to support the programs of the American Freedom from Hunger Foundation.

The Walk for Development has become an annual event in the 11th District of Massachusetts over the past few years. Many young people who cannot accept the complacency and unawareness of the hunger in the world have joined together in their efforts to combat this grave problem of hunger facing our world today.

The participants of the Walk for Development are united in their belief that a bright new future can be achieved for mankind when we all work together to feed the world's population, when we reduce military expenditures, and when we can come to live at ease with one another, and become enriched by our own and the world's diversity of people and culture. These young people are committed to working toward deeper involvement and more public recognition of these issues, as well as raising funds to support development programs in this country and around the world.

Congratulations are certainly in order for the exceptional contributions of all those involved in the 1973 Milton Walk for Development.

ADOPTION OF A SPENDING CEILING

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. MATHIS of Georgia. Mr. Speaker, I rise to again briefly address myself to one of the most critical issues facing this House and the Nation today, in my judgment, and that is the need for an immediate adoption of a spending ceiling.

A few days ago my dear friend and colleague, the distinguished majority leader, Mr. O'NEILL, issued a call for action on this proposal. Yet, we continue in this House to adopt appropriations bill after appropriations bill and will apparently continue to do so with total disregard for the drastic need for such a spending limitation as has been proposed by many Members of this House, including myself and the majority leader.

In all honesty, Mr. Speaker, the effort placed behind this proposal on the part of the leadership of the House has been less than I had hoped for. When my dear friend Mr. O'NEILL issued his call for action on a spending limitation, I had visions of fiscal responsibility on the part of the House. Yet we continue to pass bill after bill with no end in sight.

Mr. Speaker, for the benefit of those whom I am privileged to serve in the Congress, I want the RECORD to show that I have no plans to vote for another appropriations bill until such time as we bite the bullet and set for ourselves a ceiling on our spending. I am sure that my one vote against the bills will not alter the outcome, nor will my actions bring adoption of a spending ceiling any earlier, but I feel that my constituents and the American people are entitled to a small dose of fiscal responsibility on the part of this Congress.

SENATE—*Friday, June 29, 1973*

(Legislative day of Monday, June 25, 1973)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. LLOYD BENTSEN, a Senator from the State of Texas.

PRAYER

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

Almighty God, our Father, who alone dost guide and govern the minds and hearts of men, make us deeply conscious of Thy presence as the Senate renews its consultations for the well-being of the Nation.

May Thy special blessing rest upon the Members of this body, that as the times demand strong minds, great hearts, true faith, and willing hands, so they may rise above all that is mediocre or common to stand as leaders in the higher levels of a divine vocation. As they serve the people so may they serve Thee. Let their souls be quiet places of prayer from which the cares of life are ordered according to Thy will. And grant that they may ever walk in the steps of Him, who with limited time, finished the divinest work.

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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 29, 1973.

To the Senate:

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

JAMES O. EASTLAND,
President pro tempore.

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

REPORT OF A COMMITTEE SUBMITTED DURING RECESS

Under authority of the order of the Senate of June 28, 1973, Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, reported favorably, with an amendment, on June 28, 1973, the bill (S. 356) to provide disclosure standards for written consumer product warranties against defect or malfunction; to define Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities; and for other purposes, and submitted a report (No. 93-280) thereon, which was printed.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, June 28, 1973, be approved.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the joint resolution (S.J. Res. 128) to provide for an extension of certain laws relating to the payment of interest on time and savings deposits, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 8947) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1974, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 185. Concurrent resolution to provide for the printing of inaugural addresses from President George Washington to President Richard M. Nixon;

H. Con. Res. 219. Concurrent resolution providing for additional copies of "The Federal Civilian Employee Loyalty Program", House Report No. 92-1637, 92d Congress, second session;

H. Con. Res. 223. Concurrent resolution requesting the President to proclaim the 7-day period of July 16 through 22, 1973, as "United States Space Week";

H. Con. Res. 233. Concurrent resolution providing for the printing of committtee hearings establishing a National Institute of Education;

H. Con. Res. 256. Concurrent resolution to provide for the printing as a House document, a revised edition of the House document "Our American Government. What Is It? How Does It Work?";

H. Con. Res. 257. Concurrent resolution providing for the printing of additional copies of the House report entitled "Street Crime: Reduction Through Positive Criminal Justice Responses"; and

H. Con. Res. 258. Concurrent resolution providing for the printing of additional copies of the House report entitled "Drugs in Our Schools".

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled 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.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. BENTSEN).

HOUSE BILL REFERRED

The bill (H.R. 8947) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1974, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were referred to the Committee on Rules and Administration:

H. Con. Res. 185. Concurrent resolution to provide for the printing of inaugural addresses from President George Washington to President Richard M. Nixon;

H. Con. Res. 219. Concurrent resolution providing for additional copies of "The Federal Civilian Employee Loyalty Program," House Report No. 92-1637, 92d Congress, 2d session;

H. Con. Res. 233. Concurrent resolution providing for the printing of committee hearings establishing a National Institute of Education;

H. Con. Res. 256. Concurrent resolution to provide for the printing as a House document, a revised edition of the House document "Our American Government. What Is it? How Does It Work?";

H. Con. Res. 257. Concurrent resolution providing for the printing of additional copies of the House report entitled "Street Crime: Reduction Through Positive Criminal Justice Responses"; and

H. Con. Res. 258. Concurrent resolution providing for the printing of additional copies of the House report entitled "Drugs in Our School."

H. Con. Res. 223. Concurrent resolution requesting the President to proclaim the 7-day period of July 16 through 22, 1973, as "United States Space Week;" referred to the Committee on the Judiciary.

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.

INDEFINITE POSTPONEMENT OF S. 1930

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 176, S. 1930, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, be postponed indefinitely because of the action taken by the Senate on yesterday.

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

SENATE RESOLUTION 67 PLACED ON THE TABLE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 202, Senate Resolution 67, be placed on that portion of the calendar entitled "Subjects on the Table."

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 Calendars Nos. 244 and 264.

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

AUTHORIZATIONS FOR CERTAIN MARITIME PROGRAMS APPROPRIATIONS

The Senate proceeded to consider the bill (H.R. 7670) to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce.

Mr. MAGNUSON. Mr. President, I urge passage of H.R. 7670, the Maritime Administration authorization for fiscal 1974.

The funds requested are necessary to continue the progress we have made since passage of the Merchant Marine Act of 1970, to restore this Nation as a leader in ocean commerce.

The new ocean vessels now being built in U.S. shipyards are vital to our energy and raw material needs. As has been said earlier, the primary emphasis on our ship construction program is on bulk carriers. Tankers, liquified natural gas—LNG—carriers, and combination ore, bulk, and oil carriers, known as OBO's.

In the 1970 act, the Congress proposed a 10-year shipbuilding program to produce 30 ships a year. Since that time the size, speed, and efficiency of ocean ships has changed dramatically. The ships we are now building under the 1970 act program are measured in terms of modern ship equivalents. Using those standards, the 17 new ships contemplated to be built with this authorization are equivalent to 34 ships. If those standards are applied back to 1970, we have built or contracted to build 124 modern ship equivalents. This is 4 ships above the 30 ships a year goal set out in the 1970 act.

Our shipyards have under construction or on order 80 commercial vessels comprising a deadweight capacity of 4 million tons and valued at $2.5 billion. This puts commercial shipbuilding at its highest level in U.S. peacetime history. U.S. yards have committed over $100 million since 1969 to improve their plant facilities, and it is estimated that nearly $300 million more has been planned for spending by three existing yards.

