbon emissions in the Basin in 1977. The various levels are those remaining after the several reduction measures shown have been applied.

The levels are quantified in two ways. The first is in terms of percentages of the total level that would exist if no reduction measures were to be imposed. The second way is in terms of the number of days the oxidant standard would be exceeded. The calculations on which this chart is based are similar to those we have discussed in detail in the SMOG book. The results shown in the upper part of the bar differ somewhat from the calculations made by the EPA because they are based on a somewhat different set of technical control measures. In addition the 0.1 ppm for one hour level was used, which is slightly higher than the federal level, and a more complex model was used to relate the level of emissions to the number of days the 0.1 ppm for one hour would be exceeded. These are important technical differences between this analysis and the one made by the EPA. The differences are discussed in detail in the appendix, and it is hoped that the discussion will be carefully considered by those charged with further analysis within the EPA.

Even more important than the differences, though, are the similarities. Both analyses show that any reasonable set of technical emission control measures will fail to achieve the ambient air quality levels (either state or federal) on something like 60 to 80 days per year. It should be emphasized that fixing on the federal rather than the state level and agreeing on a specific set of measures would still leave a great deal of uncertainty about the number of days the level would be exceeded. This uncertainty is due to two factors. The one is an inherent inability to calculate accurately the effectiveness of the measures imposed and the resulting level of emissions. The other is the variability of the weather from year to year, which greatly affects the number of days the level is exceeded for a given level of emissions.

Both of these factors act to increase the uncertainty as the number of days on which the level would be exceeded becomes smaller. This is why the scale of the number of days is not continued below 20 days. These two sources of uncertainty, plus the very high cost of the technical measures and the untried nature of the other measures, led to the idea of management standards.

Management standards are interim goals selected on the basis of reasonable predictability of effectiveness, acceptable cost, and a specific time scale. They are based on the accepted ambient air quality levels and recognize that these levels will necessarily be achieved over a period of time rather than all at once. They are *not* equivalent to merely extending the time allowed to achieve the final goals. They do allow for implementing other measures after the uncertainties associated with the technical measures have been dispelled and after some experience on a small scale with other measures. The best available data now suggests that a realistic goal is 60 days per year that could be achieved in 1977 by the vigorous implementation of the technical measures together with a small scale application of other measures. At that time there would be little uncertainty about the technical measures and less about the other kinds. It would then be possible to devise the next phase of the program with much more confidence and to decide whether there should be another set of interim goals.

My second major point has to do with the measures that will be required beyond the technical measures to finally achieve the ambient air quality standards. Make no mistake, I do not have a "magic" solution to this difficult problem, and I do not believe the problem can be attacked really well until after more of the effects of the technical measures are known and some experience with the other measures obtained.

For purposes of this discussion the measures other than the technical measures can be classified into three categories. First are those measures intended to reduce vehicle miles traveled. Second are those measures intended to reduce the number of vehicles in use. Third are special measures intended to reduce vehicle use on days forecast to be especially susceptible to smog. Each category has a counterpart that pertains to stationary sources. The classification scheme is admittedly crude, but it will serve to make the point. The point is that measures of all three kinds should be considered. The use of a number of measures of different kinds in a strategy has a number of desirable features.

When the Administrator considered measures to be used beyond the technical measures, he rejected all those except gasoline rationing. In his explanatory comments he elaborated on the many difficulties expected in instituting rationing to the extent envisioned, and the probable disruption to the economy of the Basin. Indeed, one is led to believe that rationing to this extent may prove to be not possible. This illustrates one of the reasons for a multiple strategy. If one of the measures proves to be infeasible or not feasible to the extent planned, there are no other measures which can be used to compensate. Specifically, if gasoline rationing does not work, then we shall need an alternative.

Another aspect of the desirability of a multiple strategy is that no one measure need be as intense as it would be if it were used alone. This is illustrated in the lower part of the chart. The numbers chosen are intended to be illustrative and are, of course, subject to the uncertainties discussed above. But, for example, if the number of vehicles in the Basin and the consumption of gasoline were limited to present levels instead of being allowed to grow at present rates, the emissions remaining after the technical measures were applied would be reduced by perhaps 16%. Then if, in addition, gasoline were rationed by 33% (instead of 82%) there would remain about 20 or 25 days per year

on which special additional restrictions would have to be imposed. Such a mixed strategy, because the measures are less intense, would have much different effects than a single measure strategy.

It is hoped that a mixed strategy would contain more than just three measures as shown in the example. Other measures such as emissions taxes and incentives and disincentives aimed at encouraging people to use public transportation instead of automobiles should be considered. Airport operations and goods movement need to be examined for possible reductions in emissions through reduced activity. Some of the measures considered will turn out to be infeasible to implement, others not to work in practice. Unless enough are considered right from the beginning, there may not be enough left to do the job.

A final aspect of the desirability of a multiple measure strategy has to do with adverse impacts. Whereas the problem in setting up the mixture of technical measures has mostly to do with getting a maximum effectiveness (and acceptable cost), the problem in getting the right mix of the other measures seems to be more concerned with minimizing adverse impacts. There seems to be little doubt that sufficient gasoline rationing would reduce emissions enough. The question about rationing is whether the adverse impacts are acceptable. The sample strategy was chosen to be different to illustrate this. While a limitation on the number of vehicles would have a major impact, it would probably be different, and perhaps less, than an 82% reduction in the gasoline available.

In the same vein, proscribing driving for 20 days would have a different impact than reducing driving by 82% for up to 180 days.

To summarize this point, the strategy to be used after the technical measures are fully exploited should be a mixed strategy with a number of measures of different kinds. In beginning to devise such a strategy no measure should be eliminated from consideration without good reasons, even though means for implementation or possible impacts may not be fully understood.

This brings me to my third major point. A great deal of work needs to be done to examine nontechnical measures. We have made a modest beginning in examining emissions taxes and measures to be used on days forecast to be especially susceptible to smog. That work is reported in the SMOG book and other documents submitted. We intend to continue. Nevertheless, we conclude that much of what needs to be learned about these measures can only be learned by experience. In some cases that may be possible by pilot programs, and if so they should be used. In other cases the measures will just have to be tried. Certainly a measure should not be tried unless careful study indicates that it will probably work and have an acceptable impact. Even so, it will often be prudent to start a measure at low intensity and allow a period of planned build-up. This is also the approach that is used in technical measures to allow time for people and organizations to accommodate themselves to a new set of constraints. A good example is in a system of periodic motor vehicle inspection and mandatory maintenance where it may be necessary to initially set the standards quite loose and tighten them over a period of time to give the automotive service industry time to respond to the increase in maintenance work. That system of a gradual build-up seems equally applicable to such diverse measures as expansion of public transit and special restrictions on days forecast to be bad. It is for that reason that we suggested (in the SMOG book) the inclusion of such measures at a modest level of intensity even in the first and second phases of a phased program. A similar suggestion is included in the sample plan in the chart.

It is important to include this idea of a build-up in any kind of a plan, even one which is aimed at fully achieving the standards by 1977 and even one which relies on a single measure such as gasoline rationing. If only gasoline rationing were to be used, and I certainly would not recommend such an approach, it should be started well before 1977 to allow time to get the machinery worked out and for people to reorder their lives. A modest level of rationing as early as 1974 would be none too soon. The same comment applies to all other measures of this sort whether used alone or in a mixture. The comment also applies to bad day measures.

The question of when to apply measures to limit growth is particularly difficult. Indeed the whole question of whether or not any growth limiting measures are acceptable is one that may not be settled for a long time. I would merely note here that the most difficult year in which to control smog will be 1977. As the Administrator has pointed out, the increasing percentage of post-1974 vehicles will ease the problem considerably by the early 1980s. This indicates that an immediate, and perhaps even temporary, restriction on growth would be more helpful than a later one that came too late to prevent a large influx of pre-1975 vehicles.

Throughout this discussion so far we have accepted the California standard of 0.1 ppm of oxidant for one hour. Considerable discussion and debate has centered around the choice of a particular pollutant concentration level as a "safe" standard. However, even if the allowable level were to be *doubled*, Figure 24 from the SMOG book shows that all of our conclusions about the need for management standards and a time-phased approach are still valid. At present even this higher level is exceeded well over 50 days per year (in 1971, 67 days at Pasadena and 95 days at Riverside). There is very little disagreement that exposure of the population to a level as high as 0.2 ppm of oxidant for one hour on that many days per year is not consistent with the requirement that the "health and welfare" of our citizens must be protected.

The final point to be made and which supports the three major points and the idea of a phased approach to smog abatement has to do with cost. It is completely natural that the first measures used against smog in Los Angeles were those that were simplest, most effective, and least expensive. Positive crankcase ventilation is an outstanding example of this. As the inexpensive measures are exhausted, though, each new measure adopted is more expensive than the previous one simply because the less expensive ones are adopted first. The result of this process, which is the best process that could be used, is shown in the second figure. This curve was taken from a study by Dr. Trijonis about a year ago of the costs of reducing the level of emissions below the level then projected for 1975. The curve illustrates clearly the rising costs of decreasing emissions. The total five year strategy examined in the SMOG book is estimated to cost well over one billion dollars or $100 for each person living in the South Coast Air Basin. This amount may prove to be acceptable to the people here. Nevertheless, it must be realized that each additional step will cost much more to achieve the same amount of improvement in air quality than the previous one.

ALCOHOLISM

Mr. DOMENICI. Mr. President, for some time, I have felt a strong concern over the increasing problem of alcohol dependency in our country. It is a fact that alcohol continues to be the No. 1 abused drug in our society.

Statistics involving the very young people only illustrate the crisis situation we find ourselves. A recent Washington Post article pointed out that alcohol was making a "strong comeback" among our youth—taking its toll out of the future of our Nation. The National Commission on Marihuana and Drug Abuse reports that alcohol use by senior high school students between 1969 and 1971 increased 90 percent. Last year, the survey continued, an all time high of 74 percent of senior high students had at least sampled some form of alcohol. Furthermore researchers tell us that at least 1 in 10 drinkers is likely to become addicted to alcohol. In its report entitled "Alcohol and Health" issued early in 1972, the National Institute on Alcohol Abuse and Alcoholism estimated that there are at least 9 million abusers of alcohol and alcoholics in the Nation. A look at accident statistics involving drinking drivers again illuminates the magnitude of the problem.

It is obvious that alcoholism is one of the country's most serious and widespread diseases which will not go away by itself. Accordingly I feel, it requires a strong and sustained governmental response.

It was for that reason that yesterday I voted for S. 1125, a bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism. This measure was in recognition of the problem and is an attempt to cope with it.

When this act was first initiated by Congress in 1970, the States began developing their plans as specified. I know that in the State of New Mexico this action on the part of Congress was interpreted as hope—hope that alcoholism was preventable and treatable. Congress would, with the enactment of S. 1125, authorize the extension of Federal assistance for an additional 3 years.

However, I am pleased with another provision of this legislation. If enacted, it would prohibit public or private general hospitals receiving funds from Federal agency sources from discriminating in their admission or treatment policies against any person solely because of his alcohol abuse or alcoholism. Discrimination was practiced before, but I have been informed it has lessened since Congress first acted in 1970. Perhaps it can be eliminated entirely. To abandon the program now would destroy much of the progress already achieved and it would shatter the hopes of millions of the victims of alcoholism.

A person afflicted with this disease needs our support and encouragement, not denunciations and recriminations. It was with this thought that I strongly supported this measure.

GAS ADVERTISEMENT

Mr. MOSS. Mr. President, one of the ironies of our current energy shortage has been the continued promotional advertising for a wide variety of energy resources which are in scarce supply. The promotional advertising of utility companies, for instance, has been a misuse

of the power of advertising and has been wasteful in promoting consumption of increasingly diminished resources.

In the case of gasoline, continuing studies by a number of House and Senate committees have demonstrated that advertising for gasoline often was designed to create somewhat spurious product differentiation. Additionally, at this time of gasoline shortages and station closings, I believe that continued promotional advertising engaged in by a number of oil companies is counterproductive. Now, however, Mobil Oil Co. has announced that it will terminate all gasoline advertising and concentrate its advertising expenditures on encouraging gasoline and other energy conservation.

Mobil thus joins a number of other oil companies that have similarly terminated promotional advertising in favor of informative advertising stressing conservation.

This is a most welcome step. Having spent a number of years studying advertising, I am convinced that the application of copyright talent toward energy conservation is a useful and productive objective. I compliment Mobil and the other members of the energy industry who are embarking upon this sound use of their advertising budgets.

Mr. President, I ask unanimous consent that an article on Mobil's plans be printed in the RECORD.

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

MOBIL OIL CO. DISCONTINUES GASOLINE ADS

Mobil Oil Corp. announced yesterday that it is discontinuing all gasoline advertising for the duration of the gas shortage and is switching to public service ads on gasoline conservation and the better use of available energy.

Other major gasoline companies reported that they have already changed the thrust of their advertising and were pushing either other products or gasoline conservation.

"The American public must develop a new national ethic with respect to the use of energy," said Mobil Chairman Raleigh Warner Jr. "We as a nation must adopt long-term approaches to conserve energy because the energy shortage will be with us for a long time."

SUPREME COURT SAYS DE JURE SCHOOL SEGREGATION IN THE NORTH UNCONSTITUTIONAL

Mr. ALLEN. Mr. President, I ask unanimous consent that there be printed in the RECORD an excellent analysis of and commentary on the Supreme Court decision in the school desegregation of Keyes against Denver, Colo. School Board handed down yesterday.

This decision may well become a landmark decision pointing the way to a single national standard on policy regarding desegregation of the public schools of the Nation, North as well as South. The Supreme Court recognizes that de jure segregation can exist in the North and that all segregation in the North is not de facto and beyond the reach of the courts. Where de jure segregation exists in the North it must be eliminated "root and branch" just as does de jure segregation in the South.

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

COURT NEARS DE FACTO BIAS RULINGS

(By John Mathews)

The U.S. Supreme Court has partially struck down the legal double standard that forced the South to desegregate fully its school systems, but permitted the North to maintain segregated schools.

The court decision yesterday in the suit brought by Wilfred Keyes, a black school teacher, against the Denver, Colo., School Board may eventually rank in importance with the 1954 Brown decision that outlawed separate, but equal schools, and the 1971 Swann decision that approved of busing as a tool of desegregation.

In the majority opinion, written by Justice William J. Brennan Jr., the court stopped far short of totally eliminating the distinction between "de jure" segregation and "de facto" segregation. "De jure" segregation means that government action or now unconstitutional laws produced school segregation, while "de facto" segregation means segregation resulting from neutral causes like racial housing patterns.

Since most of the North, unlike the South never had laws separating the races in schools, courts generally have viewed Northern school segregation as "de facto" segregation which the Constitution does not require to be eliminated. Courts have ruled, however, that since Southern school systems did separate the races they were in effect tainted by past illegal action and must fully desegregate to purge themselves.

In its Denver decision yesterday, the highest court found that while there were never laws requiring separation of the races in Denver schools, school board action consciously led to building schools and establishing attendance zones that isolated blacks in certain schools. This amounted to "de jure" or unconstitutional action, the court said.

Lower federal courts in the case of Pontiac, Mich., Pasadena, Calif., and other Northern school districts in recent years have similarly found Northern systems guilty of "de jure" segregation. But, yesterday was the first time the Supreme Court has ruled in a major Northern school case.

The court avoided dealing with the issues raised in the case of whether segregation, regardless of its cause, is unconstitutional, and whether the neighborhood school policy should be eliminated if it results in segregated schools. Both Justices William O. Douglas, a liberal, and Justice Lewis F. Powell Jr., a conservative, urged the court to wipe out the distinction between "de facto" and the "de jure" segregation and adopt a national standard for both North and South.

Instead, the court found "de jure" actions by the school board in the Northeast Park Hill section of Denver resulted in school segregation which must be eliminated. How this is to be done is the key question posed by the court with far-reaching implications for most Northern school systems.

In sending the case back to District court, the Supreme Court said it is up to the school board to prove its action in segregating Park Hill is unrelated to the rest of the system. If the board cannot prove segregation in Park Hill is isolated from the rest of the system, then the entire system is tainted and must be desegregated "root and branch" just like a Southern system, the court concluded.

The Brennan opinion practically told the lower court that in its view systemwide desegregation is required in Denver. Where a "meaningful" or "substantial portion" of the system is segregated by direct action of a school board—in Denver about 40 percent of the blacks in 1969 were confined to the northeast area schools—the court said the burden is on the school board to show "that their actions as to other segregated schools within the system were not also motivated by segregative intent."

The court also discarded the lower court view that a school board may not be held accountable for actions taken 20 or more years ago. "If the actions of school authorities were to any degree motivated by segregative intent and the segregation resulting from those actions continues to exist, the fact of remoteness in time certainly does not make those actions any less 'intentional.'"

Both civil rights lawyers and anti-busing members of Congress reacted cautiously to the complicated decision.

James M. Nabrit III, who argued the Denver case for the NAACP Legal Defense Fund last fall before the Supreme Court, said the decision will have a bearing in some other Northern cities where deliberate segregation policies can be proven.

In Boston, for example, the civil rights office of the Department of Health, Education, and Welfare which has been found by federal courts to have lagged in requiring school desegregation in the South, found deliberate school board policies to confine blacks and Spanish-speaking students to certain schools. In most major Northern cities, minority students are isolated in certain sections and schools.

Sen. Peter Dominick, the Colorado Republican who last year introduced Nixon administration anti-busing legislation, said he did not plan any "precipitous action" as a result of the new court decision. Dominick said he doubted a new effort to enact anti-busing legislation will emerge in the Congress, because of the tentative nature of the decision.

Civil rights lawyers say the court decision is likely to inspire new or renewed suits in many Northern cities. In time, if such suits are successful, greatly increased desegregation could occur in the North. The latest HEW survey shows that only 30 percent of black students attend majority white schools in the North, while 44 percent of black students go to majority white schools in the South.

Yesterday's decision did not bear directly on the issue of merging white suburban school districts with predominantly black city school systems.

On May 21, the court split 4–4 in the Richmond, Va., case, sustaining the 4th U.S. Court of Appeals that had overturned the ruling by District Judge Robert L. Merhige Jr. requiring merger of Richmond schools with two suburban districts.

But, the city-suburban merger issue is likely to come back before the court in its next term, since Michigan officials say they will appeal a decision by the 6th U.S. Court of Appeals that sustained a lower court ruling requiring merger of Detroit and its suburban school districts.

Justice Powell, who did not participate in the Richmond case because he was a city and state school board member before his appointment to the court, may provide the key vote in the city-suburban merger issue.

In yesterday's case, Powell agreed in part with the majority of six justices, but expressed strong opposition to extensive busing, especially of elementary school children, as a way to remedy school segregation.

Since widespread busing would be needed if city and suburban districts are merged, the Powell view may be a strong clue that he will oppose the merger concept in the Detroit case, thus providing a fifth vote to overturn the appeals court ruling that favored merger.

THE MIDDLE SNAKE RIVER AND THE HELLS CANYON: UNIQUE BEAUTY WHICH MUST BE PROTECTED

Mr. CHURCH. Mr. President, my native State of Idaho is blessed with many natural wonders not the least of which is the Hells Canyon which we share with our sister State of Oregon. This magnificent gorge, the deepest on the North American Continent, was cut by the relentless meanderings of the mighty Snake River.

In this land of incomparable beauty with its splendid high peaks and pristine mountain lakes, wildlife flourishes and any man who ventures into the area comes away singing its praises.

Recently Ted Trueblood, whom I have known for many years and who is no stranger to the Hells Canyon, set his thoughts about the Hells Canyon down on paper. In a delightful and highly informative article published in the June–July issue of "National Wildlife," the magazine of the National Wildlife Federation, Ted describes his highly personal feelings about the Hells Canyon. I call attention to this article which so clearly points out the need to save this last remaining stretch of the Snake River from dams and further commercial development. I only regret that the beautiful pictures which were taken by an equally well versed Hells Canyon hand, Ernie Day of Boise, cannot be reproduced in the RECORD.

I ask unanimous consent that Ted's article, "You May Never Know the Middle Snake" appear in the RECORD.

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

YOU MAY NEVER KNOW THE MIDDLE SNAKE

(By Ted Trueblood)

In the Spring of 1949 there were no dams on the Snake River for 450 miles above its junction with the Columbia. Arville Smith and I lay on a sandy beach beside a big pool near the upper end of Hells Canyon and watched the seething water roll with incredibly huge fish.

The Snake was rising with the spring runoff and sturgeon were on the move, headed upstream to spawn. Occasionally one shot straight up out of the water and fell back with a splash that echoed off the cliffs in two states, Oregon across the river, Idaho on our side.

An hour earlier Arville had landed a six-footer that weighed about 100 pounds. Eventually, one of the big fish picked up my bait. It jumped, and we agreed that it would weigh at least 300 pounds, maybe 400. I had a powerful rod, a star-drag reel, and 250 yards of 50-pound-test line. My tackle was far too light. I couldn't turn the big sturgeon. For an instant my line was dead solid, tight as a bridge cable. Then it went slack. I reeled in the broken end.

Now, 24 years later, the Snake River's white sturgeon, America's largest freshwater fish, are in trouble. They must have running water; they can't exist in reservoirs. Their last holdout is the free-flowing reach of the Middle Snake, from Lewiston, Idaho, upstream for 108 miles to Idaho Power Company's Hells Canyon Dam.

The Snake is a big river, in spots an awesome one. It is more than 1,000 miles long and it pours about *ten trillion* gallons of water a year into the Columbia. Its most spectacular reach is Hells Canyon, 6,500 feet deep in places, gnawed during millions of years by the tireless river.

I sat alone beside that river recently in the depths of Hells Canyon. The river gave me a wild, free feeling, mingled with a bit of awe and primitive reverence. There was a rapids 50 yards away, frothy with bubbles along the edges where it broke over exposed rocks, but dark and slick in the center, with big, gliding, heavy waves that crested and broke like surf. Its voice was the sonorous roll of organ music—constant, compelling, yet always varying if I listened closely.

I had made camp the day before about 40 feet above the river, with two old friends, Ernie Day and Woody Benson. They were down along the river now, fishing. I had come in early and as I sat, almost overwhelmed by my surroundings, my mind wandered to the others who had camped on this spot hundreds, perhaps thousands of years before.

Those early campers had left enduring evidence. Under an overhanging rock we had seen crude figures drawn with some red pigment; they had lasted well. Here and there on the flat were circular depressions, grass grown now and partly filled by wind-blown sand, but still showing clearly where the Indians had dug into the riverbank before roofing over the pit houses they once built all along the river.

Ernie came in from fishing, leaned his rod against a tree and sat down on a rock nearby. I knew he was experiencing the same feeling I was and we talked little. Then two bright yellow specks came around the bend upstream. Two rubber rafts, each carrying two boys, surged with the swift current and shot down the steep, oily glide into the rapids. They bounced over the big waves and water hit them in the face as they paddled with all their might to stay right-side-up.

When they were gone Ernie said, "By God! That's the great thing about this river. It's a challenge. It's adventure. In our day it's hard to find these things. Those kids are having the time of their lives!"

He thought a moment and added, "That's the real reason why all the effort we've put into trying to keep the dams out of the Middle Snake has been worthwhile."

And effort there has been! Ernie Day, Woody Benson, Bruce Bowler, Franklin Jones and many other members of the Idaho Wildlife Federation, state affiliate of the National Wildlife Federation, have put in thousands of hours at this task for more than 20 years. More recently, other organizations have joined the struggle. Their help is welcome—and needed.

The dam builders are as persistent as the surf and as tireless as a river. Beginning in 1952 when Congressional hearings finally led to a decision in favor of Idaho Power Company's series of low dams rather than a high Hells Canyon Dam, the covetous eyes of the river killers have never left the last free-flowing reach of the Snake.

There would be little point in detailing the long struggle to keep the concrete monoliths, variously urged upon us by public and private utilities, the Army Corps of Engineers, and the Bureau of Reclamation, out of the river. Let me say only that the struggle has been successful to this date. Here is the present situation:

There are five ranches totaling 12,067 acres along the Middle Snake. Their present owners have been tolerant of sportsmen. But now with high prices bid for this choice land, the ranchers want to sell and the threat of subdivision and development is imminent.

Last year, Congress passed a bill—and the President signed it—authorizing $4 million from the Land and Water Conservation Fund for the U.S. Forest Service to buy this land.

Still pending before the Federal Power Commission is an application to construct hydroelectric power facilities in the area. In 1971, the FPC recommended two dams, but said construction should not begin until 1975, thereby giving Congress time to evaluate the decision. Consequently, a "moratorium bill" passed the Senate and is reintroduced in the 93rd Congress as H.R. 619 by Idaho's Rep. Orval Hansen.

Three differing legislative approaches offer more permanent protection:

First, the re-introduction of H.R. 1890 by Pennsylvania's Rep. John P. Saylor, creating a Hells Canyon-Snake National River. Same as a bill authored by Oregon's Sen. Robert Packwood in the 92nd Congress, this approach would prohibit dams and give priority to conservation of scenic, wilderness and recreational values.

Second, Representatives Al Ullman, Edith Green and Wendell Wyatt and Sen. Mark Hatfield, all of Oregon, have introduced H.R. 2624 and S. 657, identical bills to establish the Hells Canyon National Forest Parklands Area.

Third, there seems a strong likelihood that Senators Frank Church and James A. McClure, of Idaho, and Senator Packwood will be joined by Congressmen Orval Hansen and Steven D. Symms, of Idaho, in another nonpartisan approach to preserve the Snake River from dams and protect the shoreline and canyon rim from commercial development. These, of course, also are the primary goals of the National Wildlife Federation.

Toward the upper end, Hells Canyon proper is 6,550 feet deep, measured from the peaks of the Seven Devils Mountains that crowd it from the east and the Wallowa Mountains on the west. Here, only a few air miles from the shaded canyon, are alpine meadows, perpetual snow banks, and crystal lakes filled with trout. No one can appreciate the treasure America has in this area without visiting both the high country and the canyon that splits it north and south.

Why should we preserve the Middle Snake? Why not dam it? After all, the high country would still be there.

I answered these questions one day a friend and I spent at the mouth of the Salmon River, 50 miles upstream from Lewiston. We had come by boat, the only way to get there, and we were camped 200 yards up the Salmon. It was October.

We got up early that morning, Doc Jones and I, pulled on our waders and grabbed our rods. He walked down to the Snake; I began fishing right in front of camp. After only two or three casts, I hooked a steelhead, a wild, crazy, hard-going fish that peeled line from my reel like a foul-hooked mustang. I followed along the short as fast as I could—waders were never meant for running—and eventually landed it halfway to the Snake. I turned it loose and resumed fishing.

Just where the Salmon's water bent downstream, pushed by the heavy current of the Snake, another steelhead struck my fly. It took me down nearly to where Doc was fishing before I could beach it. I turned it loose, too, and walked on to ask Doc how he was doing. He had also caught two.

Once in awhile, you have to be in the right place, on the right day, with the right fly. This was it. Darkness was seeping into the canyon when Doc and I walked wearily back to camp. We roasted potatoes and onions in foil and broiled four chukars I had shot and then lay back to watch the stars come out. There was no sound but the river; we were the only people for miles.

All at once, far down the canyon of the Snake, we heard the faint calls of geese. Louder and louder the calls grew. Soon the resonant "o-onk, o-onk, o-onk" of the great gray birds from Canada echoed off the canyon walls. The sound faded away up the river, but almost before it was gone we heard another flock approaching. Flight after flight of Canada geese went past that evening. Even after we finally crawled into our sleeping bags they came, and we went to sleep listening to their mysterious, wild calling in the dark.

The Middle Snake has been good to me. I have camped on its shores many weekends; I have spent countless hours birdwatching in its spectacular canyon. I have hunted the native mule deer and mountain quail and the three kinds of grouse on the higher slopes. I have hunted the introduced chukars and California valley quail. I have never hunted the native whitetail deer, elk, nor bear, nor the introduced turkeys, though they are all there. I have fished for the native steelhead, salmon, trout, and sturgeon, and more lately for the introduced channel catfish and smallmouth bass.

It was the bass that Ernie, Woody, and I were after on this last trip. With our human cunning we had figured out just where they should be at that particular time. Our logic seemed sound to us, but not to the bass. We caught only small ones, the largest less than two pounds.

The time came—too soon, as always—to leave our pleasant camp with its grove of magnificent trees, its river filled with smallmouths, its towering cliffs and the memories of its native red men. We loaded our gear into the boat and our pilot took us skillfully back upstream, skirting the biggest waves in the rapids, avoiding the rocks that showed above the surface of the swift water and, more difficult, swinging clear of those that were revealed only by swirls or boils.

We docked a few hundred yards downstream from Hells Canyon Dam and carried our gear to the waiting car. Then we drove up the steep, rocky trail to the top of the dam and across it to the road upriver along the Idaho side. After a few miles we came to a sign reading, "Viewpoint." Ernie pulled over and stopped. We walked to the edge and looked down at Hells Canyon Reservoir below.

The sight was shocking. The once fast-flowing water, now stilled by the dam, was choked with algae. Streaks and strings and patches of it drifted with the breeze. Sickly green mingled with bilious yellow. There was not a boat in sight, though we had seen many anglers along the clean, flowing river below the dam.

As we turned back to the car, Woody said something I won't soon forget. "What we need," he said, "is a few more dams. Then we can have this all the way to Lewiston."

U.S. VIOLATION OF U.N. SANCTIONS AGAINST RHODESIA

Mr. McGEE. Mr. President, it was with interest that I read the colloquy of Thursday, June 14, between the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR), the distinguished senior Senator from Louisiana (Mr. LONG), and the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD).

I was particularly interested in the colloquy since it concerned the issue of this Nation's violation of the U.N. sanctions against Rhodesia.

Since I was not present when this discussion took place—in part I had no notice of it at all—I would like to take this opportunity, to respond to various remarks made during that colloquy. Although I will not address myself to all the arguments at this time, I plan to do so in the near future.

At the outset, I want to make it clear that I felt this colloquy was an unjust and unfair attack upon our Ambassador to the United Nations, Mr. John Scali.

I also want to take note of the fact that I, too, have taken an oath upon entering the office of U.S. Senator to uphold and defend the Constitution and laws of the United States. In this oath, and I have checked to make sure I am correct in making this statement, nowhere have I found that I was sworn to uphold and defend all laws except the United Nations Participation Act of 1945. Since the United Nations Participation Act of 1945 is the result of our constitutional processes, and since I sincerely believe in that oath I took, I could not, in good conscience, support any effort in this body which would violate that act and, as a consequence, put me in the position of violating my oath. The action taken by this body the past 2 years has put us in violation of a duly constituted law of this Nation—a law that was subject to intense scrutiny on the part of the U.S. Congress and a law which the Congress, in its wisdom, saw fit to give its approval. Therefore, and I emphasize this point, I could not approve any action on the part of this body which would place me in violation of my oath to uphold and defend the Constitution and the laws of this Nation.

Our Government is sustained by a principle of faith, and it is for this reason all of us in this body take our oath of office. In order for our Government to perpetuate itself, our system demands faith on the part of its participants. This does not mean that we can select and choose only those facets of our Constitution and our laws to which we, as individuals, have determined we owe our allegiance, and that somehow there is an authority higher than our Constitution which allows us to ignore those laws with which we do not agree. If we allowed this to happen, it would spell immediate disaster for our Nation. Chaos would reign supreme.

There is an effort in this body to obscure the real issues involved in the U.N. sanctions against Rhodesia. There are some who would have us believe that the Security Council action imposing full economic sanctions against Rhodesia was a unilateral action on the part of the U.N. which impinged on the sovereignty of this Nation. The United States, as a member of the Security Council, can exercise its veto power when this Nation is confronted with actions which we do not deem in our national interests. Therefore, it is difficult for me to understand a line of reasoning which claims that our sovereignty has been violated. As a result, I defend Ambassador Scali's factual statement that action of the Security Council is legally binding on the United States. We acquiesced in that decision as a nation. Had we not, the sanctions would not have been imposed because our veto would have blocked passage of the resolution.

In last Thursday's—June 14—RECORD, there appeared an excellent and thoughtful statement by Congressman DON FRASER, Democrat, Minnesota, on this very issue. I ask unanimous consent that Congressman FRASER's statement be inserted in the RECORD at this point in my remarks:

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

AMBASSADOR SCALI AND THE RHODESIAN CHROME AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, our new Ambassador to the United Nations, John Scali, is demonstrating a very constructive attitude regarding the responsibility of the United States, as a member of the United Nations, to adhere to sanctions voted by the Security Council. He knows that when the United Nations Participation Act came into force in 1945, our country committed itself to live faithfully by the Charter of the United Nations, and to accept decisions of the Security Council in certain specified situations. The same is true of every other member of the United Nations. But in the case of the United States and other permanent members of the Security Council, the veto power made certain that we would not be bound to do something that we felt seriously jeopardized our own interests or the world interest as we view it.

Congress enacted the U.N. Participation Act by a considerable majority, and the President of the United States was thereby obligated to carry out the provisions of that act as mandated by Congress. When President Johnson ordered U.S. compliance with Security Council sanctions against the minority regime of Ian Smith in Southern Rhodesia, his action was entirely consistent with the provisions of the U.N. Participation Act. Moreover, the sanctions program had been supported by U.S. representatives of the United Nations who cooperated closely with our ally, the United Kingdom, in achieving agreement on sanctions in the Security Council.

Sanctions against Southern Rhodesia were viewed by the U.S. Government as the best feasible means to bring about a peaceful change toward majority rule in that British colony. Our policymakers saw nothing inimical to U.S. interests in the sanctions program, but rather, that such a program would be consistent with the longstanding U.S. policy of progress in international relations through non-violence.

The Nixon administration, upon assuming office in 1969, adopted as its own the previous administration's policy of supporting sanctions, but for reasons still not made clear, did not see fit to defend that policy when it was challenged in Congress in 1971. We know the results of the administration's acquiesence—the Rhodesian Chrome Amendment to the Defense Procurement Act of 1971 which allows importation of strategic materials such as chrome and nickel from Southern Rhodesia in violation of U.N. sanctions.

Mr. Speaker, whether or not the sanctions program is working effectively, one thing is crystal clear: the United States is in open violation of a treaty obligation it accepted, with congressional concurrence, in the U.N. Participation Act. This is the point Ambassador Scali made last week in a public speech in New York He simply pointed out that the Security Council decision on Rhodesian sanctions "is legally binding on the United States" and that the Rhodesian Chrome Amendment "placed the United States in open violation of international law." For the U.S. Ambassador to the U.N. to ignore these two facts would be a dereliction of his responsibility as our representative. Indeed, he must not only state and defend the position of the United States at the United Nations, but also call to the attention of our Government and people the legal and moral responsibilities of this country as a member of the United Nations.

The question is not whether the U.N. can "dictate" what laws the U.S. Congress can or cannot pass, but rather whether the United

States is going to live up to its international treaty obligations; that is, whether or not our country is going to recognize international law is a basis for world order. If Congress or the administration is to take the attitude that, as a matter of course, we can go back on our word, given solemnly in international treaties, then there can hardly be a better guarantee for international chaos in place of the peaceful and prosperous order we all favor.

I quote two paragraphs from Ambassador Scali's New York speech in which he deals with the problem of U.S. violation of U.N. sanctions against Southern Rhodesia:

I have respectfully invited the Congress of the United States to reconsider the amendment to the Defense Appropriation Act which two years ago placed the United States in open violation of international law. At that time the Congress voted legislation making it impossible for the Executive Branch to prevent imports of chrome and other strategic commodities from Rhodesia as required by the Security Council, a decision which the United States voted and which is legally binding on the United States.

The evidence is mounting that this amendment not only damages America's image and reputation as a law-abiding nation, but that it has net economic disadvantages as well. The United Nations Association has itself made public studies suggesting that the amendment's repeal would be advantageous from the point of view of our economic health, of increasing employment, and of the national security. I would urge you, leaders in American business and labor, to acquaint yourselves with this issue and to address it.

In asking Congress to reconsider the Rhodesian chrome amendment. Ambassador Scali is making a commendable initiative in constructive leadership entirely commensurate with the responsibilities of his position. All who favor world peace through law should be encouraged by his forthrightness—a quality for which he is widely noted. I urge all Members of Congress to reflect upon what the Ambassador has said in light of the large body of new evidence that the Rhodesian chrome amendment not only places our country in violation of international law but contributes nothing to our national security and is damaging to our economic health.

Mr. McGEE. Mr. President, I was very disturbed with the attitude expressed in this body that somehow 81 nations of the world, who are members of the U.N., are not qualified to have their views aired in an international forum. I was disturbed, since we are exteremly proud of our own national sovereignty, that we should not have the decency to respect the sovereignty of all the nations of the world, no matter how small, no matter how underdeveloped, or no matter how much we may disagree with their positions. I believe in the integrity of all nations. I respect the sovereignty of all nations. Maybe it is because I am such a respecter of our constitutional guarantee of freedom of speech and our other traditions and values that I am influenced to view the international community within this frame of reference. Maybe it is because I believe so strongly in this Nation that I am reluctant to disparage other nations. Maybe it is because I believe the United States to be a leader in the international community that I feel we should serve as an example for the rest of the world. My commitment to this Nation and all that it stands for is so strong that it is impossible for me to believe otherwise.

I also find myself in disagreement with the distinguished senior Senator from Louisiana (Mr. LONG) on the issue of the United Nations. I, too, had the privilege of serving as a delegate to the United Nations—this last fall during the 27th General Assembly. My impressions of the institution were somewhat different, which may be a positive sign that the U.N. has progressed considerably since my distinguished colleague served as a delegate.

I viewed my service in New York as a constitutional obligation which I was determined to fulfill to the best of my ability. As a consequence, I moved to New York for the full duration of my assignment. I involved myself very deeply in my duties in the hope that I would not only learn from my experience, but I would also make a positive conrtibution to our efforts at the U.N. I went to the United Nations as a dedicated 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.

I believe the United Nations is the best international mechanism the world has to effect an efficient implementation of such will to cooperate as exists among the member states of that organization. I also found, during my service at the U.N., the United States gets out of the organization what we are willing to put into it.

Recently, I prepared an article offering my impressions of the United Nations and what I believe to be its more positive accomplishments—those things which rarely achieve the front page of newspapers, but, nevertheless, are important efforts at achieving international harmony and stability.

My friend and distinguished Senator from Minnestota (Mr. HUMPHREY), was very gracious in having this article printed in the RECORD of June 20. The article, to be found on pages 20502–20503, offers a definitive explanation of why I find myself in disagreement with the distinguished senior Senator from Louisiana (Mr. LONG).

I would also disagree that the United Nations occupies a special place among those institutions with which there is a growing worldwide disenchantment and a lessening of respect. We are presently in an era of widespread cynicism with all institutions. If, indeed, the United Nations is also the object of this cynicism—and I have seen little evidence to support this contention—it is no more so than the U.S. Congress, the U.S. Government, or any other government for that matter.

My point is this: we have to devote our efforts to making all our institutions work more effectively, whether it is the Congress, our Government, or the United Nations. We really cannot expect any more from these institutions than we are willing to put into them.

So, rather than call for dissolution of the United Nations, particularly since no constructive alternative has been offered, all of us have to shoulder our responsibilities and dedicate our efforts to making all our institutions more effective. Just as I would never recommend dissolving our system of government because it is presently the subject of disenchantment and apathy, I cannot agree to doing the same thing to the U.N. If we have the will, we can make our institutions more effective and more responsive. Institutions are not self-perpetuating organs. They demand commitment and the exercise of our will in order to be effective.

In relation to the issue of U.N. sanctions against Rhodesia, the United States is the only nation in the world, which agreed to observance of the sanctions, formally and unilaterally to violate the sanctions. While there are covert violations on the part of other nations, the respect for the U.N. and international opinion appears to be greater among the vast majority of other nations than it is within our own country. If the United Nations has, indeed, fallen into disrepute among the international community, then it would necessarily follow that the United States would not be alone in formal violation of sanctions against Rhodesia. This fact alone contradicts the assertion made on the floor of the Senate last week that the United Nations has more respect in this country than anywhere else on earth.

In conclusion, I would like to make one further point. Ambassador Scali has been vigorous within the United Nations in his explanation of the congressional action allowing us to violate sanctions. But, as a public servant, the Ambassador has not only the duty, but also the responsibility, to inform the American people as to the ramifications of our action and how this affects our credibility within the United Nations, in particular, and the international community in general. If the Ambassador does anything less, then he is not fulfilling his obligation to this Nation or the people of this Nation.

EXTENSION OF THE SERVICE CONTRACT ACT

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 5157, which has been temporarily held at the desk. This has been cleared on all sides.

The Acting President pro tempore laid before the Senate H.R. 5157, a bill to amend the Service Contract Act of 1965 to extend its geographical coverage to contracts performed on Canton Island.

The ACTING PRESIDENT pro tempore. Without objection, the bill will be considered as having been read twice and the Senate will proceed to its consideration.

The Senate proceeded to consider the bill.

Without objection, the bill was ordered to a third reading, was read the third time, and passed.

ORDER OF BUSINESS

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

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

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT OF INTERNATIONAL ECONOMIC POLICY ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and remain in a temporarily laid aside status until the hour of 1:30 p.m. today, and that the Senate now proceed to the consideration of Calendar Order No. 217.

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

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time for the quorum call not be charged to either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

LEAVE OF ABSENCE

Mr. ROBERT C. BYRD. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I ask unanimous consent, on behalf of the distinguished senior Senator from Connecticut (Mr. RIBICOFF), that he be granted leave of absence from the Senate today due to a death in his family.

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

AMENDMENT OF THE INTERNATIONAL ECONOMIC POLICY ACT OF 1972

The Senate continued with the consideration of the bill (S. 1636) to amend the International Policy Act of 1972 which had been reported from the Committee on Banking, Housing and Urban with Affairs, and the Committee on Finance with amendments.

The amendment of the Committee on Banking, Housing and Urban Affairs is to strike out all after the enacting clause and insert:

That section 205 of the International Economic Policy Act of 1972 is amended—

(1) by striking out "(1) The President."; (2) by redesignating the succeeding clauses accordingly; and

(3) by striking out the last sentence and inserting in lieu thereof the following: "The President shall designate the Chairman of the Council from among the members of the Council."

SEC. 2. Section 208(b)(1) of the International Economic Policy Act of 1972 is amended to read as follows:

"(b)(1) With the approval of the Council, the Executive Director may appoint and fix the compensation of such personnel as he deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that—

"(A) no person, other than officers appointed under paragraph (2), shall receive compensation in excess of the rate provided for GS-18 of the General Schedule; and

"(B) any person who is performing functions which, prior to July 1, 1973, were performed by personnel within the Office of the Special Trade Representative who were subject to the provisions of title 5, United States Code, governing appointments in the competitive service, shall be subject to such provisions."

SEC. 3. Section 209 of the International Economic Policy Act of 1972 is repealed.

SEC. 4. Notwithstanding the provisions of section 208(a) of the International Economic Policy Act of 1972, the Executive Director of the Council on International Economic Policy shall be appointed by the President, by and with the advice and consent of the Senate, and no individual may serve in such office after June 30, 1973, unless he has been so appointed.

SEC. 5. Section 210 of the International Economic Policy Act of 1972 is redesignated as section 209 of such Act and, as redesignated, is amended by striking out "1973" and inserting in lieu thereof "ending June 30, 1973, not to exceed $3,000,000 for the fiscal year ending June 30, 1974, and not to exceed $3,000,000 for the fiscal year ending June 30, 1975".

The amendment of the Committee on Finance is to the substitute amendment of the Committee on Banking, Housing and Urban Affairs, to strike out the language beginning on page 4, after line 4, down to and including line 11, and to insert in lieu thereof, as follows:

SEC. 4. (a) Notwithstanding the provisions of section 208(a) of the International Economic Policy Act of 1972, the Executive Director of the Council on International Economic Policy shall be appointed by the President, by and with the advice and consent of the Senate.

(b)(1) Subject to paragraph (2), provisions of subsection (a) shall become effective on the first day of the first calendar month which begins more than 30 days after the date of enactment of this Act.

(2) If, prior to the first day referred to in paragraph (1), the President submits to the Senate, for its advice and consent, the name of the individual who on the date of enactment of this Act occupies the Office of Executive Director of the Council on International Economic Policy as his nominee for such office, then, the provisions of subsection (a) shall not be applicable in the case of such individual during the continuous period (described in the following sentence) that he occupies such office. The continuous period referred to in the preceding sentence means the period commencing on the date such individual's name is so submitted to the Senate by the President and ending on whichever of the following first occurs: (A) the date the Senate acts on the nomination of such individual by giving or refusing to give its advice and consent to the appointment of such individual to such office, (B) the date on which the President withdraws the nomination of such individual, or (C) the date of the close of the first session of the 93d Congress.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum under the same terms as before.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Who yields time?

Mr. SPARKMAN. I yield myself 5 minutes.

Mr. President, S. 1636, which would amend the Economic Policy Act of 1972, was introduced on April 18, 1973. Hearings were held by the International Finance Subcommittee of the Banking, Housing and Urban Affairs Committee on May 14 and 15, 1973, and the bill was reported to the Senate on June 4, 1973. The bill was referred to the Finance Committee and that committee reported the bill with an amendment on June 14, 1973. The bill was further referred to the Foreign Relations Committee which held a hearing on June 5, 1973, and reported the bill without amendment on June 19, 1973.

The Council of International Economic Policy was established to coordinate international monetary, investment, and trade policies. The Council is currently chaired by the President and is composed of key cabinet level and Executive office officials. It was created by Presidential order on January 19, 1971. On August 29, 1972, CIEP was given statutory authorization under the International Economic Policy Act of 1972 through June 30, 1973.

This bill would delete the expiration date of the CIEP and provide for the authorization of funds to operate for the next 2-year period. After that time the operation of the CIEP can be further evaluated by the Congress. The bill authorizes $3 million to be appropriated for fiscal year 1974 and $3 million for fiscal year 1975.

The bill also provides that the President shall designate the Chairman of the CIEP from the statutory members of the Council. It also removes the President from membership on the Council.

It provides that the Executive Director of CIEP may appoint and fix salaries for members of the CIEP staff without regard to the provisions of Title I United States Code governing appointments in the competitive service. The bill provides that this exemption shall not apply to personnel performing functions now performed by career personnel in the office of the Special Trade Representative.

The bill as reported by the Banking, Housing and Urban Affairs Committee, provided that the Executive Director of the Council of CIEP be appointed by the President, by and with the advice and consent of the Senate, and it provided that no individual may serve in such office after June 30, 1973, unless he has been so approved. This provision would have prevented any individual from serving as Executive Director if the Senate did not confirm the individual in such office before June 30, 1973.

The Committee on Finance amended the bill to provide that if the President submits the nomination of the Executive Director of the CIEP to the Senate by the first day of the first month which

begins more than 30 days after enactment of the bill, the nominee can continue to serve in that office unless the Senate rejects the nomination or fails to act on the nomination by the end of the first session of the 93d Congress.

This amendment preserves the intent of the amendment of the Banking, Housing, and Urban Affairs Committee regarding the confirmation of the Executive Director of the Council. It simply removes the very restrictive time limitation which was present in the Banking Committee provision. I believe that this is a good amendment.

Mr. President, it is very important that the coordination among different aspects of American international economic policy be continued. Effective trade policy, for example, cannot be formulated without due regard for monetary and investment policies. It was pointed out at the hearings on this bill that more than 50 agencies and departments of the Federal Government have some responsibility and jurisdiction for international economic policy, and therefore, CIEP is a necessary focal point for policy coordination.

The present Executive Director of CIEP, Mr. Peter Flanigan, testified at our hearings:

> Much has been accomplished since the Council on International Economic Policy's inception. The fragmentation of economic policymaking in the various elements of the Federal Government and the conflicting views of individual departments have been met with an appropriate mechanism for facilitating Presidential policy decisions and—equally important—a mechanism for insuring that the diverse but interrelated aspects of trade, monetary and investment issues are fully considered when making these policy decisions.

This bill would permit the continuation of this work.

Mr. President, I certainly hope that the Senate will approve S. 1636, as amended.

Mr. TOWER. Mr. President, I yield my self such time as I may require.

I would like to associate myself with the remarks of my distinguished colleague the chairman of the Committee on Banking. Housing and Urban Affairs, and say that this is a very worthwhile piece of legislation. Particularly at a time when we are trying to facilitate trading in goods and services with the European Common Market and with Canada and Japan, I think it is incumbent upon us to pass this kind of legislation, and to coordinate our efforts in that direction.

The amendment of the Committee on Finance to the amendment of the Committee on Banking, Housing, and Urban Affairs, in the nature of a substitute, was agreed to.

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

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the pending bill, as now amended, be considered as original text for the purpose of further amendment.

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

Mr. ROBERT C. BYRD. Mr. President, The reason for the delay is that the Senator from South Dakota (Mr. McGOVERN) has an amendment to the bill, and his airline transportation has been delayed by the weather.

Mr. MANSFIELD. Mr. President, will the Senator from Alabama yield time to me?

Mr. SPARKMAN. I yield.

ORDER TO HOLD A BILL AT DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent, at the request of two Senators, that the bill (H.R. 7824), the Legal Services Corporation Act, when it is received from the House, be held at the desk temporarily.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT OF THE INTERNATIONAL ECONOMIC POLICY ACT OF 1972

The Senate continued with the consideration of the bill (S. 1636) to amend the International Policy Act of 1972.

Mr. SPARKMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. TOWER. Mr. President, I ask unanimous consent that the time be charged to neither side.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Who yields time?

Mr. SPARKMAN. Mr. President, has the bill S. 1636 been laid before the Senate?

The PRESIDING OFFICER. The bill is pending, and the committee amendments have been agreed to.

Mr. SPARKMAN. I thank the Presiding Officer. I understand the Senator from South Dakota has an amendment he wishes to call up.

Mr. McGOVERN. That is correct.

Mr. TOWER. Mr. President, will the Senator suspend for just a moment?

Mr. McGOVERN. Yes.

Mr. TOWER. Mr. President, what is the controlled time on the amendment? Does the Senator from South Dakota have 15 minutes and the manager of the bill 15 minutes on the amendment?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 227

Mr. McGOVERN. Mr. President, I call up my amendment, No. 277, to the pending bill and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from South Dakota, for himself, Senator MANSFIELD, and others, proposes Amendment No. 227.

The amendment is as follows:

> At the end thereof add the following new section:
>
> The Economic Stabilization Act is hereby amended by adding at the end thereof the following new section:
>
> "The President shall notify the Congress by special message of the substance of any major action he proposes to take under this Act fifteen days in advance of the date on which he proposes to take such action. The special message may provide that any action taken by private individuals or entities which is inconsistent with the President's proposed action shall be of no force and effect.".

Mr. McGOVERN. Mr. President, this amendment is the same as that I offered to S. 925 on behalf of the distinguished majority leader, the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. ABOUREZK), and the Senator from Wisconsin (Mr. NELSON).

Mr. President, all of us were encouraged by the President's economic message last week. Most of the actions he has taken are right. And, although many of us were disappointed that he did not put controls on interest rates, rents, profits, and dividends, I think that the 60-day freeze on prices—with exemption for raw agricultural products—was essential at this time. The only regret I have is that he did not act sooner to halt the runaway inflation we have seen over the last few months.

But none of us should be deceived into thinking that this new step will resolve the problem of inflation. The pressures for higher prices are still there, and, according to the available economic evidence, they will increase in coming months. Working people who have seen the value of their paychecks decrease at the rate of nearly 10 percent in the last 4 months, reasonably expect to catch up with inflation. And businessmen will, no doubt, want to pass on to the consumer their increased costs. In other words, we are in the middle of a "cost push" inflation and the economic indicators show it to be the worst in 22 years.

So inflation will remain with us until we are able to solve the underlying causes of the spiral of inflation. And, as the President indicated, the present freeze solves nothing. It is a band-aid solution to the pressures which arose under the ill-advised phase III program. It only means that, when it ends, the pent-up pressures will explode in a new round of inflation—unless the President uses the next 60 days to develop a new and, for the first time, a truly effective

economic program. Whether inflation will come under control in the long run will be determined by how we use the time the President has bought with this temporary freeze.

In any case, investors at home and speculators abroad continue to doubt the administration's ability to manage the economy prudently. Despite the freeze, the value of our dollar continues to decline in foreign money markets and the stock market has fallen even more rapidly than in the days before the President acted—nearly 40 points in the next 3 trading days alone.

Mr. President, I understand that the amendment at the desk was the one offered to S. 295. So I now send to the desk a corrected amendment to S. 1636, which is the pending measure.

The PRESIDING OFFICER. The clerk will correctly report the amendment.

The amendment was read as follows:

At the end of the bill add the following new section:

"The President shall notify the Congress by special message of the substance of any major action he proposes to take under this Act fifteen days in advance of the date on which he proposes to take such action. The special message may provide that any action taken by private individuals or entities which is inconsistent with the President's proposed action shall be of no force and effect.".

Mr. SPARKMAN. Mr. President, actually, I did not hear this read, but this is a proposed amendment to the Economic Stabilization Act. Is that correct?

Mr. McGOVERN. That is correct.

Mr. SPARKMAN. I am not sure that was included in the reading at the desk.

Mr. TOWER. It was not.

Mr. SPARKMAN. It is an amendment to this bill, but in doing so he seeks to amend the Economic Stabilization Act.

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

Mr. McGOVERN. I yield.

Mr. TOWER. The phrase, "The Economic Stabilization Act is hereby amended by adding at the end thereof the following new section," was not read. Did the Senator intend that to be read?

Mr. McGOVERN. Yes. That should be included with the amendment.

The PRESIDING OFFICER. The clerk will report the amendment again, including the first part of the amendment.

The amendment was read, as follows:

Mr. McGOVERN proposes for himself, Mr. MANSFIELD, and others, an amendment to S. 1636, a bill to amend the International Economic Policy Act of 1972: At the end thereof add the following new section:

The Economic Stabilization Act is hereby amended by adding at the end thereof the following new section:

"The President shall notify the Congress by special message of the substance of any major action he proposes to take under this Act fifteen days in advance of the date on which he proposes to take such action. The special message may provide that any action taken by private individuals or entities which is inconsistent with the President's proposed action shall be of no force and effect.".

Mr. McGOVERN. Economic analysts give varying accounts for this—some say Watergate, others the continued preeminence of Messrs. Shultz and Stein; still others claim that the White House remains blind to the harm that was done by overheating the economy during the election year and the dollar drain caused by an improvident war; and others cite the President's failure to announce phase IV now as evidence that the administration has no long-term economic plan.

But whatever the specific reasoning, all agree that the private sector has little or no confidence in the administration's ability to come to grips with the economic crisis. The importance of this point is that the economy is delicately balanced on a psychological edge. If confidence is not restored, the inflationary pressures will continue to grow. If confidence is restored, we can begin to turn the corner on inflation.

So now more than ever, we must proceed with caution. We must insure that phase IV reflects the proper balance between economic restraint and orderly growth. For only in that way can we avoid the twin pitfalls of renewed inflation or recession.

I think that the mistakes of phase III might have been avoided had the President chosen to consult with Members of Congress. But the present language of the Economic Stabilization Act does not require him to consult with anyone. We, the Congress, have abdicated almost all power over economic policy to him. In effect, we have become silent partners in his errors.

Perhaps this broad grant of authority was necessary in 1970 when the President announced that he "would never lead this country down the road of wage and price controls." Arguably, he needed that flexibility then to impose the appropriate controls, should he change his mind.

But now we have had Nixon controls for nearly 3 years—and we face the prospect of 4 more years of the same. There is no longer any reason for Congress to be excluded from critical economic decisions such as phase IV.

So while I generally support the actions the President announced last week, I think it is important to note that the need for them resulted solely from his inaction after a premature end to the phase II controls. Had his course last January been more moderate, we would not face this crisis now.

I believe we now owe it to the President and the country to reassert our responsibilities, particularly in this time of doubt about government in general and the executive branch in particular. If the President is to govern effectively, he must seek the support of the Congress. And if he is unwilling to do so, we should require that we assume a greater share of responsibility for our economic policies. For the Congress to abandon its responsibility in economic matters and then criticize the President when things go wrong may be good politics, but it is bad Government.

So, Mr. President, for these reasons I urge the Senate to adopt our amendment and require the President to give Congress 15 days' advance notice of any major action under the Economic Stabilization Act. The President would no longer present the Congress and the country with a fait accompli, as he did last January. The Congress would have the opportunity to correct mistakes before they are made—and the obligations to share the blame if the program does not work.

Our amendment would broaden the base for reaching these decisions—not just from the isolation of the White House to the Congress but to the private sector as well. The merits and the shortcomings of phase IV and any future phases would be aired in open debate and not held secret in the Oval Office. Economists and businessmen, as well as the farmer, consumers and labor could all make their voices heard. And the President and Congress would profit from their counsel.

And if the President's plan needed amending he or we could see that this was done. His policies would become our policies for good or ill and he would therefore have the support of the Congress he so badly needs at this time.

So what we seek is a return to a more balanced economic policy: to restore the joint decisionmaking our Constitution ordains and our constituents have a right to expect.

Mr. President, let me make two final points. The cosponsors of this amendment and I recognize the problem that prenotification of a major change in economic policy may cause—that certain companies or unions may try to exploit the period between the time the President sends a special message to Congress and the time the new program comes into effect. Therefore, our amendment also provides that the President may declare that any actions inconsistent with his proposed program taken during that period will be null and void. For example, a company which then raised its prices would be on notice that it was subject to a rollback unless the Congress overruled the President. I cannot imagine any corporation foolhardy enough to wager that the Congress would do so; the economic risks would be too high.

Of course, this provision of our amendment would not affect the current freeze, in which prices will remain frozen until phase IV goes into effect.

I ask unanimous consent that a resolution of the Senate Agriculture Committee relating to economic hardships on farmers stemming from the arbitrary nature of the recent price freeze, be printed in the RECORD.

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

Be it resolved that the Committee on Agriculture and Forestry of the United States Senate adopts the following statement regarding the impact of the current price freeze on food supplies:

The Committee wishes to compliment the President on his decisive action to halt inflation. We realize that rapidly escalating food prices have caused a severe hardship on many American consumers.

However, we fear that the present freeze on farm products will result in greatly increased prices in the future and severe shortages of some foods. Although raw agricultural products are supposedly exempt under the regulations implementing the present price freeze, the absolute freeze on all food prices at the retail level does in effect cause a freeze on all raw food prices at the farm level. In his message of June 13, the President stated:

"Because the key to curbing food prices lies in increasing supplies, I am not freezing the price of unprocessed agricultural products at the farm level. This would reduce supplies instead of increasing them. It would eventually result in even higher prices for the foods you buy at the supermarket."

Unfortunately, the freeze on prices of all agricultural commodities at all levels in the marketing chain does have the effect of freezing all prices at the farm level and it will have the effect that the President sought to avoid—it will prevent the increased supplies of food that we must have to meet domestic and world demand. In fact, the Committee fears that the current freeze will result in severe shortages of some agricultural products in the immediate future and make it difficult to buy some foods at any price. On March 29 the President imposed a price ceiling on beef, pork, and lamb. This freeze has already had an adverse impact on meat production, for red meat production was down five percent in the first four months of this year. Pork production was down 11 percent in January-April. There is no indication that beef and pork production can be increased sufficiently to meet increasing domestic demand.

Consumers have traditionally been able to ameliorate the effects of high red meat prices by increased consumption of poultry and eggs. However, rising feed costs have reduced poultry production, and broiler meat output will continue below 1972 levels. Also, egg production, which was down 6 percent during the January-April period, will be below the 1972 levels for the rest of this year. Indications are that turkey output will be smaller this year. The conditions which have produced these shortages are now frozen in.

We have received calls from all over the country expressing dismay and alarm about the impact of the current 60-day price freeze. There are reports of vegetable producers being unable to deliver vegetables at freeze price levels, the liquidation of brood sows by pork producers and reduced herds of beef cattle. There threatens to be an absolute breakdown in the marketing system of some farm products which have traditionally been marketed in an orderly fashion according to the law of supply and demand.

These problems may be further aggravated by a shortage of fuel for agricultural production and harvesting. Also, the shortage of fuel for motor transportation and the shortage of boxcars for rail transportation could seriously hamper the proper distribution of our food supplies.

The Committee recognizes the need to maintain a stable supply of food and to protect consumers from excessive price increases. It knows that the President must take firm action. However, we feel the current 60-day price freeze is not only counter-productive, it could prove to be disastrous. Therefore, we urge the President in the strongest terms possible to remove agriculture from the price freeze at once and place it under a Phase IV plan which hopefully will be better adapted to the special needs and problems of agricultural production.

In writing the Agriculture and Consumer Protection Act of 1973, which was passed by the Senate by a vote of 78 to 9, the Committee attempted to establish a farm program which would guarantee consumers a stable supply of food at fair and reasonable prices while protecting farmers' income. However, the Committee fears that a failure to lift the price freeze on food immediately will make the attainment of this goal impossible.

Mr. McGOVERN. Mr. President, I also have a statement by the junior Senator from South Dakota (Mr. ABOUREZK), which I ask unanimous consent be included at this point in the RECORD.

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

STATEMENT BY SENATOR JAMES ABOUREZK ON MCGOVERN NOTIFICATION AMENDMENT TO FEDERAL FINANCING BANK BILL

Mr. ABOUREZK. Mr. President, Senator McGovern's amendment to require the President to give us notification of his economic plans deserves the support of every Member of this body.

We are responsible for what the President does with discretionary authority which we give him.

In delegating authority to the White House, we are making deference to the contention that only the Executive Branch can move quickly and decisively.

Another advantage of that system is that when the President's policies fail, he gets most of the blame.

But much of the basic responsibility for seeing that the economy runs well rests here. We can delegate the management but we cannot honestly delegate the responsibility. The Consttiution puts much of it here.

Since I first spoke out on this floor, I have been making the point that this Congress has given away too much of its power.

I do not believe we can afford to do so any longer without at least holding the President accountable for what he does with the authority we delegate to him.

That is what this amendment would do.

It would require the President to notify the Congress of the substance of any major action which he proposes to take under the Economic Stabilization Act fifteen days in advance of the date he proposes to take such action.

I believe the amendment is sufficiently well-designed to preclude price-raising orgies between the time of the message and the time it takes effect.

In the meantime, this body would have the chance to review the wisdom of what the President proposes.

We would have the chance to subject his proposals to a broader range of perspectives. We would have the chance, if necessary, to act legislatively to correct any shortcomings we might see in what the President proposes.

If the President has confidence in the soundness of his economic actions, then it seems to me that those proposed actions should bear up well under our scrutiny.

If there is some funny business in those proposals, however, then it is very much the business of this body to know about it beforehand, and to do something about it.

With this amendment, we could hopefully prevent mistakes before they happen. It is an ounce of prevention. It is much better than the pound of suffering which follows a plainly mistaken policy.

If this amendment had been law earlier, we would have known fifteen days in advance that the President planned to exempt raw agricultural prices from the 60-day price freeze, which is good—and also that rents, profits, interest rates and dividends would not be frozen, which is questionable.

We would have had the chance to examine the evidence and perhaps suggest improvements. As it is now, we will have to wait it out. If a problem develops, we will be acting after the fact.

Mr. President, my support of this amendment does not stem from any immediate criticism of the President's policies which I might entertain. It is something we should have had long ago. It is fundamental to restoring this body to a position of rightful oversight.

It may be good politics to set the President up as a scapegoat as a political trade for the authorities we delegate to him, but I would submit that that is as unfair to him as it is to this Congress and all of the American people.

Mr. President, I support the McGovern amendment and urge its adoption.

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

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. Mr. President, I yield to the Senator from Texas such time as he may desire.

Mr. TOWER. Mr. President, public disclosure of wage-price actions before implementation can, contrary to what the Senator from South Dakota has suggested, undermine the effectiveness of the actions.

It is possible for a firm or individual to take actions to soften or even to avoid the impact of a proposed order. Some types of economic actions cannot be recalled, such as many types of foreign transactions in goods and services. Commodity markets, for example, which are international in nature, will reflect economic decisions based on the expected implementation of a new rule, which decisions cannot be recalled or rolled back. Astute people in almost any given industry will be able to "jump the gun" on a new rule and take some type of action to avoid the full effect of the new rule, thereby undercutting public policy. Retroactive effectiveness of such rules will not totally solve the problem. We all know of the difficulties in earlier segments of the stabilization program of trying to rollback prices and wages. You cannot always determine who were the particular purchasers entitled to a rebate, or what business firm might have accelerated the incurring of certain costs in order to build up his cost base for pricing under the new rule, and so forth.

What the 15-day advance notice means, in other words, is that a substantial part of the intended effect of a rule or new phase of the program will be undercut by self-protective behavior on the part of millions of economic decisicnmakers—and most of these actions would be legal. We should not impose this additional burden on what is inherently a difficult program to manage anyway. Congress can always legislate different rules or programs if it feels such is necessary, but to require public previews of administration actions in this area will bring more problems than either the administration or Congress can effectively counter.

Congress has extensive access to administration officials for informal consultation on the major outline of controls programs.

The very implementation of the freeze was substantially a reflection of the general feeling communication by Members of Congress to the administration that a freeze was acceptable and even desirable to them. We can consult with key administration officials on the committee level or individually virtually at will, to press our views on them about the proper direction for controls to go. But, realistically, any comprehensive economic controls program has to be managed ultimately by the Executive—he is the executory arm of the U.S. Govern-

ment; Congress is the broad policymaking arm of the Government and cannot effectively carry out the detailed activities under an economic controls program. The President is the appropriate official to make and implement controls decisions, under the general statutory goals and standards laid down by Congress.

Therefore, Mr. President, I urge the defeat of the amendment offered by the distinguished Senator from South Dakota.

Mr. SPARKMAN. Mr. President, I certainly endorse the statements that have been made by the Senator from Texas. I am confident that, within the very near future—in fact, if I had to make a guess, I would say within the next few days or several days—the President will annouce his program under phase IV, if we want to call it that—I hear some persons calling it phase 3½. A program is going to be announced.

I do not believe, as stated by the Senator from Texas, that it would be a good thing or a workable thing to require the President to announce 15 days ahead of time what he is going to do. When a program is laid down, then it is left up to someone to administer that program, and sometimes a situation may arise that calls for quick action that could not wait 15 days.

I realize the earnestness of the Senator from South Dakota, and I surely agree with him that something ought to be done, and ought to be done right away, but I do not believe it is right or fair to require the President to announce 15 days in advance what he is going to do with reference to any part of this program.

We all want to see a program put into effect that will succeed. We have given the President power, under the Economic Stabilization Act, to take such action that he thinks will carry out the objective of reducing inflation, reducing unemployment, and restoring economic stability. I think we ought to let him work that program as he sees fit, and I think that he will move ahead with programs which he deems will do the job we want to see done.

Therefore, I join in urging that the amendment not be agreed to.

Mr. TOWER. Mr. President, may I say I associate myself with the remarks of my distinguished colleague from Alabama. I note that the inherent difficulties in trying to legislate the details of an economic stabilization program are legion. Too, we cannot act with speed and with flexibility the way the President can to adjust to any economic situation. Fifteen days may be too long to wait in any given situation. Therefore, I think it was the original intention of the Congress, when we approved the Economic Stabilization Act back in 1970, that the President be given some flexibility of action to deal with any economic contingency as it arises. And the amendment proposed by the Senator from South Dakota, if agreed to, would defeat the intent of the Congress.

Mr. SPARKMAN. Mr. President, if the Senator will yield, I point out that when we enacted the act in 1970. We did not direct that there should be mandatory controls or voluntary controls. We gave him a free hand. We gave him the right to put in controls, either voluntary or mandatory. And I think that we ought to carry out the spirit of the Congress.

Mr. TOWER. The Senator is absolutely correct. And I think that if the amendment is adopted, the President might consider it such an onerous burden that he might not elect to act under the Economic Stabilization Act.

Mr. McGOVERN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were not ordered.

Mr. McGOVERN. Mr. President, I ask unanimous consent that there be a quorum call with the time being charged equally against either side.

Mr. ROBERT C. BYRD. Mr. President, if the Senator will withhold that request for a moment, would the distinguished Senator allow us to get consent to have a vote on the Senator's amendment immediately following the vote on the atomic energy authorization bill which will occur at 1:30 p.m. today? There will be no problem at that time in getting the yeas and nays.

Mr. McGOVERN. Yes. I think that is the proper way to do it.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that that be done.

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

Mr. McGOVERN. Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER (Mr. ALLEN). The Senator from South Dakota has 7 minutes remaining.

Mr. McGOVERN. Mr. President, I just want to make one central point. There is nothing in this amendment that ties the President's hands, other than to say that when he makes a judgment as to what he proposes to do under phase IV, whatever the more positive answer to the problem of the country might be under the Economic Stabilization Act, that he give 15 days' public notice before it goes into effect. That, it seems to me, would be a better way for our system to function. I think that it is a mistake, based on recent history, to give any President a blank check to deal with a problem as big and as far reaching as the problems now confronting our economy.

We would have the authority under this amendment, if the President's proposal is sustained by the Congress, to correct any actions that are taken by companies or corporations or unions during that interim 15-day period.

I cannot imagine any group of men who, during that period of time, would make any further changes in the price structure or anything of that nature, knowing that the cost to them would be far greater than any possible gain they might have from it if Congress extends the President's action.

So I would again say that this is an effort to make our system function the way our Founding Fathers intended, which is not by arbitrary decision at the executive level, but by providing some machinery under which there can be a reasonable period for congressional debate and reaction to any proposal that might be made with reference to the phase IV plan.

It also, I think, is a service to the President in enlisting public support and understanding for whatever he has in mind after the 60-day period that is now in effect after the temporary freeze.

This gives the President the benefit of the reactions from economists, financial writers, businessmen, labor leaders, agricultural leaders, and others who have special insight into the problems of our economy.

I think that we are actually providing a responsible service here to the President in the amendment that is now pending. I am very hopeful that the chairman who is handling the pending bill, as well as the ranking minority member and others, will think carefully about what is involved here. It is not a repudiation of the President in any way. It is not a violation in any way of either the letter or the spirit of our constitutional system.

Quite to the contrary, Mr. President, it reaffirms the process under which decisions ought to be made in this country, and that is a process between the legislative and executive branches.

Mr. President, I strongly hope that the Members of the Senate will agree to the amendment.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. McGOVERN. I yield.

Mr. TOWER. Mr. President, how does the Senator propose to roll back prices of commodities in the international market and price increases that might be reflected in our market?

Mr. McGOVERN. I do not think that we will get any price increases. I cannot imagine any corporation, during that 15-day period, going to the great danger and risk involved in price increases knowing that there is only a bare chance that Congress is going to reverse the President's actions. Under the terms of this legislation, any action they take during that period of time would be null and void unless Congress rejects the President's program.

Mr. TOWER. Mr. President, we are talking about the international marketplace. How does one control that?

Mr. McGOVERN. To whatever extent the President has jurisdiction under the Economic Stabilization Act. This amendment does not control that.

Mr. TOWER. The Senator does not control the international marketplace, because whatever controls we may have here or in any other place, the world operates on an international market economy.

Mr. McGOVERN. We cannot do very much about that, no matter what the conditions might be. The Economic Stabilization Act itself is not going to give the President control over the international market prices.

Nothing in the act does that. Nothing in this amendment either increases or decreases that problem.

Mr. TOWER. Mr. President, under the amendment of the Senator from South Dakota, we would telegraph our moves 15 days in advance and allow a lot of

people to take advantage of that. And in the 15 days a lot can happen.

Mr. McGOVERN. The Senator is correct. On the other hand, the alternative is to take the very high risk of learning on television at 9 o'clock some evening that some economic program is already in operation without an opportunity on the part of the Congress or the citizens of this country to express their views.

I think that whatever risk is involved in being more deliberate in this matter is well worth any temporary inconvenience that might result from a 15-day warning.

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

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

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time. I withhold that request, Mr. President.

Mr. McGOVERN. Mr. President, I do not want to yield back my time until after the Senator from Alabama yields back his time.

Mr. SPARKMAN. Mr. President, I merely want to yield to the Senator from Utah to make a very brief statement.

SUCCESSFUL RETURN OF ASTRONAUTS FROM SKYLAB MISSION

Mr. MOSS. Mr. President, I want to inform the Senate that the astronauts from Skylab have landed and that all are aboard the *Ticonderoga*. They came back in excellent health. They walked from the capsule and onto the decks as seen from television.

Mr. President, this morning the all Navy astronaut crew of Capt. Charles "Pete" Conrad, Jr., Comdr. Joseph P. Kerwin, and Comdr. Paul J. Weitz has successfully returned to the Earth after the longest manned space flight ever.

Once more, our intrepid and skillful astronauts have brought credit to their country, as well as to the indomitable spirit of man. Once again they have proved that man is more than just an instrument-watcher in space, and that, in fact, his presence—with his "computer between the ears" as William Schneider, Skylab program chief, called it—can be essential for the successful execution of the mission.

Of course, there are still two more crews who will visit the Skylab later this year, but even now Conrad, Kerwin, and Weitz have brought back an astounding amount of data which will take thousands of scientists months and years to thoroughly analyze.

As we know, Conrad, Kerwin, and Weitz now hold the record for the longest time in space for a single flight—28 days. But Pete Conrad, by virtue of his previous space flights, holds another record of which even he may not yet be aware. Pete Conrad has traveled farther than any man in history, more than 15 million miles.

Mr. President, I ask unanimous consent that a short research note concerning Pete Conrad's recordmaking flight statistics, and prepared for me by Mrs. Lani Hummel Raleigh of the Congressional Research Service, be printed in the RECORD at this point.

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

CHARLES "PETE" CONRAD'S RECORDMAKING FLIGHT STATISTICS

When Navy Captain Charles "Pete" Conrad returns to earth from the 28 day Skylab II mission, he will have travelled more miles than any other man. Upon the completion of the Skylab mission, Conrad will have flown over 15,000,000 miles in space. This record assumes even greater significance when compared to the flight statistics of the average air line pilot upon retirement. According to the records, when the majority of air line pilots retire, they have flown between 6 and 10 million miles in a 25–35 year career. One of the more famous retired air line pilots, Captain Dick Merrill, flew over 8,000,000 miles during his 33 year career with Eastern Air Lines.

Pete Conrad also holds the record for number of hours in space. At Skylab's splashdown he will have spent a total of 49 days, 3 hours, and 39 minutes in space (National Aeronautics and Space Administration statistic), thus surpassing the 23 days, 18 hours and 22 minutes space endurance record set by the ill-fated pilots of the Russian Soyu 11 flight in 1971.

Captain Conrad began his space flight career in 1962 when he was selected as a test pilot astronaut. He was a pilot for the 1965 Gemini 5 space flight (190 hours 56 minutes; over 3,000,000 miles); a backup command pilot of Gemini 8; the command pilot of the 1966 Gemini 11 flight (71 hours, 17 minutes; over 1,000,000 miles); the backup spacecraft commander of Apollo 9; the spacecraft commander of the 1969 Apollo 12 flight (10 days, 4 hours, 36 minutes; over 500,000 miles); and the command pilot of the 1973 Skylab II mission (28 days, 50 minutes; over 10,000 miles).

Mr. MOSS. Skylab is truly a turning point in our space program. It represents a temporary turning away from our highly successful exploration of the Moon and an emphasis on the Earth and man himself. This is only the beginning of our efforts to find out what man can really do in space and what the uniqueness of the space environment can do for him.

I know that all Members of the Senate will join me in congratulating NASA and Astronauts Conrad, Kerwin, and Weitz on a remarkably successful mission under adverse conditions and a safe return to Earth.