All this construction activity has also been performed within the declining construction-differential subsidy rate guidelines of the 1970 act. For liquified natural gas—LNG—carriers, the CDS rates are below 25 percent, the lowest in the history of the construction subsidy program.

With the operation of these modern and efficient ships, reliance on operating-differential subsidy—ODS—is being reduced. We have been able to reduce manning requirements on 86 vessels. This is especially important because wages and wage-related costs account for 86 percent of the aggregate annual operating subsidies. The new maritime program which I am proud to have helped enact in 1970 is based on the premise that efficient, high technology U.S.-flag ships can effectively compete with lower cost foreign competition without subsidy on many trade routes. The payment of operating subsidy has been eliminated on containerized service between U.S. east coast and the Far East and on transatlantic containerized service.

If we are to participate in our own foreign trade, and we surely must do that, we must continue to produce these new, more efficient ships. Such a program must maintain a continuity, thus we need to authorize the funds requested.

In addition the title XI loan guarantee ceiling is about to be reached with guarantee commitments. The Congress raised the limits of this authority in 1970 from $1 billion to $3 billion. Last year the Commerce Committee reported and the Senate approved a bill, which became law, to eliminate the massive paperwork involved in this program. The simplification of the title XI program was badly needed. Now we need to increase the ceiling on the outstanding balance on loans which may be guaranteed. This program is a very sound one. It has never cost the U.S. Treasury a cent. Vessel operators who receive Government guarantees pay a modest fee to the Government. The program has assisted vessel operators to obtain funds to build vessels which operate in our foreign trades, in the coastwise trades, and on our inland waterways and rivers. Vessels financed range from very large crude carriers or supertankers to tugboats, and barges, passenger ferries, to hydrofoils. This guarantee program is essential for operators to help them raise the capital necessary to build these vessels.

I urge the Senate to continue its strong and vital support for these programs to strengthen our merchant fleet.

Mr. LONG. Mr. President, this bill, H.R. 7670, authorizes appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce.

Section 1 of the bill authorizes $531.3 million for the construction and operation of U.S.-flag merchant ships, research and development programs, ex-

penses of the National Defense Reserve Fleet, and maritime training at the U.S. Merchant Marine Academy and the State marine schools.

Section 2 authorizes additional supplemental amounts for fiscal year 1974 for the activities specified in section 1 of the bill to the extent necessary for increases in salaries, pay, retirement, or other employee benefits authorized by law.

This section is included in the bill in order to avoid the necessity of amending the fiscal 1974 authorization bill if supplemental appropriations for fiscal year 1974 are sought for this purpose.

Section 3 of H.R. 7670 would increase the title XI construction loan guarantee authority from the present $3 billion level to $5 billion.

This program has been very successful and increasing this ceiling on the aggregate outstanding balances which may be guaranteed by the Federal Government should not result in any additional cost to the Government.

The Committee on Commerce made no amendment to the bill which came over from the House. The House committee's only amendment to the measure which was sent up by the Secretary of Commerce was the addition of section 3.

The total amount of $531,315,000 which section 1 authorizes is broken down as follows:

Construction subsidy	$275,000,000
Operating subsidy	221,515,000
Research and development	20,000,000
National defense reserve fleet	3,773,000
Federal Maritime Academy	8,600,000
State marine schools	2,427,000

This amount is $24,729,000 less than was authorized for these programs for fiscal year 1973. I was in favor of increasing the authorization in order to avoid any slowdown in the momentum which we have in rebuilding this Nation's merchant ship strength and capability. However, officials of the Maritime Administration assured the Commerce Committee during the public hearings held on S. 1230, the Senate version of this bill, that the amount requested plus the unobligated 1973 funds carried forward will enable us to maintain the shipbuilding program which was the goal of the Merchant Marine Act of 1970.

In shipbuilding these funds will allow the Maritime Administration to contract for the construction of 17 new vessels in fiscal 1974. The vessel mix is contemplated to be as follows:

Three very large crude carriers—VLCC—either 265,000 tonners or 380,000 tonners; six liquid natural gas—LNG—carriers, as large as 125,000 cubic meters; two oil/bulk/ore—OBO—vessels, approximately 85,000 deadweight tons each; three tankers, up to 100,000 deadweight tons each; and three dry bulk carriers, in the area of 51,000 deadweight tons per vessel.

The emphasis of our ship construction program is directed toward providing ships to transport our ever-growing trade in bulk commodities—oil, petroleum products, liquified natural gas, grain, and raw materials. Approximately 90 percent of our foreign trade is in bulk commodities and it is in that category of shipping capacity that our fleet is weakest. As you can see the vessel mix for the fiscal 1974 ship construction program is addressing that need. Right now we have as modern and efficient a containership fleet as any nation in the world. Our barge-carrying fleet of *Lash* and *Seabee* ships is the largest in the world. Thus our dollars are now going where we need them most—to carry our ever-growing volume of oil and bulk commodity trade.

The Merchant Marine Act of 1970 envisioned that the construction-differential subsidy—CDS—rate should decrease by 2 percent each year till it reached 35 percent by fiscal year 1976. I am pleased to report that the declining CDS rates are being met. In 1969 CDS rates averaged 53.6 percent. The 41 percent for the current fiscal year is being achieved and Assistant Secretary for Maritime Affairs Robert J. Blackwell, who is doing a very fine job at the Maritime Administration, expressed confidence in his testimony before the Merchant Marine Subcommittee that all of the ships contracted for in fiscal 1974 will be below the 39 percent guideline of the 1970 act for fiscal year 1974. In addition the subsidy rate for construction of liquified natural gas—LNG—carriers is expected to be at least as low as the 23.7 percent achieved in contracts awarded in September 1972.

The amount in the bill for operating subsidy is almost $10.5 less than appropriated for fiscal 1973, but it is to be augmented by the carry forward balance estimated to be $25 million, thus providing for a total of $247 million.

In the area of ship operating efficiency, I am happy to say that we are making progress. American-flag operators engaged in transatlantic services are now operating without subsidy. Two years ago the lines operating on that route received Government assistance. In addition, United States Lines is operating a container service from the U.S. east coast to the Far East without subsidy. Two years ago it required subsidy on that route. Maritime Administration officials calculate the savings on these items to be over $25.5 million a year.

In the same area, the manning scales on our ships are being reduced. On 86 ships, an average of 4.2 men per ship reduction has been achieved. This will save the Government over $110 million over the period of the economic lives of the vessels.

As our new capital intensive ships come into service, we will see much greater efficiencies in vessel operations. For example, a T–2 tanker which has a 16,000 deadweight ton capacity operates with a crew of 40 to 50 men. A new 385,000 deadweight ton tanker can operate with a crew of 26 men. The six very large crude carriers—VLCC—and six liquefied natural gas—LNG—carriers that have been contracted for to date will be operated under the U.S. flag without any operating subsidy from the Government.

The research and development program of the Maritime Administration is operating on a basis of achieving near-term goals with high benefit-cost ratios and is doing so with a substantial share of the costs being borne by industry. Industry's share of the research and development costs for fiscal year 1973 is 28 percent. It is this program which is helping U.S. shipyards to achieve the productivity and efficiency to meet the declining construction subsidy rates.