I thank the chairman of the committee for yielding to me to make this very important announcement.

Mr. SPARKMAN. Mr. President, I commend the Senator from Utah for taking notice of this great happening today. Surely we all join in the wishes and the prayers that he has expressed.

Naturally, I support the space program very strongly. I think it means a great deal to us, because it has accomplished things that many of us have never thought possible. I am glad the Senator has brought this matter to the attention of the Senate today.

Mr. MOSS. I thank the Senator.

Mr. TOWER. Mr. President, if the Senator will yield, I should like to join the Senator from Alabama in commending the Senator from Utah for his statement. I think all of us should take a great deal of pride in seeing such a successful application of good old American ingenuity in the way that they made these repairs, got the most out of their mission, and stayed there for 28 days.

Mr. SPARKMAN. Mr. President, I take a great deal of pride in the fact that most of this technology was developed at the Marshall Space Craft Center in Huntsville, Ala., my hometown.

Mr. TOWER. I take pride also in noting that the control for this mission originated in Houston, Tex., which was my birthplace.

Mr. MOSS. Mr. President, there is plenty of cause for pride to go around. This was a great team effort. In addition to the accomplishments of the astronauts themselves, the scientists and controllers on the ground, with their technology, were simply superb, and we are all indeed proud of them today.

I thank my colleague for yielding.

AMENDMENT OF THE INTERNATIONAL ECONOMIC POLICY ACT OF 1972

The Senate continued with the consideration of the bill (S. 1636) to amend the International Economic Policy Act of 1972.

Mr. SPARKMAN. Mr. President, I am ready to yield back the remainder of my time on the amendment.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired. The Senator from South Dakota has 2 minutes remaining.

Mr. McGOVERN. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from South Dakota. In view of the agreement that the amendment will not be voted on until the Senate disposes of the AEC bill at 1:30, unless time is to be yielded on the bill itself, we can proceed no further on the bill. What is the pleasure of the Senate?

Mr. ROBERT C. BYRD. Mr. President, may I inquire of the distinguished manager of the bill and the ranking Republican member whether or not they would advise yielding back the remainder of the time on the bill, and then immediately following the vote on the McGovern amendment, which will occur a little after 1:30 p.m., the Senate could proceed to vote on the bill? Would the Senators at that time want a yea-and-nay vote on the bill?

Mr. SPARKMAN. Mr. President, I am willing to yield back the time at this time, provided that is satisfactory to the Senator from Texas.

Mr. TOWER. Mr. President, I wonder if we might reserve a little of the time, because some Senators may not be informed of the nature of the measure.

Mr. ROBERT C. BYRD. How much time would the Senator like to reserve?

Mr. TOWER. Ten minutes to a side on the bill?

Mr. SPARKMAN. That is satisfactory to me.

Mr. ROBERT C. BYRD. Very well. Mr. President, I ask unanimous consent that each of the managers of the bill have reserved out of his time on the bill, 10 minutes following the vote on the amendment by Mr. McGOVERN.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed now to the consideration of S. 295, and that the unfinished business remain in a temporarily laid aside status until the hour of 1:30 p.m. today.

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

FEDERAL FINANCING BANK ACT

The Senate proceeded to consider 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, which had been reported from the Committee on Banking, Housing and Urban Affairs with amendments, on page 6, at the beginning of line 7, to strike out "one hundred and twenty" and insert "sixty"; in line 9, after the word "doing.", insert "In no case shall the Secretary withhold such approval for a period longer than one hundred and twenty days. To the maximum extent practicable, withholdings of approval shall be made in a manner which is not disproportionately detrimental to the functioning of any particular type of Federal program."; on page 11, line 9, after the word "any", to strike out "and all"; and, in line 10, after the word "subject", to strike out "both as to principal and interest to Federal, State, and local" and insert "to Federal"; so as to make the bill read:

S. 925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Financing Bank Act of 1973".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. The Congress finds that demands for funds through Federal and federally assisted borrowing programs are increasing faster than the total supply of credit and that such borrowings are not adequately coordinated with overall Federal fiscal and debt management policies. The purpose of this Act is to assure coordination of these programs with the overall economic and fiscal policies of the Government, to reduce the costs of Federal and federally assisted borrowings from the public, and to assure that such borrowings are financed in a manner least disruptive of private financial markets and institutions.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Federal agency" means an executive department, an independent Federal establishment, or a corporation or other entity established by the Congress which is owned in whole or in part by the United States.

(2) The term "obligation" means any note, bond, debenture, or other evidence of indebtedness, but does not include Federal Reserve notes or stock evidencing an ownership interest in the issuing Federal agency.

(3) The term "guarantee" means any guarantee, insurance, or other pledge with respect to the payment of all or part of the principal or interest on any obligation, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions, or any guarantee or pledge arising out of a statutory obligation to insure such deposits, shares, or other withdrawable accounts.

(4) The term "Bank" means the Federal Financing Bank established by section 4 of this Act.

CREATION OF BANK

SEC. 4. There is hereby created a body corporate to be known as the Federal Financing Bank, which shall have succession until dissolved by an Act of Congress. The Bank shall be subject to the general supervision and direction of the Secretary of the Treasury. The Bank shall be an instrumentality of the United States Government and shall maintain such offices as may be necessary or appropriate in the conduct of its business.

BOARD OF DIRECTORS

SEC. 5. (a) The Bank shall have a Board of Directors consisting of five persons, one of whom shall be the Secretary of the Treasury as Chairman of the Board, and four of whom shall be appointed by the President from among the officers or employees of the Bank or of any Federal agency. The Chairman and each other member of the Board may designate some other officer or employee of the Government to serve in his place.

(b) The Board of Directors shall meet at the call of its Chairman. The Board shall determine the general policies which shall govern the operations of the Bank. The Chairman of the Board shall select and effect the appointment of qualified persons to fill such offices as may be provided for in the bylaws, and such persons shall be the executive officers of the Bank and shall discharge such executive functions, powers, and duties as may be provided for in the bylaws or by the Board of Directors. The members of the Board and their designees shall not receive compensation for their services on the Board.

FUNCTIONS

SEC. 6. (a) The Bank is authorized to make commitments to purchase and sell, and to purchase and sell on terms and conditions determined by the Bank, any obligation which is issued, sold, or guaranteed by a Federal agency. Any Federal agency which is authorized to issue, sell, or guarantee any obligation is authorized to issue or sell such obligations directly to the Bank.

(b) Any purchase by the Bank shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration (1) the current average yield on outstanding marketable obligations of the United States of comparable maturity, or (2) whenever the Bank's own obligations outstanding are sufficient, the current average yield on outstanding obligations of the Bank of comparable maturity.

(c) The Bank is authorized to charge fees for its commitments and other services adequate to cover all expenses and to provide for the accumulation of reasonable contingency reserves.

TREASURY APPROVAL

SEC. 7. (a) To insure the orderly and coordinated marketing of Treasury and Federal agency obligations and appropriate financing planning with respect thereto, and to facilitate the effective financing of programs authorized by law subject to the applicable provisions of such law, the prior approval of the Secretary of the Treasury shall be required with respect to—

(1) the method of financing,

(2) the source of financing,

(3) the timing of financing in relation to market conditions and financing by other Federal agencies, and

(4) the financing terms and conditions, including rates of interest and maturities,

of obligations issued, sold, or guaranteed by any Federal agency, except that the approval of the Secretary of the Treasury shall not be required with respect to (1) obligations issued or sold pursuant to an Act of Congress which expressly prohibits any guarantee of such obligations by the United States or (2) obligations guaranteed in connection with programs involving the guarantee of large numbers of individual obligations that are originated and serviced by local lending institutions and that are not ordinarily bought and sold in the same markets as bonds and other similar types of investment securities.

(b) Upon receipt of a request from a Federal agency for his approval under subsection (a) of this section, the Secretary of the Treasury shall act promptly either to grant his approval or to advise the agency of the reasons for withholding his approval. In no case shall the Secretary of the Treasury withhold such approval for a period longer than sixty days unless, prior to the end of such period, he submits to the Congress a detailed explanation of his reasons for so doing. In no case shall the Secretary withhold such approval for a period longer than one hundred and twenty days. To the maximum extent practicable, withholdings of approval shall be made in a manner which is not disproportionately detrimental to the functioning of any particular type of Federal program. Expedited treatment shall be accorded in any case in which the Federal agency advises the Secretary of the Treasury that unusual circumstances require such treatment.

(c) Federal agencies subject to this section shall submit financing plans to the Secretary of the Treasury at such time and in such forms as he shall prescribe.

INITIAL CAPITAL

SEC. 8. The Secretary of the Treasury is authorized to advance the funds necessary to provide initial capital to the Bank. Each such advance shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. Interest payments on such advances may be deferred, at the discretion of the Secretary, but any such deferred payments shall themselves bear interest at the rate specified in this section. There is authorized to be appropriated not to exceed $100,000,000, which shall be available for the purposes of this section without fiscal year limitation.

OBLIGATIONS OF THE BANK

SEC. 9. (a) The Bank is authorized, with the approval of the Secretary of the Treasury, to issue publicly and have outstanding at any one time not in excess of $15,000,000,000, or such additional amounts as may be authorized in appropriations Acts, of obligations having such maturities and bearing such rate or rates of interest as may be determined by the Bank. Such obligations may be redeemable at the option of the Bank before maturity in such manner as may be stipulated therein. So far as is feasible, the debt structure of the Bank shall be commensurate with its asset structure.

(b) The Bank is also authorized to issue its obligations to the Secretary of the Treasury and the Secretary of the Treasury may in his discretion purchase or agree to purchase any such obligations, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under the Second Liberty Bond Act are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. The Secretary of the Treasury may sell, upon such terms and conditions and at such price

or prices as he shall determine, any of the obligations acquired by him under this subsection. All purchases and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

(c) The Bank may require the Secretary of the Treasury to purchase obligations of the Bank issued pursuant to subsection (b) in such amounts as will not cause the holding by the Secretary of the Treasury resulting from such required purchases to exceed $5,000,000,000 at any one time. This subsection shall not be construed as limiting the authority of the Secretary to purchase obligations of the Bank in excess of such amount.

(d) Obligations of the Bank issued pursuant to this section shall 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 the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, or any agency or instrumentality of any of the foregoing, or any officer or officers thereof.

GENERAL POWERS

SEC. 10. The Bank shall have power—

(1) to sue and be sued, complain, and defend, in its corporate name;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal bylaws, rules, and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this Act in any State without regard to any qualification or similar statute in any State;

(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Bank;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such officers, attorneys, employees, and agents as may be required, to define their duties, to fix and to pay such compensation for their services as may be determined, subject to the civil service and classification laws, to require bonds for them and pay the premium thereof;

(9) to enter into contracts, to execute instruments to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business;

(10) to act through any corporate or other agency or instrumentality of the United States, and to utilize the services thereof on a reimbursable basis, and any such agency or instrumentality is authorized to provide services as requested by the Bank; and

(11) to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations.

EXEMPTIONS

SEC. 11. (a) The Bank, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and any tangible personal property of the Bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any obligations issued by the Bank shall be subject to Federal taxation to the same extent as the obligations of private corporations are taxed.

(b) All obligations issued by the Bank pursuant to this Act shall be deemed to be exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)), of section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)), and of section 304(a)(4) of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd(a)(4)).

(c) Nothing herein shall affect the budget status of the Federal agencies selling obligations to the Bank under section 6(a) of this Act, or the method of budget accounting for their transactions. The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

PREPARATION OF OBLIGATIONS

SEC. 12. In order to furnish obligations for delivery by the Bank, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Bank may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Bank. The engraved plates, dies, bed pieces, and other material executed in connection therewith, shall remain in the custody of the Secretary of the Treasury. The Bank shall reimburse the Secretary of the Treasury for any expenditures made in preparation, custody, and delivery of such obligations.

ANNUAL REPORT

SEC. 13. The Bank shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

OBLIGATIONS ELIGIBLE FOR PURCHASE BY NATIONAL BANKS

SEC. 14. The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations of the Federal Financing Bank" immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association,".

GOVERNMENT CORPORATION CONTROL ACT

SEC. 15. The budget and audit provisions of the Government Corporation Control Act (31 U.S.C. 841 et seq.) shall be applicable to the Federal Financing Bank in the same manner as they are applied to the wholly owned Government corporations named in section 101 of such Act (31 U.S.C. 846).

PAYMENTS ON BEHALF OF PUBLIC BODIES

SEC. 16. (a) Notwithstanding any other provision of this Act, the purchase by the Bank of the obligations of any local public body or agency within the United States shall be made upon such terms and conditions as may be necessary to avoid an increase in borrowing costs to such local public body or agency as a result of the purchase by the Bank of its obligations. The head of the Federal agency guaranteeing such obligations, in consultation with the Secretary of the Treasury, shall estimate the borrowing costs that would be incurred by the local public body or agency if its obligations were not sold to the Bank.

(b) The Federal agency guaranteeing obligations purchased by the Bank may contract to make periodic payments to the Bank which shall be sufficient to offset the costs to the Bank of purchasing obligations of local public bodies or agencies upon terms and conditions as prescribed in this section rather than as prescribed by section 6. Such contracts may be made in advance of appropriations therefor, and appropriations for making payments under such contracts are hereby authorized.

NO IMPAIRMENT

SEC. 17. Nothing in this Act shall be construed as impairing any authority or responsibility of the President or the Secretary of the Treasury under any other provision of law, nor shall anything in this Act affect in any manner any provision of law concerning the right of any Federal agency to sell obligations to the Secretary of the Treasury or the authority or responsibility of the Secretary of the Treasury to purchase such obligations.

SEPARABILITY

SEC. 18. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected.

EFFECTIVE DATE

SEC. 19. This Act becomes effective upon the date of its enactment, except that section 7 becomes effective upon the expiration of thirty days after such date.

The PRESIDING OFFICER. In accordance with the previous order the bill is under controlled time. Who yields time?

Mr. SPARKMAN. Mr. President, how much time do we have?

The PRESIDING OFFICER. Four hours, to be equally divided.

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

This measure was passed by the Senate last year, but action on it was never completed by the two Houses. This year the administration submitted the request again. We took up the bill in the Committee on Banking, Housing and Urban Affairs, and have reported out what I think is a wholly satisfactory bill. There will be some amendments offered to it. I hope that we will be able to get favorable action on the measure, because I believe it will mean much in the orderly financing of the various government departments and agencies.

Mr. President, I am happy to yield to my colleague from Texas to make his statement. That is about all I have to say on the bill itself.

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

The Banking Committee has favorably reported S. 925, legislation to establish the Federal Financing Bank. The basic purpose of the proposed bank is to provide a means of lowering Federal and federally related borrowing costs, and to reduce thereby the need for tax revenue.

There are two essential features of the legislation:

First. It provides for a Federal Financing Bank through which the marketing of Federal and federally assisted borrowing activities can be centralized.

Second. It provides for advance submission of financing plans to the Secretary of the Treasury and for Treasury approval of the method and source of financing, timing, rates of interest, maturities, and all other financing terms and conditions of certain obligations issued or sold by Federal agencies or guaranteed by Federal agencies in the securities markets.

The legislation is needed to consolidate the scattered, relatively high-cost Fed-

eral and federally assisted borrowing vehicles that are now marketed. The committee report describes the bill, which is an administration debt management measure, as follows:

This legislation is urgently needed because many Federal agencies are now required to finance their programs directly in the securities markets. Similar financing arrangements have also been proposed for a number of new agencies. These agencies must develop their own financing staffs, and their abilities to cope with their principal program functions are lessened by the need also to deal with the complex debt management operations essential to minimizing their borrowing costs and avoiding cash flow problems which could disrupt their basic lending programs.

Borrowing costs of the various Federal agency financing methods normally exceed Treasury borrowing costs by substantial amounts, despite the fact that these issues are backed by the Federal Government. Borrowing costs are increased because of the sheer proliferation of competing issues crowding each other in the financing calendar, the cumbersome nature of many of the securities, and the limited markets in which they are sold. Underwriting costs are often a significant additional cost factor due to the method of marketing.

Under the proposed legislation these essentially debt management problems could be shifted from the program agencies to the Federal Financing Bank. Many of the obligations which are now placed directly in the private market under numerous Federal programs would instead be financed by the bank. The bank would be authorized to purchase obligations of Federal agencies and obligations guaranteed by Federal agencies. Agencies would be authorized to sell obligations to the bank.

However, the legislation would not require the bank to lend to any agency nor require any agency to borrow from the bank. The Secretary of the Treasury would be responsible for determining which obligations would be financed through the bank. The bank in turn would issue its own securities. The bank would have the necessary expertise, flexibility, volume and marketing power to minimize financing costs and to assure an effective flow of credit for programs established by the Congress.

While many of the agencies issuing, selling, or guaranteeing obligations in the market are subject to coordination with Treasury's financial management advisers, others are not. Some of the coordination requirements are vague, and none require advance submission of financing plans as would be required in the proposed legislation. Thus, under present arrangements, the basis for planning or coordination of Federal credit program financing within the context of overall financial planning is incomplete. The consequence is the potential for serious adverse impacts on the programs, on financial markets, and on the Federal budget.

Financing these programs through the bank would assure greater flexibility and a broader market for the securities as well as coordination and planning in light of overall credit availability. The proposed Federal Financing Bank would provide a focal point for explicit and early recognition of the volume and cost of the proposed level of Government assisted credit and its likely impact on financial markets.

Mr. President, I urge the passage of this very constructive piece of legislation as it has been reported from the Committee on Banking, Housing, and Urban Affairs.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from New York will state it.

Mr. JAVITS. What is the situation in the consideration of this bill as to time?

The PRESIDING OFFICER. The first question will be on agreeing to the first committee amendment.

Mr. JAVITS. Is that amendment pending?

The PRESIDING OFFICER. The clerk will state the amendment——

Mr. JAVITS. I am simply asking the question.

Mr. SPARKMAN. Mr. President, would it be in order at this time to move that the committee amendments be agreed to en bloc?

The PRESIDING OFFICER. It would be in order.

Mr. SPARKMAN. I so move.

The PRESIDING OFFICER. Does the Senator then wish the bill as amended to be——

Mr. TOWER. To be considered as original text for purposes of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered, the amendments are agreed to en bloc, and the bill as thus amended will be treated as original text for the purpose of further amendment.

Mr. JAVITS. Mr. President, what is the time situation on the bill?

The PRESIDING OFFICER. The time situation on the bill is 4 hours, to be equally divided between the Senators from Alabama and the Senator from Texas, with 1 hour on each amendment, to be equally divided.

Mr. JAVITS. Mr. President, I have two amendments, only one of which I will press, and I should like to ask the managers of the bill and Senators who are on the committee who may have amendments, as to their desires in regard to this matter.

Mr. TOWER. I would suggest to the Senator to go ahead and proceed and offer his amendment.

Mr. JAVITS. I thank my colleague from Texas.

AMENDMENT NO. 239

Mr. President, I call up my amendment No. 239, asking only that the title be stated, and ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. The title of amendment No. 239 will be stated.

The legislative clerk read as follows:

On page 14, after line 25, insert a new title: Domestic Enterprise Bank.

The PRESIDING OFFICER. Without objection, further reading of the amendment will be dispensed with; and, without objection, the amendment will be printed in the RECORD.

The full text of the amendment is as follows:

S. 925

DOMESTIC ENTERPRISE BANK: PURPOSE

SEC. 20. It is the purpose of this Act to—

(1) contribute to the elimination of unemployment and poverty in the Nation by—

(A) promoting the economic development of urban slum areas and of depressed rural areas frequently characterized by substantial outmigration of persons, by providing financing on attractive terms for the establishment and improvement of business and commercial facilities and supporting public development facilities in or accessible to such areas, in order to make job and business opportunities available for residents to contribute to the physical improvement of such area;

(B) stimulating private investment in such facilities;

(C) seeking to bring together in such areas investment opportunities, public and private capital, and capable management;

(D) providing management, technical, and other supportive assistance to aid in such economic development; and

(E) seeking to achieve these purposes primarily by the application of the financial, management, and technical assistance resources of the private sector; and

(2) assist in the preservation and increase of job opportunities as well as the growth and prosperity of business enterprises located throughout this Nation by—

(A) promoting the economic survival and development of such enterprises by providing financial assistance on attractive terms for enterprises substantially harmed by increases in foreign imports or technological obsolescence;

(B) providing management, technical, scientific, and other supportive assistance to aid such enterprises; and

(C) seeking to achieve these purposes primarily by the application of the management, financial, technical, and scientific assistance resources of the private sector.

DEFINITIONS

SEC. 21. As used in this Act—

(1) The term "eligible area" means a rural or urban area designated by the Secretary of Commerce pursuant to section 101(a).

(2) The term "business enterprise or commercial facility" means a fixed place of business, in or from which a manufacturing, processing, assembling, sales, distribution, storage, service, or construction business is carried on, including but not limited to—

(A) an office building or place of management,

(B) a factory, plant, laboratory, service center, or other workshop,

(C) a store or sales outlet,

(D) a storage, transportation, or shipping facility, or

(E) any combination thereof, including a combination of any of these facilities in the same building with residential building.

(3) The term "supporting public development facility" means an element of infrastructure, typically developed and owned by a public agency or private utility company, which is necessary to support economic development activities under this Act, such as a transportation or power facility.

(4) The term "low-income person" means a person whose adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1954) in a particular period is less than an amount determined by the Secretary of Labor as the minimum amount reasonably necessary, in the area in which such person resides, adequately to support himself and his family.

(5) The term "eligible job" means a new employment position, which did not exist prior to the provision of assistance under this

Act, at the business enterprise or commercial facility or the supporting public development facility assisted, and for which the wages paid shall not be lower than whichever is the highest of—

(A) the minimum wage which would be applicable to an employee under the Fair Labor Standards Act of 1938 if section 6 of such Act applied to such employee, and if he were not exempt under section 13 thereof;

(B) the State or local minimum wage for the most nearly comparable covered employment; or

(C) the prevailing rate of wages in the area for similar work.

(6) The term "eligible business" means a business enterprise as defined by clause (2) and designed by the Secretary of Commerce pursuant to section 101(d).

TITLE I—DESIGNATION OF ELIGIBLE AREAS AND ENTERPRISES

ELIGIBLE AREAS

SEC. 101. (a) The Secretary of Commerce in consultation with the Director of the Domestic Council and the Secretary of Labor shall identify and designate as eligible areas within the meaning of this Act—

(1) those urban areas which have high concentrations of unemployed or a high incidence of poverty as revealed by such indexes as—

(A) families in the area with an average annual income of less than $3,000;

(B) children under eighteen years of age in the area who are not residing with their parents;

(C) adult males in the area who have completed less than eight years of school;

(D) housing units in the area which are substandard in character; or

(E) a concentration of low-income persons;

(2) those rural areas which have high concentrations or proportions of unemployed and low-income persons and which are characterized by substantial outmigration of persons as a result of inadequate employment opportunities; and

(3) those Indian reservations which the Secretary of the Interior determines should be subject to the provisions of this Act.

The identification and designation of such areas may be made without regard to political or other subdivisions or boundaries and shall be made in coordination with similar identifications and designations for comprehensive planning purposes under other Federal programs.

(b) The Secretary of Commerce shall prepare and publish maps showing the location and boundaries of such eligible areas.

(c) The Secretary of Commerce shall, upon the request of the Domestic Enterprise Bank, promptly certify whether any specified location is within an eligible area, including such an area whose boundaries might not yet have been defined.

ELIGIBLE BUSINESS ENTERPRISES

SEC. 102. (a) The Secretary of Commerce in consultation with the Secretary of Labor shall cause to be published criteria under which business enterprises located throughout the United States (without regard to whether they are located in eligible areas designated under section 101) may be designated as eligible businesses, if—

(1) those business enterprises are threatened or have been substantially harmed by an increase in foreign imports; or

(2) those business enterprises are threatened or have been substantially harmed by technological obsolescence, and if a change in the method of operation, the addition of new plant or equipment, the conversion of plant or equipment, or the upgrading, advance development, enhancement, or other general improvement in the same general product line would, with reasonable certainty, assure that the business enterprise will continue to employ persons or increase its total number of employees and operate on a sustaining and profitable basis.

(b) Nothing in this title shall be construed to authorize assistance to any business enterprise relocating from one area to another, except that such assistance may be furnished to a business enterprise for expansion through the establishment of a new industrial or commercial facility of such enterprise in an eligible area, if (1) the establishment of such facility will not result in an increase in unemployment in any other area where such enterprise conducts business operations, and (2) such facility is not being established with any intention of closing down the operations of such enterprise in the area of its original location or in any other area where it conducts such operations.

TITLE II—ESTABLISHMENT OF A DOMESTIC ENTERPRISE BANK

AUTHORIZATION

SEC. 201. There is hereby authorized to be created a corporation for profit to be known as the Domestic Enterprise Bank (hereinafter referred to as the "bank") which shall be an instrumentality of the United States Government. The bank shall be subject to the provisions of this Act and, to the extent consistent with this Act, to the District of Columbia Business Corporation Act. The right to repeal, alter, or amend this Act at any time is expressly reserved.

DIRECTORS AND OFFICERS

SEC. 202. (a) The bank shall have a Board of Directors consisting of twenty individuals who are citizens of the United States, of whom one shall be elected annually by the Board to serve as Chairman, Members of the Board shall be selected as follows:

(1) The President, by and with the advice and consent of the Senate, shall appoint six members of the Board who shall be officials or employees of government, including Federal, State, and local government. The terms of Directors so appointed shall be for four years, except that—

(A) three of the terms of such Directors first taking office shall expire, as designated by the President at the time of appointment, at the end of two years after the date of the initial appointment; and

(B) any Director so appointed to fill a vacancy occuring before the expiration of the term for which his predecessor was appointed, shall be appointed only for the remainder of such term.

At the discretion of the President, any individual who ceases to be an official or employee of government during his term as Director, may, notwithstanding that fact, complete such term.

(2) The President, by and with the advice and consent of the Senate, shall appoint the remaining fourteen members of the Board from among representatives of the private sector. Of the persons so appointed, six shall be from among representatives of business and finance, two from among representatives of organized labor, two from among representatives of social welfare organizations or foundations dealing with problems of poverty, two representatives of education, and two from among representatives of the general public. In making such appointments the President shall seek to achieve a balanced representation of the interests of urban and rural areas, and select persons who, among other relevant considerations are knowledgeable in the social and economic problems of business development. The terms of Directors so appointed shall be for four years, except that—

(A) one-half of the terms of such Directors first taking office from each category shall expire, as designated by the President at the time of appointment, at the end of two years after the date of the initial appointment; and

(B) any Director so appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term and shall be chosen from among representatives of the same category as his predecessor.

(b) The Board of Directors shall appoint and fix the compensation of a president of the bank and such other officers and employees as it deems necessary to carry out the functions of the bank. Such appointments may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and persons so appointed may be paid 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 President of the bank shall be an ex officio member of the Board of Directors and may participate in meetings of the Board, except that he shall have no vote except in case of an equal division. No individual other than a citizen of the United States may be an officer of the bank. No officer of the bank shall receive any salary, other than a pension, from any source other than the bank during the period of his employment by the bank.

(c) No director, officer, attorney, agent, or employee of the bank shall in any manner, directly or indirectly, participate in the deliberation upon or the determination of any question affecting his personal interests, or the interests of any corporation, partnership, or association in which he has any direct or indirect personal interest.

ADVISORY COMMITTEES

SEC. 203. (a) There shall be an Advisory Committee of not less than twenty persons, selected by the Board of Directors on the recommendation of the president of the bank, which shall be broadly representative of industry, commerce, finance, labor, private social welfare agencies, and government at all levels. The Committee shall meet annually and at the call of the President of the bank, and shall advise the bank on general policy and on such other matters as the bank may direct. Members of the Committee shall serve for such terms as the Board of Directors may from time to time determine and they shall be paid reasonable expenses incurred in carrying out their duties as members.

(b) The Board of Directors may appoint such other advisory committees as it deems desirable.

(c) Notwithstanding any other provision of law, any officer or employee of the Government may accept appointment and serve without additional compensation (other than reimbursement for necessary expenses) on any advisory committee established pursuant to this section.

CAPITALIZATION OF BANK

SEC. 204. (a) Subject to the provisions of this section, the bank is authorized to issue from time to time and to have outstanding capital stock of an aggregate purchase price not to exceed $3,000,000,000. Shares of such stock shall be nonvoting and without par value, and shall be eligible for dividends.

(b) The Secretary of the Treasury shall subscribe for and purchase on behalf of the United States, upon request of the Board of Directors, the full amount of the stock of the bank of an aggregate purchase price of $3,000,000,000. The subscription of the United States shall be divided into two parts as follows:

(1) Twenty per centum of such stock shall be paid for at the time of subscription. Funds received under this paragraph shall be available as needed by the bank for its operations.

(2) Eighty per centum of such stock shall be paid for on call by the bank only when required to meet obligations of the bank created under section 205(c), except that payment for not more than 5 per centum of such stock may be called for in any period of three months.

The Secretary of the Treasury is authorized and directed to pay for the subscription of the United States from time to time when payments are required to be made to the bank. For the purpose of making these payments, the Secretary of the Treasury is authorized to use as a public debt transaction $3,000,000,000 of the proceeds of any securities hereafter issued under the Second Liberty Bond Act as amended, and the purposes for which securities may be issued under that Act are extended to include such purpose. Payment under this paragraph of the subscription of the United States to the bank and repayments thereof shall be treated as public debt transactions.

(c) Stock and other securities issued by the bank pursuant to this section and section 5 (b) shall be exempt securities under section 3 of the Securities Act of 1933, (15 U.S.C. 77c).

OPERATIONS AND POWERS OF THE BANK

SEC. 205. (a) In order to carry out the purposes of this Act, the bank is authorized to—

(1) make, participate in, or guarantee loans or lease rentals or provide other financing for real or personal property or for working capital to any public agency or private organization or individual for the establishment, expansion, or preservation of any business or commercial facility or supporting public development facility which—

(A) is to be established in or is located in an eligible area;

(B) will provide eligible jobs of which at least twenty-five in number and not less than 50 per centum shall be held by persons who prior to such employment were unemployed or low-income residents of eligible areas;

(C) is a corporation in which at least 50 per centum of the outstanding stock having voting rights is held, at the time the loan is made, by residents of an eligible area; or

(D) is an eligible business enterprise in accordance with criteria as set forth pursuant to section 101(a);

(2) make, participate in, or guarantee loans or lease rentals or provide other interim financing for the construction or improvement of such facilities to building contractors, subcontractors, or other persons engaged in such work;

(3) provide or assist in the provision of insurance to protect any agency, organization, or individual receiving financing for a business or commercial facility or a supporting public development facility under paragraphs (1) and (2) against damage or casualty loss in connection with such facility;

(4) plan, initiate, own, and manage such facilities where no appropriate party is available and where the bank determines that there is reasonable grounds to believe that it can later terminate its ownership on satisfactory terms;

(5) provide such managerial, technical, scientific, and other supportive assistance as may be necessary in connection with its financing operations, including seminars and business-related courses of instruction;

(6) seek to bring, together with investment opportunities in such facilities, capital and capable management;

(7) make or guarantee loans to the appropriate public agencies, nonprofit cooperatives and corporations, limited dividend corporations, contractors, subcontractors, and other persons to provide construction loans for housing projects designed to provide dwelling units under the insured and guaranteed low- and moderate-income housing loan programs of the Department of Housing and Urban Development, the Veterans' Administration, and the Farmers Home Administration of the Department of Agriculture, provided the total loans made or moneys held in reserve for said loans or guarantees shall at no time exceed 10 per centum of the total loans and guarantees currently outstanding;

(8) provide marketing, accounting, bookkeeping, inventory control, computer, and other services to persons and organizations to which the bank is authorized to extend credit and to make reasonable charges therefor;

(9) make or guarantee loans or purchase obligations to finance capital expenditures for public works, community facilities, and land for housing development, public transportations, and similar community facilities, such projects and facilities to be in keeping with comprehensive area land use plans where such plans exist, providing that such facilities and projects are of direct and substantial benefit to residents of eligible areas or provide other benefits specified by the bank to carry out the purposes of this Act; and

(10) carry on such other activities as would further the purposes of this Act.

In carrying out its functions under this section, the bank shall direct an adequate number of staff members to seek out and confer with representatives of nonprofit private organizations, companies, corporations, partnerships, and individuals, in order to provide information about the services furnished by the bank and to provide necessary assistance for utilization of such services.

(b) The bank is authorized to—

(1) issue bonds, debentures, and such other certificates of indebtedness as it may determine and may issue such securities on a competitive or negotiated basis at the discretion of the Board of Directors;

(2) invest funds not needed in its financing operations in such property and obligations as it may determine;

(3) buy and sell securities it has issued or guaranteed or in which it has invested;

(4) guarantee securities in which it has invested for the purpose of facilitating their sale; and

(5) make such charges for or in connection with guarantees under this section as it deems appropriate.

The aggregate outstanding indebtedness of the bank under this section at any time may not exceed twenty times the paid-in capital stock of the bank at that time.

(c) Whenever necessary to meet contractual payments of interest, amortization of principal, or other charges on the bank's own borrowings, or to meet the bank's liabilities with respect to similar payments on loans guaranteed by it, the bank may call for payment of an appropriate amount of the unpaid subscription of the United States in accordance with section 204(b)(2). In the event of a default on financing provided by it of long duration, the bank may call an additional amount of such unpaid subscriptions, notwithstanding the limitation of section 204(b)(2), for the following purposes—

(1) to redeem prior to maturity or otherwise discharge its liability on, all or part of the outstanding principal of any loan guaranteed by it with respect to which the debtor is in default; and

(2) to repurchase, or otherwise discharge its liability on, all or part of its own outstanding borrowings.

(d) The several Federal Reserve banks are authorized to purchase or discount any note, debenture, bond, or other obligation, secured or unsecured, held by the bank.

(e) Obligations of the bank are eligible for purchase by any federally chartered or regulated commercial bank, savings and loan association, or mutual savings bank.

(f) All obligations issued by the bank shall be lawful investments for, and may be accepted as security for, all fiduciary, trust, and public funds the investment or deposit of which is under the authority or control of the United States or of any officer thereof.

(g) The bank is authorized to establish a principal office and branch offices in such locations as it may determine. It may establish regional offices and determine the location of, and the areas to be covered by, each regional office. It may make arrangements with public or private organizations at the regional, State, and local levels, including banking organizations and other financing institutions, to act as agents or otherwise to assist the bank in the conduct of its business.

OPERATING PRINCIPLES

SEC. 206. The operations of the bank shall be conducted in accordance with the following principles:

(1) The bank shall undertake its financing, technical assistance, and other operations on such terms and conditions and for such fees as it considers appropriate taking into account the requirements of the enterprise, the risks being undertaken by the bank, the benefits to the eligible business enterprise, eligible area, or to the residents of the eligible areas, and the conditions under which similar financing might be available from private investors.

(2) The bank shall consult with and shall seek to encourage local banking and other financial institutions to participate in its financing and other activities.

(3) The bank shall, to the extent feasible, give emphasis in its activities to providing financing and other assistance to facilities owned in whole or in part by residents of eligible areas or to facilities in which such ownership is made available to such persons.

(4) The bank shall, to the extent feasible, give emphasis in its activities to providing financing and other assistance to eligible business enterprises most severely affected by foreign imports or technological obsolescence and whose failure to continue doing business would most severely impact the local community in which they operate or the national interest.

(5) The bank shall seek to resolve its funds by selling its loans, guarantees, and other investments to private investors whenever it can appropriately do so on satisfactory terms.

(6) The bank shall, to the extent feasible, deposit or invest funds not needed in its financing operations in order to benefit eligible areas, including the depositing of such funds in local banks, credit unions, and other lending institutions serving such areas.

(7) No director, officer, attorney, agent, or employee of the bank shall participate in the deliberation upon or the determination of any question affecting his personal interests, or the interests of any corporation, partnership, or association in which he is directly or indirectly personally interested.

(8) The bank shall not engage in political activities nor provide financing for or assist in any manner any project or facility involving political parties or used or to be used for sectarian instruction or as a place for religious worship, nor shall the directors, officers, or employees of the bank in any way use their connection with the bank for the purpose of influencing the outcome of any election.

LIMITATIONS ON FINANCING

SEC. 207. (a) The bank shall not provide financing for any business or commercial facility or public development facility, nor shall it plan, initiate, own, or manage such a facility, unless it determines that—

(1) other public or private financing could not be obtained on reasonable terms and conditions;

(2) adequate arrangements have been made to insure that the proceeds of any loan or other financing are used only for the purposes for which the financing was provided, with due attention to considerations of economy and efficiency;

(3) the borrower or other recipient of

financing has an adequate equity or other financial interest in the facility to insure his careful and businesslike management of the project;

(4) the governing body of the city or, as appropriate, the governing body of the county, parish, or other political subdivision in which the facility is located or is to be established, or an agency or other instrumentality of such political subdivision designated by such body, has certified to the bank its approval of—

(A) the establishment of the facility at the particular location;

(B) the proposed standards of construction and design; and

(C) provisions for the relocation of any residents or businesses to be displaced;

(5) the establishment, expansion, or preservation, of the facility in the particular location will contribute to raising standards of living and skills levels for residents of the eligible area or there is reasonable certainty the business enterprise will be able to continue to operate on a sustaining and profitable basis;

(6) unemployed or low-income residents of eligible areas will be given preference in filling employment opportunities created by the establishment, expansion, or preservation of the facility, including the construction thereof; and

(7) no person shall, on the grounds of race, color, religion, sex, or national origin, be excluded from employment in any facility, or in the organization or other physical improvement of any facility, which is financed or otherwise assisted by the bank.

(b) Loans and guarantees under this title shall be subject to the following requirements or limitations:

(1) No guarantee shall be made for a period exceeding thirty years and no loans shall be made for a period exceeding ten years.

(2) No lease guarantee shall exceed at any time 90 per centum of the amount of the remaining unpaid rental payments for the term of the guarantee.