The funds requested for the National Defense Reserve Fleet are for the expenses of preserving and maintaining ships at the three fleet sites, James River, Va.; Beaumont, Tex.; and Suisun Bay, Calif. Three hundred and twenty-three ships are maintained to supplement our active fleet in times of national emergency.

The final items in the authorization are for funds to operate the Federal Maritime Academy and the six State academies which train cadets for service as officers of the U.S. merchant marine.

Section 3 of the bill which increases the title XI loan guarantee program ceiling from $3 billion to $5 billion is essential to the continuation of our commercial shipbuilding program. This program under which the Federal Government guarantees the obligations with respect to construction loans and mortgages on U.S.-flag vessels built in the United States enables ship operators to obtain needed investment capital from private lenders at competitive rates. Based on outstanding commitments and the applications pending before the Maritime Administration, it has been estimated that the $3 billion authority will be exhausted some time in the first quarter of the coming fiscal year. The impact of this program on subsidized as well as unsubsidized shipbuilding is substantial. The operation of this program since 1938 has never cost the Government a cent. The title XI program is operated through the Federal ship financing fund in which the current assets total $48.5 million. Since the inception of the title XI program in 1938, defaulted loans totaled $35.9 million. However, proceeds from the defaults have reduced the loss to $11.8 million. The current assets of the Fund could more than pay the gross amount of all the defaults.

H.R. 7670 was reported unanimously by the Committee on Commerce and I urge its passage so that we may continue the progress made under the new program of the Merchant Marine Act of 1970.

Mr. STEVENSON. Mr. President, the merchant marine authorization, H.R. 7670, authorizes $221,515,000 in operating subsidies for the U.S. merchant marine. Those subsidies are intended to equalize the cost of operating our merchant marine with the operating costs of its foreign competitors, and thus maintain the competitive position of our merchant marine in world commerce.

Since August 1971, the dollar has twice been devalued and now appears to be going through something of a third devaluation. In some degree, devaluation of the dollar achieves the same purpose as the operating subsidies. It reduces the cost of U.S. shipping relative to foreign shipping, enhancing the competitive position of the U.S. merchant marine. Indeed, the dollar has declined about 35

percent in relation to the yen since August 1971. The beneficial effects of devaluation for the maritime industry will be substantial in Europe and other parts of the world, as well as in Japan.

The Maritime Administration recognizes that devaluation of the dollar does improve the competitive position of the U.S. maritime industry and that devaluation consequently should diminish the operating subsidies authorized by this bill. However, its system of calculating subsidies will not fully reflect the devaluations until 1977. And even then the lowered subsidies will not reflect the full devaluation of the dollar.

The present system was devised during an era—the 1930's—of fixed exchange rates, and the 1970 amendments took into account neither the monetary turmoil of the last 2 years nor the more flexible exchange rate system toward which the world is moving.

The timelag to which I refer stems from the inability to gather foreign cost data instantaneously. Because of this delay, the subsidy for fiscal year 1975, for example, is based on cost relationships in 1972–73 and the exchange rates of that period.

One avenue of relief is the application of more current exchange rates to available cost data. These exchange rates are available instantaneously, so there is no "gathering" problem with such a scheme. There are some technical difficulties, but these are surmountable. I understand the Secretary of Commerce has directed the Maritime Administration to look into this matter, and I urge quick action from the administration. Many millions of dollars could be saved by a changeover to such a system.

If these devaluation-derived benefits are needlessly delayed, the subsidy becomes a windfall and no longer a justifiable means of maintaining a merchant marine. In these times of budgetary stringency and waning public confidence in both the integrity and the competence of the Federal Government, such windfalls for a favored, though vital, industry confirm the suspicions of the public.

I will reluctantly withhold my objection to the bill because I recognize that the calculation of subsidies is a complicated matter and that the Maritime Administration apparently has the authority to correct this discrepancy. I urge the Maritime Administration to use that authority promptly. If it fails to do so, this will be a subject deserving of prompt attention in the Congress.

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

AMENDMENT OF MERCHANT MARINE ACT, 1936

The bill (H.R. 6187) to amend section 502(a) of the Merchant Marine Act, 1936 was considered, ordered to a third reading, read the third time, and passed.

NATIONAL SCIENCE FOUNDATION AUTHORIZATIONS, 1974

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 8510.

The ACTING PRESIDENT pro tempore laid before the Senate H.R. 8510, an act to authorize appropriations for activities of the National Science Foundation, and for other purposes, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent for its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I move that all after the enacting clause be stricken and that the language of S. 1977, as reported by the Committee on Labor and Public Welfare with an amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

Mr. DOMINICK. Mr. President, recent reorganization in the executive branch has thrust the National Science Foundation into the role of the cutting edge for science and technology in the Federal Government. Pressing and complex national problems have placed an even greater emphasis on the work being done by NSF. For example, in NSF's research applied to national needs program—RANN—I attach much importance to the solar and geothermal energy research efforts and to earthquake engineering.

I am pleased to be a cosponsor of this legislation and point with pride to the many and impressive accomplishments of the National Science Foundation to date. I feel strongly that our support for basic and applied research should be increasing but I also recognize the need for fiscal responsibility. We have in this bill struck a delicate balance by authorizing an amount equal to last year's appropriation, and I would hope that NSF's appropriation would come very close to that amount. This is a very frugal approach to science and technology.

Mr. President, in a nonpartisan recognition of the importance of the work being done by the Foundation, this bill was cosponsored by the entire membership of the NSF subcommittee. I am confident that Congress is similarly persuaded, and I urge favorable action on S. 1977.

Mr. KENNEDY. Mr. President, I wish to speak in support of S. 1977, the National Science Foundation Authorization Act of 1974. This bill would provide the Foundation with an authorization of $646 million in fiscal year 1974. This is the same amount which was appropriated for the Foundation's programs in fiscal year 1973, although it is $58 million less than the amount which was authorized for NSF's programs in the current fiscal year.

The administration has requested only $583 million for NSF for fiscal year 1974; so S. 1977 calls for $63 million more than the administration request.

In the current fiscal year, the NSF had new appropriations of $646 million and a carryover from previous years of $31 million for a total of $677 million in available funds. However, the administration impounded $62 million, so that NSF was able to utilize only $615 million in fiscal year 1973.

The continuing inflation in research costs and the growing need for scientific contributions to the resolution of the Nation's problems justify an even higher amount than the $646 million in S. 1977; but the committee recommends this amount to the Senate as the maximum which can be realistically hoped for at this point in time.

Since its creation as an independent agency in 1950, the National Science Foundation has carried out the extremely important mission of maintaining the Nation's scientific strength. The Foundation operates no laboratories or scientific facilities of its own, but through grants and contracts supports programs of scientific research and education in thousands of universities, research institutes, and other organizations. These programs cover all fields of science and engineering, encompassing the mathematical and physical sciences, engineering, social sciences, biological and medical sciences, materials research, and the environmental sciences. They cover all levels of science education from elementary school through postdoctoral fellowships. And these programs are carried out in all of the 50 States to assure a strong, broadly based national scientific enterprise.

The impact of the Foundation's programs is both pervasive and profound on the Nation and on the future of mankind. For we live in an age of science—from the computers that increasingly manage our transactions to the transistors that power our electronic devices to the advanced medical technology which promises profoundly to affect the maintenance of man's health. Science has become essential to the Nation's military security, to the strength of its domestic economy and international economic position, and, indeed, to the resolution of the widespread social problems which beset our Nation.