(3) No loan guarantee shall exceed at any time 90 per centum of the amount of the remaining unpaid balance.

(4) No loan guarantee shall at any time exceed the amount of the outstanding unpaid balance of the loan.

(5) No loan for a principal sum in excess of the actual cost of a project, as determined by the bank, shall be guaranteed or secured by a lease guaranteed under this section.

(c) Except for projects specifically authorized by Congress, no guarantee shall be made under this title with respect to any public source or development facility which would compete with an existing privately owned public utility rendering a service to the public at rates or charges subject to regulation by a State or Federal regulatory body, unless the State or Federal regulatory body determines that in the area to be serviced by the facility for which the guarantee is to be made, there is a need for an increase in such service (taking into consideration reasonably foreseeable future needs) which the existing public utility is not able to meet through its existing facilities or through an expansion which it agrees to undertake.

TAX EXEMPTION.

SEC. 208. For the purpose of the Internal Revenue Code of 1954, the bank shall be considered to be an instrumentality of the United States and shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority, except that any real property or tangible personal property of the bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed.

AUDIT AND REPORT

SEC. 209. (a) The financial transactions of the bank shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files and all other papers, things, or property belonging to or in use by the bank and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. The audit shall cover the fiscal year corresponding to that of the United States Government.

(b) A report of each such audit shall be made by the Comptroller General to the Congress and the President not later than March 15 following the close of the fiscal year for which the audit was made. The report shall set forth the scope of the audit and shall include a statement of assets and liabilities, capital and surplus of deficit; a statement of sources and application of funds, and such comments and information as may be deemed necessary to keep Congress informed of the operations and financial condition of the bank, together with such recommendations with respect thereto as the Comptroller General may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the bank at the time submitted to the Congress and the President.

ANNUAL REPORT OF THE BANK

SEC. 210. Not later than one hundred and twenty days after the close of each fiscal year the bank shall prepare and submit to the President and to the Congress a full report of its activities during such year.

TITLE III—AMENDMENTS TO OTHER ACTS

AMENDMENTS RELATING TO FINANCIAL INSTITUTIONS

SEC. 301. (a) The sixth sentence of paragraph seven of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting after "or the Government National Mortgage Association," the following: "or debentures or other obligations of the Domestic Enterprise Bank".

(b) Section 5200 of the Revised Statutes, as amended (12 U.S.C. 84), is amended by adding at the end thereof the following: "(14) Debentures or other obligations of the Domestic Enterprise Bank shall not be subject to any limitation based upon such capital and surplus."

(c) The first paragraph of section 5(c) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464 (c)), is amended by inserting after "any political subdivision thereof" in the second proviso the following: "or in debentures or other obligations of the Domestic Enterprise Bank."

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

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

Mr. JAVITS. Mr. President, my purpose in raising this question is to ascertain the views of the chairman and the ranking member of the Committee on Banking, Housing and Urban Affairs on a matter which has been before us for some considerable period of time, and in which the members of the committee themselves have been quite active.

It relates to establishing a domestic enterprise bank comparable to the World Bank but concerned with domestic development.

I would like to find out from my colleagues exactly what they think about going ahead with a concept of this nature.

Since 1967, there have been a long succession of measures introduced by many Senators relating to the establishment of a domestic bank. The need for it arises out of the fact that we do not have a bank in the Federal establishment which operates autonomously in dealing with the entire range of banking problems; from financing private business efforts that provide employment in industries adversely affected due to technological obsolescence, general small business development including economic development for minority businesses, and business adjustments which arise out of the need to meet the challenge of imports. These are some of the areas with which I am concerned. In this respect, the Small Business Administration, EDA, in the Department of Commerce, and other governmental organizations have authorizations to function in these general areas. There is no desire on my part to consolidate these programs, but each of these efforts tends to be underfinanced, to lack the backing of technological assistance and the kind of expertise which can be provided by a domestic enterprise bank.

The same arguments which obtain for the World Bank in international affairs also obtain for this kind of approach in domestic affairs.

I should like to point out that measures of this general character have been introduced by Senator KENNEDY and myself, and 20 other Senators, as far back as July of 1967. This list consists of members of the Committee on Banking, Housing, and Urban Affairs; and notably, and very importantly to me because of my very high regard for him, the chairman of the Banking Committee himself, who introduced such measures in 1969 and 1971.

I would greatly appreciate it, therefore, if we could have some idea from the committee as to, one, their interest in this particular approach and, two, whether there is any possibility of having consideration of it through hearings, or in some other affirmative fashion, in order to bring to a head a concept that has been germinating here for so long.

Mr. SPARKMAN. Mr. President, if I can answer the Senator from New York, for my part first, then I will yield to the Senator from Texas (Mr. TOWER), the ranking minority member, to make his comments.

Mr. President, this is a rather wide-ranging and far-reaching piece of proposed legislation. I think that Senators must realize we could not adequately handle this as an amendment to this bill.

Mr. JAVITS. I realize that.

Mr. SPARKMAN. So far as hearings are concerned, I would be glad, for my part, to schedule hearings. But I want to give this word of warning, that there will be no chance before June 30. Then we take the Fourth of July recess. Then about 3 weeks after that we take the recess of more than a month. The present target date for final adjournment is October 1. Our committee has hardly missed 1 day this year since we came back in session last January that it has not had a session either of the committee, or one of its subcommittees. We have had a very heavy schedule.

The PRESIDING OFFICER (Mr. HUGHES). The time of the Senator from New York has expired.

Mr. SPARKMAN. I yield 5 additional minutes to the Senator from New York.

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

Mr. SPARKMAN. I cannot—and let me say this in all fairness—I cannot, at this time, give any hope that we can hold any hearings this year, but certainly we can schedule them beginning next year.

Mr. JAVITS. May I make this suggestion——

Mr. SPARKMAN. I personally would be very glad, for my part, to do it.

Mr. JAVITS. I should like to make this suggestion to Senator SPARKMAN. This is a long-standing matter which I think can be extremely helpful to the country. If we do not adjourn October 1, would the Senator consider conducting hearings on this legislation in the bonus time, as it were?

Mr. SPARKMAN. Yes. Of course, the Senator must remember that we will certainly try to get out of the way any and all conferences. That is the thing that takes up a great deal of time toward the end of the session. But if we can work it out fairly and adequately, for my part, I shall be very glad to do so.

Mr. JAVITS. The other thing I was going to suggest is that since there often are hearings held after adjournment, though they are not necessarily attended by every member of the committee, would the Senator then be able to give us a hearing in the fall, perhaps after adjournment?

Mr. SPARKMAN. I would not want to commit myself to holding hearings during the adjournment of Congress. The Senator and I probably will be going to one international conference together, which he has in mind. Another occurs during the month of October, the latter part of October. Not much time will be left. But, so far as I am concerned, I will gladly cooperate with the Senator from New York in holding adequate hearings as soon as we can.

Mr. TOWER. I concur with that—as soon as practicable. I think the Senator has pretty well explained what our difficulties are.

I like the concept of the amendment of the Senator from New York. I do have some concerns about it. For example, the $3 billion capital outlay from the Treasury and the authority to obligate up to $60 billion, which is a potentially big liability of the Government, are matters I would like to examine. I think the concept is good. As one of the early authors of minority business legislation, I certainly sympathize with the concept, and I would be very interested in having hearings as early as practicable. I do not think we can depend on a time certain.

Mr. SPARKMAN. I concur with the Senator's statement.

Mr. JAVITS. Knowing the Senators as I do, I know you mean it sincerely but, I should like to point out the following in completing this record:

One, we are much better off with a self-financing organization. Even though the initial capital sounds large, we must remember that it is a one-shot operation. Once you capitalize the Domestic Enterprise Bank, it has a rollover quality, such as any bank.

Two, as to the authority of $60 billion, we must remember that we still are an enterprise economy. An economy in which the overwhelming portion of productivity, distribution, and so forth, remains not only in private hands but also in the hands of relatively small businessmen. We are inclined to forget that most American workers are still working in what are called small business establishments; hence, the proletarian quality of this kind of effort is critically important.

Often our vision is so obscured by the GE's, the IBM's, and so forth, that we forget that this is not an economy in which the preponderance of business organizations are big companies. The preponderance of business organizations are still what we generally call small business—some of these small businesses have hundreds of employees and millions of dollars in gross sales.

Knowing the two Senators as I do, I will accept that assurance.

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

Mr. SPARKMAN. I yield myself 5 additional minutes.

The Senator will recall that when we were considering in the Senate the guarantee of the loans that the banks were making to save Lockheed, I introduced a bill in connection with that bill, a bill setting up what we might call a small or a peacetime RFC. The Senator mentions setting up an organization and the good it can do in stabilizing economic conditions and making certain that some of the smaller as well as large industries are able to continue. The RFC did this.

The RFC when it was finally discontinued, turned in millions of dollars to the Treasury Department. I think of the Senator's proposal as being somewhat along that line.

Mr. JAVITS. Exactly.

Mr. SPARKMAN. I think its concept is good, but it is something that has to be worked out carefully, and that will take time. I think we can assure the Senator that we will work out a program that will allow adequate hearings.

Mr. JAVITS. I have introduced the amendment as a bill, which will undoubtedly be referred to the Committee on Banking, Housing and Urban Affairs, I will accept the assurances of both Senators, and knowing them as I do, I think they will exceed rather than underexceed in their endeavors.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. JAVITS. Mr. President, I send another amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the end of the bill, add a new section, as follows:

It is the sense of the Congress that the United States should take the necessary measures, including appropriate international measures, to enable it to sell gold from its gold stocks to licensed domestic users, at such times and under such conditions as may be desirable, taking into account international circumstances, to stabilize domestic gold markets and improve our balance of payments.

Mr. JAVITS. Mr. President, I ask unanimous consent that Mr. George Krumbhaar, of the staff of the Joint Economic Committee, be granted the privilege of the floor.

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

Mr. JAVITS. I yield myself 10 minutes.

Mr. President, this amendment is a sense resolution. I have discussed it primarily with the Senator from Texas (Mr. TOWER) because it concerns the administration.

It provides that it is the sense of Congress that the United States should take necessary measures, including appropriate international measures, to enable it to sell gold from its gold stocks to licensed domestic users at such times and under such conditions as may be desirable, taking into account international circumstances, to stabilize domestic gold markets and improve our balance of payments.

The reason for the amendment is this: We are now spending as an adverse drain on our balance of payments $700 million a year in gold imports because our domestic users—jewelers, dentists, and the entire variety of domestic industrial users—are required to obtain this large amount of gold in the world market.

The fact is that the United States is a party to the communique setting up the 2-tier gold policy, which became necessary because of the drain on our gold stocks. Those stocks had been available from 1960 to 1968 to private users through the London gold pool. Indeed. I had a good deal to do with that 1968 agreement myself.

Under the 2-tier gold market situation, private users are closed out from buying officially held gold, and in these closed markets, gold has gone up to $120 an ounce. The 10 billion plus of gold in the U.S. Treasury is valued at the rate of $38 an ounce, which is the official price in the United States until the dollar devaluation bill passes the Congress. The United States has agreed with the nine other primary industrial countries that the central banks will not sell their gold to private parties. But here we are

with this new kind of situation, in which the gold users in the United States are paying out $700 million, in dollars, for imported gold which is offered at more than 3 times as much as the price of the books of the United States, thereby worsening our balance of payments.

We should be able to offer some of that official gold—it would amount at the most, to approximately 2 percent of our gold stock each year—to licensed domestic users.

I was going to make the amendment mandatory, but after discussing it with the Treasury and with the Senator from Texas (Mr. TOWER), and agreeing that some international arrangement between ourselves and the other Central Banks would be required, I thought it best to put it on a sense of Congress basis, which would have two effects. First, it would invoke the concurrence of the other body, and, second, if the other body did concur it would present the administration with the basis for going into the field, especially with other countries concerned to give itself this kind of flexibility. No change in law is required because the Secretary of the Treasury, under existing law, has authority. I read from section 9 of the Gold Reserve Act of 1934:

> The Secretary of the Treasury . . . may sell gold in any amounts at home or abroad in such manner and at such rates or upon such terms and conditions as he may deem most advantageous to the public interest . . .

The language in the sense of Congress resolution, the amendment I have just offered, is expressly designed to enable the United States to approach the other signatories of the communique of March 1968, which was the basis for the 2-tier gold price, to make it possible for the United States to engage in this activity. There may be other considerations which the Treasury will see, which require it to adjust itself to them in order to put into effect the policy which this amendment, as I say it is a sense of Congress resolution, would recommend, but it would focus great attention on the situation and be a very useful resolution, for at least three reasons.

First is the factor of calming down the gold markets. In 1971 the U.S. commercial demand for gold was 12.5 percent of the total demand for gold on the world market and preliminary indicators show that in 1972 this percentage rose significantly. Therefore, if we supply that demand domestically we can have a significant effect on the world price of gold. Second, there is the balance-of-payment question. Why should we allow this amount of leakage in our balance of payments, when the amount of expenditure from our gold stock would be so low.

Third, the policy embodied in the resolution would greatly facilitate problems of domestic users. Right now, for example, with a freeze, domestic users are caught in a real crack. Their selling prices are frozen. But the price they have to pay for gold is at the mercy of the world market, which the United States only affects on the upside. Many users are selling at an absolute loss.

For those reasons I urge this amendment on the Treasury and I hope that the manager of the bill will be able to accept it.

Mr. President, I ask unanimous consent that the Washington communique of March 17, 1968, which established the two-tier gold system, be printed at this point in the RECORD.

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

WASHINGTON COMMUNIQUE OF MARCH 17, 1968

The Governors of the Central Banks of Belgium, Germany, Italy, the Netherlands, Switzerland, the United Kingdom, and the United States met in Washington on March 16 and 17, 1968, to examine operations of the gold pool, to which they are active contributors. The Managing Director of the International Monetary Fund and the General Manager of the Bank for International Settlements also attended the meeting.

The Governors noted that it is the determined policy of the U.S. Government to defend the value of the dollar through appropriate fiscal and monetary measures and that substantial improvement of the U.S. balance of payments is a high-priority objective.

They also noted that legislation approved by Congress makes the whole of the gold stock of the nation available for defending the value of the dollar.

They noted that the U.S. Government will continue to buy and sell gold at the existing price of $35 an ounce in transactions with monetary authorities. The Governors support this policy, and believe it contributes to the maintenance of exchange stability.

The Governors noted the determination of the U.K. authorities to do all that is necessary to eliminate the deficit in the U.K. balance of payments as soon as possible and to move to a position of large and sustained surplus.

Finally, they noted that the Governments of most European countries intend to pursue monetary and fiscal policies that encourage domestic expansion consistent with economic stability, avoid as far as possible increases in interest rates or a tightening of money markets, and thus contribute to conditions that will help all countries move towards payments equilibrium.

The Governors agreed to cooperate fully to maintain the existing parities as well as orderly conditions in their exchange markets in accordance with their obligations under the Articles of Agreement of the International Monetary Fund. The Governors believe that henceforth officially held gold should be used only to effect transfers among monetary authorities and, therefore, they decided no longer to supply gold to the London gold market or any other gold market. Moreover, as the existing stock of monetary gold is sufficient in view of the prospective establishment of the facility for Special Drawing Rights, they no longer feel it necessary to buy gold from the market. Finally, they agreed that henceforth they will not sell gold to monetary authorities to replace gold sold in private markets.

The Governors agreed to cooperate even more closely than in the past to minimize flows of funds contributing to instability in the exchange markets, and to offset as necessary any such flows that may arise.

In view of the importance of the pound sterling in the international monetary system, the Governors have agreed to provide further facilities which will bring the total of credits immediately available to the U.K. authorities (including the IMF standby) to $4 billion.

The Governors invite the cooperation of other central banks in the policies set forth above.

Mr. TOWER. Mr. President, I yield myself such time from the manager's time as I may deem necessary.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, originally the Senator from New York (Mr. JAVITS) drafted this amendment as an amendment to the Gold Reserve Act of 1934, section 9.

Mr. JAVITS. The Senator is correct.

Mr. TOWER. And it would have mandated that the Secretary sell gold to domestic users under the conditions described in the resolution. Is that correct?

Mr. JAVITS. The Senator is correct.

Mr. TOWER. This is a simple sense of Congress resolution, that establishes as congressional policy that Treasury should negotiate in situations which would allow us to dispose of gold to commercial users.

Mr. JAVITS. That is all.

Mr. TOWER. It does not mandate Treasury?

Mr. JAVITS. No.

Mr. TOWER. Mr. President, under those circumstances, I see no objection to the amendment of the Senator from New York. I believe that I agree with the spirit of the proposal. I see no objection from the minority side. I am prepared to take the amendment.

Mr. SPARKMAN. Mr. President, I make the same statement.

Mr. JAVITS. I yield back the remainder of my time.

Mr. SPARKMAN. And I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I thank the manager of the bill and the minority manager of the bill.

EXPORT-IMPORT BANK OBLIGATIONS

Mr. TOWER. Mr. President, a question has been raised as to whether the language in the bill in section 7 exempting certain non-security-like obligations applies to individual obligations guaranteed or insured by the Export-Import Bank. The exemptive language is:

> Obligations guaranteed in connection with programs involving the guarantee of large numbers of individual obligations that are originated and serviced by local lending institutions and that are not ordinarily bought and sold in the same markets as bonds and other similar types of investment securities.

We interpret this language to exempt not only such instruments as the hundreds of thousands of individual FHA and VA guaranteed mortgages, but also the individual guaranteed loans of such an institution as the Eximbank, even though they are not made in such large numbers and may be individually large in amount. The key factor is the degree to which these obligations are ordinarily marketed like a bond issue in the securi-

ties markets, and regular Eximbank guaranteed and insured loans are normally not so marketed. The Treasury has indicated that it would not interpret these types of individual obligations as coming within the Federal Financing Bank's purview, under present marketing practices.

AMENDMENT NO. 228

Mr. PROXMIRE. Mr. President, I call up my amendment No. 228.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 5, add a subsection (3) to section 7(a), to read as follows:

"(3) obligations issued or sold by the Farmers Home Administration."

Mr. PROXMIRE. Mr. President, this amendment was an amendment that the Senator from Minnesota (Mr. HUMPHREY) intended to offer. However, he is in England and he has asked me to offer the amendment in his behalf.

Mr. President, this legislation is deficient in subjecting the programs of the Farmers Home Administration to a crippling review of the Treasury Department.

The Humphrey amendment would exclude the Farmers Home Administration from the requirements of section 7 which require that the Treasury give its advance approval to methods, sources, timing and terms and conditions of Farmers Home Administration obligations. It is a fact that the Farmers Home Administration already coordinates its debt activities with the Treasury. The only conceivable reason for requiring Treasury approval is to control and allocate credit to the detriment of the Farmers Home Administration and the cause of rural housing.

The most inadequate, decrepit, dilapidated housing in America is found in our rural areas. This is not a time to be drawing back; curtailing the capital needed to remedy the sorry state of housing in rural America. Rather, we should be seeking new avenues and sources of capital funds so that our pressing domestic needs are given the support which they deserve.

The obligations of the Farmers Home Administration are marketed to the same pool of investors as Treasury obligations and it is virtually inevitable that Treasury will control the timing and other characteristics for the benefit of its own obligations. It is unfair and unwise to give an entity without any experience or expertise whatsoever in rural housing the life and death decision over substantive aspects of a rural housing program.

Treasury objections could hold up funding for rural housing indefinitely. The mere delay of the operations and activities of the Farmers Home Administration could destroy the provision of rural housing completely because the availability of mortgage credit in many rural areas comes only from the Farmers Home Administration. There is no one else who will make these loans.

Mr. President, there is another important reason for removing the Farmer's Home Administration from the control of the Treasury. I have a high regard for the Secretary of the Treasury and the Treasury staff. They have a high degree of expertise on money matters. Their advice can be useful and helpful to the managers of Federal credit programs. But I strongly believe we should confine the role of the Treasury to giving advice rather than actually controlling the Farmers Home Administration program. This is because the Treasury has a built-in conflict of interest with other credit programs including the credit programs of the Farmer's Home Administration. Treasury itself is a major borrower in the money market. It is naturally interested in securing the best possible rate on Treasury issues. When credit is short, it is only natural for Treasury to say to the Farmer's Home Administration—your credit can wait—our issues are more important. The bill reported by committee would make Treasury a traffic cop while at the same time, it accounts for more of the traffic. I do not believe we should give this life and death authority over the Farmer's Home Administration to the Treasury.

I might add, in conclusion, Mr. President, that this will not prevent the Farmers Home Administration from taking advantage of the Federal Financing Bank Act. They could take advantage of it at the lower rate, but it does provide that the Treasury would not determine the timing, which can be crucial to rural housing, or the terms. Those would be determined by the Farmers Home Administration in consultation with the Treasury Department.

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

Mr. SPARKMAN. Mr. President, I yield to the Senator from Texas such time as he desires.

Mr. TOWER. Mr. President, I have before me 2 letters, 1 from the Secretary of Agriculture to the Secretary of the Treasury, endorsing the participation of the Farmers Home Administration in the Federal Financing Bank and a letter to the Secretary of the Treasury from William Erwin, Assistant Secretary for Rural Development, also endorsing the participation by Farmers Home Administration in the Federal Financing Bank.

In other words, the Department of Agriculture and the hierarchy of the Department are solidly behind the Farmers Home Administration's participation.

I ask unanimous consent that the letter be made a part of the RECORD.

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

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 19, 1973.

Hon. GEORGE P. SHULTZ,
Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: I understand that the Federal Financing Bank Act, S. 925 will be considered by the Senate on June 20 and that an amendment will be offered to exempt the Farmers Home Administration from provisions of the bill. Such an amendment would clearly not be in the best interest of the Farmers Home Administration.

In his letter to you of December 15, 1972 (copy attached) Secretary Butz recommended reintroduction of the Federal Financing Bank Bill and pointed out the advantages of this legislation to the Department of Agriculture, particularly to the Farmers Home Administration.

The Farmers Home Administration is currently the largest seller of government guaranteed securities, with estimated net sales of $2.2 billion in fiscal year 1974, and would thus be a principal beneficiary of the Federal Financing Bank Bill.

S. 925, as recorded by the Senate Committee on Banking, Housing and Urban Afffairs would assure more efficient planning and financing of Farmers Home Administration and other federal agency obligations. This legislation would make possible the elimination of the extra expenses now incurred by the Farmers Home Administration in selling its securities through private underwriters directly in the securities market.

In short, S. 925 would save the Farmers Home Administration a great deal of time and money, and I strongly urge that the Farmers Home Administration not be exempted. from the bill.

Sincerely,

WILLIAM ERWIN,
Assistant Secretary for Rural Development.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., December 15, 1972.

Hon. GEORGE P. SHULTZ,
Secretary of the Treasury,
Washington, D.C.

DEAR GEORGE: In reviewing the Department's operations in connection with reductions in overall federal spending, it has become obvious that a serious need exists for the developemnt of an improved means of financing some of our credit programs, particularly those of the Farmers Home Administration.

In fiscal year 1973, it is expected that the Farmers Home Administration will market over $4 billion of securities. USDA and Farmers Home have worked diligently over the years to finance a greatly expanded loan volume, particularly in housing, and we have attempted to keep the cost of needed borrowing as low as possible. Despite these efforts, problems of coordination, maintenance of a separate financing staff, the cumbersome nature of our securities, and competition from competing government sponsored issues have made our costs greater than they could be. A comparison of the interest rates of Farmers Home notes against an average of other federally sponsored and federally guaranteed securities of comparable maturity for the latter half of this calendar year indicates that Farmers Home interest rates are significantly above the average for both direct (Finance Office) and 'block' (New York) sales.

We feel that passage of Federal Financing Bank legislation, in the form introduced as S. 3001 on December 13, 1971 would have many advantages to this Department. Among these are an end to much duplication of effort and expense between the various agencies; a better application of available expertise in complex debt management problems; lower federal borrowing costs; better coordination and planning of federal credit programs and financial resources; and better Presidential overview of fiscal requirements and demands for credit.

I therefore respectfully recommend the reintroduction of Federal Financing Bank legislation at the soonest practical time and offer our support in gaining approval of this legislation.

Sincerely,

EARL L. BUTZ, *Secretary.*

Mr. TOWER. Mr. President, while this amendment does not exclude the FHA from use of the FFB, it does put them in a secondary status with respect to its use, as compared with agencies not so exempted from Treasury approval re-

quirements. Treasury would have to take care of the "120 day" agencies first with its scarce funds. The approval requirement simply allows the Treasury an opportunity to schedule its FFB borrowing to meet expected demands on FFB financing, and to even out the schedule of demands on FFB, to take advantage of the best external financing conditions for FFB.

What will happen here is that the FFB will now have to concentrate on financing the obligatory agencies first, and will not therefore have reason to offer FFB financing on the best terms, or even at all, to the FHA, but will offer those terms to other agencies.

If FHA does not get to use FFB because it is a "secondary" agency, it will cost the taxpayers money. In Farmers Home programs, frequently there is an interest subsidy provided for. There is, for example, a 1-percent statutory interest rate on low-income housing, a 5-percent rate on community facilities loans, and so forth. The FHA borrowing rate right now in the market on its asset sales is 7.4 percent. The spread between these rates is an interest subsidy paid for by the taxpayer. If that spread can be made lower by achieving a lower interest rate on these asset sales, the taxpayer is saved that much expense.

For example, yesterday the FHA sold a $300 million issue through underwriters at a 7.35-percent rate. The Treasury rate on comparable vehicles was 6.70 percent, or 0.75 percent less. The Treasury could have saved FHA the sum of $2.25 million on that issue in interest costs, and there would have been no underwriting fee to pay. The taxpayers are going to pay that $2.25 million plus underwriting fees because there was no Federal financing bank, and they will continue to pay such extra, unnecessary costs if they are effectively exempted from the Federal Financing Bank.

The Department of Agriculture estimates that they will market over $4 billion in securities in fiscal 1973. If the Treasury can save them even a half percent in interest rates through the FFB, that would amount to some $20 million that the taxpayers are saved.

Therefore, Mr. President, I am hopeful that the amendment will not be agreed to and that we will insist on FHA participation in the FFB, and I think quite to the contrary of leaving the Farmers Home Administration at a disadvantage, it gives them a rather significant advantage.

Mr. PROXMIRE. Mr. President, what my amendment does is not—I repeat, not—put the Farmers Home Administration out of participation in the Federal Financing Bank. The amendment is directed to page 5, where it would simply add as one of the exceptions the obligations sold by the Farmers Home Administration. By definition, the TVA is exempt, and I do not think anyone would construe that exemption to mean that the Tennessee Valley Authority cannot use the Federal Financing Bank to get their terms. In the same way, it would seem to me inconceivable, shocking, and ridiculous if the Treasury Department, simply because they did not have the opportunity to approve and determine the terms and conditions on which FHA would borrow, would discriminate against the Farmers Home Administration and not permit the Farmers Home Administration to use this device that we are setting up.

The only issue before us is whether or not the Treasury Department, which has a clear conflict of interest that all of us can understand, should be in the position of preventing the Farmers Home Administration from being able to borrow money when it thinks it needs it, on the terms and conditions that it provides, and to take care of the needs of rural America, when all of us who have had any experience with rural America in our States recognize that is where the housing problems are most serious.

Mr. President, I am willing to yield back my time, but I had hoped, before we come to a vote on it, that we would get the yeas and nays, and if it is necessary to do so to have a live quorum at this time. I can do that, or we can schedule it for a vote at a later time.

Mr. SPARKMAN. The vote will not come until after 1:30.

Mr. PROXMIRE. Including a vote on the amendment?

Mr. SPARKMAN. At that time we will have a quorum present and we can ask for the yeas and nays.

Mr. ROBERT C. BYRD. Mr. President, I have been temporarily off the floor. Does the Senator have an amendment upon which he wants the yeas and nays?

Mr. PROXMIRE. This amendment, No. 228, is really that of the Senator from Minnesota (Mr. HUMPHREY). I would appreciate the opportunity to have the yeas and nays ordered on it.

Mr. ROBERT C. BYRD. Is all time yielded back?

Mr. PROXMIRE. No; I reserved my time.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, if it meets with the concurrence of the managers of the bill and the author of the amendment, that the vote on the amendment offered by the distinguished Senator from Wisconsin come after disposition of the International Economic Policy Act.

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

Do Senators yield back their time?

Mr. SPARKMAN. Mr. President, I yield back our time.

Mr. PROXMIRE. Mr. President, I yield back my time.

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

Mr. TOWER. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be charged equally against the Senator from Alabama and the Senator from Texas.

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

The legislative clerk proceeded to call the roll.

Mr. TOWER. 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. SPARKMAN. Mr. President, I do not believe specific exemption is given in the bill to the Tennessee Valley Authority, but I understand it was given in the report. Is that the Senator's understanding?

Mr. TOWER. Yes.

Mr. SPARKMAN. I think, because of some misunderstanding last year, when it was really intended that the Tennessee Valley Authority should not be covered, we ought to make that clear. We agreed in the committee to incorporate it in the report.

Mr. TOWER. The Senator is correct.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that Mr. Ken McLean, a member of the staff, be granted the privilege of the floor during the consideration of the bill.

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

Mr. TOWER. Mr. President, I ask unanimous consent that I might suggest the absence of a quorum with the time to be charged equally against both sides.

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

The legislative clerk proceeded to call the roll.

Mr. TOWER. 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. TOWER. Mr. President, I understand that, for parliamentary reasons, we must get consent to temporarily lay aside the amendment of the Senator from Wisconsin before we can proceed to the consideration of other amendments.

The PRESIDING OFFICER. The Senator is correct.

Mr. TOWER. Mr. President, I ask unanimous consent that the amendment of the Senator from Wisconsin be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TOWER. Mr. President, I yield to the distinguished Senator from Ohio such time as he may desire.

Mr. TAFT. Mr. President, I thank the Senator. I just have one question about the legislation.

Concern has been expressed to me about the definition of the term "guarantee" under this legislation. That term presently covers any pledge with respect to the payment of all or part of the principal or interest on any obligation by the Government.

When this legislation was before our committee, I fought for the inclusion of Treasury authority over guarantee programs in the bill. Since these programs constitute the majority in volume of recent and estimated future net increases in outstanding debt, a good measure of market demand, it would be farcical to pass legislation ostensibly designed to improve the Treasury's debt management capacity without including such authority. However, the definition of "guarantee" has led some observers to worry that if Congress should eventually authorize the issuance of federally sub-

sidized taxable municipal bonds, these bonds would be subject to the Treasury regulation authorized by S. 925. That concern has become more important now that the administration has expressed support for legislation to allow federally subsidized taxable municipal bonds.

It is my understanding that this is not the Treasury's intention, and that the Treasury agrees that no such potential for interfering with State and local government financing should be allowed.

Is it the understanding of the chairman that this is the case and that such bonds would not be subject to Treasury regulation?

Mr. TOWER. Mr. President, the Treasury indicates that while these proposed bonds may come under the technical terms of the bill, Treasury does not wish to bring them within FFB's operations. The proper path for the Senator to follow if he wants them formally exempted would be to add an amendment onto the organic legislation for taxable municipals to exempt them from the FFB legislation.

Mr. President, I read a letter from Under Secretary of the Treasury for Monetary Affairs, Mr. Volcker:

JUNE 20, 1973.

Hon. JOHN G. TOWER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TOWER: I understand that a question has arisen with respect to the application of S. 925, the Federal Financing Bank Act of 1973, to certain taxable municipal bonds which might be authorized in later legislation, such as the proposal submitted to the Congress by Secretary Shultz on April 30, 1973. I fully agree that any such taxable municipal bonds should be financed directly in the private market rather than through the Federal Financing Bank, and I would like to assure you that the Treasury Department would be happy to support a provision to achieve that purpose in any such taxable municipal bond legislation which might be considered by the Congress.

Sincerely yours,

PAUL A. VOLCKER.

Mr. TAFT. Mr. President, I thank the Senator for his reply. And I will judge accordingly the advice of others concerned, should this legislation become law.

I thank the Senator.

Mr. TOWER. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum with the time to be equally charged against both sides.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside, to take its proper place in the lineup of measures which will be acted upon following the AEC vote at 1:30 p.m. today.

Mr. TOWER. Mr. President, reserving the right to object, and I shall not object, but simply for clarification, does that mean we are still in possession of our time on the bill?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. TOWER. No objection.

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

DEPENDENTS' ASSISTANCE ACT OF 1950—AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar Order No. 223, S. 1916, and that the unfinished business remain in a temporarily laid aside status until the hour of 1:30 p.m. today.

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

The legislative clerk read as follows:

A bill (S. 1916) 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.

The PRESIDING OFFICER. Without objection, the pending business will be temporarily laid aside and the Senate will proceed to the consideration of the bill just reported.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services with amendments on page 2, after line 6, to insert a new section, as follows:

SEC. 103. Section 401 of title 37, United States Code, is amended by—

(1) amending clause (2) to read as follows:

"(2) his unmarried child (including any of the following categories of children if such child is in fact dependent on the member: a stepchild; an adopted child; or an illegitimate child whose alleged member-father has been judicially decreed to be the father of the child or judicially ordered to contribute to the child's support, or whose parentage has been admitted in writing by the member) who either—

"(A) is under 21 years of age; or

"(B) is incapable of self-support because of a mental or physical incapacity, and in fact dependent on the member for over one-half of his support; and"; and

(2) striking out the first sentence after clause (3).

At the beginning of line 24, to change the section number from "103" to "104"; on page 3, at the beginning of line 20, change the section number from "104" to "105"; on page 4, at the beginning of line 23, insert "of the United States"; in the same line, after the amendment just stated, strike out "the Secretary concerned or his designee."; on page 5, at the beginning of line 1, strike out "Any determination of the United States"; at the top of page 6, strike out:

SEC. 204. Section 308a of title 37, United States Code, is amended by striking out "June 30, 1973" and inserting in place thereof June 30, 1975".

And, in lieu thereof, insert:

SEC. 204. Section 308a of title 37, United States Code, is amended by—

(1) striking out the phrases "any combat element of an armed force" and "a combat element of an armed force" in the first sentence of subsection (a) and inserting in place thereof the phrases "the career field of Infantry, Armor, or Field Artillery Cannon in the Army, or the career field of Infantry, Field Artillery, or Tank and Amphibian Tractor in the Marine Corps" and "such a career field", respectively; and

(2) striking out in subsection (a) "June 30, 1973" and inserting in place thereof "June 30, 1974".

After line 17, strike out:

SEC. 206. This Act shall become effective on July 1, 1973.

At the top of page 7, insert a new title, as follows:

TITLE III—AMENDMENT TO SECTION 715 OF THE DEPARTMENT OF DEFENSE APPROPRIATION ACT, 1973, TO EXTEND UNTIL DECEMBER 31, 1973, FLIGHT PAY ENTITLEMENT FOR MEMBERS IN THE RANK OF O-6 AND ABOVE

Defense Appropriation Act, 1973 (86 Stat. 1199), is amended by striking out "after May 31, 1973" and inserting in lieu thereof "after December 31, 1973".

And, after line 10, insert a new Title, as follows:

TITLE IV—EFFECTIVE DATES

SEC. 401. Titles I and II of this Act are effective July 1, 1973.

SEC. 402. Title II of this Act is effective June 1, 1973.

So as to make the bill read:

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

TITLE I—AMENDMENTS TO MAKE PERMANENT CERTAIN PROVISIONS OF THE DEPENDENTS ASSISTANCE ACT OF 1950, AS AMENDED

SEC. 101. Sections 10, 11, and 12 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2210, 2211, and 2212) are repealed.

SEC. 102. Chapter 59 of title 10, United States Code, is amended by adding after section 1172 the following new section and inserting a corresponding item in the analysis:

"§ 1173. Enlisted members: discharge for hardship

Under regulations prescribed by the Secretary concerned, a regular enlisted member of an armed force who has dependents may be discharged for hardship."

SEC. 103. Section 401 of title 37, United States Code, is amended by—

(1) amending clause (2) to read as follows:

"(2) his unmarried child (including any of the following categories of children if such child is in fact dependent on the member: a stepchild; an adopted child; or an illegitimate child whose alleged member-father has been judicialy decreed to be the father of the child or judicially ordered to contribute to the child's support, or whose parentage has been admitted in writing by the member) who either—

"(A) is under 21 years of age; or

"(B) is incapable of self-support because of a mental or physical incapacity, and in fact dependent on the member of over one-half of his support; and"; and

(2) striking out the first sentence after clause (3).

SEC. 104. Section 401(3) of title 37, United States Code, is amended to read as follows:

"(3) his parent (including a stepparent or parent by adoption, and any person, including a former stepparent, who has stood in loco parentis to the member at any time for a continuous period of at least five years before the member became 21 years of age) who is in fact dependent on the member for over one-half of his support; however, the dependency of such a parent is determined on the basis of an affidavit submitted by the

parent, and any other evidence required under regulations prescribed by the Secretary concerned, and he is not considered a dependent of the member claiming the dependence unless—

"(A) the member has provided over one-half of his support for the period prescribed by the Secretary concerned; or

"(B) due to changed circumstances arising after the member enters on active duty, he becomes in fact dependent on the member for over one-half of his support."

SEC. 105. Section 403 of title 37 is amended—

(1) by striking out that part of the table in subsection (a) which prescribes monthly basic allowances for quarters for enlisted members of pay grades E–1, E–2, E–3, E–4 (four years' or less service), and E–4 (over four years' service) and inserting in place thereof the following:

"E–4	$81.60	$121.50
E–3	72.30	105.00
E–2	63.90	105.00
E–1	60.00	105.00";

(2) by striking out the last sentence in subsection (a);

(3) by striking out "subsection (g)" in the second sentence of subsection (b), and inserting in place thereof "subsection (j)";

(4) by inserting the following new subsections after subsection (f):

"(g) An aviation cadet of the Navy, Air Force, Marine Corps, or Coast Guard is entitled to the same basic allowance for quarters as a member of the uniformed services in pay grade E–4.