But scientific research is not a spigot which can be turned on and off at will. Before scientific know-how can be effectively applied to particular problems in areas such as transportation, health care, housing, communication, energy resources, nutrition, and pollution control, the underlying foundation of basic research must be patiently and continuously built over the years, and the Nation's scientific and technical talent must be carefully nurtured and trained.

This is the key task to which the Foundation has directed its principal efforts over the years; but in recent years the Foundation has also expanded its programs with respect to applied research which is relevant to the Nation's social problems. Although the various Federal agencies sponsor some applied research relevant to their particular missions, there remains a considerable amount of extremely important applied research which is too broad in scope or too fundamental in substance to fall within the mandate or resources of the mission agencies. The National Science Foundation is the only agency which can tackle these problems. So the role of the Na-

tional Science Foundation is to keep the Nation strong in basic science, sponsor the applied research which cannot be effectively handled by other agencies, and assure the Nation an adequate supply of scientific talent.

The $646 million which my bill calls for is $63 million higher than the $583 million requested by the Administration. The principal differences in the bills stem from increased funding in my bill for research applied to national needs and for science education.

The bill calls for the establishment of an Energy Research Division within the National Science Foundation and the authorization of $50 million in fiscal year 1974 for energy research programs, with emphasis on solar, geothermal, and other nonconventional energy sources. While the $50 million for nonconventional energy research programs represents a $36 million increase over the $14 million called for in the administration request, it is still small by comparison with the $323 million requested for the liquid metal fast breeder reactor or the $120 million requested for coal research.

The energy needs of the Nation are too critical to be overly dependent on any particular form of energy. We need to explore all promising alternatives. Solar, geothermal, and the other nonconventional energy sources being explored by the National Science Foundation are extremely promising alternatives for the future.

Thus the recent report of the Solar Energy Panel—a joint effort by the National Science Foundation and the National Aeronautics and Space Administration—calls for $1.5 billion in solar energy R. & D. over the next 15 years. And the recent report on geothermal energy by former Secretary of Interior Hickel, calls for $680 million in geothermal research. The $50 million for such research in my bill represents the minimum level of funding which the Nation must devote to those areas.

The proposed bill increases the RANN budget—Research Applied to National Needs—by a total of $41 million. In addition to the $36 million more for energy research, this includes $4 million more for earthquake engineering.

In addition to authorizing $50 million for energy research programs, the bill stipulates that not less than $25 million must be spent for energy research in fiscal year 1974. And in addition to authorizing $10 million for earthquake engineering, the bill stipulates that not less than $8 million must be spent for earthquake engineering in fiscal year 1974.

The earthquake engineering program is of great importance to the lives and property of thousands of American citizens in all parts of the country. Contrary to the prevalent view, earthquakes in America are not limited to California and Alaska. There is no State in the Union which has not experienced earthquake damage at one time or another. Twenty States have been subjected to serious damage, and are likely to experience serious damage again. These include South Carolina, Nevada, Kentucky, Washington, Illinois, New York, Idaho, Massachusetts, New Hampshire, Tennessee, Mississippi, Montana, Wyoming, Utah, Maine, Indiana, Missouri, and Arkansas, as well as California and Alaska. Through the earthquake engineering program, the Nation can take steps to prepare for future earthquakes and to minimize their adverse consequences.

Another area of vital importance to the Nation's continuing efforts to improve environmental quality is the provision of modern research vessels needed for the conduct of advanced research in oceanography. Of the 32 research vessels supported by the National Science Foundation, 13, or more than 40 percent, were built 25 years or more years ago. Close examination of the ship replacement requirements makes it clear that the Foundation should accelerate fleet modernization programs in fiscal year 1974. The bill authorizes $6 million for the oceanographic ship construction/conversion program; and stipulates that not less than $3 million must be spent for this program in fiscal year 1974.

The bill also calls for a total of $42 million for science education programs, which is $9 million more than the administration request for science education. This includes an increase $2 million for institutional improvement for science; $4.3 million for graduate student support; and $2.5 million for science education improvement. The totals for these areas under the bill are: $2 million for institutional improvement for science; $11 million for graduate student support; and $28.7 million for science education improvement. The latter category includes $7.5 million for the Ethnic Minority Colleges program to held such colleges upgrade their science education capabilities. This is a 50 percent or $2.5-million increase over the $5 million requested by the administration for this vitally important program.

The following is a brief summary of the programs, included in the National Science Foundation Authorization Act.

First. Scientific research project support, $275,000,000. The objective of this program is to provide support for individual scientists or groups of scientists in finding answers to unresolved scientific questions. Support is provided in the following areas: Atmospheric, earth, biological, and social sciences, oceanography, physics, chemistry, astronomy, mathematics, engineering, and materials research.

Second. National and special research programs, $108,600,000. These are a variety of major programs which require special coordination and include the: International biological program; global atmospheric research program, experimental R. & D. assessment program, international decade of ocean exploration, ocean sediment coring program, Arctic research program, U.S. Antarctic research program, oceanographic facilities and support, and solar eclipse.

Third. National research centers, $46,-000,000. These include the National Astronomy and Ionosphere Center at Arecibo, Kitt Peak National Observatory, Cerro Tololo Inter-American Observatory, National Center for Atmospheric Research, and National Radio Astronomy Observatory.

Fourth. Computing activities, $10,000,-000. This program is designed to develop new knowledge in the computer sciences for application in the design of improved computer hardware, software, and integrated computer systems, and to seek new ways to couple the capabilities of computers to the conduct of research in all areas of science.

Fifth. Science information activities, $8,300,000. This program is designed to facilitate the flow of scientific and technical information and reduce unnecessary redundancy and overlap in the generation and dissemination of scientific information.

Sixth. International cooperative scientific activities, $6,200,000. This program is designed to promote U.S. access to, and appropriate participation in, international scientific activities.

Seventh. Research applied to national needs, $111,700,000. This program includes: Advanced technology applications, energy research and technology programs, environmental systems and resources, social systems and human resources, and exploratory research and problem assessment.

Eighth. Intergovernmental science program, $1 million, to aid State, regional, and local governmental agencies in making the benefits of science and technology more widely available within their regions.

Ninth. Institutional improvement for science $2,000,000. These funds will go to colleges and universities to improve their academic science programs and to increase the effectiveness of their research programs, through improved management.

Tenth. Graduate student support, $11,000,000. This includes graduate fellowships to assure an adequate flow of highly talented individuals into science careers; and postdoctoral fellowships to assist scientists and engineers in upgrading their professional skills and in making a transition into other technical areas.

Eleventh. Science education improvement, $28,700,000. This program is designed to help improve the effectiveness of science education at all academic levels. It focuses on such problems as: increasing the cost effectiveness of science education through improved programs, technology, and instructional strategies and methodologies; assuring the Nation of a large enough and flexible enough scientific and technical workforce; improving science education for the nonscientist; and providing adequate science educational opportunities outside the formal structure of the educational system.

Twelfth. Planning and policy studies, $4,600,000. This program is designed to provide the factual data and analytical basis for sound national science policy decisions.

Thirteenth. Program development and management, $30,000,000. These funds are used to provide for the operation and management costs of carrying out the preceding 12 programs.

In addition to the above program, the bill authorizes the appropriation to the National Science Foundation of $3,000,-000 to be paid in excess foreign cur-

rencies, for expenses which the Foundation incurs in its activities abroad.