"(h) The Secretary concerned, or his designee, may make any determination necessary to administer this section with regard to enlisted members, including determinations of dependency and relationship, and may, when warranted by the circumstances, reconsider and change or modify any such determination. This authority may be redelegated by the Secretary concerned or his designee. Any determination made under this section with regard to enlisted members is final and is not subject to review by any accounting officer of the United States or a court, unless there is fraud or gross negligence.

"(i) Under regulations prescribed by the Secretary of Defense, the Secretary concerned may authorize payment of the monthly basic allowance for quarters to the authorized dependents of an enlisted member who loses his entitlement to basic pay as a direct result of his being incarcerated by a foreign government. Payments may be made under this subsection only for the period during which an enlisted member is being held in pretrial confinement by that foreign government."; and

(5) by redesignating subsection (g) as subsection (j).

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. Section 302 of title 37, United States Code, is amended by striking out "July 1, 1973" wherever it appears therein and inserting in place thereof "July 1, 1975".

SEC. 202. Section 302 of title 37 United States Code, is amended by striking out "July 1, 1973" wherever it appears therein and insert in place thereof "July 1, 1975".

SEC. 203. Section 303 of title 37, United States Code, is amended by striking out "July 1, 1973" wherever it appears therein and inserting in place thereof "July 1, 1975".

SEC. 204. Section 308a of title 37, United States Code, is amended by—

(1) striking out the phrases "any combat element of an armed force" and "a combat element of an armed force" in the first sentence of subsection (a) and inserting in place thereof the phrases "the career field of Infantry, Armor, or Field Artillery Cannon in the Army, or the career field of Infantry, Field Artillery, or Tank and Amphibian Tractor in the Marine Corps" and "such a career field", respectively; and

(2) striking out in subsection (c) "June 30, 1973" and inserting in place thereof "June 30, 1974".

SEC. 205. Section 207 of the Career Compensation Act of 1949, as amended (70 Stat. 338), is repealed.

TITLE III—AMENDMENT TO SECTION 715 OF THE DEPARTMENT OF DEFENSE APPROPRIATION ACT, 1973, TO EXTEND UNTIL DECEMBER 31, 1973, FLIGHT PAY ENTITLEMENT FOR MEMBERS IN THE RANK OF O–6 AND ABOVE

SEC. 301. Section 715 of the Department of Defense Appropriation Act, 1973 (86 Stat. 1199), is amended by striking out "after May 31, 1973" and inserting in lieu thereof "after December 31, 1973".

TITLE IV—EFFECTIVE DATES

SEC. 401. Titles I and II of this Act are effective July 1, 1973.

SEC. 402. Title III of this Act is effective June 1, 1973.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE 1974 CENSUS OF AGRICULTURE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 219, S.J. Res. 95, relating to the taking of the 1974 Census of Agriculture. It is my understanding that this measure has been cleared on both sides of the aisle.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 95) relating to the taking of the 1974 Census of Agriculture.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none and it is so ordered.

Mr. PEARSON. Mr. President, I fully support this resolution and am pleased to join as a cosponsor of it. Indeed, during the debate on the Farm bill, S. 1888, I offered an amendment directing the Secretary of Commerce to conduct the 1974 census as provided by law and that amendment was adopted by the Senate. This resolution by the distinguished Senator from Minnesota spells out the issue in considerable detail and I certainly believe that it is needed and should be adopted.

In 1957 the Congress in revising the census laws provided for a census of agriculture to be conducted in 1959 and in every fifth year thereafter. It was the judgment of the Congress that a comprehensive census of agriculture every 5 years was essential in identifying trends in agricultural production and organization. The information provided by such a census was considered vital to Congress in writing future farm legislation. It was also considered to be of great importance to the farmers and industries serving agriculture in the making of basic economic decisions. Unlike the industrial sectors of our economy there is a lack of internal information gathering procedures for spelling out trends within the farm sector.

The census of agriculture provides basic benchmark information on which forecasts regarding crop and animal production can be measured and evaluated. And this, of course, is extremely important because accurate forecasting of farm production and land use trends is vital not only to farmers but to consumers and the country as a whole. It is, also, the case that many Federal, State, and local programs are administered on the basis of information provided by the agriculture census.

The importance of continuing the agriculture census on an every fifth year basis is even more important today than in the past because the rate of change in agriculture has accelerated.

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

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

SENATE JOINT RESOLUTION 95

Whereas the President has not requested any funds in the budget for fiscal year 1974 for taking the 1974 Census of Agriculture, required by section 142, title 13, United States Code, to be taken every five years, and has proposed that the taking of such census be postponed until 1977; and

Whereas the President has proposed that funds appropriated for fiscal year 1973 for the purpose of planning the 1974 Census of Agriculture be used instead to plan a transition from a 1974 census to a 1977 census; and

Whereas the information from the census of agriculture provides the only complete agricultural data available at the county level for rural America, and

Whereas the agricultural industry and rural America are changing at such a rapid rate that data compiled even at five-year intervals do not fully reflect actual conditions that exist many months later when the data are published; and

Whereas many Federal, State, and local programs are provided on the basis of agricultural census information; and

Whereas many major corporations and trade associations use the data from such census to determine plant sites, allocate research funds, and forecast production needs; and

Whereas the census of agriculture provides the benchmark for interim forecasting of animal and crop production and land use; and

Whereas farmers, ranchers, farm organizations, and businesses serving agriculture base their economic decisions on such interim forecasts; and

Whereas statistical errors in such interim forecasts can be corrected only through comparison with census benchmark data; and

Whereas decisions based on faulty crop forecasts adversely affect the agricultural sector; and

Whereas the agriculture industry is the largest single industry in the Nation, accounting for a gross income of over $66,000,000,000 in 1972; and

Whereas the exports of such industry exceeded $11,000,000,000 in 1972, contributing to a reduction in this country's balance-of-trade deficit; and

Whereas this gigantic industry is made up of more than two million seven hundred thousand individual units, each making its own independent decisions affecting the whole; and

Whereas more information is needed, and is needed on a more frequent basis than now provided rather than on a less frequent basis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is authorized and directed to prepare an estimate of the funds needed to carry out the statutory mandate for conducting a census of agriculture in 1974 and to submit such estimate to the Congress not more than thirty days after the date of enactment of this joint resolution. Funds heretofore or hereafter appropriated for planning for the 1974 Census of Agriculture shall be utilized for such purpose.

SEC. 2. The Secretary of Commerce shall take such action as he deems necessary to insure that the data acquired from the 1974 Census of Agriculture be made available to the public through appropriate publication as soon as practicable following the taking of the census, and in all events in a shorter period than data was made available to the public following the 1964 and 1969 censuses of Agriculture.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPENDENTS ASSISTANCE ACT OF 1950 AMENDMENTS

The Senate continued with the consideration of the bill (S. 1916) 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.

Mr. TOWER. 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. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HARRY F. BYRD, JR. Mr. President, what is the pending business?

The PRESIDING OFFICER. S. 1916.

Mr. HARRY F. BYRD, JR. I thank the Chair.

Mr. President, I am pleased today to report the Armed Services Committee report with amendments on S. 1916—the expiring laws legislation which had been introduced by Senator SYMINGTON for Senators STENNIS and THURMOND by request. S. 1916, as introduced, was identical to the Department of Defense legislative proposal in this area. The committee made three substantive amendments to S. 1916 as introduced. I will discuss these amendments later in my remarks.

PRINCIPAL FEATURES OF S. 1916 AS REPORTED BY COMMITTEE

The principal features of S. 1916 as reported by the committee are as follows:

First. The bill establishes in permanent law the housing allowances for junior enlisted personnel—E–4 corporal and below—now contained in the Dependents Assistance Act—DAA—which expires June 30, 1973.

Second. The bill removes the provision that junior enlisted personnel with dependents must allot part of their pay in order to receive basic allowance for quarters—BAQ.

Third. The bill provides payment of BAQ to junior enlisted reservists on active duty for training for fewer than 30 days in the same manner as is provided other enlisted reservists.

Fourth. The bill continues the authority to pay BAQ to dependents of enlisted members of the Armed Forces who are held in pretrial confinement by a foreign government.

Fifth. The bill continues authority, which would otherwise expire on July 1, 1973, to pay special pay to physicians, dentists, optometrists, and veterinarians.

Sixth. The bill permits a member to claim as a dependent an unmarried, acknowledged, illegitimate child.

Seventh. The bill extends until December 31, 1973 as the date after which members in the rank of colonel or equivalent—0–6—or above, in noncombat assignments, are no longer entitled to flight pay.

Eighth. The bill continues for 1 year to July 1, 1974, the authority to pay a combat enlistment bonus.

I will now discuss each of these major features of the bill as reported in more detail.

BILL ESTABLISHES PERMANENT QUARTERS RATES FOR JUNIOR ENLISTED PERSONNEL

The bill as reported establishes in permanent law the housing allowances for junior enlisted personnel—E–4 corporal and below—now contained in the Dependents Assistance Act—DAA—which expires June 30, 1973. If this legislation is not enacted as part of permanent law 369,000 junior enlisted personnel would lose between $15 and $76.50 a month in quarters allowances because the DAA housing rates would expire and the housing rates of $45 per month in title 37 would then become effective. The following chart provides examples of the potential rate reduction for the various paygrades affected:

COMPARISON OF BAQ RATES UNDER THE DEPENDENTS ASSISTANCE ACT AND PERMANENT BAQ RATES AUTHORIZED BY TITLE 37 UNITED STATES CODE

SELECTED EXAMPLES

Pay grade and years of service	Monthly basic allowance for quarters		Annual regular military compensation[1]	
	Without dependents	With dependents	0 dependents	1 dependent
E–4 Corporal—Over 3:				
Dependents Assistance Act	$81.60	$121.50	$6,931.37	$7,444.81
Title 37	45.00	45.00	6,375.42	6,323.25
Difference	36.60	76.50	555.95	1,121.56
E–3 Private First Class—Less than 2:				
Dependents Assistance Act	72.30	105.00	6,085.10	6,488.45
Title 37	45.00	45.00	5,679.78	5,623.11
Difference	27.30	60.00	405.32	365.34
E–2 Private—Less than 2:				
Dependents Assistance Act	$63.90	$105.00	$5,797.79	$6,322.54
Title 37	45.00	45.00	5,517.79	5,459.18
Difference	18.90	60.00	280.00	863.36
E–1 Recruit—Less than 2:				
Dependents Assistance Act	60.00	105.00	5,309.83	5,889.82
Title 37	45.00	45.00	5,087.61	5,031.61
Difference	15.00	60.00	222.22	858.21

[1] Defined as basic pay, cash quarters and subsistence allowances plus the tax advantage that accrues because quarters and subsistence allowances are nontaxable.

The committee recommends that the housing rates provided for in the Dependents Assistance Act for junior enlisted personnel be made a part of permanent law, and the bill would do this.

EXPIRATION OF MANDATORY ALLOTMENT

The bill as reported eliminates the mandatory allotment provision which requires that junior enlisted personnel with dependents must establish an allotment payable directly to their dependents in order to qualify for the higher "with dependents" allowance authorized by the Dependents Assistance Act. The Department of Defense indicates that this mandatory allotment requirement is an objectionable irritant to the members concerned.

In 1962, the Congress removed the provision in law requiring that senior enlisted personnel, that is, pay grades E–4—corporal—with over 4 years' service, and above, must allot a portion of their pay before receiving quarters allowances.

What remained in law was the requirement for a mandatory allotment to be made by members in pay grade E—corporal—with less than 4 years' service, and below, before they could receive entitlement to the higher rate for basic allowance for quarters provided by the Dependents Assistance Act. This requirement implies that lower grade enlisted personnel are not responsible for providing financial support for their dependents. This position has never been upheld by the Government or industry as it pertains to civilian employees. The committee agrees with the Department of Defense that the mandatory allotment provision is not appropriate in today's

environment and the bill as reported removes it from current law.

QUARTERS ALLOWANCES FOR JUNIOR RESERVISTS

The bill as reported contains new authority to pay a basic allowance for quarters to junior enlisted members—E–4 corporal and below—of the Reserve and Guard components when they are called to active duty for training for less than 30 days. These members normally spend 14 or 15 days on active duty for training each year.

Originally, the Dependents Assistance Act of 1950 excluded all reservists on active duty for training from quarters allowances. They were excluded on the basis that their training did not create the family separation and dependency hardships that were encountered by personnel who were drafted or called to extended active duty.

In 1962, the Congress partially changed this situation by providing the quarters allowances of the Dependents Assistance Act for reservists in pay grades E–4—corporal with over 4 years' service—and above who were called to active duty for less than 30 days. In addition, the Congress authorized quarters allowances for junior reservists who were called to active duty for 30 days or more.

The committee believes it is now appropriate to authorize junior reservists on active duty for training for less than 30 days the same entitlements they now receive when on active duty training for 30 days or more. The bill as reported would do this.

The above provision will result in an increased cost of $5.7 million for fiscal year 1974 but will not require an increase in budgetary requirements for the Department of Defense for fiscal year 1974.

QUARTERS ALLOWANCES FOR DEPENDENTS OF MEMBERS HELD IN PRETRIAL CONFINEMENT BY A FOREIGN GOVERNMENT

The bill as reported continues the authority to pay a basic allowance for quarters to dependents of enlisted members of the Armed Forces who are held in pretrial confinement by a foreign government.

The pretrial confinement laws in other countries frequently permit long term incarceration without a trial. This confinement is often in violation of the rights afforded service members by the laws of this country, and therefore the military services requested that some action be taken to alleviate the financial hardship on any dependents involved. The bill would not provide quarters allowances for the dependents of military members who are absent without leave—AWOL—as is the case under present law. This provision will result in an annual savings of $3 million.

CONTINUATION OF SPECIAL PAY AUTHORITY FOR HEALTH PROFESSIONALS

The bill as reported continues until July 1, 1975, the special pay provisions for physicians, dentists, veterinarians, and optometrists.

Unless the authority for this special pay is continued, those health professionals entering on active duty on or after July 1, 1973, would not be entitled to receive this special pay whereas those who had entered on active duty before July 1, 1973, would continue to receive such pay.

The amount of special pay for physicians and dentists is graduated in accordance with length of service. Physicians and dentists with less than 2 years of service receive $100 a month; those with 2 to 6 years of service receive $150; those with 6 to 10 years receive $250; and, those with 10 or more years receive $350 a month. Veterinarians and optometrists receive special pay of $100 per month regardless of their length of service.

The committee believes it would be inequitable to cut off arbitrarily special pay for the health professionals in question who happened to have entered service after June 30, 1973, and therefore the bill provides for a continuation of special pay authority through July 1, 1975.

SUBSTANTIVE COMMITTEE AMENDMENTS TO S. 1916

The committee made three substantive amendments to S. 1916 as introduced and these had to do with first, the dependency of illegitimate children, second, an extension to December 31, 1973 of the authority to pay flight pay to colonels and above and third, an extension for 1 year to July 1, 1974 of the authority to pay bonuses for certain enlistments in the combat arms.

DEPENDENCY OF ILLEGITIMATE CHILDREN

The committee amendment in regard to the dependency of illegitimate children would change the statutory definition of a military dependent by permitting a member to claim as a dependent an unmarried, acknowledged, illegitimate child or an unmarried illegitimate child whose alleged father member has been judicially decreed to be the father of such child or judicially ordered to contribute to such child's support, who is in fact dependent on the member and is under 21 years of age or is incapable of self-support. The amendment would also repeal that statutory proviso which provides for different treatment of a female member in the application of dependency criteria.

The committee amendment, in authorizing dependency status to a member's illegitimate child, would entitle such member to certain allowances, or increased allowances, on behalf of such child. An allowance for quarters, or an increase in this allowance, would be accorded in addition to travel and transportation of the child. Under certain conditions, overseas cost-of-living and temporary lodging allowances would be increased on account of an illegitimate, dependent child and the family separation allowance might be authorized. Providing the appropriate prerequisites are met, these allowances are accorded without question on behalf of a member's wife or unmarried, legitimate child. It is the view of the committee and the Department of Defense that entitlement to such allowances on behalf of a member's illegitimate, minor child is justified. Further, this view is in consonance with a decision of the U.S. District Court (*Miller* v. *Laird*, 349 F. Supp. 1034 (D.D.C.)) which forbade the denial of medical benefits to an illegitimate child of a service member.

COMMITTEE AMENDMENT ON FLIGHT PAY

The committee amendment on flight pay amends section 715 of the Department of Defense Appropriation Act, 1973—86 Stat. 1199—by extending until December 31, 1973, the date after which members in the rank of colonel or equivalent—0–6—or above, in noncombat assignments are no longer entitled to flight pay.

Section 715 of the Department of Defense Appropriation Act, 1973 (Public Law 92–570) continued the mandatory prohibition of proficiency flying established in the Department of Defense Appropriation Act, 1972 (Public Law 92–204) and, in addition, prohibited after May 31, 1973, the payment of flight pay to officers of the grade 0–6—colonel and Navy captain—and higher who are not assigned to duties requiring active participation in operational flying. The Department of Defense protested this action as being unfair to the members affected and, after urging by the Congress to review the entire issue, submitted to the Congress a substantive legislative proposal restructuring flight pay. Because the Department submitted the restructured legislation within several weeks of the date prohibiting the payment of flight pay to certain senior officers, and because of the Department's proposed fundamental changes to the flight pay system, the Department requested that the date of prohibition of flight pay to certain senior officers be changed to December 31, 1973, in order to provide the Congress opportunity to consider the proposal in detail while simultaneously being fair to the officers affected. The committee concurred in this position. Under the committee amendment all flight pay benefits would be retroactive to May 31, 1973.

COMBAT ARMS ENLISTMENT BONUS

Mr. President, I have left for last an explanation of the committee's action in regard to the combat arms enlistment bonus. I believe this to be a matter of some importance and will therefore take the time to explain in some detail the committee's action in this matter and the reason for it.

COMMITTEE AMENDMENT ON ENLISTMENT BONUS

The committee amendment extends the authority to pay a combat enlistment bonus for 1 year, from June 30, 1973 to June 30, 1974, at a maximum of $3,000 for at least a 3-year period of obligated service. The committee believes that the language for the entitlement should be sufficiently limiting to ensure that only those individuals who enlist in skills in infantry, armor, and artillery will receive the bonus, this being the intent of the 1971 legislation which authorized the combat enlistment bonus. The committee has therefore amended that portion of the bill relating to the enlistment bonus to authorize the bonus for only those career fields of infantry, armor, and field artillery cannon in the Army and infantry, artillery, and tank and amphibian tractor in the Marine Corps.

In addition, the committee amendment authorizes extension of the bonus for just 1 year, rather than 2 years under the original bill. The committee felt that since the bonus was originally intended to be used on an experimental basis, it might be wise to observe the success or lack of success of the bonus for just 1 year in an all-volunteer environment.

BACKGROUND OF COMBAT ENLISTMENT BONUS

The combat enlistment bonus was authorized as a part of Public Law 92–129, the Selective Service Act of September, 1971, to encourage enlistments in the combat arms skill areas of infantry, armor, and artillery. Originally, the Department of Defense applied the use of the bonus only for enlistments in these specific skill areas. Just recently, however, the Department of Defense made a change in its use of the enlistment bonus by making 12 additional skill areas eligible for the bonus. This brought to 15 the number of skill areas covered by the bonus, an increase of 12 over the original three skill areas of infantry, armor and artillery.

I believe the original congressional legislative intent on use of the combat enlistment bonus is clear and, that is, that the combat enlistment bonus would be limited to the combat arms skill areas of infantry, armor, and artillery.

This point was made emphatically by the manager of the 1971 legislation, Senator STENNIS, when the Senate first debated this proposal. Senator STENNIS stated:

> The Secretary of Defense plans that this test program will be used initially for the Army combat arms skills—infantry, armor, and artillery. The results of the program will be carefully examined before any further action is taken.

The Senator further stated in response to questioning:

> The principle of the so-called Volunteer Army plan is much broader, of course, but we limited this to the testimony of the Secretary. He is bound, as a matter of record, to use the bonus only in these three categories.

Therefore, the bill and report recommended by the committee contain very specific language limiting the use of the combat enlistment bonus to the skill areas of infantry, armor, and artillery, as originally intended.

CLOSING

The bill as reported by the committee would result in no increase in budgetary requirements for the Department of Defense. I urge prompt action on this bill by the Senate because certain important portions of this legislation expire on June 30, 1973.

Mr. President, I yield now to the distinguished Senator from Iowa (Mr. HUGHES).

Mr. HUGHES. Mr. President, I send an amendment to the desk and ask the clerk to report it.

The PRESIDING OFFICER. The Chair would advise the Senator from Iowa that the first order of business will be disposition of the committee amendments.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that the bill as amended be considered as original text for purposes of further amendment.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc; and without objection, the bill as amended will be treated as original text, subject to further amendment.

Mr. HUGHES. Mr. President, I call up my amendment which I have just sent 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 5, line 3, strike out paragraph (i) of section 105 and insert the following:
> "(i) Notwithstanding any other provision of law, the basic allowance for quarters to which an enlisted member may be entitled as a member with dependents shall not, for such period as the Secretary concerned may prescribe, be contingent on the right of such member to receive pay."; and

Mr. HUGHES. Mr. President, the amendment which I offer to S. 1916 involves more than dollars and cents. It is essential if the military services are to have the discretion necessary to show just attention to the legitimate needs of the families of service members.

As reported by the Senate Armed Services Committee, section 105(i) would restrict payment of the monthly basic allowance for quarters to authorized dependents of service members who are on a non-pay status solely to cases where the service member was being held in pretrial confinement in a foreign jail.

This restriction goes too far. It overturns 23 years of experience with broader discretionary language in the Dependents' Assistance Act—the language which I propose to substitute for the committee's language.

When the House of Representatives considered its version of this legislation a few days ago, that body approved the language which I am proposing. In its report, the House Armed Service Committee said:

> The committee believes the continued financial support of the dependents will often prove advisable in such cases—as men who are absent without leave—and that the authority should not be limited to cases of incarceration by a foreign government.

Current practice under existing law is to grant this quarters allowance to the AWOL members' family for up to 2 months. The dollar amounts are small, typically $105 per month, yet they can be quite important in providing a roof over the family's head until arrangements can be made to return the family to the States.

This allowance can also be important in providing for the family during the period when the absent serviceman decides to return. If we take away the current law's flexibility, we run the risk of forcing the family to be moved immediately and undercutting an important incentive for the serviceman to return.

If we change current law by adopting the committee's language, we may find ourselves harshly penalizing families before a final determination is made of any extenuating circumstances in the serviceman's case.

A man may be convicted of being AWOL simply on proof of absence. But courts-martial can and do take into account mitigating or extenuating circumstances when deciding on the severity of punishment. The committee's language would force a decision on the family's allowance before a judgment has been made on the serviceman's offense.

Right now, I am told, the services bend over backwards to take care of these families. I believe that for 23 years, the various service Secretaries have used the discretion provided by law to handle these cases of genuine need. My amendment would make permanent this discretion, this flexibility.

But if the committee's language prevails, this ability to show compassion would be forbidden.

It was said in committee that this new restriction would save the Government about $3 million per year. But when the Defense Department is pressed to justify this figure, the answer comes back that it is really a guess.

For a lot of complicated bookkeeping and statistical reasons, we do not really know exactly how many servicemen go AWOL for long enough to have their dependents' quarters allowance questioned. Under current practice, checks come until they are stopped—but they are not stopped until the services have two months to get things straightened out. Under the committee's bill, however, this leeway would be denied.

The Defense Department cannot tell us how many men get dishonorably discharged because of being AWOL compared to how many are tried and given lesser punishments.

The only reason given for ending 23 years of discretionary policy is to save an indeterminate amount, perhaps $3 million. If the Defense Department merely wants to save money, I believe it could revise its own regulations to prevent any abuses which may now occur. But in the absence of any clear evidence on the magnitude of such abuses, I would argue against writing new, rigid, restrictions into law.

Another argument advanced for the change in current law is that the situation is somehow different now with an all-volunteer force. But we have had an all-volunteer Navy and Air Force, and these services still find some utility for this discretion. And Army figures show a far higher rate of AWOL among enlistees than among draftees. I just do not see how the nature of the enlistment or induction is relevant. The real question is what families might need in these circumstances.

The Pentagon does not really know how much is being spent under the current law to help these families. Many of these decisions to continue allowances are reportedly made on a case-by-case basis by those closest to the situation. Why should we assume that there are abuses, which have not been proven? I think a

better policy is to retain the discretion for commanders on the scene to help families in genuine need. My amendment would continue that policy.

Mr. President, I have discussed this amendment with the distinguished chairman of the subcommittee and perhaps he would like to comment on it at this time.

Mr. HARRY F. BYRD, JR. Mr. President, the Department of Defense states it no longer needs the broad authority in present law to provide housing allowances for dependents of members in a nonpay status due to the change in the military environment during the past few years. With the end of the draft, the probability of enlisting men who cannot cope with it should decrease significantly.

The amendment offered by the Senator from Iowa, as I understand it, would keep the law as it is and permit the Secretary to have the discretion as to whether dependents of members who are AWOL would receive housing allowances. Since this authority would be discretionary with the Secretary of Defense, I see no objection to accepting the Senator's amendment.

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

Mr. HARRY F. BYRD, JR. I yield.

Mr. TOWER. May I say that I think the amendment is meritorious. From my own standpoint, I find it not to be objectionable at all. Speaking for the minority on the committee, I can say that we are prepared to accept it.

Mr. HARRY F. BYRD, JR. I am of the same mind as the Senator from Texas. I shall be glad to accept the amendment offered by the distinguished Senator from Iowa.

Mr. HUGHES. Mr. President, I thank the distinguished Senator from Virginia and the distinguished Senator from Texas.

The PRESIDING OFFICER (Mr. HATHAWAY). The question is on agreeing to the amendment of the Senator from Iowa (Mr. HUGHES).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of H.R. 8537 and that the Senate proceed to the immediate consideration of that bill.

Mr. TOWER. Mr. President, reserving the right to object—could the Senator please explain that?

Mr. HARRY F. BYRD, JR. I say to the Senator from Texas that the House has passed H.R. 8537 and S. 1916 is the Senate companion bill to H.R. 8537.

Mr. TOWER. Oh, this is the companion bill.

Mr. HARRY F. BYRD, JR. That is correct.

Mr. TOWER. I see. I have no objection.

Mr. HARRY F. BYRD, JR. I thank the Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered and the Senate proceeded to the consideration of H.R. 8537 which will be stated by title.

The assistant legislative clerk read as follows:

H.R. 8537 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.

Mr. HARRY F. BYRD, JR. Mr. President, I move that H.R. 8537 be amended by striking out everything after the enacting clause and inserting in lieu thereof the text of S. 1916 as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment as amended and third reading of the bill.

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

The bill was read the third time and passed.

Mr. TOWER. Mr. President, I move that the vote by which the bill (H.R. 8537) was passed be reconsidered.

Mr. HARRY F. BYRD, JR. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARRY F. BYRD. JR. Mr. President, I ask unanimous consent that S. 1916 be indefinitely postponed.

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

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION 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 following enrolled bills and joint resolution:

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.

S. 1501. An act to amend the Water Resources Planning Act to provide for continuing authorization for appropriations; and

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

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

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. HUGHES) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

RECESS UNTIL 1:14 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 1 hour.

The motion was agreed to; and at 12:14 p.m. the Senate took a recess until 1:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HATHAWAY).

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today or tomorrow, whichever is the case, the Senate stand in adjournment until 10 a.m. on Monday next.

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

Mr. ROBERT C. BYRD. Mr. President, if the Senate completes action today, as I am hopeful that it will, on the Federal financing bank bill, the Senate will go over until Monday; and at the time the action is completed on the Federal financing bank bill today, the order for meeting on tomorrow, which was previously entered, will then be vacated.

ORDER FOR THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS TO MEET DURING THE SESSION OF THE SENATE ON MONDAY NEXT

Mr. TOWER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be authorized to meet during the session of the Senate on Monday next.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately following the recognition of the two leaders or their designees on Monday next, there be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes each.

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

ORDER FOR S. 1443, THE DEFENSE ARTICLES TO FOREIGN COUNTRIES BILL, TO BECOME THE PENDING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the close of business today, the Senate proceed to the consideration—for the purpose of making it the pending business today and the unfinished business on Monday—of Calendar No. 179, S. 1443, the defense articles to foreign countries bill.

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

ORDER FOR CONSIDERATION OF S. 343, THE FEDERAL ELECTIONS DAY BILL, ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next, at the conclusion of routine morning business, the Senate proceed to the consideration of Calendar No. 207, S. 343, the Federal elections day bill, for a first-track item.

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

ORDER OF BUSINESS ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, on Monday next, the Senate will resume operating on a multiple-track basis. The first-track item will be S. 343, the Federal elections day bill. There may be other first-track items on Monday, depending on what the situation is. But the present understanding is that S. 1443, the defense articles to foreign countries bill, which will be the unfinished business, will be the second-track item.

ORDER FOR RECOGNITION OF SENATOR PERCY ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order, on Monday next, and prior to the transaction of routine morning business, the distinguished Senator from Illinois (Mr. PERCY) be recognized for not to exceed 15 minutes.

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

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECOGNITION OF SENATOR NUNN ON WEDNESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday next, after the two leaders or their designees have been recognized under the standing order, the distinguished junior Senator from Georgia (Mr. NUNN) be recognized for not to exceed 15 minutes.

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

ORDER FOR DAILY RECESS OF THE SENATE NEXT WEEK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday, Tuesday, Wednesday, and Thursday next, it stand in recess, respectively, until 10 a.m. on Tuesday, Wednesday, Thursday, and Friday next.

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

ORDER FOR RECOGNITION OF SENATOR TOWER AND SENATOR ROBERT C. BYRD ON WEDNESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday next, after the order for the distinguished Senator from Georgia (Mr. NUNN) has been consummated, the distinguished Senator from Texas (Mr. TOWER) be recognized for not to exceed 15 minutes, and that he be followed by the junior Senator from West Virginia for not to exceed 15 minutes.

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

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ATOMIC ENERGY COMMISSION AUTHORIZATIONS

The Senate resumed the consideration of the bill (S. 1994) 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.

Mr. BIBLE. Mr. President, H.R. 1994, to authorize appropriations to the Atomic Energy Commission for the next fiscal year, again demonstrates the Joint Committee's conviction that the Commission's national laboratories are an unsurpassed national asset in terms of scientific talent and facilities that must be utilized in helping define solutions to the Nation's energy dilemma.

I share that conviction and am pleased that the Joint Committee has again authorized the Commission to bring its resources to bear on research that is needed to ascertain the feasibility of harnessing the Nation's geothermal energy resources for the generation of electricity.

The present bill authorizes $4.7 million for an AEC geothermal power research program. The authorization is intended to place the Commission in a position to move ahead with research that is already overdue in connection with dry geothermal formations—the so-called "hot rock" geothermal phenomenon. The hope is that means can be found for penetrating vast "hot rock" formations that exist throughout our Western States so that their heat can be harnessed to produce electric power.

The authorization will also enable the Commission to undertake cooperative ventures with private industry to develop, test, and demonstrate promising technological concepts for the exploitation of natural steam and hot water geothermal resources.

This is the third year in succession that the Joint Committee has authorized an AEC geothermal research program. Funds were authorized and appropriated in both 1972 and 1973, but for reasons that defy my comprehension the Joint Committee's initiative has not been pursued by the administration. The Office of Management and Budget withheld both the fiscal year 1972 and 1973 funds from the Commission and effectively blocked the launching of a meaningful AEC geothermal power research program. Also, the administration requested no funds for such a program in fiscal year 1974.

The President's energy messages have consistently recognized the potential of the Nation's geothermal resources as a new, clean energy source. But progress in this as in other areas needs more than lip service. OMB's past refusal to apportion geothermal funds to the Commission and the absence of any budget request for the next fiscal year make no sense at all in view of the administration's repeated expressions of support for research into new energy sources.

The present authorization represents a renewal of the Joint Committee's initiative in a vitally important energy area. Geothermal power needs Government research assistance to demonstrate its feasibility and it is high time the administration responded to this initiative.

Such an effort should have been launched years ago and I hope the administration will honor its own commitment to clean energy research and permit the AEC to move ahead when the funds are appropriated for the present authorization.

Mr. HASKELL. Mr. President, on May 17, 1973, the Atomic Energy Commission, in partnership with CER Geonuclear Corp. detonated three 30-kiloton nuclear devices in the western portion of my State. The detonation was part of an attempt to stimulate natural gas production by using nuclear explosives.

I was opposed to that test, Mr. President, for the principal reason that not enough work has been done on conventional fracturing techniques which might be used to free natural gas from the tight sand formations in the Piceance Creek Basin in Colorado. I also opposed the test because of dangers too obvious to detail which result from creating additional long-lived radioactive materials. It is essential that we explore alternate methods for releasing that natural gas.

I am pleased to note that the report of the Joint Committee on Atomic Energy

on today's pending business, S. 1994, agrees with the need to explore alternate methods for stimulating tight sand formations. The report states on page 21 that—

The Joint Committee considers it essential that the Government obtain broad based information concerning various methods of stimulating "tight" oil and gas deposits. The Joint Committee therefore strongly recommends that an additional $800,000 be added for fiscal year 1974 to the Plowshare program for the specific purpose of evaluating hydro-fracturing and other conventional approaches to gas stimulating in the deposits located where nuclear stimulation has been tried, or is anticipated. These evaluations can include joint efforts with industry to determine the various cost, rate of recovery, and ultimate recoveries from various methods of stimulating these formations. Analytical studies of the various combinations of such production techniques should be included.

The AEC requested $8 million for the operating expenses of the applied energy technology program for fiscal year 1974. Of that $8 million approximately $3.8 million was earmarked for researching and developing possible applications of underground explosions. The committee recommends authorization of $18.6 million for the operating expenses of the applied technology program. That increase includes an additional $800,000 for the Plowshare program which is earmarked for the evaluation of conventional approaches to gas stimulation techniques.

I would like to emphasize that the report states:

No nuclear experiments or device development tests are planned for fiscal year 1974.

In a statement before the Subcommittee on Public Lands hearing held on May 11, 1973, to explore the subject of "Use of Public Lands for Nuclear Stimulation of Natural Gas—Informational Hearing on Project Rio Blanco." Dr. Gerald W. Johnson of the Division of Applied Technology, Atomic Energy Commission, discussed conventional stimulation techniques. He stated that—

Estimates of both technologies (nuclear and hydraulic fracturing) indicate that the range of potential production costs for a given volume of gas is similar. However, the assumption used in deriving these costs estimates must be certified by prototype field tests. . . . Only by comparing the results of this approach (conventional fracturing) with those attained by such experiments as Rio Blanco will the capabilities of both concepts be defined.

The AEC agreed that techniques to stimulate the natural gas flow which do not use nuclear devices, "should be developed to their maximum capability for application in appropriate geological settings."

Deputy Under Secretary of the Interior Kenneth Lay said:

We in the Department would be delighted, as we are sure the AEC would be, if the Rocky Mountain formations could be stimulated through a non-nuclear fracturing method, especially if the economics and environmental considerations proved to be favorable.

Mr. Ray Watkins, Chief of the Division of Petroleum and Natural Gas of the Bureau of Mines, Department of the Interior, agreed that—

There is a possibility that they (the tight sand formations) could be fractured by a combination of techniques, such as utilizing the natural fractures, drilling, deviated wells, and combining hydraulic fracturing with chemical explosive fracturing. Unfortunately, the technology is not sufficient that it could be applied.

Dr. Richard A. Morse of the Department of Petroleum Engineering at Texas A. & M. University made a strong case for conventional fracturing techniques at that hearing. In fact he gave me "10 to 1 odds" that conventional techniques would work. In these days of stock market declines and rising prices, you just cannot get a better bet.

Mr. President, I want to express my view that the natural gas trapped in those formations is a significant asset. We must find safe and acceptable ways of using that asset. I am extremely pleased the Joint Committee on Atomic Energy is authorizing additional funds to explore new means for releasing that gas. I am also pleased that the AEC will not be conducting nuclear experiments or device development tests in 1974.

CONSENT TO THE INTERSTATE ENVIRONMENT COMPACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 218, S. 9, which has been cleared all around.

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

The legislative clerk read as follows:

A bill (S. 9) to consent to the Interstate Environment Compact.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

The bill (S. 9) was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is given to any two or more States to enter into the following compact:

"INTERSTATE ENVIRONMENT COMPACT

"ARTICLE 1

"FINDINGS, PURPOSES, AND RESERVATIONS OF POWER

"1.01 FINDINGS.—Signatory States hereby find and declare:

"(a) Unabated pollution of our environment threatens the general welfare of the Nation and its citizens.

"(b) The condition of our environment, and the enhancement of that environment, is a matter of national, regional, State, and local concern.

"(c) The solution to environmental problems which transcend State boundaries, require cooperation among the adjoining jurisdictions.

"(d) Efforts to obtain a quality environment must be better coordinated, intensified, and made more effective at all levels of government.

"(e) It is in the common interest of all jurisdictions to act cooperatively to resolve their mutual environmental problems.

"1.02 PURPOSES.—The purposes of the signatories in enacting this compact are:

"(a) To assist and participate in national environmental protection activities involving surveillance and monitoring, data gathering and data sharing, the planning construction, financing, and operation and maintenance of treatment facilities, as set forth in Federal legislation, and the regulation of land use not inconsistent with the Clean Air Act, the Federal Water Pollution Control Act, the Solid Waste Disposal Act, or other Federal law.

"(b) To promote, through interstate agreements, intergovernmental cooperation and coordination in such activities by the signatories and the Federal Government.

"(c) To preserve and utilize the functions, powers, and duties of existing State agencies of government to the maximum extent possible consistent with the purposes of the compact.

"1.03 POWERS OF THE UNITED STATES.—

"(a) Nothing contained in this compact shall impair, affect, or extend the constitutional authority of the United States.