As can be readily seen from this summary, the programs of the National Science Foundation are extremely diverse, cut across innumerable fields, and are far reaching in their implications. In many cases their effects may not be felt for years, or even decades. But if the history of the 20th century can serve as a guide, then sooner or later these effects will surely be felt and will have a major impact on the shape of our civilization and the quality of our lives.

There is no doubt that science is the key to progress in our time. The vitality of our economy and the viability of our society depend on further scientific advance. This authorization for the National Science Foundation represents an essential investment in the future of the Nation. If we are unwilling to make the necessary investment today, we will reap a bitter harvest in polluted water and air, in congested roads and cities, in contaminated food and drugs, in inadequate energy supplies, and stagnant or even declining quality of life. And as we would suffer for our shortsightedness, so would our children, and our children's children for many years to come.

Mr. President, this bill is cosponsored by all members of the Subcommittee on the National Science Foundation, and was unanimously reported to the Senate by the Committee on Labor and Public Welfare. I urge the Senate to approve this important measure.

The ACTING PRESIDENT pro tempore. The question is on the engrossment of the amendment 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. MANSFIELD. Mr. President, I ask unanimous consent that S. 1977 be indefinitely postponed.

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

RESIGNATION OF KENNETH E. BELIEU AS UNDER SECRETARY OF THE ARMY

Mr. MANSFIELD. Mr. President, I note with regret the resignation today of a distinguished public servant in the person of Kenneth E. BeLieu as Under Secretary of the Army, where he has served with great credit.

Ken BeLieu has provided a courageous and wise leadership during a period of considerable turbulence within the Army. His genuine concern for the soldier and his deep respect for the Army as an institution are his hallmark.

I first knew Ken BeLieu as a staff member of the Senate Armed Services Committee, where he came after a distinguished military career. His abilities were recognized by all Senators, and especially by the then majority leader, Lyndon Johnson, who later designated him to organize the new Aeronautical and Space Sciences Committee staff and become its first director.

Following this, he worked with the Democratic Policy Committee until 1961, when President Kennedy was inaugurated. He subsequently was appointed Assistant Secretary and Under Secretary of the Navy until his return to the private sector in July 1965.

His abilities were again recognized when President Nixon assumed office and asked him to serve as his liaison between the White House and the Senate, a position Ken served in with great distinction.

I had a close working relationship with Ken BeLieu and always found him to be forthright, loyal, and responsive on every occasion. I greatly valued his advice and counsel during this period and shall continue to value it in the years ahead.

In my opinion, Ken BeLieu would have made an excellent Secretary of the Army. I think he would have made an excellent Secretary of Defense.

Ken BeLieu has been an effective, dedicated public official and friend. I wish him well in his new endeavors.

Mr. SCOTT of Pennsylvania. Mr. President, I have known Ken BeLieu on a personal as well as an official basis for some years. As the distinguished majority leader has said, he is the type of citizen who performs great services for the State. He has done extremely well in giving of his own talents to the Government in several administrations. He was excellent in the performance of his responsibilities as head of Senate liaison.

Ken BeLieu is a man to be trusted, as a man who can give advice. I have had many long conversations with him. He was most helpful to me in the positions he held in the Senate. I value his advice and his friendship.

There is one aspect of Ken BeLieu that is not generally well known to the public. I think it ought to be mentioned here. He served in World War II and the Korean war. He was disabled and lost a leg. He might well have rested upon his laurels and felt that no obligation existed upon him to do anything but this.

On the contrary, he is imbued with a compassionate sense of what such an amputation might do to someone else. So, quietly, and without fanfare, since his own amputation, he has visited veterans hospitals and talked to these shocked young amputees for whom the world seems to have come to an end. He has cheered them up, shored their defenses against their own insecurities, and then, at the proper time, simply revealed to them, dramatically and physically, that he, too, was an amputee. He has helped many a young soldier or sailor in that way.

This is a kind act. This is the act of a true gentleman, a fully compassionate man. We are sorry that he has left the Federal service.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

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

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. 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.

THE IMPOUNDMENT OF FUNDS

Mr. JAVITS. Mr. President, I invite the attention of the Senate to the order of District Court Judge Leonard I. Garth in Newark, N.J., yesterday, finding that the Department of Labor is required to spend $239 million budgeted nationwide for the Neighborhood Youth Corps summer program, in the case of Community Action Programs Executive Directors Association of New Jersey, Inc.; the New Jersey Neighborhood Youth Corps Directors Association; Mary Ann Weston, Yvette Young, et al., against Roy L. Ash, Director of the Office of Management and Budget; Peter J. Brennan, Secretary of the Department of Labor; and Howard Phillips, former Acting Director of the Office of Economic Opportunity.

The court ordered that the defendants make available by 10 a.m. Saturday, June 30, 1973, $239.2 million for the Neighborhood Youth Corps job program for this summer.

The court also ordered the defendant Ash to insure that the funds do not revert to the Treasury after June 30.

This is an assertion of the authority of Congress on the part of the third branch of the Government, the judiciary, of the utmost importance to all of us; because it is a way of resolving what has begun to appear to be an absolute deadlock between the coequal branches of Government—Congress and the President: the President's assertion that he could do this, notwithstanding the appropriation for the Neighborhood Youth Corps, and the determination shown by Congress by refusing a request of the President to rescind the appropriation, as absolutely certifying that Congress wanted the money to be spent and not be impounded and not to be held by the Executive, except pursuant to law.

We believe that the Anti-Deficiency Act, which is the only act on the subject, does not entitle the President to withhold these funds from the Neighborhood Youth Corps.

The courts are beginning to act in these matters, and I think the courts should know that we in Congress support the enforcement mechanism which the courts afford at the suit of individual parties. In this case, they were two youngsters who were going to get Neighborhood Youth Corps jobs.

The point is that it is high time that we had a way in which to enforce the mandated expenditure by Congress; that it was our understanding that the administration would not resist that; that where we had directed that it be spent, they would spend it. But, apparently, they have even tried to get out from under that.

Mr. President, the laugh of the day is the assertion by a Government representative reported in the New York Times that the decision of the Newark judge, Judge Garth—to whom I pay all honor—will be appealed; and the Government representative reportedly said that the money ". . . wasn't spent yet because we just haven't had time to spend the money."

I ask unanimous consent that the Times article be printed at this point in the RECORD.

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

JUDGE ORDERS U.S. FUNDS RELEASED FOR YOUTH CORPS

(By Martin Gansberg)

A Federal judge in Newark ordered the United States Department of Labor yesterday to release $239-million budgeted nationwide for the Neighborhood Youth Corps summer program.

Judge Leonard I. Garth of the District Court said that the funds must be released no later than 10 A.M. tomorrow and ordered the Office of Management and Budget to refrain from taking any steps that would allow the funds to revert to the United States Treasury. Funds not spent before the end of the fiscal year—midnight of June 30—revert to the treasury.

"There is no doubt it was the unequivocal intention of Congress that the amount be appropriated," Judge Garth said in an oral decision after a five-hour hearing. "This is no raid on the public treasury. It is just action required to release appropriated funds."

President Nixon requested Congress last year to allocate $256.5-million for summer youth jobs, with the funds to be disbured through the Neighborhood Youth Corps. Congress made the appropriation, and it reaffirmed the allocation last June 19 by rejecting a Government rescission request.

Since the original request, however, the President imposed his spending ceiling, $250-billion for the current fiscal year, in order to control inflation without a tax increase. One of the allocations held up, but not impounded, was the money for the Neighborhood Youth Corps.