"(b) Nothing in this compact shall be deemed to impair or affect any rights, powers, duties, or responsibilities vested by law in the United States, its agencies or instrumentalities.

"1.04 POWERS OF THE STATES.—Nothing contained in this compact shall impair or extend the constitutional authority of any signatory nor shall the police powers of any signatory be affected except as expressly provided in a supplementary agreement under article 4.

"ARTICLE 2

"SHORT TITLE, DEFINITIONS, PURPOSES, AND LIMITATIONS

"2.01 SHORT TITLE.—This compact shall be known and may be cited as the Interstate Environment Compact.

"2.02 DEFINITIONS.—For the purpose of this compact and of any supplemental or concurring legislation enacted pursuant or in relation hereto, except as may be otherwise required by the context:

"(a) 'State' shall mean any State of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

"(b) 'Interstate environmental pollution' shall mean any pollution of a stream or body of water crossing or marking a State boundary, pollution originating in an interstate air quality control region, any solid waste disposal program participated in by more than one State, or land use practice affecting the environment of more than one State.

"(c) 'Government' shall mean the government of the United States or a signatory State.

"(d) 'Federal Government' shall mean the Government of the United States of America and any appropriate department, instrumentality, agency, commission, bureau, division, branch or other unit thereof, as the case may be, but shall not include the District of Columbia.

"(e) 'Signatory' shall mean any State which enters into this compact.

"ARTICLE 3

"INTERGOVERNMENTAL COOPERATION

"3.01 AGREEMENTS WITH THE FEDERAL GOVERNMENT AND OTHER AGENCIES.—Signatories are hereby authorized jointly to participate in cooperative or joint undertakings for the protection of the interstate environment with the Federal Government or with any intergovernmental or interstate agencies.

"ARTICLE 4

"SUPPLEMENTARY AGREEMENTS

"4.01 AUTHORITY TO ENTER INTO SUPPLEMENTARY AGREEMENTS.—Signatories may enter into agreements for the purpose of controlling interstate environmental pollution problems not inconsistent with applicable Federal law and under terms and conditions as deemed appropriate by the agreeing parties under article 4.06 and article 4.08.

"4.02 RECOGNITION OF EXISTING NON-ENVIRONMENTAL INTERGOVERNMENTAL ARRANGEMENTS.—The signatories agree that existing

Federal-State, Federal-interstate or other intergovernmental arrangements which are not primarily directed to environmental protection purposes as defined herein are not affected by this compact.

"4.03. RECOGNITION OF EXISTING INTERGOVERNMENTAL AGREEMENTS DIRECTED TO ENVIRONMENTAL OBJECTIVES.—All existing interstate and Federal-interstate compacts directly relating to environmental protection are hereby expressly recognized and nothing in this compact shall be construed to diminish or supersede the powers and functions of such existing intergovernmental agreements and the organizations created by them.

"4.04. MODIFICATION OF EXISTING COMMISSIONS AND COMPACTS.—Recognition herein of multistate commissions and compacts shall not be construed to limit directly or indirectly the creation of additional multistate organizations or interstate compacts, nor to prevent termination, modification, extension, or supplementation of such multistate organizations and interstate compacts.

"4.05. RECOGNITION OF FUTURE MULTISTATE COMMISSIONS AND INTERSTATE COMPACTS.—Nothing in this compact shall be construed to prevent signatories from entering into multistate organizations or other interstate compacts which do not conflict with their obligations under this compact or supplementary agreements.

"4.06. SUPPLEMENTARY AGREEMENTS.—Any two or more signatories may enter into supplementary agreements for joint, coordinated or mutual environmental management activities relating to interstate environmental pollution problems common to the jurisdictions of such signatories with respect to joint, coordinated, or mutual monitoring, surveillance and data sharing activities with respect to activities involving planning, construction, financing (by bonds or otherwise), and operation and maintenance of treatment facilities, and with respect to the regulation of land use not inconsistent with the Clean Air Act, the Federal Water Pollution Control Act, the Solid Waste Disposal Act, or other Federal law, and may designate an appropriate agency to act as their joint agency in regard thereto. No supplementary agreement shall be valid to the extent that it conflicts with the purposes of this compact or with the laws of the United States and the creation of a joint agency by supplementary agreement shall not affect the privileges, powers, responsibilities or duties under this compact or any other Federal law of signatories participating therein.

"4.07. EXECUTION OF SUPPLEMENTARY AGREEMENTS AND EFFECTIVE DATE.—The Chief Executive is authorized to negotiate supplementary agreements for the signatory and his official signature shall render the agreement binding upon the signatory: *Provided*, That:

"(a) The legislative body of any signatory entering into such a supplementary agreement shall have approved or conditioned the agreement of that signatory by appropriate legislative action.

"(b) Nothing in this compact shall be construed to limit the right of Congress by Act of law to disapprove or condition a supplementary agreement.

"4.08 SPECIAL SUPPLEMENTARY AGREEMENTS.—Signatories may enter into special supplementary agreements with foreign nations in the manner provided in article 4.07 for the same purposes and with the same powers as under article 4.06 upon the condition that such non-signatory party accept the general obligations of signatories under this compact: *Provided*, That special supplementary agreements shall become effective only after being consented to by the Congress.

"4.09 JURISDICTION OF SIGNATORIES RESERVED.—Nothing in this compact shall be construed to restrict, relinquish or be in derogation of, any power or authority constitutionally possessed by any signatory within its jurisdiction, except as specifically provided in a supplementary agreement.

"4.10 COMPLEMENTARY LEGISLATION BY SIGNATORIES.—Signatories may enact such additional legislation as may be deemed appropriate to enable their officers and governmental agencies to accomplish effectively the purposes of this compact and supplementary agreements.

"4.11 AMENDMENTS TO SUPPLEMENTARY AGREEMENTS.—Supplementary agreements may be amended in the manner provided in article 4.07 for the same purposes as provided in article 4.06.

"4.12 SUITS TO ENJOIN VIOLATIONS OF COMPACT.—Any person may commence a civil action on his own behalf against any signatory or any common or joint agency established by supplementary agreement (to the extent permitted by the eleventh amendment to the Constitution) to enjoin any violation of this compact or of any supplementary agreement. The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, over any such action. For purposes of this section the term 'person' means any individual or organization; or any department, agency, or instrumentality of the United States, a State or local government, the District of Columbia, the Commonwealth of Puerto Rico, or a possession of the United States.

"4.13 PUBLIC PARTICIPATION IN DECISIONMAKING.—All decisions made by agencies created under this compact or any supplementary agreement shall be made only after notice and opportunity for public hearing, and shall be based upon a fair evaluation of the record at such hearing.

"4.14 FULL DISCLOSURE FOR AGENCY MEMBERS.—Any individual appointed or nominated to membership on any agency created pursuant to this compact or any supplementary agreement shall be required to file within 30 days of appointment or nomination a statement disclosing his current financial position, including all ownerships of stock or other financial interests of himself or his immediate family, and present or recent professional or business affiliations.

"ARTICLE 5

"CONSTRUCTION, AMENDMENT AND EFFECTIVE DATE

"5.01 CONSTRUCTION.—No provision of this compact or a supplementary agreement shall be construed as invalidating any provision of law of any signatory, or as limiting the enactment or enforcement of any legislation or regulations by any signatory imposing additional conditions and restrictions to further lessen or prevent environmental pollution within its jurisdiction: *Provided*, That such conditions and restrictions shall not prevent the realization by any other signatory of any significant benefits relating to monitoring, surveillance, or data sharing, the planning, construction, financing (by bonds or otherwise), and operation and maintenance of treatment facilities, or the regulation of land use not inconsistent with the Clean Air Act, the Federal Water Pollution Control Act, the Solid Waste Disposal Act, or other Federal law, originally contemplated by such agreement, or any amendment thereto.

"5.02 SEVERABILITY.—The provisions of this compact or of supplementary agreements shall be severable and if any phrase, clause, sentence or provision of this compact, or a supplementary agreement is declared to be contrary to the constitution of any signatory or of the United States or is held invalid, the constitutionality of the remainder of this compact or of the supplementary agreement and the applicability thereof to any participating jurisdiction, agency, person or circumstance shall not be affected thereby and shall remain in full force and effect as to the remaining participating jurisdiction and in full force and effect as to the signatory affected as to all severable matters. It is the intent of the signatories that the provisions of this compact shall be reasonably and liberally construed in the context of its purposes.

"5.03 AMENDMENTS.—Amendments to this compact shall become effective when approved by Congress and may be adopted by any signatory.

"5.04 EFFECTIVE DATE.—This compact shall become binding on a State when enacted by it into law and such State shall thereafter be a signatory.

"5.05 WITHDRAWAL FROM THE COMPACT.—A signatory may withdraw from this compact by legislative act. Withdrawal shall be effective one year after written notification of withdrawal to all signatories: *Provided*, Withdrawal from the compact shall terminate all supplementary agreement obligations of signatories except as provided by the terms of such supplementary agreements."

SEC. 2. RESERVATIONS OF CONGRESSIONAL RIGHT TO WITHDRAW OR CONDITION CONSENT.—The power of Congress to withdraw or condition its consent to the compact is expressly reserved.

SEC. 3. EFFECT ON FEDERAL ENVIRONMENT LAWS.—Nothing in this Act shall affect Federal or State environmental protection law or regulation.

SEC. 4. NOTICE OF SUPPLEMENTARY AGREEMENT NEGOTIATIONS.—Advance notice of the commencement of formal negotiations by signatories regarding a proposed supplementary agreement or amendment thereof shall be given to the President and the Congress of the United States. The President is encouraged to send representatives to attend, observe, and render cooperative assistance to all such negotiations in order that the provision of such supplementary agreements be in accordance with applicable Federal law.

SEC. 5. FILING OF SUPPLEMENTARY AGREEMENTS.—(a) Certified copies of supplementary agreements or amendments thereof shall be filed with the President of the United States and the presiding officers of the United States Senate and House of Representatives. The President or, at his direction, the Administrator of the Environmental Protection Agency, shall review any such supplementary agreement or amendment and report thereon to the Congress within thirty days as to consistency with Federal law and regulations and as to the potential adverse or beneficial effects on the environment which may result from such supplementary agreement or amendment. Within ninety days of congressional session following the receipt of such report, the Committee on the Judiciary of either House or a committee of either House with jurisdiction over the subject matter of any such supplementary agreement or amendment may report a resolution of disapproval of such supplementary agreement or amendment. If such resolution is adopted by either House, the supplementary agreement or amendment is disapproved. Unless so disapproved, supplementary agreements shall become effective upon the expiration of the said ninety-day period.

(b)(1) If the committee to which a supplementary agreement and report thereon has been referred has not reported a resolution respecting it at the end of sixty calendar days after its referral, it is in order to move to discharge the committee from further consideration of such an agreement or amendment.

(2) A motion to discharge may be made only by an individual favoring a resolution to disapprove or condition such agreement or amendment, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same agreement or amendment), and debate thereon shall be limited to not more than one hour, to be divided equally be-

tween those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(3) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same agreement or amendment.

(c) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a supplementary agreement or amendment, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(d) Debate on the resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(e) Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a supplementary agreement or amendment, and motions to proceed to the consideration of other business, shall be decided without debate. 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 a resolution with respect to a supplementary agreement or amendment shall be decided without debate.

SEC. 6. ENABLING LEGISLATION.—States may enter the Interstate Environment Compact by State legislation substantially embodying the language of the first section enacted prior or subsequent to the effective date of this Act. Immaterial variances in language between State legislation and the first section shall not impair the effectiveness of supplementary agreements.

SEC. 7. SHORT TITLE.—This Act may be known and cited as the "Interstate Environment Compact Act of 1972".

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ATOMIC ENERGY COMMISSION AUTHORIZATIONS

The PRESIDING OFFICER. Under the previous order, the hour of 1:30 having arrived, the Senate will proceed to vote on final passage of S. 1994, authorizing of appropriations for the Atomic Energy Commission. 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 California (Mr. CRANSTON), the Senator from Missouri (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Hawaii (Mr. INOUYE), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Delaware (Mr. BIDEN), the Senator from Minnesota (Mr. HUMPHREY), 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 the Senator from Connecticut (Mr. RIBICOFF) is absent, because of a death in the family.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Illinois (Mr. STEVENSON), and the Senator from Arkansas (Mr. MCCLELLAN) would each vote "yea."

Mr. SCOTT of Pennsylvania. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Massachusetts (Mr. BROOKE), the Senator from Nebraska (Mr. CURTIS), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

The Senator from New Jersey (Mr. CASE), the Senator from Maryland (Mr. MATHIAS), the Senator from Idaho (Mr. MCCLURE), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Nebraska (Mr. CURTIS), and the Senator from Arizona (Mr. GOLDWATER) would each vote "yea."

The result was announced—yeas 74, nays 2, as follows:

YEAS—74

Aiken	Fong	Muskie
	[No. 214 Leg.]	
Allen	Gurney	Nelson
Baker	Hansen	Nunn
Bartlett	Hart	Packwood
Bayh	Hartke	Pastore
Beall	Haskell	Pearson
Bentsen	Hatfield	Pell
Bible	Hathaway	Percy
Brock	Helms	Proxmire
Buckley	Hollings	Randolph
Burdick	Hruska	Roth
Byrd,	Hughes	Schweiker
Harry F., Jr.	Jackson	Scott, Pa.
Byrd, Robert C.	Javits	Scott, Va.
Cannon	Johnston	Sparkman
Chiles	Kennedy	Stafford
Church	Long	Symington
Clark	Magnuson	Taft
Cook	McGee	Talmadge
Dole	McGovern	Thurmond
Domenici	McIntyre	Tower
Dominick	Metcalf	Tunney
Eagleton	Mondale	Weicker
Ervin	Montoya	Williams
Fannin	Moss	Young

NAYS—2

Gravel	Mansfield

NOT VOTING—24

Abourezk	Case	Fulbright
Bellmon	Cotton	Goldwater
Bennett	Cranston	Griffin
Biden	Curtis	Huddleston
Brooke	Eastland	Humphrey
Inouye	McClure	Stennis
Mathias	Ribicoff	Stevens
McClellan	Saxbe	Stevenson

So the bill (S. 1994) was passed, as follows:

S. 1994

An Act 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

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

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", $1,740,750,000 not to exceed $128,800,000 in operating costs for the high energy physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) NUCLEAR MATERIALS.—

Project 74–1–a, additional facilities, high level waste storage, Savannah River, South Carolina, $14,000,000.

Project 74–1–b, replacement ventilation, air filter, F chemical separations area, Savannah River, South Carolina, $5,200,000.

Project 74–1–c, calcined solids storage and plant safety improvements, Idaho Chemical Processing Plant, National Reactor Testing Station, Idaho, $3,000,000.

Project 74–1–d, cooling tower fire protection, gaseous diffusion plants, $3,300,000.

Project 74–1–e, new purge cascade, gaseous diffusion plant, Oak Ridge, Tennessee, $5,900,000.

Project 74–1–f, plant liquid effluent pollution control, gaseous diffusion plants, $8,000,000.

Project 74–1–g, cascade uprating program, gaseous diffusion plants (partial AE and limited component procurement only), $6,000,000.

Project 74–1–h, transuranium contaminated solid waste treatment development facility, Los Alamos Scientific Laboratory, New Mexico, $1,650,000.

(2) ATOMIC WEAPONS.—

Project 74–2–a, weapons production, development, and test installations, $10,000,000.

Project 74–2–b, acid waste neutralization and recycle facilities, Y–12 Plant, Oak Ridge, Tennessee, $1,700,000.

Project 74–2–c, high energy laser facility, Lawrence Livermore Laboratory, California, $20,000,000.

Project 74–2–d, national security and resources study center (AE only), site undesignated, $350,000.

(3) REACTOR DEVELOPMENT.—

Project 74–3–a, Liquid Metal Engineering Center (LMEC) facility modifications, Santa Susana, California, $3,000,000.

Project 74–3–b, modifications to EBR–II, National Reactor Testing Station, Idaho, $2,000,000.

Project 74–3–c, emergency process waste treatment facility, Oak Ridge National Laboratory, Tennessee, $1,300,000.

Project 74–3–d, modifications to reactors, $2,000,000.

Project 74–3–e, modifications to TREAT facility, National Reactor Testing Station, Idaho, $2,500,000.

(4) PHYSICIAL RESEARCH.—

Project 74–4–a, accelerator and reactor improvements, high energy physics, $1,100,000.

Project 74–4–b, accelerator and reactor improvements, medium and low energy physics, $600,000.

(5) PHYSICAL RESEARCH.—
Project 74–5–a, computation building, Stanford Linear Accelerator Center, California, $2,900,000.

(6) BIOMEDICAL AND ENVIRONMENTAL RESEARCH.—
Project 74–6–a, addition to physics building (human radiobiology facility), Argonne National Laboratory, Illinois, $1,300,000.

(7) GENERAL PLANT PROJECTS.—$47,825,000.

(8) CONSTRUCTION PLANNING AND DESIGN.—$1,000,000.

(9) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, $172,300,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (2), (3), and (4) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project under subsections 101(b) (5), (6), and (8) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b)(7) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be $500,000 and the maximum currently estimated cost of any building included in such project shall be $100,000, provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b)(7) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

(d) The total cost of any project authorized under subsections 101(b) (1), (2), (3), and (4) shall not exceed the estimated cost set forth for that project by more than 25 per centum, unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954, as amended.

(e) The total cost of any project authorized under subsections 101(b) (5), (6), (7), and (8) shall not exceed the estimated cost set forth for that project by 10 per centum unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954, as amended.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

SEC. 105. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101 of Public Law 91–273, as amended, is further amended by (1) striking from subsection (b)(1), project 71–1–e, gaseous diffusion production support facilities, the figure "$72,020,000" and substituting therefor the figure "$105,900,000", (2) striking from subsection (b)(1), project 71–1–f, process equipment modifications, gaseous diffusion plants, the figure "$34,400,000" and substituting therefor the figure "$172,100,000", and (3) striking from subsection (b)(9), project 71–9, fire, safety, and adequacy of operating conditions projects, various locations, the figure "$69,000,000" and substituting therefor the figure "$193,000,000".

(b) Section 106 of Public Law 91–273, as amended, is further amended by adding the following sentence at the end of the present text of subsection (a) thereof.

"Notwithstanding the foregoing, authorization of additional appropriations for the conduct of Project Definition Phase activities subsequent to the execution of the aforementioned cooperative arrangement, in the amount of $2,000,000, is hereby authorized.".

(c) Section 101 of Public Law 92–314 is amended by (1) striking from subsection (b)(1), project 73–1–d, component test facility, Oak Ridge, Tennessee, the figure "$20,475,000" and substituting therefor the figure "$26,675,000", and (2) striking from subsection (b)(5), project 73–5–h, S8G prototype nuclear propulsion plant, West Milton, New York, the figure "$56,000,000" and substituting therefor the figure "$125,000,000".

SEC. 106. RESCISSION.—(a) Public Law 91–273, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 71–5–a, addition to physics building (human radiobiology facility), Argonne National Laboratory, Illinois, $2,000,000.

(b) Public Law 92–314 is amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 73–1–i, radioactive solid waste reduction facility, Los Alamos Scientific Laboratory, New Mexico, $750,000.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the bill passed.

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

The motion to lay on the table was agreed to.

AMENDMENT OF THE INTERNATIONAL ECONOMIC POLICY ACT OF 1972

The PRESIDING OFFICER (Mr. HATHAWAY). Under the previous order, the Senate will return to the consideration of S. 1636, which the clerk will report.

The legislative clerk read as follows:

Calendar Order No. 217 (S. 1636), a bill to amend the International Economic Policy Act of 1972.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from South Dakota (Mr. MCGOVERN).

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Mr. President, is this to be a 10-minute rollcall vote when we get the yeas and nays?

The PRESIDING OFFICER. That is the way the Chair understands it.

Mr. TOWER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, I am prepared to yield back the remainder of my time if the Senator from Alabama is prepared to yield back his time.

Mr. SPARKMAN. 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 South Dakota. 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 California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Hawaii (Mr. INOUYE), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Delaware (Mr. BIDEN), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Minnesota (Mr. HUMPHREY) are absent on official business.

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

I further announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of a death in the family.

On this vote, the Senator from South Dakota (Mr. ABOUREZK) is paired with the Senator from Arkansas (Mr. MCCLELLAN).

If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Arkansas would vote "nay."

I further announce that the Senator from Illinois (Mr. STEVENSON) would vote "nay."

Mr. SCOTT of Pennsylvania. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Massachusetts (Mr. BROOKE), the Senator from Nebraska (Mr. CURTIS), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

The Senator from New Jersey (Mr. CASE), the Senator from Maryland (Mr. MATHIAS), the Senator from Idaho (Mr. MCCLURE), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

If present and voting, the Senator from Nebraska (Mr. CURTIS) and the Senator from Arizona (Mr. GOLDWATER) would each vote "nay."

The result was announced—yeas 29, nays 47, as follows:

[No. 215 Leg.]

YEAS—29

Bayh	Hathaway	Mondale
Bible	Hughes	Montoya
Burdick	Jackson	Moss
Cannon	Kennedy	Nelson
Chiles	Long	Pastore
Church	Magnuson	Pell
Clark	Mansfield	Proxmire
Gravel	McGee	Tunney
Hartke	McGovern	Williams
Haskell	Metcalf	

NAYS—47

Aiken	Ervin	Pearson
Allen	Fannin	Percy
Baker	Fong	Randolph
Bartlett	Gurney	Roth
Beall	Hansen	Schweiker
Bentsen	Hart	Scott, Pa.
Brock	Hatfield	Scott, Va.
Buckley	Helms	Sparkman
Byrd, Harry F., Jr.	Hollings	Stafford
	Hruska	Symington
Byrd, Robert C.	Javits	Taft
Cook	Johnston	Talmadge
Dole	McIntyre	Thurmond
Domenici	Muskie	Tower
Dominick	Nunn	Weicker
Eagleton	Packwood	Young

NOT VOTING—24

Abourezk	Curtis	Mathias
Bellmon	Eastland	McClellan
Bennett	Fulbright	McClure
Biden	Goldwater	Ribicoff
Brooke	Griffin	Saxbe
Case	Huddleston	Stennis
Cotton	Humphrey	Stevens
Cranston	Inouye	Stevenson

So Mr. McGOVERN's amendment was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 1636) was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. Who yields time.

Mr. TOWER. Mr. President, I yield back my time.

Mr. SPARKMAN. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is, shall the bill pass?

The bill (S. 1636) was passed, as follows:

S. 1636

An act to amend the International Economic Policy Act of 1972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205 of the International Economic Policy Act of 1972 is amended—

(1) by striking out "(1) The President.";

(2) by redesignating the succeeding clauses accordingly; and

(3) by striking out the last sentence and inserting in lieu thereof the following: "The President shall designate the Chairman of the Council from among the members of the Council."

SEC. 2. Section 208(b)(1) of the International Economic Policy Act of 1972 is amended to read as follows:

"(b)(1) With the approval of the Council, the Executive Director may appoint and fix the compensation of such personnel as he deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that—

"(A) no person, other than officers appointed under paragraph (2), shall receive compensation in excess of the rate provided for GS–18 of the General Schedule; and

"(B) any person who is performing functions which, prior to July 1, 1973, were performed by personnel within the Office of the Special Trade Representative who were subject to the provisions of title 5, United States Code, governing appointments in the competitive service, shall be subject to such provisions."

SEC. 3. Section 209 of the International Economic Policy Act of 1972 is repealed.

SEC. 4. (a) Notwithstanding the provisions of section 208(a) of the International Economic Policy Act of 1972, the Executive Director of the Council on International Economic Policy shall be appointed by the President, by and with the advice and consent of the Senate.

(b)(1) Subject to paragraph (2), provisions of subsection (a) shall become effective on the first day of the first calendar month which begins more than thirty days after the date of enactment of this Act.

(2) If, prior to the first day referred to in paragraph (1), the President submits to the Senate, for its advice and consent, the name of the individual who on the date of enactment of this Act occupies the Office of Executive Director of the Council on International Economic Policy as his nominee for such office, then, the provisions of subsection (a) shall not be applicable in the case of such individual during the continuous period (described in the following sentence) that he occupies such office. The continuous period referred to in the preceding sentence means the period commencing on the date such individual's name is so submitted to the Senate by the President and ending on whichever of the following first occurs: (A) the date the Senate acts on the nomination of such individual by giving or refusing to give its advice and consent to the appointment of such individual to such office, (B) the date on which the President withdraws the nomination of such individual, or (C) the date of the close of the first session of the Ninety-third Congress.

SEC. 5. Section 210 of the International Economic Policy Act of 1972 is redesignated as section 209 of such Act and, as redesignated, is amended by striking out "1973" and inserting in lieu thereof "ending June 30, 1973, not to exceed $3,000,000 for the fiscal year ending June 30, 1974, and not to exceed $3,000,000 for the fiscal year ending June 30, 1975".

Mr. TOWER. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

FEDERAL FINANCING BANK ACT

The PRESIDING OFFICER (Mr. HATHAWAY). Under the previous order, the Chair lays before the Senate S. 925, which the clerk will state.

The assistant legislative clerk read as follows:

A 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.

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

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

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. HATHAWAY). The question is on agreeing to the amendment of the Senator from Wisconsin (Mr. PROXMIRE). 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 California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Hawaii (Mr. INOUYE), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Delaware (Mr. BIDEN), the the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Minnesota (Mr. HUMPHREY) are absent on official business.

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

I further announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of death in family.

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

I further announce that the Senator from Illinois (Mr. STEVENSON) would vote "nay."

Mr. SCOTT of Pennsylvania. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Massachusetts (Mr. BROOKE), the Senator from Nebraska (Mr. CURTIS), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

The Senator from New Jersey (Mr. CASE), the Senator from Maryland (Mr. MATHIAS), the Senator from Idaho (Mr. MCCLURE), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

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

The result was announced—yeas 54, nays 23, as follows:

[No. 216 Leg.]

YEAS—54

Aiken	Ervin	Mansfield
Allen	Fulbright	McGee
Baker	Gravel	McGovern
Bartlett	Hansen	McIntyre
Bayh	Hart	Metcalf
Beall	Hartke	Mondale
Bentsen	Haskell	Montoya
Bible	Hatfield	Moss
Burdick	Hathaway	Nelson
Byrd, Robert C.	Helms	Nunn
Cannon	Hollings	Pearson
Chiles	Hruska	Proxmire
Church	Hughes	Randolph
Clark	Jackson	Sparkman
Dole	Johnston	Stafford
Domenici	Kennedy	Symington
Dominick	Long	Talmadge
Eagleton	Magnuson	Young

NAYS—23

Brock	Javits	Scott, Pa.
Buckley	Muskie	Scott, Va.
Byrd, Harry F., Jr.	Packwood	Taft
	Pastore	Thurmond
Cook	Pell	Tower
Fannin	Percy	Tunney
Fong	Roth	Weicker
Gurney	Schweiker	Williams

NOT VOTING—23

Abourezk	Curtis	McClellan
Bellmon	Eastland	McClure
Bennett	Goldwater	Ribicoff
Biden	Griffin	Saxbe
Brooke	Huddleston	Stennis
Case	Humphrey	Stevens
Cotton	Inouye	Stevenson
Cranston	Mathias	

So Mr. PROXMIRE's amendment was agreed to.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES AMENDMENTS OF 1973

Mr. PELL. Mr. President, I ask the Chair to lay before the Senate a message

from the House of Representatives on S. 795.

The PRESIDING OFFICER (Mr. BARTLETT) laid before the Senate the amendment of the House of Representatives to the bill (S. 795) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "National Foundation on the Arts and Humanities Amendments of 1973".

AMENDMENTS TO THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965

SEC. 2. (a) The National Foundation on the Arts and the Humanities Act of 1965 is amended in the following respects:

(1) Clause (7) of section 2 of such Act is amended by striking out all that appears after "a National Foundation on the Arts and the Humanities" and inserting in lieu thereof a period.

(2) Subsection (d) of section 3 of such Act is amended by striking out ", purchase, renovation, or construction" and inserting in lieu thereof "or purchase", and by adding at the end thereof the following new sentence: "Such term also includes—

"(1) the renovation of facilities if the amount of the expenditure of Federal funds for such purpose in the case of any project does not exceed $250,000; and

"(2) the construction of facilities if such construction is for demonstration purposes or under unusual circumstances where there is no other manner in which to accomplish an artistic purpose.".

(3)(A) That part of subsection (c) of section 5 of such Act which precedes clause (1) is amended by striking out "the Federal Council on the Arts and the Humanities and".

(B) In clauses (1) and (2) of such subsection (c) such Act is amended by striking out "productions" each time it appears and inserting in lieu thereof "projects and productions"; and, in clause (3) of such subsection, such Act is amended by striking out "projects" and inserting in lieu thereof "projects and productions".

(C) Clause (5) of such subsection (c) is amended by striking out "and planning in the arts" and inserting in lieu thereof ", planning, and publications relating to the purposes of this subsection".

(4)(A) Paragraph (1) of subsection (g) of section 5 of such Act is amended by striking out "the Federal Council on the Arts and the Humanities and".

(B) That part of paragraph (2) which precedes clause (A) of such subsection (g) is amended (i) by striking out "such assistance" and inserting in lieu thereof "assistance under this subsection" and (ii) by striking out "prior to the first day of such fiscal year" and inserting in lieu thereof "at such time as shall be specified by the Chairman".

(C) Clause (B) of paragraph (2) of such subsection (g) is amended by striking out "except that in the case of the first fiscal year in which the State is allotted funds after the enactment of this Act, a plan may provide that not to exceed $25,000 of such funds may be expended to conduct a study to plan the development of a State agency in the State and to establish such an agency;".

(D) Such subsection (g) is amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

"(3) Of the sums available to carry out this subsection for any fiscal year, 75 per centum shall be allotted among the States which have plans approved by the Chairman, in equal amounts, except that each State shall be allotted at least $200,000. If the sums so appropriated are insufficient to make allotments in full, the sums so appropriated shall be allotted among the States in equal amounts. Any sums remaining after making the allotments provided for in the preceding sentence shall be available to the Chairman for making grants to such States and to regional groups.

"(4)(A) Amounts made available for any fiscal year under this subsection shall be used to pay not more than 50 per centum of the total cost of any project or production described in paragraph (1), except that of the amounts granted a State from funds made available under the third sentence of paragraph (3) an amount not exceeding 20 per centum of the State's allotment under the first sentence of paragraph (3) may be used, at the discretion of the Chairman, to pay up to 100 per centum of such costs of projects and productions if such projects and productions would otherwise be unavailable to the residents of that State, but only if the State has utilized the full amount of its allotment under the first sentence of paragraph (3).

"(B) Any amount allotted to a State under the first sentence of paragraph (3) for any fiscal year which is not granted to the State prior to sixty days prior to the end of the fiscal year for which such sums are appropriated shall be available for making grants to regional groups.

"(C) Funds made available under this subsection shall not be used to supplant non-Federal funds.".

(D) Paragraph (5) of such subsection (g) is amended by inserting after "allotted" the following: "or made available".

(E) Subsection (j) of section 5 of such Act is amended by striking out "; 5 U.S.C. 133z-15".

(5) Subsection (f) of section 6 of such Act is amended, in the third sentence thereof—

(A) by striking out "$10,000" and inserting in lieu thereof "$20,000"; and

(B) by striking out the period at the end thereof and inserting in lieu thereof the following: ": *Provided,* That the terms of any such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year which exceed an amount equal to 10 per centum of the sums appropriated for that fiscal year pursuant to subparagraph (A) of paragraph (1) of section 11(a).".

(6)(A) That part of subsection (c) of section 7 of such Act which precedes clause (1) is amended by striking out "the Federal Council on the Arts and the Humanities and".

(B) Clause (2) of such subsection is amended by adding at the end thereof the following: "any loans made by the Endowment shall be made in accordance with terms and conditions approved by the Secretary of the Treasury;".

(7) Subsection (f) of section 8 of such Act is amended, in the third sentence thereof—

(A) by striking out "$10,000" and inserting in lieu thereof "$20,000,"; and

(B) by striking out the period at the end thereof and inserting in lieu thereof the following: ": *Provided,* That the terms of any such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year which exceed an amount equal to 10 per centum of the sums appropriated for that fiscal year pursuant to subparagraph (B) of paragraph (1) of section 11(a).".

(8) The first sentence of section 9(b) of such Act is amended to read as follows:

"(b) The Council shall be composed of the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the United States Commissioner of Education, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, the Director of the National Gallery of Art, the Chairman of the Commission of Fine Arts, the Archivist of the United States, the Commissioner, Public Buildings Service, General Services Administration, a member designated by the Secretary of State, and a member designated by the Secretary of the Interior.".

(9) Clause (2) of subsection (a) of section 10 of such Act is amended by inserting after "purposes of the gift" the following: ", except that a Chairman may receive a gift without a recommendation from the Council to provide support for any application or project which can be approved without Council recommendation under the provisions of sections 6(f) and 8(f), and may receive a gift of $15,000, or less, without Council recommendation in the event the Council fails to provide such recommendation within a reasonable period of time".

(10) Clause (4) of subsection (a) of section 10 is amended by deleting the semicolon at the end thereof and by inserting in lieu thereof the following: ": *Provided, however,* That any advisory panel appointed to review or make recommendations with respect to the approval of applications or projects for funding shall have broad geographic representation;".

(11) Section 11 of such Act is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"SEC. 11. (a)(1) There is authorized to be appropriated to the National Endowment for the Arts for the fiscal year ending June 30, 1974, the sum of $54,000,000 to carry out section 5(c), $11,000,000 to carry out section 5(g), and an amount equal to the total amounts received by such Endowment during such year under section 10(a)(2), but not to exceed $7,500,000. For the fiscal years ending June 30, 1975, and June 30, 1976, there is authorized to be appropriated to the National Endowment for the Arts such sums as may be necessary to carry out section 5(c) and 5(g), and an amount equal to the total amounts received by such Endowment during each such year under section 10(a)(2). Not less than 20 per centum of the funds appropriated under the preceding sentence may be used only to carry out section 5(g).

"(2) There is authorized to be appropriated to the National Endowment for the Humanities to carry out section 7(c) the sum of $65,000,000 for the fiscal year ending June 30, 1974, and such sums as may be necessary for each of the two succeeding fiscal years. There is also authorized to be appropriated to such Endowment for each such year an amount equal to the total amounts received by such endowment under section 10(a)(2) during such year, except that the amount so appropriated shall not exceed $7,500,000 for the fiscal year ending June 30, 1974.

"(b)(1) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for obligation and expenditure until expended.

"(2) In order to afford adequate notice to interested persons of available assistance under this Act, appropriations authorized under subsection (a) are authorized to be included in the measure making appropriations for the fiscal year preceding the fiscal year for which such appropriations become available for obligation."

(12) Sections 13 and 14 of such Act are repealed.

(b) The amendments made by subsection (a) shall be effective on and after July 1, 1973.

Mr. PELL. Mr. President, I move that the Senate disagree to the House amendments, request a conference with the House on the disagreeing votes 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 (Mr. BARTLETT) appointed Mr. PELL, Mr. NELSON, Mr. EAGLETON, Mr. MONDALE, Mr. JAVITS, and Mr. TAFT conferees on the part of the Senate.

FEDERAL FINANCING BANK ACT

The Senate resumed the consideration of 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.

Mr. TOWER. Mr. President, if there are no further amendments, I ask for third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

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

Mr. SPARKMAN. I yield back the remainder of my time.

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

The bill having been read the third time, the question is, shall it pass?

The bill (S. 925) was passed, as follows:

S. 925

An act 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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Financing Bank Act of 1973".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. The Congress finds that demands for funds through Federal and federally assisted borrowing programs are increasing faster than the total supply of credit and that such borrowings are not adequately coordinated with overall Federal fiscal and debt management policies. The purpose of this Act is to assure coordination of these programs with the overall economic and fiscal policies of the Government, to reduce the costs of Federal and federally assisted borrowings from the public, and to assure that such borrowings are financed in a manner least disruptive of private financial markets and institutions.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Federal agency" means an executive department, an independent Federal establishment, or a corporation or other entity established by the Congress which is owned in whole or in part by the United States.

(2) The term "obligation" means any note, bond, debenture, or other evidence of indebtedness, but does not include Federal Reserve notes or stock evidencing an ownership interest in the issuing Federal agency.

(3) The term "guarantee" means any guarantee, insurance, or other pledge with respect to the payment of all or part of the principal or interest on any obligation, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions, or any guarantee or pledge arising out of a statutory obligation to insure such deposits, shares, or other withdrawable accounts.

(4) The term "Bank" means the Federal Financing Bank established by section 4 of this Act.

CREATION OF BANK

SEC. 4. There is hereby created a body corporate to be known as the Federal Financing Bank, which shall have succession until dissolved by an Act of Congress. The Bank shall be subject to the general supervision and direction of the Secretary of the Treasury. The Bank shall be an instrumentality of the United States Government and shall maintain such offices as may be necessary or appropriate in the conduct of its business.

BOARD OF DIRECTORS

SEC. 5. (a) The Bank shall have a Board of Directors consisting of five persons, one of whom shall be the Secretary of the Treasury as Chairman of the Board, and four of whom shall be appointed by the President from among the officers or employees of the Bank or of any Federal agency. The Chairman and each other member of the Board may designate some other officer or employee of the Government to serve in his place.

(b) The Board of Directors shall meet at the call of its Chairman. The Board shall determine the general policies which shall govern the operations of the Bank. The Chairman of the Board shall select and effect the appointment of qualified persons to fill such offices as may be provided for in the bylaws, and such persons shall be the executive officers of the Bank and shall discharge such executive functions, powers, and duties as may be provided for in the bylaws or by the Board of Directors. The members of the Board and their designees shall not receive compensation for their services on the Board.

FUNCTIONS

SEC. 6. (a) The Bank is authorized to make commitments to purchase and sell, and to purchase and sell on terms and conditions determined by the Bank, any obligation which is issued, sold, or guaranteed by a Federal agency. Any Federal agency which is authorized to issue, sell, or guarantee any obligation is authorized to issue or sell such obligations directly to the Bank.

(b) Any purchase by the Bank shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration (1) the current average yield on outstanding marketable obligations of the United States of comparable maturity, or (2) whenever the Bank's own obligations outstanding are sufficient, the current average yield on outstanding obligations of the Bank of comparable maturity.

(c) The Bank is authorized to charge fees for its commitments and other services adequate to cover all expenses and to provide for the accumulation of reasonable contingency reserves.

TREASURY APPROVAL

SEC. 7. (a) To insure the orderly and coordinated marketing of Treasury and Federal agency obligations and appropriate financing planning with respect thereto, and to facilitate the effective financing of programs authorized by law subject to the applicable provisions of such law, the prior approval of the Secretary of the Treasury shall be required with respect to—

(1) the method of financing,

(2) the source of financing,

(3) the timing of financing in relation to market conditions and financing by other Federal agencies, and

(4) the financing terms and conditions, including rates of interest and maturities, of obligations issued, sold, or guaranteed by any Federal agency, except that the approval of the Secretary of the Treasury shall not be required with respect to (1) obligations issued or sold pursuant to an Act of Congress which expressly prohibits any guarantee of such obligations by the United States, (2) obligations guaranteed in connection with programs involving the guarantee of large numbers of individual obligations that are originated and serviced by local lending institutions and that are not ordinarily bought and sold in the same markets as bonds and other similiar types of investment securities, or (3) obligations issued or sold by the Farmers Home Administration.

(b) Upon receipt of a request from a Federal agency for his approval under subsection (a) of this section, the Secretary of the Treasury shall act promptly either to grant his approval or to advise the agency of the reasons for withholding his approval. In no case shall the Secretary of the Treasury withhold such approval for a period longer than sixty days unless, prior to the end of such period, he submits to the Congress a detailed explanation of his reasons for so doing. In no case shall the Secretary withhold such approval for a period longer than one hundred and twenty days. To the maximum extent practicable, withholdings of approval shall be made in a manner which is not disproportionately detrimental to the functioning of any particular type of Federal program. Expedited treatment shall be accorded in any case in which the Federal agency advises the Secretary of the Treasury that unusual circumstances require such treatment.

(c) Federal agencies subject to this section shall submit financing plans to the Secretary of the Treasury at such times and in such forms as he shall prescribe.

INITIAL CAPITAL

SEC. 8. The Secretary of the Treasury is authorized to advance the funds necessary to provide initial capital to the Bank. Each such advance shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. Interest payments on such advances may be deferred, at the discretion of the Secretary, but any such deferred payments shall themselves bear interest at the rate specified in this section. There is authorized to be appropriated not to exceed $100,000,000, which shall be available for the purposes of this section without fiscal year limitation.

OBLIGATIONS OF THE BANK

SEC. 9. (a) The Bank is authorized, with the approval of the Secretary of the Treasury, to issue publicly and have outstanding at any one time not in excess of $15,000,000,000, or such additional amounts as may be authorized in appropriations Acts, of obligations having such maturities and bearing such rate or rates of interest as may be determined by the Bank. Such obligations may be redeemable at the option of the Bank before maturity in such manner as may be stipulated therein. So far as is feasible, the debt structure of the Bank shall be commensurate with its asset structure.

(b) The Bank is also authorized to issue its obligations to the Secretary of the Treasury and the Secretary of the Treasury may in his discretion purchase or agree to purchase any such obligations, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under the Second Liberty Bond Act are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All purchases and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

(c) The Bank may require the Secretary

of the Treasury to purchase obligations of the Bank issued pursuant to subsection (b) in such amounts as will not cause the holding by the Secretary of the Treasury resulting from such required purchases to exceed $5,000,000,000 at any one time. This subsection shall not be construed as limiting the authority of the Secretary to purchase obligations of the Bank in excess of such amount.

(d) Obligations of the Bank issued pursuant to this section shall 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 the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, or any agency or instrumentality of any of the foregoing, or any officer or officers thereof.

GENERAL POWERS

SEC. 10. The Bank shall have power—

(1) to sue and be sued, complain, and defend, in its corporate name;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal bylaws, rules, and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this Act in any State without regard to any qualification or similar statute in any State;

(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Bank;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such officers, attorneys, employees, and agents as may be required, to define their duties, to fix and to pay such compensation for their services as may be determined, subject to the civil service and classification laws, to require bonds for them and pay the premium thereof;

(9) to enter into contracts, to execute instruments to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business;

(10) to act through any corporate or other agency or instrumentality of the United States, and to utilize the services thereof on a reimbursable basis, and any such agency or instrumentality is authorized to provide services as requested by the Bank; and

(11) to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations.

EXEMPTIONS

SEC. 11. (a) The Bank, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and any tangible personal property of the Bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any obligations issued by the Bank shall be subject to Federal taxation to the same extent as the obligations of private corporations are taxed.

(b) All obligations issued by the Bank pursuant to this Act shall be deemed to be exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)), of section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)), and of section 304(a)(4) of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd(a)(4)).

(c) Nothing herein shall affect the budget status of the Federal agencies selling obligations to the Bank under section 6(a) of this Act, or the method of budget accounting for their transactions. The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

PREPARATION OF OBLIGATIONS

SEC. 12. In order to furnish obligations for delivery by the Bank, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Bank may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Bank. The engraved plates, dies, bed pieces, and other material executed in connection therewith, shall remain in the custody of the Secretary of the Treasury. The Bank shall reimburse the Secretary of the Treasury for any expenditures made in preparation, custody, and delivery of such obligations.

ANNUAL REPORT

SEC. 13. The Bank shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

OBLIGATIONS ELIGIBLE FOR PURCHASE BY NATIONAL BANKS

SEC. 14. The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations of the Federal Financing Bank" immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association,".

GOVERNMENT CORPORATION CONTROL ACT

SEC. 15. The budget and audit provisions of the Government Corporation Control Act (31 U.S.C. 841 et seq.) shall be applicable to the Federal Financing Bank in the same manner as they are applied to the wholly owned Government corporations named in section 101 of such Act (31 U.S.C. 846).

PAYMENTS ON BEHALF OF PUBLIC BODIES

SEC. 16. (a) Notwithstanding any other provision of this Act, the purchase by the Bank of the obligations of any local public body or agency within the United States shall be made upon such terms and conditions as may be necessary to avoid an increase in borrowing costs to such local public body or agency as a result of the purchase by the Bank of its obligations. The head of the Federal agency guaranteeing such obligations, in consultation with the Secretary of the Treasury, shall estimate the borrowing costs that would be incurred by the local public body or agency if its obligations were not sold to the Bank.

(b) The Federal agency guaranteeing obligations purchased by the Bank may contract to make periodic payments to the Bank which shall be sufficient to offset the costs to the Bank of purchasing obligations of local public bodies or agencies upon terms and conditions as prescribed in this section rather than as prescribed by section 6. Such contracts may be made in advance of appropriations therefor, and appropriations for making payments under such contracts are hereby authorized.

NO IMPAIRMENT

SEC. 17. Nothing in this Act shall be construed as impairing any authority or responsibility of the President or the Secretary of the Treasury under any other provision of law, nor shall anything in this Act affect in any manner any provision of law concerning the right of any Federal agency to sell obligations to the Secretary of the Treasury or the authority or responsibility of the Secretary of the Treasury to purchase such obligations.

SEPARABILITY

SEC. 18. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected.

EFFECTIVE DATE

SEC. 19. This Act becomes effective upon the date of its enactment except that section 7 becomes effective upon the expiration of thirty days after such date.

DOMESTIC SALE OF GOLD

SEC. 20. It is the sense of the Congress that the United States should take the necessary measures, including appropriate international measures, to enable it to sell gold from its gold stocks to licensed domestic users, at such times and under such conditions as may be desirable, taking into account international circumstances, to stabilize domestic gold markets and improve our balance of payments.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

ORDER FOR ADJOURNMENT OF THE SENATE UNTIL TOMORROW VACATED

Mr. ROBERT C. BYRD. Mr. President, there will be no more yea and nay votes today. I ask unanimous consent that the order for the convening of the Senate on tomorrow be vacated.

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

EXTENSION OF TIME FOR THE COMMITTEE ON RULES AND ADMINISTRATION TO FILE ITS REPORT ON S. 372

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration may have until midnight of July 12, 1973, to file its report on S. 372.

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

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AUTHORIZATION OF APPROPRIATIONS FOR THE COAST GUARD

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate pro-

ceed to the consideration of Calendar No. 221, H.R. 5383.

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

The assistant legislative clerk read as follows:

A bill (H.R. 5383) 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.

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 Commerce with amendments, on page 2, after line 11, insert:

AIRCRAFT

For procurement of a long range search and rescue helicopter, $3,000,000.

In line 21, strike out "$72,510,000" and insert "$75,260,000"; on page 4, after line 22, insert:

(27) At a location between San Francisco, California, and Astoria, Oregon: Establish helicopter search and rescue station.

And, on page 5, line 2, after the word "of", strike out "37,482" and insert "37,572"; and, after line 22, insert a new section as follows:

SEC. 6. (a) Section 1 of the Act of June 20, 1936 (49 Stat. 1544, 46 U.S.C. 367), as amended, is further amended by deleting the entire third sentence and substituting in lieu thereof the following sentence: "The exemption in the preceding sentence for cannery tender or fishery tender vessels shall continue in force for five years from July 11, 1973."

(b) Section 4426 of the Revised Statutes of the United States (46 U.S.C. 404), as amended, is further amended by deleting the entire last sentence and substituting in lieu thereof the following sentence: "The exemption in the preceding sentence for cannery tender and fishery tender vessels shall continue in force for five years from July 11, 1973."

Mr. MAGNUSON. Mr. President, it is very important that we pass H.R. 5383 today, because the Coast Guard authorization runs out on June 30. After the Committee on Commerce held several hearings on the bill and reported it unanimously, we found another matter needed to be included, and I am going to submit an amendment to the bill.

In the report, the committee expressed its deep concern for the bare-bones nature of the authorizations for the Coast Guard. Of particular concern to the committee was the decision to close search and rescue stations throughout the country at a time when the need for such stations is rapidly growing.

Because of this concern, the committee voted to authorize additional funds not included in the budget request for a search and rescue helicopter to be stationed in Cordova, Alaska, for a helicopter search and rescue station to be constructed at a location along the northern California or southern Oregon coast, and to authorize additional manpower to keep three of the six search and rescue stations scheduled to be closed in Michigan open for an additional year.

Mr. President, we have witnessed the Coast Guard budget for acquisition, construction, and improvement slide steadily downward over the past 3 years because of the budget cutting decisions of the administration's Office of Management and Budget. This year's request is considerably lower than in both 1972 and 1973. Vessels are being decommissioned, stations are being closed, and much-needed improvements are being pushed aside while the responsibilities of the Coast Guard under newly enacted legislation has expanded. In my opinion the Coast Guard has neither the resources nor the manpower to do a proper job in the many areas in which they have duties to perform.

One of these areas in search and rescue; 13 stations are closing and a like number of vessels are being decommissioned. My reading of the Coast Guard's testimony in hearings in the House and Senate convinces me that the sole reason for the decisions to cut SAR stations was economy alone and not a proven lack of need. The economy is needed, but certainly not at the expense of the safety of the millions of boaters, bathers, and fishermen who enjoy the recreational benefits of our Nation's lakes and waterways.

Mr. President, I was pleased to note that the House voted just last Wednesday to increase the Coast Guard appropriations level in H.R. 8760 by $600,000 so that these SAR stations may continue in operation. It is necessary for the Senate to authorize 35 additional personnel to man the stations, and provide for 5 additional man-years for their recruitment and training so that the House amendment may be implemented.

Accordingly, I offer an amendment to increase the end strength level contained in H.R. 5383 so that search and rescue stations can remain to serve the water safety needs of the country.

Mr. President, I am sending the amendment to the deck.

The PRESIDING OFFICER. The committee amendments will have to be disposed of first.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the committee amendments be adopted en bloc.

The PRESIDING OFICER. Without objection, the committee amendments are agreed to en bloc.

The amendment offered by the Senator from Washington will be stated.

The assistant legislative clerk read as follows:

On page 5, line 3, strike "37,572" and insert in lieu thereof "37,607".

On page 5, line 8, strike "4,001" and insert in lieu thereof "4,006".

Mr. MAGNUSON. Mr. President, as I previously stated, the amendment would authorize 35 additional personnel and 5 additional man-years of recruit and special training for the Coast Guard.

The Coast Guard has advised that a total of 81 personnel and 5 man-years of training would be required over and above the personnel and training levels included in the fiscal year 1974 authorization request for the Coast Guard. Thus, this amendment would supplement the increase of 46 in the personnel end strength levels approved by the committee so that the necessary manpower will be available in the event Congress appropriates operating funds for the six stations.

Mr. President, I yield to the distinguished Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I support the amendment of the distinguished chairman of the committee, the Senator from Washington.

THE NEED FOR A NATIONAL OCEANS PROGRAM

The United States this morning successfully completed one more of a brilliant series of engineering and technology feats of bringing home, within a few hundred yards of a pre-determined point, our Skylab astronauts. These skilled space technicians have proved once again that man can achieve almost any goal he sets for himself.

The success of the Skylab project, however, is a striking example of a paradox within our list of national priorities. On the floor of the Senate this week, we adopted a budget for a National Aeronautics and Space Administration of $3.16 billion for fiscal year 1974. A modest reduction, only 4 percent, proposed by the Senator from Arkansas (Mr. FULBRIGHT), was rejected by the Senate. The cut in that mammoth budget of only $110 million amounts to more, Mr. President, than this great Nation of ours is going to spend next year on its entire ocean science exploration program.

The Office of Management and Budget supports the spending of literally billions of dollars to study the Sea of Tranquility on the moon. But it is continuing to slash away at the budget for oceans programs. The National Oceanic and Atmospheric Administration budget for fiscal 1974 has been cut by $43 million from a level this year of $386 million. More than 700 employees are being laid off by our Nation's oceans agency—many of them trained scientists and technicians.

This comes at a time when increasing utilization of ocean resources is more and more important to mankind—important for food, important for minerals, important to transportation and national defense, and important for recreation.

An accident aboard the mini-submarine, "Sea Link," resulted in the death of two men this week. It raises a number of questions about our commitments to knowledge about the ocean. On Thursday, the NBC "Today Show" carried a report by newsman Peter Hackes which I ask unanimous consent to have printed in the RECORD at this point.

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

TODAY SHOW REPORT

(By Peter Hackes)

With at least three investigations underway, preliminary opinion of several experts is that the underwater tragedy was strictly accidental, but that future incidents might be avoided through increased research.

The consensus appears to be that both the Coast Guard and the Navy responded properly to the incident; in fact, there is praise for the men involved who were risking their own lives in the rescue attempt.

Thus far, unpredictable underwater currents at the edge of the Gulf Stream are blamed for pushing the research sub into the sunken Navy ship, currents which need far more study than the Nation's oceanographic program can pay for.

Thusly, the critics say the promise of full-scale ocean exploration laid out in the late 1960s has just not been fulfilled. The Vietnam war, the concentration on space, and now the severe downhold on federal funding—those reasons take most of the blame. Some oceanography bills have been killed in the last three Congresses. And the Administration has refused to fund one bill which passed both houses of Congress and was signed by the President.

In addition, there have been some sharp cutbacks in some ongoing ocean research programs which have frustrated some experts who feel we haven't really begun to see the practical payoffs. Many private firms are saying they can't continue to spend large sums on ocean research.

In 1968, it was estimated 3,000 U.S. companies and several government agencies were involved in some aspect of oceanography. Today that estimate is far less than half that number. With fewer than 30 Navy and civilian research submersibles now operating.

We've spent billions on space exploration—taking men out a quarter million miles to the moon. We spent millions on underwater exploration but submarines still don't operate much below 1,000 feet and 80 percent of the seabed lies below 6,000 feet of water. The results of the Florida tragedy investigation may well include a recommendation for more of the kind of research that mini-sub was doing.

Mr. HOLLINGS. The truth is, Mr. President, we are falling woefully behind in our attempts to keep pace in ocean science. The fiscal year 1974 budget for the manned undersea science and technology program at the National Oceanic and Atmospheric Administration is only $1 million. That is such a miniscule amount compared with our space budget that it should be an embarrassment to a great nation such as the United States.

We have, in this country, produced more than 15 expensive and highly competent civilian deep diving submersibles. Companies such as Westinghouse, General Electric, Lockheed, General Dynamics, and Reynolds Aluminum invested large amounts of money in these devices to help provide our Nation with leadership in the oceans.

Today, however, most of those submersibles are sitting in mothballs because there is not enough money to operate them. What a waste, and yet we allow the Office of Management and Budget to divert us from those programs which will help America and the world provide the resources and food to run our factories and feed our children in the 21st century.

The dollars are available. A few changes in our troop commitments in Europe would not damage European defense. A few changes in our expensive foreign spending programs. A few minor changes in some of our other huge spending programs here at home could provide the much-needed money to fulfill our needs in the ocean. I do not seek a billion-dollar wet NASA. All I ask is sufficient support for oceans programs to meet the urgent needs of our Nation.

Of the 16 submersibles, only five are being used—and those are only being put to part-time operation. Eleven others are wasted. These include the Aluminaut, the Deepstar 2,000, the Deepstar 4,000, the Star III, two subs made by General Oceanographics, the Deep Quest, the Deep River and the Asherah.

The five in use are the Alvin operated by Woods Hole Oceanographic Institution, the Beaver Mark IV, the Sea Link, the Perry PC-8 and a submersible owned by General Oceanographic. NOAA, our lead ocean space agency, will only have enough money in fiscal 1974 to briefly utilize two of these units. One is a trimmed down fisheries study and another in cooperation with France to examine the Mid-Atlantic ridge as part of our research on sea floor spreading.

We all have some questions about the accident in Florida. I am sure these questions will be answered by the boards of inquiry established by the Coast Guard and the Smithsonian Institution, which was operating this particular project.

It is ironic, however, to discover only today that the Coast Guard many months ago submitted proposed legislation to the Department of Transportation. This draft legislation would have created Coast Guard authority to establish regulations for the manufacture and operation of research submersibles. The Coast Guard has no such authority at present. The Department of Transportation, however, sat on this legislation until, I am told, it finally forwarded the bill to the Office of Management and Budget last Friday, June 15. The Coast Guard does have an Office of Underwater Safety Projects—but it only keeps track of current developments in the field. One might be led to believe that the Department of Transportation is more interested in other things.

Today's authorization bill for the Coast Guard contains $109 million. Is there sufficient money in this budget for the Coast Guard to develop safety capability for our existing and future research submersibles? Would it be possible for the Coast Guard to approach this problem quickly, and give us some definite answers? We should be able to rescue our ocean scientists if accidents occur in the future.

I know that President Nixon is justifiably proud of the achievements he has made in negotiations with the Soviet Union. The agreements announced this week on joint scientific research in oceanography will be an outstanding contribution to world understanding.

But surely it is time for the President to be told what his own administration is doing to undermine the programs he has helped create and for which he deserves credit.

The President believes that we must improve man's understanding and use of the ocean. He has said this many times. But Mr. Roy L. Ash, Director of the Office of Management and Budget, opposes such programs. Mr. Ash and his OMB are watergating the President on this all-important issue. They are undermining his credibility with Congress and with the scientific community. When the President wants one thing, but Mr. Ash goes in behind him and sabotages the President, then I believe Mr. Nixon should know about it. We had to go around Mr. Ash directly to the President in 1970 to tell him about the need to create NOAA. When the President had the facts, he agreed. This is his program. Does he know where Mr. Ash stands, and what he is doing?

The President deserves credit for sponsoring and supporting legislation to protect the ocean environment and its living resources. But the OMB has ordered zero funding for many of these new programs and massive cutbacks in others, such as the deactivation of the multi-million-dollar research vessels, *Surveyor* and *Discoverer*, and the data buoy program and the beaching of fisheries research ships.

The President has tried to give support to the American fishing industry and has urged Americans to eat more fish to avoid the high cost of beef. But Mr. Ash and the OMB have "Watergated" him again by ordering the closing of fisheries research laboratories in Georgia, Florida, and Maine and the cancelling of major studies on fish and how to increase our fish harvest.

The President has rightfully stated that the oceans and atmosphere are "interacting parts of the total environmental system upon which we depend not only for the quality of our lives, but for life itself." Statement on Reorganization Plan No. 4. In view of this, it is obvious that once again, Mr. Ash is "Watergating" the President by ordering the magnitude of ocean program cutbacks on an agency the President himself created and supports.

Finally, Mr. President, it is quite obvious that Mr. Ash is deliberately ordering the internecine warfare being launched by the Department of the Interior on all of the ocean-related programs now at the National Oceanographic and Atmospheric Administration.

The Senate on Wednesday and Thursday of this week showed Mr. Ash where it stands. The Senate strongly rejected an attempt by OMB to extend Interior Department authority in the land use bill into areas covered by the National Coastal Zone Management Act. This major environmental legislation was passed by Congress last year, assigning NOAA responsibility to grant funds to States and provide assistance on research, for the protection of their coastal lands and waters. This deliberate attempt to undermine a program approved by Congress and signed by the President—yet unfunded by OMB—should serve notice on us all where Mr. Ash stands on ocean needs.

Another example of this drive is legislation sent up to the Hill by the administration granting authority to the Department of the Interior over deep water "superports" for the importation of crude oil. These ports will occupy vast areas of the water column and will have incredibly significant impact on the coastal land where their pipelines come ashore into tank farms, refineries, distribution systems and attendant support

industry. The bill also would give Interior authority over all ocean related activities in this area, something the Department clearly knows nothing about.

Interior also has established an oceans office to help its oil industry friends, is meddling in our negotiations on land of the sea for the same reason and is otherwise presuming authority in the oceans which it does not legally possess.

Now comes Mr. Ash and his OMB with talk of a Department of Energy and Natural Resources, which would transfer the National Oceanic and Atmosphere Administration intact into a new superdepartment where it will promptly disappear from notice. All the years of work to create a focus on American ocean science, exploration, and technology will go down the drain and Mr. Ash finally will have his way—the dismantling of our entire ocean program.

I say no, Mr. President. I say Congress will not tolerate such a power grab by the Office of Management and Budget. I say Mr. Nixon should be told about it. Our Nation must have a strong national oceans program. We already are falling behind other advanced nations such as Japan, France, and the Soviet Union. Our fisheries are continuing their downward spiral into obsolescence. When is this Nation going to wake up? Is it going to take a Russian wet Sputnik to make us realize that the oceans hold out the hope of the future of mankind?

I emphasize one thing Mr. President: Many, many months ago, the Coast Guard submitted proposed legislation to the Department of Transportation for safety regulations on the manufacture and operation of research submersibles. They promulgated these regulations. It is interesting that the Department of Transportation sat on these proposals of the Coast Guard for months on end, and only last week they sent them over in the form of a bill to the OMB.

We have had the recent tragedy in Key West, Fla., which is being investigated by the Coast Guard, the Navy, and the Smithsonian Institution, which supported that particular research project.

Be that as it may, we need to support our Coast Guard very strongly, and I believe the amendment of the Senator from Washington goes a long step in that direction.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington.

The amendment was agreed to.

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

Mr. MAGNUSON. Mr. President, I ask for a third reading of the bill.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5383) was read the third time, and passed.

The title was amended, so as to read: "An Act to authorize appropriations for the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, to authorize 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."

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. MAGNUSON subsequently said: Mr. President, the distinguished Senator from Louisiana, who handled all of the hearings on this matter as the chairman of the subcommittee, thoroughly agrees with the amendment I presented and agrees to what we did in passing the bill today.

AUTHORIZATION OF APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. MOSS. Mr. President, a message received from the House yesterday announces that the House has disagreed to the amendment of the Senate to the bill H.R. 7528 to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 7528.

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. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MOSS. 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 Senators MOSS, SYMINGTON, CANNON, GOLDWATER, and CURTIS conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one if its reading clerks, announced that the House had passed the bill (H.R. 7824) to establish a Legal Services Corporation, and for other purposes, in which it requests the concurrence of the Senate.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, June 22, 1973, he presented to the President of the United States the following enrolled bills:

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. 1501. An act to amend the Water Resources Planning Act to provide for continuing authorization for appropriations.

QUORUM CALL

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

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

RAILROAD RETIREMENT AMENDMENTS OF 1973—CONFERENCE REPORT

Mr. HATHAWAY. Mr. President, I submit a report of the committee of conference on H.R. 7200, and ask for its immediate consideration.

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

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

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

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

CONFERENCE REPORT (S. REPT. NO 93-239)

The committee of conference on the disagreeing votes of the two Houses on 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

TITLE I—RAILROAD RETIREMENT ACT AMENDMENTS

SEC. 101. Section 2(a) of the Railroad Retirement Act of 1973 is amended—

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

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

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

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

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

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

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

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

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

(c) Section 3211(a) of such Code (relating to the rate of tax on employee representatives under the Railroad Retirement Tax Act) is amended by striking out all that appears therein and inserting in lieu thereof the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

average monthly earnings (in the case of a pension) or the average monthly compensation (in the case of an annuity under the Railroad Retirement Act of 1935) which would be used to compute the basic amount if the individual were to die to be the average monthly wage.

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

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

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

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

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

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

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

SEC. 108. The Congress hereby declares its intent to enact legislation in 1974, effective not later than January 1, 1975, which will assure the long-term actuarial soundness of the railroad retirement system.

SEC. 109. (a) The amendments made by section 101 of this Act shall become effective on July 1, 1974: *Provided, however,* That those amendments shall not apply to individuals whose annuities began to accure prior to that date.

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

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

SEC. 110. This title may be cited as the "Railroad Retirement Amendments of 1973".

TITLE II—INTERSTATE COMMERCE ACT AMENDMENTS

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

"(4)(a) The Commission shall by rule, on or before August 1, 1973, establish requirements for petitions for adjustment of interstate rates of common carriers subject to this part based upon increases in expenses of such carriers resulting from any increases in taxes under the Railroad Retirement Tax Act, as amended, occurring on or before January 1, 1975, or as a result of the enactment of the Railroad Retirement Amendments of 1973. Such requirements, established pursuant to section 553 of title 5 of the United States Code (with time for comment limited so as to meet the required date for establishment and subject to future amendment or revocation), shall be designed to facilitate fair and expeditious action on any such petition as required in subparagraph (b) of this paragraph by disclosing such information as the amount needed in rate increases to offset such increases in expenses and the availability of means other than a rate increase by which the carrier might absorb or offset such increases in expenses.

"(b) Notwithstanding any other provision of law, the Commission shall, within thirty days of the filing of a verified petition in accordance with rules promulgated under subparagraph (a) of this paragraph, by any carrier or group of carriers subject to this part, permit the establishment of increases in the general level of the interstate rates of said carrier or carriers in an amount approximating that needed to offset increases in expenses therefore experienced or demonstrably certain to occur commencing on or before the effective date of the increased rates, as a result of any increases in taxes under the Railroad Retirement Tax Act, as amended, occurring on or before January 1, 1975, or as a result of the enactment of the Railroad Retirement Amendments of 1973. Such increases in rates may be made effective on not more than thirty nor less than ten days' notice to the public, notwithstanding any outstanding orders of the Commission. To the extent necessary to effectuate their establishment, rates so increased shall be relieved from the provisions of section 4 of this part and may be published in tariff supplements of the kind ordinarily authorized in general increase proceedings.

"(c) The Commission shall within sixty days from the date of establishment of interim rates under paragraph (4)(b) of this section commence hearings for the purpose of making the final rate determination. The Commission shall then proceed to make such final rate determination with the carrier having the burden of proof. In making such determination, the Commission may take into account all factors appropriate to rate-making generally under part I of this Act and shall determine such final rates under the standards and limitations applicable to rate-making generally under part I of this Act. If the increases in rates finally authorized by the Commission are less than the increases in rates initially made effective, the carrier or carriers shall, subject to such tariff provisions as the Commission shall deem sufficient, make such refunds (in the amount by which the initially increased rate collected exceeds the finally authorized increased rate) as may be ordered by the Commission, plus a reasonable rate of interest as determined by the Commission. Nothing contained in this paragraph shall limit or otherwise affect the authority of the Commission to authorize or to permit to become effective any increase in rates other than the increases herein specified.

"(d)(A) The State authority having jurisdiction over petitions for intrastate rate increases by any carrier or group of carriers subject to part I of this Act shall, within 60 days of the filing of a verified petition for such increases based upon increases in expenses of such carriers as a result of any increases in taxes under the Railroad Retirement Tax Act, as amended, occurring on or before January 1, 1975, or as a result of the enactment of the Railroad Retirement Amendments of 1973, act upon said petition. Such State authority may grant an interim rate increase or a final rate increase. If such State authority grants any interim rate increases, it shall thereafter investigate and determine the reasonableness of such increases and modify them to the extent required by applicable law. To the extent that any such interim increases are reduced as a result of the action of a State authority, the carrier or carriers shall make such refunds (in the amount by which the initially increased rate collected exceeds the finally authorized increased rate) as may be ordered by such State authority, plus a reasonable rate of interest as determined by the State authority.

"(B) If a State authority denies in toto such a petition filed with it by such carrier or group of carriers seeking relief regarding such intrastate rate increases or does not act finally on such petition within 60 days from the presentation thereof, the Commission shall, within 30 days of the filing of a verified petition by such carrier or group of carriers relating to such intrastate rates, act upon such petition by applying the rate-making criteria of subparagraph (4)(c) of this paragraph. If the Commission grants, in whole or in part, such petition by any carrier or group of carriers, the increase authorized shall be considered as an interim rate increase as provided in subparagraph (A) above and shall be subject to final determination by the State authority in accordance with the procedures prescribed for interim intrastate rate increases as provided above, including the ordering of refunds by such State authority.

"(C) If a State authority denies in part such a petition filed with it by such carrier or group of carriers, within 60 days from the presentation thereof, the Commission shall, within 30 days of the filing of a verified petition by such carrier or group of carriers relating to the intrastate rates involved, act upon such petition by applying the criteria of section 13(4) of this part.

"(D) Nothing in subparagraph (A) or (B) shall be construed to abrogate the authority of the Commission under section 13(4) of this part and in the event a carrier or group of carriers subject to a refund requirement under subparagraph (A) or (B) files a petition under section 13(3), the refund requirement shall be stayed pending final order of the Commission under section 13(4) of this part.

"(e) Any increased freight rates authorized shall not exceed a reasonable level by types of traffic, commodities, or commodity groups and shall preserve existing market patterns and relationships and present port relation-

ships by increase limitations within and between the major districts to the extent possible without authorizing unreasonable increases in any district."

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

TITLE III—SEPARABILITY

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

And the Senate agree to the same.

WILLIAM D. HATHAWAY,
CLAIBORNE PELL,
GAYLORD NELSON,
HAROLD E. HUGHES,
WALTER F. MONDALE,
RICHARD S. SCHWEIKER,
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VANCE HARTKE,
ROBERT GRIFFIN,

Managers on the Part of the Senate.

HARLEY O. STAGGERS,
JOHN JARMAN,
JOHN D. DINGELL,
JAMES HARVEY,
DAN KUYKENDALL,

Managers on the Part of the House.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the 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, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

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

The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment.

The differences between the House bill, the Senate amendment thereto, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—AMENDMENTS TO THE RAILROAD RETIREMENT ACT, THE RAILROAD RETIREMENT TAX ACT, AND CERTAIN PUBLIC LAWS

Both the House bill and the Senate amendment provide for retirement at age 60 after 30 years' service for male railroad employees: provide for an extension to December 31, 1974, of the temporary railroad retirement benefit increases presently scheduled to expire July 1, 1973; provide for a pass-through of social security benefit increases which might be enacted in 1973 or 1974; provide for a shift in the liability for the payment of railroad retirement taxes from employees to employers to the extent that the taxes are imposed at a rate in excess of the rates prescribed in the Social Security Act; and for the establishment of a labor management committee to recommend a restructuring of the railroad retirement system to insure its actuarial soundness with recommendations to be submitted to the Congress in 1974.

The House bill and the Senate amendment also provide for expedited freight-rate making procedures applicable to interstate and intrastate rates, to cover the costs arising out of this legislation.

EARLY RETIREMENT: PERMANENT BENEFIT INCREASES: ACTUARIAL DEFICIT

House bill

The House bill provided that men at the age of 60 can retire after 30 years of service without reduction in their annuities, effective only with respect to retirements occurring after June 30, 1974. The House bill also extended the temporary benefit increases presently due to expire June 30, 1973, through December 31, 1974.

Senate amendment

The Senate amendment, in part A of title I, provided that the early retirement eligibility feature would expire December 31, 1974. Part B of title I of the Senate amendment provided for making permanent the temporary benefit increases otherwise due to expire December 31, 1974, and was intended to provide for making permanent the early retirement features, along with providing for an increase in railroad retirement taxes of 7.5 percent with the liability for the taxes to be determined by the Congress in 1974.

Conference substitute

The conference agreement deletes the specific level of taxes contained in the Senate amendment, but provides a new section stating that the Congress declares its intent to enact legislation in 1974, to take effect on or before January 1, 1975, which will assure the long-term actuarial soundness of the railroad retirement system.

The conference agreement also makes permanent the liberalization of retirement eligibility for men at age 60 with 30 years of service, and leaves for the legislation to be enacted in 1974 the problem of making the temporary benefit increases permanent.

The conferees recognize that the actuarial solvency of the railroad retirement system is a serious matter, and expected to deal with it in 1974, along with the consideration of making these temporary increases permanent, as well as the overall restructuring of the Act.

The conferees wish to emphasize that the solution of the financial problems of the railroad retirement fund cannot be delayed beyond 1974. Accordingly the bill contains a statement that it is the intent of Congress to act on this matter during 1974, and further provides for the submission of the recommendations of labor and management for legislation by April 1, 1974. A joint labor-management committee is established for the purpose of formulating such recommendations.

JOINT LABOR-MANAGEMENT COMMITTEE

House bill

The House bill provided for the establishment of a joint labor-management committee composed of representatives of employees and carriers, which would report no later than July 1, 1974, to the Senate Committee on Labor and Public Welfare and the House Committee on Interstate and Foreign Commerce, their joint recommendations for restructuring the railroad retirement system.

Senate amendment

The Senate amendment provided for such a committee, composed of representatives of employees and retirees and representatives of carriers, which would meet not less often than once each month; would submit to Congress interim progress reports in September and November of 1973, and in January 1974; and which would present a draft bill to the Congress carrying out the parties' specific recommendations for restructuring the railroad retirement system in a manner which will assure the long-term actuarial soundness of the system. The final recommendations of the committee were to be submitted by March 1, 1974.

Conference substitute

The conference agreement is substantially the same as the Senate amendment, except that it provides that the committee shall be composed of representatives of employees and carriers, and provides for the submission of a report to the above-mentioned committees by April 1, 1974, in order to give Congress more time to deal with the complex issues involved. It is the intent of the conferees that the periodic progress reports need not cover all items of detail involved in the negotiations, but may be general statements, sufficient to keep the Congress informed of the progress being made.

TAX RATE CHANGES FOR RAILWAY LABOR ORGANIZATIONS

House bill

Both the House bill and the Senate amendment contained a provision temporarily exempting from the change in tax liabilities under the Railroad Retirement Tax Act certain steel companies whose employees were covered by the Railroad Retirement Act as well as other supplemental pension programs.

Senate amendment

The Senate amendment extended this exemption to railway labor organizations which have similar arrangements covering their employees. The affected organizations are permitted under the amendment to obtain a delay in the transfer of tax liabilities until the earlier of (1) the date as of which any moratorium in current collective bargaining agreements covering pay expires, or (2) the date the organization agrees through collective bargaining to assume the liability for payment of those taxes.

Conference substitute

The conference agreement is the same as the Senate amendment.

TITLE II—AMENDMENTS TO THE INTERSTATE COMMERCE ACT

Section 201

House bill

The purpose of section 201 was to allow railroads to increase the general level of inter- and intrastate rates to offset increases in costs resulting from increases in taxes under the Railroad Retirement Act, as amended, occurring before January 1, 1975, or as a result of the enactment of the House bill. Under the procedure established to accomplish this purpose, the Commission was required, within thirty days after the filing of a verified petition by a carrier or group of carriers, to permit the filing of tariffs providing for increased rates to become effective not less than 10 nor more than 30 days from the date of filing. (Such increases could not take effect until the cost increases upon which they were based had become effective.) The Commission could withhold permission to file tariffs if it found that the proposed increase clearly exceeded the amount needed to cover the increases in costs, but otherwise once the tariffs were filed the Commission would have no authority to suspend them pending final determination. After such hearings as it deemed necessary, the Commission was required to authorize such permanent increases as were necessary to offset the increased costs described above in accordance with the standards applied by the Commission under the

Interstate Commerce Act. In the event that the increases authorized on a permanent basis were less than those initially allowed and collected, the carriers were required to refund the difference.

Section 202

This section provided that the Commission require carriers which have been permitted or authorized increased rates under section 201, above, to make such increases as are established for interstate traffic concurrently effective on intrastate shipments. The intrastate increases thus required would be deemed to have been prescribed under section 13(4) of the Interstate Commerce Act, as amended, and they would be subject to the same refund provisions as described above.

Senate amendment

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

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

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

The bill specifically required that any increased freight rates authorized "shall not exceed a reasonable level by types of traffic, commodities, or commodities groups and shall preserve existing market patterns and relationships and present port relationships by uniform maximum increase limitations within and between the major districts."

Conference substitute

The conference substitute in general incorporates the provisions of the House bill with respect to increases in interstate freight rates related to increases in railroad retirement taxes, but requires the Interstate Commerce Commission to prescribe by rule the requirements which must be satisfied in the petitions filed by carriers for increases. The substitute revises the procedures with respect to intrastate ratemaking, and makes certain clarifications with respect to the implementation of rate increases so as to avoid discrimination between commodities and districts. A description of the conference substitute follows.