The suit leading to Judge Garth's ruling was filed by 22 Community Action Program directors in New Jersey and two girls who had been promised jobs this summer, Mary Ann Weston, 16 years old, and Yvette Young, 19, both of Neptune, N.J.

The New Jersey agencies provided jobs for 11,591 youths last year after an allocation of $3.3-million.

Earlier in the day, before the ruling by Judge Garth, Mayor Lindsay sent a telegram to Administration leaders in Washington urging that the Youth Corps funds be distributed.

"Those funds are urgently needed," the Mayor said. "In New York City alone we could use 77,500 summer job slots for our young people, many of whom face neighborhood unemployment levels of up to 40 per cent."

Last year, funds from the Neighborhood Youth Corps provided jobs for 50,000 youngsters in New York on an allocation of almost $20-million. Across the nation, the money was expected to provide jobs for 609,300 youths this summer, through 930 organizations.

The Youth Corps is a nine-year-old program that provides summer employment for disadvantaged youths. The jobs usually are in public agencies or nonprofit organizations and are service-oriented. Many of the youths work in parks, recreational activities or with hospitals.

GOVERNMENT TO APPEAL

The money is allocated by the Department of Labor to agencies in municipalities throughout the nation. A spokesman for the department in Washington said yesterday that the $239-million "wasn't spent yet because we just haven't had time to spend the money." He said that the Government would appeal Judge Garth's decision.

In issuing his order, Judge Garth declared that the refusal to release the funds "has been activity outside the statutory limits."

The attorney for the plaintiffs, David H. Ben-Asher of East Orange, said the New Jersey Community Action Program Directors Association had decided to file suit last week at the urging of Senator Harrison A. Williams Jr., Democrat of New Jersey.

THE $380 MILLION IS FROZEN

WASHINGTON, June 28.—A United States District Court judge today ordered frozen $380.4-million in Federal education funds previously impounded by the Nixon Administration.

Today's action by Judge Joseph C. Waddy prevents the money, more than 14 per cent of the education funds appropriated by Congress, from reverting to the Treasury on Saturday, the end of the fiscal year.

The order comes as a result of a suit filed June 8 by Pennsylvania. In the suit, which has since been joined by eight other states, the court was asked to allow the allocation of the funds for eight different education programs.

While the decision does not release any funds, the judge ordered the freeze because the states "have demonstrated a substantial likelihood of success on the merits" of the case.

Edmund Kitch, a lawyer for the Justice Department, said that today's decision would allow the impoundment issue to be argued in the courts.

Mr. JAVITS. The reason they have not spent the money is that they have sat on the money for months—in fact since last October—and refused to recognize the congressional direction to spend; and they have even defied the reiteration of that direction when the President vetoed the second supplemental, in connection with which we had refused to rescind that appropriation.

Mr. President, I thoroughly agree with the courts. I hope this marks the beginning of a precedent in which the determinations of Congress incorporated in law will be carried out and enforced by the courts. We may not have batallions of our own, but there is a judicial system and we have a right to rely on it. I am glad to see that in the interest of our Nation it has come through.

I thank the Senator from Michigan for yielding additional time to me.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, how many minutes remain for morning business?

The ACTING PRESIDENT pro tempore. Six more minutes remain for morning business.

Mr. ROBERT C. BYRD. I thank the Chair.

(The remarks that Senator ROBERT C. BYRD made at this point on the introduction of S. 2106, providing for a 10-year tenure for the Director of the FBI, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended to not beyond the hour of 11 o'clock a.m. today.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED LEGISLATION FROM CANAL ZONE GOVERNMENT

A letter from the Governor, Canal Zone Government, transmitting a draft of proposed legislation to amend section 271 of title 2, Canal Zone Code (with an accompanying paper). Referred to the Committee on Armed Services.

REPORT OF EMERGENCY LOAN GUARANTEE BOARD

A letter from the Chairman, Emergency Loan Guarantee Board, transmitting, pursuant to law, a report of the Board (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT ON MARINE MAMMAL SPECIES

A letter from the Secretary of Commerce, informing the Senate that his report on the current status of all marine mammal species and population stock will be transmitted to the Senate on or about July 31, 1973. Referred to the Committee on Commerce.

INTERNATIONAL AGREEMENTS OTHER THAN TREATIES

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

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports of the General Accounting Office for May 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Progress in Meeting Important Objectives of the Great Plains Conservation Program Could Be Improved," Soil Conservation Service, Department of Agriculture, dated June 28, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

REPORT OF CIVIL AIR PATROL

A letter from the Chairman, National Board, Civil Air Patrol, transmitting, pursuant to law, the report of the Civil Air Patrol for 1973 (with an accompanying report). Referred to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF ALIENS—WITHDRAWAL OF NAME

A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, withdrawing the name of Mr. Lew Sek Lum, also known as Lai Hoy Frank Wong from a report relating to aliens whose deportation has been suspended, transmitted to the Senate on February 1, 1973. Referred to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A joint resolution of the State Legislature of California. Referred to the Committee on Commerce.

"S.J. RES. 15

"Senate joint resolution relative to fishing industry

"Whereas, The position of the United States in world fisheries has declined from first to seventh place among the major fishing nations; and

"Whereas, There has been a continuing decline in domestic production of food fish and shellfish for the last five years; and

"Whereas, The fishing boats in many communities in the State of California and the nation have become obsolete and inefficient; and

"Whereas, Intensive foreign fishing along the coast of the State of California has brought about declines in stocks in a number of species with resulting economic hardship to local fishermen dependent upon such stocks; and

"Whereas, Rising costs and extremely high nomic in some areas of the state; and -ooɔɐu ƃuᴉʃuᴉsɐ ǝɹɐʌ ɯɐɹƃ ǝɥʇ sǝʇɐɹ ɥɔᴉɹɐɯsuᴉ

"Whereas, Assistance to fishermen is very limited as contrasted to federal aid to industrial, commercial, or agricultural interests; and

"Whereas, The fishermen cannot successfully compete against imported fish products in the market because a number of foreign fishing countries subsidize their fishing industry to a greater extent; and

"Whereas, Approximately 60 percent of the seafood requirements of the United States is being supplied by imports; and

"Whereas, The fisheries and fishing industry in this state is a valuable natural resource supplying employment and income to thousands of people in all of our coastal communities; and

"Whereas, Our fisheries are beset with almost insurmountable production and economic problems; and

"Whereas, Certain of our coastal stocks of fish are being decimated by foreign fishing fleets; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the State of California respectfully memorializes the President and Congress of the United States and the Secretary of the Interior to take all the necessary and possible steps to provide all the necessary support to strengthen the fishing industry, and to provide adequate protection for the coastal fisheries against excessive foreign fishing; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution adopted by the Council of the City of Brook Park, Ohio, relating to the current fuel shortage. Referred to the Committee on Finance.

A resolution adopted by the Council of the City of Brook Park, Ohio, petitioning the Congress to investigate and determine if a fuel shortage exists in the United States. Referred to the Committee on Interior and Insular Affairs.

A resolution adopted by the Buckeye Boys State 36th General Assembly, Uniontown, Ohio, petitioning the Congress to initiate a Constitutional Amendment dealing with the rights of the unborn child. Referred to the Committee on the Judiciary.

PRESERVATION OF SANDWICH NOTCH

Mr. McINTYRE. Mr. President, in April, my distinguished senior colleague (Mr. COTTON) and I introduced a bill to preserve Sandwich Notch, the last major notch in New Hampshire without public protection.