The conference substitute adds a new paragraph (4) to section 15(a) of the Interstate Commerce Act. Subparagraph (a) of the proposed new paragraph (4) provides that the Commission shall, by informal rule-making under the Administrative Procedure Act establish the requirements for petitions for adjustments of rates of common carriers subject to part I of the Interstate Commerce Act occasioned by the tax increases prescribed in this legislation, in existing law, or imposed by law on or before January 1, 1975. The requirements which the petitions must meet shall be such as to lead to the disclosure of the availability of means other than a rate increase by which carriers might absorb or offset the increases.

Subparagraphs (b) and (c) of the proposed new paragraph (4) are essentially the same as the provisions of the House bill, but are limited to interstate freight rate increases, and the carriers are required to pay interest on refunds ordered by the Commission.

Subparagraph (d) differs from both the House and Senate versions, but in general follows the pattern of the Senate amendment, with some revisions. In the case of intrastate rate increases to offset expenses arising out of the taxes referred to above, the carriers must initially apply to the appropriate State authority. If the State authority grants the full amount of the requested increase within 60 days, the Commission does not become involved in the proceeding. If the State authority chooses, it may grant an interim rate increase in the full amount requested, and subsequently order refunds in the same fashion as the Interstate Commerce Commission may order refunds in the case of interstate rates.

If the State authority does not act on the petition within 60 days, of if the State authority denies the increase entirely, the carriers may petition the Interstate Commerce Commission for an order granting such increases, and the Commission must act upon that petition within 30 days, applying the criteria it applies to final determinations of interstate rate increases under the conference substitute. Thereafter, the State authority may consider the justification for the rate increases granted, and may order refunds if it subsequently determines that the rate increases are not justified, subject however to the overall authority of the Interstate Commerce Commission to grant relief against undue discrimination against, or burdens upon, interstate commerce in accordance with section 13(4) of the Interstate Commerce Act.

If the State authority to whom a petition for intrastate rate increases is submitted under this section grants an increase within the 60 day period prescribed but in amounts less than requested by the carriers, the carriers may petition the Interstate Commerce Commission for relief under section 13(4) (relating to undue discrimination against, or burdens upon, interstate commerce) of the Interstate Commerce Act, and the Commission is required to act on that petition within 30 days.

Subparagraph (e) is derived from the Senate amendment and provides that any increased freight rates authorized are not to exceed a reasonable level by types of traffic, commodities, or commodity groups and are to preserve existing market patterns and relationships and present port relationships through the use of increase limitations within and between the major districts to the extent possible, but not in such a way as to authorize unreasonable increases in any district.

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DAN KUYKENDALL,
Managers on the Part of the House.

Mr. HATHAWAY. Mr. President, I would like to take this opportunity to commend all those who contributed to the development and passage of this legislation. This includes representatives of railway labor and railway management; the members and staff of the Railroad Retirement Board, Library of Congress staff, the members and staff of the House Committee on Interstate and Foreign Commerce, the Senate Committee Labor and Public Welfare, Finance and Commerce, as well as the members of the conference committee. Without the continuing cooperation of all of these individuals and groups, legislation in this complex and sometimes perplexing area would have been impossible.

As it is, the piece of legislation which I am now laying before the Senate is a realistic and responsible approach toward the solution of a difficult problem—a problem which has been before the Congress too often in the recent past. While protecting the benefit levels of those currently on the railroad retirement rolls, this act sets in motion a logical process for putting the system on a sound financial basis. This process begins, as it should, with negotiations between labor and management on the restructuring of the system. The fundamental question involved here, of course, is who will bear the cost of making the system whole. Therefore, it makes sense that the parties who will have to bear this cost, one way or another, be given the option of settling this matter through collective bargaining. From the testimony we have received, I have every confidence that such a settlement can be achieved.

With respect to title II of the conference substitute, I would like to make several clarifying observations. The conference substitute requires a carrier to petition the appropriate State authority when seeking intrastate rate increases based upon expenses resulting from railroad retirement increases. The State can then act upon such petition to grant an interim or final rate increase. Either of those actions would constitute "final" action for the purposes of subparagraph (d)(B) of paragraph 4, and would preclude a petition to the Commission if rates were granted in the full amount re-

quested. To clarify another point, the authority of the Commission to review State action in accordance with section 13(4) of the Interstate Commerce Act specifically preserved in subparagraph (d)(D) of paragraph 4 of the conference substitute does not offer carriers an alternative to the other provisions specified in subparagraph (d). The Commission would review State actions only after they had been completed as authorized in subparagraphs (A), (B), and (C) of subparagraph (d).

Finally, this act contains a very important one sentence section which reads as follows:

The Congress hereby declares its intent to enact legislation in 1974, effective not later than January 1, 1975, which will assure the long-term actuarial soundness of the railroad retirement system.

This puts the Congress clearly on record and the parties clearly on notice that the present precarious financial conditions of the system cannot continue beyond 1974. Our responsibility to present and especially future retirees requires no less.

The problems of railroad retirement are not easy ones; however, I am sure that they can be solved if the spirit of cooperation which gave rise to this legislation continues to operate. This legislation is not the solution, but merely a vehicle to move us toward a solution. It is responsible legislation; I respectfully urge its passage.

Mr. HATHAWAY. Mr. President, I move the adoption of the report.

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

The report was agreed to.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR ADJOURNMENT FROM FRIDAY, JUNE 29, 1973, TO SATURDAY, JUNE 30, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes business on Friday next, it stand in adjournment until 10 o'clock a.m. on Saturday next.

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

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I assume this will be the final rollcall today.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll

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

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending business before the Senate is S. 1443.

Mr. ROBERT C. BYRD. I thank the Chair.

I ask unanimous consent that on Monday, the then unfinished business, S. 1443, be temporarily laid aside while the Senate proceeds to the consideration of S. 343, a bill to designate the Tuesday next after the first Monday in October as the day for Federal elections, and that the unfinished business remain in a temporarily laid-aside status until the disposition of S. 343 or until the close of business on Monday, whichever is earlier.

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

PROGRAM

Mr. ROBERT C. BYRD. The program for Monday is as follows: The Senate will convene at 10 o'clock a.m.

After the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Illinois (Mr. PERCY) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 3 minutes.

At the conclusion of the period for the transaction of routine morning business, the Senate will proceed to the consideration of Calendar No. 207, S. 343, a bill to designate the Tuesday next after the first Monday in October as the day for Federal elections. Amendments will be in order thereto. There is a time limitation agreement thereon. And there will be yea-and-nay votes presumably on amendments thereto. There will most assuredly be a yea-and-nay vote on the final passage thereof.

Upon the disposition of S. 343, the Senate will resume its consideration of the then unfinished business, Calendar No. 179 (S. 1443) a bill to authorize the furnishing of defense articles and services to foreign countries and international organizations. Yea-and-nay votes will likely occur on amendments to that bill.

The leadership may from time to time call up other measures which are cleared for floor action.

The Senate will operate on a multiple track system throughout next week.

The leadership would ask for the understanding of all Senators, realizing that the effort will be made—as the distinguished majority leader has announced earlier—to complete the business of the Senate by next Friday or next Saturday, preceding the July 4 holiday. Under the previous plan, all will recall, the Senate was to begin its July 4 recess at the close of business a week from next Tuesday.

So, the leadership would hope to have as much flexibility as is possible in dealing with the calendar throughout the next week, hoping that all Senators would be alerted at all times to the possibility of rollcall votes at any time next week—early or late on any day.

The Senate will be operating under special circumstances next week, and will be meeting early and will be meeting reasonably late daily, including Saturday in all likelihood.

The leadership would also express the hope that, where possible, the 3-day rule may be waived in view of the extenuating circumstances confronting the Senate next week.

I think that the distinguished majority leader would want me to state, moreover, at this time that the leadership would in all likelihood expect to call up Calendar No. 224 (S. 2045) a 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, and also Calendar No. 226 (S. 37) a bill 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, on any day, beginning with Tuesday of next week, so that the Senate may proceed with a multiple track system as has been announced.

Senators would, therefore, have received appropriate notice in the meantime that the Senate may be taking up those 2 bills Tuesday.

I would imagine that on Wednesday of next week, the leadership would probably want to proceed on the first track with Calendar No. 208 (S. 1435) a bill to provide an elected Mayor and City Council for the District of Columbia, and for other purposes.

ADJOURNMENT TO MONDAY, JUNE 25, 1973, AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until the hour of 10 a.m. on Monday next.

The motion was agreed to; and at 2:50 p.m., the Senate adjourned until Monday, June 25, 1973, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 22, 1973:

IN THE AIR FORCE

The following-named officers for promotion in the Air Force Reserve, under the appropriate provisions of chapter 837, title 10, United States Code, as amended, and Public Law 92–129.

LINE OF THE AIR FORCE

Major to lieutenant colonel

Ables, Jack, [redacted]
Adair, Billy D., [redacted]
Aguirre, Alex H., [redacted]
Alderman, Richard J., [redacted]
Aldred, William H., [redacted]
Aleksich, Bronco, [redacted]
Alexander, John A., [redacted]
Allen, Glenn T., Jr., [redacted]
Amato, Anthony J., [redacted]

Amsler, Ernest G., Jr., xxx-xx-xxxx
Anctil, Robert J. N., xxx-xx-xxxx
Anders, Edward B., xxx-xx-xxxx
Anderson, Amil D., xxx-xx-xxxx
Anderson, Donald P., xxx-xx-xxxx
Anderson, Edith R., xxx-xx-xxxx
Anderson, William K., xxx-xx-xxxx
Andreasen, James H., xxx-xx-xxxx
Andrew, Loyd D., xxx-xx-xxxx
Annis, William W., xxx-xx-xxxx
Apt, Frederick G., Jr., xxx-xx-xxxx
Arnheiter, Theodore L., Jr., xxx-xx-xxxx
Atchison, Jessie E., xxx-xx-xxxx
Atkinson, Don C., xxx-xx-xxxx
Atwood, Robert E., xxx-xx-xxxx
Bachman, Robert A., xxx-xx-xxxx
Bacote, Thomas B., xxx-xx-xxxx
Baggish, Irving, xxx-xx-xxxx
Baier, Charles J., xxx-xx-xxxx
Bailey, Samuel W., xxx-xx-xxxx
Bale, Lawrence J., xxx-xx-xxxx
Ballard, Carroll C., xxx-xx-xxxx
Balmer, John M., xxx-xx-xxxx
Baltz, Howard B., xxx-xx-xxxx
Banasick, John A., xxx-xx-xxxx
Bandy, Maurice L., xxx-xx-xxxx
Barker, Cortis A., Jr., xxx-xx-xxxx
Bartlett, Robert W., xxx-xx-xxxx
Bassett, Clement R., xxx-xx-xxxx
Batchelor, Pines F., Jr., xxx-xx-xxxx
Bauer, Kurt W., xxx-xx-xxxx
Beasley, George W., xxx-xx-xxxx
Beattie, Sheridan B., xxx-xx-xxxx
Beavis, Leonard C., xxx-xx-xxxx
Beck, Theodore H., xxx-xx-xxxx
Becker, Roger A., xxx-xx-xxxx
Beddow, William H., Jr., xxx-xx-xxxx
Begue, William J., xxx-xx-xxxx
Belehas, Constantine G., xxx-xx-xxxx
Bell, Arthur R., Jr., xxx-xx-xxxx
Bell, Harry S., xxx-xx-xxxx
Bell, James R., xxx-xx-xxxx
Bell, John W., xxx-xx-xxxx
Bell, Junius C., xxx-xx-xxxx
Benigno, Caesar J., xxx-xx-xxxx
Benlick, George H., xxx-xx-xxxx
Bennett, Gordon R., xxx-xx-xxxx
Bennett, John W., xxx-xx-xxxx
Bennett, Max M., xxx-xx-xxxx
Bennett, William G., xxx-xx-xxxx
Bergsten, Lester D., xxx-xx-xxxx
Bernick, Richard J., xxx-xx-xxxx
Berry, Jack K., xxx-xx-xxxx
Bettencourt, Manuel S., Jr., xxx-xx-xxxx
Birch, Howard R., xxx-xx-xxxx
Birkelo, Ralph J., xxx-xx-xxxx
Black, Donald H., xxx-xx-xxxx
Blackburn, Richard S., xxx-xx-xxxx
Blair, Tunice K., xxx-xx-xxxx
Blake, Billy B., xxx-xx-xxxx
Blythe, Samuel A., xxx-xx-xxxx
Bolton, Louis F., xxx-xx-xxxx
Bomar, Jack W., xxx-xx-xxxx
Bones, William F., Jr., xxx-xx-xxxx
Bonnet, Francis A., xxx-xx-xxxx
Bontempo, Arnold, xxx-xx-xxxx
Booth, Billy C., xxx-xx-xxxx
Bottom, Raymond B., Jr., xxx-xx-xxxx
Boughton, Charles J., xxx-xx-xxxx
Bowers, George B., Jr., xxx-xx-xxxx
Bowie, Andrew J., xxx-xx-xxxx
Boyce, Ronald N., xxx-xx-xxxx
Boyd, John E., xxx-xx-xxxx
Brady, John A., xxx-xx-xxxx
Brainin, Howard L., xxx-xx-xxxx
Brandstetter, Walter C., xxx-xx-xxxx
Branham, William D., xxx-xx-xxxx
Brenner, Stanley J., xxx-xx-xxxx
Brinck, John S., xxx-xx-xxxx
Brouillette, Percy, Jr., xxx-xx-xxxx
Brown, Charles Q., xxx-xx-xxxx
Brown, George R., xxx-xx-xxxx
Brown, Gordell A., xxx-xx-xxxx
Brown, Jimmy C., xxx-xx-xxxx
Brown, Ralph L., xxx-xx-xxxx
Browning, Robert C., xxx-xx-xxxx
Bryan, Walter H., xxx-xx-xxxx
Buchanan, Howard A., xxx-xx-xxxx
Bufano, Leon R., xxx-xx-xxxx
Buller, Gerald E., xxx-xx-xxxx
Bunch, Howard E., xxx-xx-xxxx
Burgess, Richard J., xxx-xx-xxxx
Burke, Edward F., xxx-xx-xxxx
Cadwell, Ernest E., Jr., xxx-xx-xxxx
Caldwell, John T., xxx-xx-xxxx
Cali, Alfio J., xxx-xx-xxxx
Campbell, William J., Jr., xxx-xx-xxxx
Cannon, Ross W., xxx-xx-xxxx
Caporale, Patrick R., xxx-xx-xxxx
Capwell, Donald B., xxx-xx-xxxx
Carbone, Thomas J., xxx-xx-xxxx
Cargill, Charles R., xxx-xx-xxxx
Carmichael, John B., Jr., xxx-xx-xxxx
Carpenter, Jonathan C., xxx-xx-xxxx
Carr, Charles H., xxx-xx-xxxx
Carroll, David A., xxx-xx-xxxx
Carroll, Fred M., xxx-xx-xxxx
Carusos, Jack N., xxx-xx-xxxx
Carver, Robert B., xxx-xx-xxxx
Cary, William S., Jr., xxx-xx-xxxx
Case, Thomas F., xxx-xx-xxxx
Cate, Joe N., Jr., xxx-xx-xxxx
Cavanaugh, David K., xxx-xx-xxxx
Chandler, Woodley L., xxx-xx-xxxx
Chavaux, Paul H., xxx-xx-xxxx
Childress, Robert D., xxx-xx-xxxx
Choate, Murray R., xxx-xx-xxxx
Chrisinger, Richard L., xxx-xx-xxxx
Chrysokos, James S., xxx-xx-xxxx
Clement, Charles A., Jr., xxx-xx-xxxx
Cleveland, Willard E., xxx-xx-xxxx
Clones, Nicholas J., xxx-xx-xxxx
Coleman, Edward B., xxx-xx-xxxx
Collins, Martin T., xxx-xx-xxxx
Colvin, Jack H., xxx-xx-xxxx
Comstock, Frederick L. J., xxx-xx-xxxx
Congdon, James E., xxx-xx-xxxx
Conlon, James E., xxx-xx-xxxx
Conover, George R., xxx-xx-xxxx
Contreras, Cosby B., xxx-xx-xxxx
Coogan, Bernard J., xxx-xx-xxxx
Cook, Carter C., xxx-xx-xxxx
Cook, Raymond G., xxx-xx-xxxx
Cooper, Walter B., xxx-xx-xxxx
Copeland, H. C., xxx-xx-xxxx
Copeland, Jones E., xxx-xx-xxxx
Corriher, Mitchell B., Jr., xxx-xx-xxxx
Corwin, Lewis A., xxx-xx-xxxx
Costello, Richard P., xxx-xx-xxxx
Cotten, Richard E., xxx-xx-xxxx
Cowden, Robert O., xxx-xx-xxxx
Cox, William J., xxx-xx-xxxx
Craig, Dorothy A., xxx-xx-xxxx
Craig, George A., xxx-xx-xxxx
Crawford, Alvin G., xxx-xx-xxxx
Crawford, William A., xxx-xx-xxxx
Crump, Allan C., xxx-xx-xxxx
Cryer, Robert E., xxx-xx-xxxx
Cummings, Robert F., xxx-xx-xxxx
Cunning, James F., Jr., xxx-xx-xxxx
Curcio, John, xxx-xx-xxxx
Curry, Elmer E., Jr., xxx-xx-xxxx
Curry, Robert L., III, xxx-xx-xxxx
Dagnoli, Donato F., xxx-xx-xxxx
Dahlquist, Jerome L., xxx-xx-xxxx
Dale, Harold D., Jr., xxx-xx-xxxx
Daler, Wilbert A., xxx-xx-xxxx
Daly, Ernest R., xxx-xx-xxxx
Danaher, Jere J., xxx-xx-xxxx
Daniel, Paul L., xxx-xx-xxxx
Daniels, Robert W., xxx-xx-xxxx
Danna, John B., Jr., xxx-xx-xxxx
Davey, Walter T., Jr., xxx-xx-xxxx
Davidson, Duncan P., xxx-xx-xxxx
Davidson, Steve E., xxx-xx-xxxx
Davis, Clay T., Jr., xxx-xx-xxxx
Davis, Donald F., xxx-xx-xxxx
Davis, Lester A., xxx-xx-xxxx
Davis, Robert E., xxx-xx-xxxx
Day, Bradley W., xxx-xx-xxxx
Dayton, Alfred B., xxx-xx-xxxx
Dean, Robert A., xxx-xx-xxxx
Debra, Daniel B., xxx-xx-xxxx
Deeb, George M., xxx-xx-xxxx
Deleon, Heriberto, xxx-xx-xxxx
Delfino, Edio P., xxx-xx-xxxx
Delph, Norris C., xxx-xx-xxxx
Delserone, William E., xxx-xx-xxxx
Derath, Eugene R., xxx-xx-xxxx
Derrick, William J., III, xxx-xx-xxxx
Derthick, Lewis H., Jr., xxx-xx-xxxx
Desomma, Francis L., xxx-xx-xxxx
Deville, Joel J., xxx-xx-xxxx
Dewey, Harold A., Jr., xxx-xx-xxxx
Dickey, Coe H., Jr., xxx-xx-xxxx
Dickson, Charles W., xxx-xx-xxxx
Dietrich, Ross B., xxx-xx-xxxx
Dileo, Frank D., Jr., xxx-xx-xxxx
Diller, John C., Jr., xxx-xx-xxxx
Dinsmore, John W., xxx-xx-xxxx
Dinwiddie, Thomas H., xxx-xx-xxxx
Dixon, Harold F., xxx-xx-xxxx
Dobbs, Paul J. H., xxx-xx-xxxx
Dochtermann, Wolfram J., xxx-xx-xxxx
Doherty, Mary L., xxx-xx-xxxx
Dorsey, Edgar E., xxx-xx-xxxx
Dotson, Robert E., xxx-xx-xxxx
Douches, John J., Jr., xxx-xx-xxxx
Dougherty, Frank E., Jr., xxx-xx-xxxx
Downey, James P., xxx-xx-xxxx
Downs, Harry M., xxx-xx-xxxx
Duffee, Ernest M., xxx-xx-xxxx
Dugan, William H., xxx-xx-xxxx
Duncan, John A., xxx-xx-xxxx
Durbin. Donald B., xxx-xx-xxxx
Durland, George R., xxx-xx-xxxx
Dvorak, Raymond P., xxx-xx-xxxx
Eaton, John L., xxx-xx-xxxx
Edens, Ira A., xxx-xx-xxxx
Edgerton, Charles R., xxx-xx-xxxx
Edmiston, John R., xxx-xx-xxxx
Edwards, Alfred L., xxx-xx-xxxx
Edwards, Burton L., xxx-xx-xxxx
Eide, Allan B., xxx-xx-xxxx
Eiser, Carl H., xxx-xx-xxxx
Elkin, James L., Jr., xxx-xx-xxxx
Ellenwood, Glenn L., xxx-xx-xxxx
Ellis, Ben P., II., xxx-xx-xxxx
Elman, Stanislaus A., xxx-xx-xxxx
Emery, James L., xxx-xx-xxxx
Endrikat, Fred R., xxx-xx-xxxx
Endt, Robert H., xxx-xx-xxxx
Erdmann, Robert H., xxx-xx-xxxx
Erickson, Donn W., xxx-xx-xxxx
Eriksen, Hans J., xxx-xx-xxxx
Ernst, Charles R., Jr., xxx-xx-xxxx
Evans, James H., xxx-xx-xxxx
Evans, Richard D., xxx-xx-xxxx
Fant, John A., xxx-xx-xxxx
Farmer, Benjamin R., Jr., xxx-xx-xxxx
Farquhar, Charles D., xxx-xx-xxxx
Farris, Nathandale, xxx-xx-xxxx
Farrow, Billy G., xxx-xx-xxxx
Fearon, Robert H., Jr., xxx-xx-xxxx
Ferguson, Jack P., xxx-xx-xxxx
Ferrell, Donald L., xxx-xx-xxxx
Ferry, Donald W., xxx-xx-xxxx
Finn, Fred T., Jr., xxx-xx-xxxx
Finn, Martin J., xxx-xx-xxxx
Fischer, Howard A., xxx-xx-xxxx
Fleming, Charles W., xxx-xx-xxxx
Fletcher, James L., xxx-xx-xxxx
Flick, Roland N., Jr., xxx-xx-xxxx
Foley, Jack V., xxx-xx-xxxx
Folts, Edward F., xxx-xx-xxxx
Fonda, Harold R., xxx-xx-xxxx
Ford, Clair B., xxx-xx-xxxx
Forell, Millard J., xxx-xx-xxxx
Forsberg, Robert R., xxx-xx-xxxx
Fortner, Richard W., xxx-xx-xxxx
Fowler, James R., xxx-xx-xxxx
Frankel, David, xxx-xx-xxxx
Fried, Meyer Z., xxx-xx-xxxx
Fritsch, Thomas J., xxx-xx-xxxx
Frye, James H., xxx-xx-xxxx
Furukawa, Paul M., xxx-xx-xxxx
Gardiner, William N., xxx-xx-xxxx
Gardner, Johathan, xxx-xx-xxxx
Garrison, Charles P., xxx-xx-xxxx
Gass, Andrey B., Jr., xxx-xx-xxxx
Gauntlett, John H., xxx-xx-xxxx
Gay, Robert V., xxx-xx-xxxx
Gebhard, Raymond P., xxx-xx-xxxx
Geiger, John M., xxx-xx-xxxx
Gianas, Peter T., xxx-xx-xxxx
Gibson, Wallace L., xxx-xx-xxxx
Gilbert, Gideon M., xxx-xx-xxxx
Gilevich, John J., xxx-xx-xxxx
Gilman, Richard D., xxx-xx-xxxx
Glahn, Harry R., xxx-xx-xxxx
Glascott, Peter A., xxx-xx-xxxx
Gleaves, William W., xxx-xx-xxxx
Glennon, Thomas F., Jr., xxx-xx-xxxx

Gluck, Robert E., xxx-xx-xxxx
Goetz, Lavern, xxx-xx-xxxx
Goff, Emmett S., xxx-xx-xxxx
Golla, John A., xxx-xx-xxxx
Golub, Morris M., xxx-xx-xxxx
Gordon, Aubrey G., xxx-xx-xxxx
Gordon, Lloyd I., Jr., xxx-xx-xxxx
Gordon, Robert L., xxx-xx-xxxx
Grace, Walter C., xxx-xx-xxxx
Grandchamp, Robert J., xxx-xx-xxxx
Grant, James B., xxx-xx-xxxx
Grasty, Andrew, Jr., xxx-xx-xxxx
Gray, William M., xxx-xx-xxxx
Green, Bobby, xxx-xx-xxxx
Green, Richard A., xxx-xx-xxxx
Green, Robert F., xxx-xx-xxxx
Gremillion, Joseph A., Jr., xxx-xx-xxxx
Griffith, Richard L., xxx-xx-xxxx
Grimes, Robert D., xxx-xx-xxxx
Grotzinger, Irwin C., xxx-xx-xxxx
Gruber, Karl A., xxx-xx-xxxx
Haase, Theodore W., xxx-xx-xxxx
Haddock, Donald J., xxx-xx-xxxx
Hall, Chester V., xxx-xx-xxxx
Hall, Richard L., Jr., xxx-xx-xxxx
Hamilton, Theresa A., xxx-xx-xxxx
Hammond, John C., xxx-xx-xxxx
Hansen, Carl N., xxx-xx-xxxx
Hansen, Dewey J., xxx-xx-xxxx
Hardin, George C., xxx-xx-xxxx
Hardy, Frank J., xxx-xx-xxxx
Hare, Robert A., xxx-xx-xxxx
Harris, Martin H., xxx-xx-xxxx
Harrison, Fred W., xxx-xx-xxxx
Harrison, James W., xxx-xx-xxxx
Hart, Roy J., Jr., xxx-xx-xxxx
Hart, William R., xxx-xx-xxxx
Hartman, Roger L., xxx-xx-xxxx
Hartman, Thomas A., xxx-xx-xxxx
Hartung, Victor M., xxx-xx-xxxx
Hauser, Lewis K., Jr., xxx-xx-xxxx
Hawkins, Edgar L., xxx-xx-xxxx
Hawksworth, Arthur D., xxx-xx-xxxx
Hayes, David R., xxx-xx-xxxx
Hays, John M., xxx-xx-xxxx
Head, Malcolm E., xxx-xx-xxxx
Heavener, James D., xxx-xx-xxxx
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Henry Eugene W., xxx-xx-xxxx
Hermsen, Richard J., xxx-xx-xxxx
Heuer, Ernest E., xxx-xx-xxxx
Heurlin, Victor H., Jr., xxx-xx-xxxx
Highfill, Richard E., xxx-xx-xxxx
Highsmith, Charles A., xxx-xx-xxxx
Hill, Raymond R., xxx-xx-xxxx
Hill, Robert B., xxx-xx-xxxx
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Hilton, John C., xxx-xx-xxxx
Hirons, Frank K., xxx-xx-xxxx
Hoback, Harold N., xxx-xx-xxxx
Hodges, Cleon A., xxx-xx-xxxx
Hoffman, Wallace E., xxx-xx-xxxx
Hollifield, Herbert R., xxx-xx-xxxx
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Holloway, Robert A., xxx-xx-xxxx
Holt, Frank R., xxx-xx-xxxx
Holway, Warren A., xxx-xx-xxxx
Horn, William F., xxx-xx-xxxx
Houghton, Paul W., xxx-xx-xxxx
Howard, Robert G., xxx-xx-xxxx
Howerton, James W., xxx-xx-xxxx
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Howse, William J., Jr., xxx-xx-xxxx
Hudson, Stanley P. J., xxx-xx-xxxx
Hughes, Charles R., xxx-xx-xxxx
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Hull, Howard L., Jr., xxx-xx-xxxx
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Hunt, Arthur E., xxx-xx-xxxx
Hunt, Bettie J., xxx-xx-xxxx
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Hutt, William E., xxx-xx-xxxx
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Jennings, Jacob H., xxx-xx-xxxx
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Johnson, Donald R., xxx-xx-xxxx
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Johnson, Heinz H., xxx-xx-xxxx
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Johnson, Malcolm, xxx-xx-xxxx
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Jones, Churley, xxx-xx-xxxx
Jordan, Jesse D., xxx-xx-xxxx
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Kuehner, Alton C., xxx-xx-xxxx
Lacouture, Bernard P., xxx-xx-xxxx
Lamorte, Michael W., xxx-xx-xxxx
Landis, Harold U., Jr., xxx-xx-xxxx
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Laramy, Richard E., xxx-xx-xxxx
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Lebanoff, Lazarus, xxx-xx-xxxx
Ledbetter, Heustice L., xxx-xx-xxxx
Lee, Edward K., xxx-xx-xxxx
Lee, Norvel L. R., xxx-xx-xxxx
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Leu, Thomas W., xxx-xx-xxxx
Levy, Herbert M., xxx-xx-xxxx
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Lyle, Richard W., xxx-xx-xxxx
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Macko, Charles, xxx-xx-xxxx
Madison, Thomas M., xxx-xx-xxxx
Magill, Raymond W., xxx-xx-xxxx
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Maples, Charles A., xxx-xx-xxxx
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Marendt, Robert P., Jr., xxx-xx-xxxx
Marshall, Robert C., xxx-xx-xxxx
Martin, Arthur H., xxx-xx-xxxx
Martin, Edward C., xxx-xx-xxxx
Martin, Forrest D., xxx-xx-xxxx
Martz, Richard Y., xxx-xx-xxxx
Marvik, Charles G., xxx-xx-xxxx
Matthews, David R., xxx-xx-xxxx
Matthews, Donald E., xxx-xx-xxxx
Mauchley, Kenneth V., xxx-xx-xxxx
Maughmer, Frederic H., xxx-xx-xxxx
Maxcy, Edra L., Jr., xxx-xx-xxxx
Maxfield, Daniel P., xxx-xx-xxxx
Mcardle, Richard C., xxx-xx-xxxx
Mccain, Otha K., xxx-xx-xxxx
McCarty, Joe H., xxx-xx-xxxx
McCawley, Frank X., xxx-xx-xxxx
McClelland, Marc M., xxx-xx-xxxx
McCloskey, Neal T., xxx-xx-xxxx
McConnell, Vincent M., xxx-xx-xxxx
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Erickson, Ragnar E., xxx-xx-xxxx
Fisher, Richard D., xxx-xx-xxxx
Fleming, Robert E., xxx-xx-xxxx
Gorkowski, Harlyn R., xxx-xx-xxxx
Hamilton, Douglas E., xxx-xx-xxxx
Handley, Erwin C., xxx-xx-xxxx

Harrop, Joseph W., xxx-xx-xxxx
Herzog, Otto J., xxx-xx-xxxx
Hirsch, Harvey J., xxx-xx-xxxx
Hollingsworth, Gene I., xxx-xx-xxxx
Hope, Jerry W., xxx-xx-xxxx
Jacobs, Harold L., xxx-xx-xxxx
Kaufman, Stephen M., xxx-xx-xxxx
Kraemer, Karl P., xxx-xx-xxxx
Larson, Carl E., xxx-xx-xxxx
Launikitis, William J., xxx-xx-xxxx
Lovelace, James W., xxx-xx-xxxx
Maddox, Lovic V., Jr., xxx-xx-xxxx
Malone, John D., xxx-xx-xxxx
Marquardt, Alexander A., xxx-xx-xxxx
McClure, John D., Sr., xxx-xx-xxxx
Merz, Ronald L., xxx-xx-xxxx
Mills, John W., xxx-xx-xxxx
Myers, Charles S., xxx-xx-xxxx
Payne, Phillip E., xxx-xx-xxxx
Peake, Robert L., xxx-xx-xxxx
Perry, John C., xxx-xx-xxxx
Pitchford, John J., Jr., xxx-xx-xxxx
Reeves, Don F., xxx-xx-xxxx
Sambold, Albert J., xxx-xx-xxxx
Shidell, Carl H., xxx-xx-xxxx
Shoterf, John W., xxx-xx-xxxx
Simpson, Gus H., xxx-xx-xxxx
Smith, Kenneth H., xxx-xx-xxxx
Soltysiak, Wallace J., xxx-xx-xxxx
Sullivan, Dwight E., xxx-xx-xxxx
Tarantino, Frank P., xxx-xx-xxxx
Thomas, Robert R., xxx-xx-xxxx
Thomas, Stanley R., xxx-xx-xxxx
Vangieson, Henry B., III, xxx-xx-xxxx
Wells, Norman L., xxx-xx-xxxx

CHAPLAINS

Cockburn, Alton D., xxx-xx-xxxx
Hoogasian, Berge A., xxx-xx-xxxx
Knippers, Shural G., xxx-xx-xxxx
Lengel, Stuart H., Jr., xxx-xx-xxxx

DENTAL CORPS

Beutler, Ralph K., xxx-xx-xxxx
Green, Paul F., xxx-xx-xxxx
Idema, William A., xxx-xx-xxxx
Molnar, Georg, xxx-xx-xxxx
Waldbillig, Tom T., xxx-xx-xxxx

MEDICAL CORPS

Corpening, William S., Jr., xxx-xx-xxxx
Freeman, John A., xxx-xx-xxxx
Galindo, Osilio, xxx-xx-xxxx
Goss, Kelly E., xxx-xx-xxxx
Sproles, Elij T., III, xxx-xx-xxxx

NURSE CORPS

Bergeron, Francis R., xxx-xx-xxxx
Black, Raymond E., xxx-xx-xxxx
Freeman, Charles E., xxx-xx-xxxx
Hamberger, Margaret K., xxx-xx-xxxx
Mandot, Barbara R., xxx-xx-xxxx
Withington, Clarence M., xxx-xx-xxxx
Zablocki, Dorothy N., xxx-xx-xxxx

MEDICAL SERVICE CORPS

Dansby, Bradley L., Jr., xxx-xx-xxxx
Dellefield, Douglas M., xxx-xx-xxxx
Gardner, Raymond A., xxx-xx-xxxx

VETERINARY CORPS

Still, Edwin T., xxx-xx-xxxx

The following officer for appointment in the Reserve of the Air Force (line of the Air Force) in the grade as indicated under the provisions of section 593 and the appropriate provisions of chapter 837, title 10, United States Code, and Public Law 92–129.

To be colonel

Arnold, James F., Jr., xxx-xx-xxxx

The following persons for appointment as temporary officers in the U.S. Air Force (Medical Corps), in the grades indicated, under the provisions of section 8444 and 8447, title 10, United States Code and Public Law 92–129, with a view to designation as medical officers under the provisions of section 8067, title 10, United States Code:

To be colonel

Steinberg, Irwin, xxx-xx-xxxx

To be lieutenant colonel

Coolidge, Thomas T., xxx-xx-xxxx
Cox, Benjamin G., Jr., xxx-xx-xxxx
Thomas, Elias A., xxx-xx-xxxx

The following officer for appointment in the Reserve of the Air Force (Medical Corps) in the grade as indicated, under the provisions of section 593 and the appropriate provisions of chapter 837, United States Code, and Public Law 92–129, with a view to designation as a medical officer under the provisions of section 8067, title 10, United States Code:

To be lieutenant colonel

Titus, Charles O., xxx-xx-xxxx

The following officer for appointment in the Reserve of the Air Force, in the grade as indicated (line of the Air Force), under the provisions of sections 593 and 1211, title 10, United States Code and Public Law 92–129:

To be lieutenant colonel

Whatley, Rupert S., xxx-xx-xxxx

The following officers for appointment in the Reserve of the Air Force, in the grade as indicated (line of the Air Force), under the provisions of section 593, title 10, United States Code, and Public Law 92–129:

To be lieutenant colonel

Flanders, Bernard L., Jr., xxx-xx-xxxx
Horton, Quinton F., xxx-xx-xxxx
Walker, Henry A., xxx-xx-xxxx

The following officers for appointment in the Reserve of the Air Force (Medical Corps) in the grade as indicated, under the provisions of section 593, title 10, United States Code, and Public Law 92–129, with a view to designation as a medical officer under the provisions of section 8067, title 10, United States Code:

To be lieutenant colonel

Dear, Steven R., xxx-xx-xxxx
Reed, Josiah F., Jr., xxx-xx-xxxx
Steinberg, Irwin, xxx-xx-xxxx
Thomas, Elias A., xxx-xx-xxxx
Young, Frank W., xxx-xx-xxxx

CONFIRMATIONS

Executive nominations confirmed by the Senate June 22, 1973:

DEPARTMENT OF JUSTICE

Victor R. Ortega, of New Mexico to be U.S. attorney for the district of New Mexico for the term of 4 years.

Mitchell A. Newberger, of Florida, to be U.S. marshall for the middle district of Florida for the term of 4 years.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Timothy F. Cleary, of Maryland, to be a member of the Occupational Safety and Health Review Commission for a term expiring April 27, 1979.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE OF REPRESENTATIVES—*Friday, June 22, 1973*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, offered the following prayer:

The Lord is the strength of my life.—Psalm 27:1.

O God, our Father, whose still small voice calls us to turn away from the worried ways of a weary world to wait upon Thee, make us conscious of Thy presence as we bow before this altar of prayer. Amid the pressures of persistent problems and the demands of daily duties may we find in Thee strength for the day, wisdom for sound decisions, and good will to motivate all our efforts on behalf of our country.

As we live through these days of destiny which cry aloud for integrity, understanding, and good will, make us worthy of the positions we hold and give us courage to work along the ways of truth, honor, and love that we may preserve freedom, promote peace, and produce good will in our Nation and in our world.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 5857. An act to amend the National Visitor Center Facilities Act of 1968, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

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. 1501. An act to amend the Water Resources Planning Act to authorize appropriations for fiscal year 1974.

The message also announced that the Senate agrees to the amendment of the House with amendments to a bill of the Senate of the following title:

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 also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1125. An act to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic de-