The Sandwich Notch area is of particular esthetic and historical interest to the citizens of New Hampshire. As an answer to the people's concern over this natural area, the New Hampshire General Court has approved the inclusion of the Sandwich Notch area in the White Mountain National Forest.

I am very pleased that the State legislature has taken such positive action, reflecting my own interest in preserving Sandwich Notch. I ask unanimous consent that New Hampshire House Concurrent Resolution No. 20, a major step toward preserving this area of natural beauty, be printed in the RECORD and be referred to the appropriate committee.

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

The concurrent resolution was referred to the Committee on Agriculture and Forestry, and reads as follows:

HOUSE CONCURRENT RESOLUTION NO. 20

Concurrent resolution relative to including Sandwich Natch in the White Mountain National Forest

Whereas Sandwich Natch is one of the most scenic places of natural places of natural beauty in New Hampshire; and

Whereas Sandwich Natch is in danger of being acquired and irreparably damaged by commercial interests; and

Whereas positive steps must now be taken for the preservation of Sandwich Natch for the enjoyment of future generations of our citizens; Now therefore be it

Resolved, By the Senate and House of Representatives in General Court convened:

That the General Court of New Hampshire be recorded as approving the inclusion of the Sandwich Natch Tract in the White Mountain National Forest, that said Sandwich Natch be best preserved in its present unspoiled state; and be it further

Resolved, That the secretary of state be instructed to furnish a copy of this resolution to each member of the congressional delegation from New Hampshire, that they be apprised of the concern of the General Court that one of New Hampshire's last scenic resources might be lost; and be it further

Resolved, That the New Hampshire congressional delegation be urged to secure the necessary federal approval and funding that Sandwich Natch shall be soon made a part of the White Mountain National Forest.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 245. A bill for the relief of Kamal Antoine Chalaby (Rept. No. 93-284); and

S. Con. Res. 38. Concurrent resolution favoring the suspension of deportation of certain aliens (Rept. No. 93-283).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 298. A bill for the relief of Sung Wan Kim (Rept. No. 93-285);

S. 507. A bill for the relief of Wilhelm J. R. Maly (Rept. No. 93-286); and

S. 748. A bill for the relief of Dr. Tanios (Tony) J. Ma'luf (Rept. No. 93-287).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 428. A bill for the relief of Ernesto Espino (Rept. No. 93-288);

S. 489. A bill for the relief of Janet Lee Davis Brace and her son, Scott William Brace (Rept. No. 93-289); and

S. 816. A bill for the relief of Jozefa Sokolowski Domanski (Rept. No. 93-290).

By Mr. MAGNUSON, from the Committee on Commerce:

S.J. Res. 131. An original joint resolution to express a national policy with respect to the expansion of commerce in goods and services between the United States and nonmarket economy countries (Rept. No. 93-282). Placed on the calendar.

By Mr. McGEE, from the Committee on Post Office and Civil Service, without amendment:

S. 1989. A bill to amend section 225 of the Federal Salary Act of 1967 with respect to certain executive, legislative, and judicial salaries (Rept. No. 93-292).

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

S. 1272. A bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution (Rept. No. 93-293), together with separate views.

REPORT ENTITLED "SUMMARY OF PROCEEDINGS AND DEBATE, A PILOT STUDY"—REPORT OF THE JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS (S. REPT. NO. 93-294)

Mr. METCALF, from the Joint Committee on Congressional Operations, submitted a report entitled "Summary of Proceedings and Debate, a Pilot Study," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. McGEE, from the Committee on Post Office and Civil Service:

Vincent R. Barabba, of California, to be Director of the Census.

The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

Sheldon B. Lubar, of Wisconsin, to be an Assistant Secretary of Housing and Urban Development;

Mitchell Kobelinski, of Illinois, to be a member of the Board of Directors of the Export-Import Bank of the United States;

Alberto Faustino Trevino, Jr., of California, to be a member of the Board of Directors of the Community Development Corporation; and

George A. LeMaistre, of Alabama, to be a member of the Board of Directors of the Federal Deposit Insurance Corporation.

The above nominations were reported with the recommendation that the nominations be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions are introduced or reported, read the first time and, by unanimous consent, the second time, and referred or placed on the calendar, as indicated:

By Mr. ROBERT C. BYRD (for himself, Mr. MANSFIELD, Mr. GRIFFIN, Mr. BENTSEN, Mr. BURDICK, Mr. TUNNEY, Mr. WILLIAMS, Mr. COOK, Mr. ERVIN, Mr. SCHWEIKER, and Mr. HATHAWAY):

S. 2106. A bill to amend title VI of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a 10-year term for the appointment of the Director of the Federal Bureau of Investigation. Referred to the Committee on the Judiciary.

By Mr. DOMINICK (for himself, Mr. FANNIN, Mr. TOWER, Mr. BENNETT, and Mr. HANSEN):

S. 2107. A bill to amend the National Labor Relations Act so as to make it an unfair labor practice for a labor organization to impose sanctions against its members for exceeding production quotas. Referred to the Committee on Labor and Public Welfare.

S. 2108. A bill to amend the National Labor Relations Act so as to make it an unfair labor practice for a labor organization to discriminate on account of race, color, religion, or national origin. Referred to the Committee on Labor and Public Welfare.

S. 2109. A bill to make it an unfair labor practice to require a person who conscientiously objects to membership in a labor organization to be a member of such an organization as a condition of employment. Referred to the Committee on Labor and Public Welfare.

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

S. 2110. A bill to amend the Fair Packaging and Labeling Act to provide for a uniform system of quality grades for food products, to provide for a system of labeling of food products to disclose the ingredients thereof, to provide for a system of national standards for nutritional labeling of food products, and to provide for a system of labeling of perishable and semiperishable foods; and

S. 2111. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of retail unit prices of consumer commodities, and for other purposes. Referred to the Committee on Commerce.

By Mr. DOLE:

S. 2112. A bill for the relief of Vo Thi Suong (Nini Ann Hoyt). Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 2113. A bill to amend the Economic Stabilization Act of 1970. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. STEVENS:

S. 2114. A bill to amend title V of the Social Security Act to provide that, in making certain allotments to States thereunder, there shall be taken into account the higher cost-of-living prevailing in Alaska and Hawaii. Referred to the Committee on Finance.

S. 2115. A bill to facilitate the recruitment of health personnel for remote and isolated hospitals of the Public Health Service through the provision of adequate housing for personnel by establishing a rental guarantee program as an incentive for builders and other sponsors to construct needed housing for Public Health Service personnel. Referred to the Committee on Labor and Public Welfare.

By Mr. STEVENS:

S. 2116. A bill to amend section 208 of the Public Health Service Act to provide pay incentives for personnel serving in remote and isolated areas. Referred to the Committee on Labor and Public Welfare.

By Mr. WILLIAMS (for himself and Mr. RANDOLPH, Mr. CHURCH, Mr. JACKSON, Mr. METCALF, Mr. JAVITS, Mr. SCHWEIKER, Mr. COOK, Mr. PELL, Mr. KENNEDY, Mr. NELSON, Mr. CRANSTON, Mr. CASE, Mr. ABOUREZK, Mr. HUGHES, Mr. HATHAWAY, Mr. HART, Mr. HUMPHREY, Mr. MCGEE, Mr. MCGOVERN, Mr. MAGNUSON, Mr. MOSS, Mr. MANSFIELD, Mr. TUNNEY, Mr. MONDALE, Mr. EAGLETON, Mr. STEVENSON and Mr. MUSKIE):

S. 2117. A bill to promote safety and health in the mining industry, to prevent recurring disasters in the mining industry, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. BUCKLEY (for himself and Mr. JAVITS):

S. 2118. A bill to modify the project for hurricane-flood protection and beach erosion control at East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, N.Y., and for other purposes. Referred to the Committee on Public Works.

By Mr. HELMS:

S.J. Res. 130. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right of life to the unborn, the ill, the aged, or the incapacitated. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON, from the Committee on Commerce:

S.J. Res. 131. An original joint resolution to express a national policy with respect to the expansion of commerce in goods and services between the United States and nonmarket economy countries. Placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBERT C. BYRD (for himself, Mr. MANSFIELD, Mr. GRIFFIN, Mr. BENTSEN, Mr. BURDICK, Mr. TUNNEY, Mr. WILLIAMS, Mr. COOK, Mr. ERVIN, Mr. SCHWEIKER, and Mr. HATHAWAY):

S. 2106. A bill to amend title VI of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a 10-year term for the appointment of the Director of the Federal Bureau of Investigation. Referred to the Committee on the Judiciary.

TEN-YEAR TENURE FOR DIRECTOR OF FBI

Mr. ROBERT C. BYRD. Mr. President, I am today introducing legislation which will provide for a 10-year term for the Director of the Federal Bureau of Investigation with reappointment possible for another 10-year term. Both an appointment and a reappointment would be subject to the advice and consent by the Senate.

In 1968, the Congress passed Public Law 90–351, title VI, section 1101 of the Omnibus Crime Control and Safe Streets Act of 1968 which amended title 28 United States Code, section 532, making the Director of the Federal Bureau of Investigation a Presidential appointment subject to advice and consent by the Senate rather than an appointment by the Attorney General. There was no provision in the 1968 statute as to the duration of the appointment of the Director.

The two confirmation hearings that have been held by the Senate Judiciary Committee over the past 4 months to consider two nominees for the post of FBI Director have indicated that the Congress must take steps to insulate the Director of the FBI from possible political pressures—especially from the White House and conceivably even from the Congress. I had previously introduced legislation concerning the FBI—S. 516 which provided a 4-year term for the Director and S. 1500 which provided a 7-year term for the Director. In the meantime, I believe that the recent confirmation hearings of Mr. L. Patrick Gray and Mr. Clarence M. Kelley have served to indicate that a 4-year term for the Director could perhaps encourage rather than discourage political responsiveness on the part of any Director who wished to be reappointed to such a sensitive post. After all, the position of Director of the Federal Bureau of Investigation is not an ordinary Cabinet appointment which is usually considered a politically oriented member of the President's "team." A 10-year term would overlap the tenure of a 2-term President and would eliminate many of the pressures that could be brought to bear on the Director if he were to be reappointed every 4 years, and even if he were to be reappointed every 7 years, since that could fall within the term of the same President who first appointed the Director.

The possibility of reappointment for a second 10-year term would provide incentive for the Director to conclude 20 years of Government service if the appointee was not from within the Government service.

While the Director would be nominated and confirmed for a 10-year term he would be subject to dismissal by the President if he abused his position, as is any Presidential appointee. However, the setting of a 10-year tenure by the Congress would preclude a President from arbitrarily naming a new FBI Director for political reasons without showing good cause for dismissal of his predecessor since the chances for confirmation by the Senate of a new nominee would be remote.

While this term would apply to Mr. Kelley, he could serve only 8 years of such a term since he would then reach the mandatory Federal retirement age of 70.

I am hopeful that the Senate Judiciary Committee, many members of which join me in introducing this legislation, will act expeditiously to hold hearings on the bill and that this post which is so vital to the protection of the rights and liberties of all of our citizens will then have a better guarantee of being insulated from partisan political pressures and will more surely be a post of true professionalism and dedication to the service of our Nation. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1101 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) Effective with respect to any individual appointment by the President, by and with the advice and consent of the Senate, after June 1, 1973, the term of service of the Director of the Federal Bureau of Investigation shall be ten years. A Director may be reappointed in accordance with subsection (a) of this section for only one additional term."

By Mr. DOMINICK (for himself, Mr. FANNIN, Mr. TOWER, Mr. BENNETT, and Mr. HANSEN):

S. 2107. A bill to amend the National Labor Relations Act so as to make it an unfair labor practice for a labor organization to impose sanctions against its members for exceeding production quotas. Referred to the Committee on Labor and Public Welfare.

Mr. DOMINICK. Mr. President, I introduce for myself, Mr. BENNETT, Mr. FANNIN, Mr. TOWER, and Mr. HANSEN, for appropriate reference a bill to amend the National Labor Relations Act so as to make it an unfair labor practice for a labor organization to impose sanctions against its members for exceeding production quotas.

Our economic system rests firmly on the principle that a person shall be compensated proportionately to the labor that he expends. Under our system no one should be compensated for the labor of others and conversely no one should be thwarted or retarded by the accomplishments of his coworkers. Our free enterprise system encourages and rewards individual accomplishments.

Many of the leading citizens of this country rose from humble beginnings. Where would these people be today without the incentive and impetus of the competitive free enterprise system? More importantly, where would this country be?

However, decisions of the National Labor Relations Board indicate that the above principles no longer apply in today's labor markets. The Board upheld the right of unions to set production quotas for their members and enforce such quotas by appropriate sanctions. Thus, an efficient employee who produces more than a set quota can be fined or otherwise punished.

This discourages and frustrates the initiative of employees. My bill would help to restify this by denying the unions the power to set and enforce production quotas.

The intent of this bill is to restore the individual initiative of employees by removing arbitrary union restrictions on productivity, leaving them free to be compensated according to their efforts. I would think both workers and management would benefit from this—workers through increased earnings and opportunities for advancement, and management through increased productivity.

Mr. President, I know that the industrious working men and women of this country will support my bill. I hope that my colleagues in the Senate will do likewise.

By Mr. DOMINICK (for himself, Mr. FANNIN, Mr. TOWER, Mr. BENNETT, and Mr. HANSEN):

S. 2108. A bill to amend the National Labor Relations Act so as to make it an unfair labor practice for a labor organization to discriminate on account of race, color, religious or national origin. Referred to the Committee on Labor and Public Welfare.

Mr. DOMINICK. Mr. President, I introduce, for myself, Mr. FANNIN and Mr. TOWER, Mr. BENNETT, and Mr. HANSEN for appropriate reference, a bill to amend the National Labor Relations Act so as to make it an unfair labor practice for a labor organization to discriminate on account of race, color, religion, sex, or national origin.

The past decade has seen an awakening of the American conscience to the realization that discrimination still exists in America and that American minority groups have not had an equal opportunity in our society.

Following that realization came a flurry of activity in American courts and legislatures seeking to undo almost 200 years of discrimination. The result of all this activity has been significant and beneficial steps toward equal opportunity for all Americans in such areas as voting, housing, and education. But before the flurry subsides and before the American conscience can rest there is much to be done.

The area of equal employment opportunity is one area of civil rights which must be improved. It is particularly offensive to see the backbone of our free enterprise system wracked with employment discrimination. Employment discrimination becomes more offensive as it grows in scale and practice. For this reason, my bill is aimed at the largest and strongest factor in the labor field today, the labor unions. Labor unions, through their power as certified exclusive bargaining agents of the employees, are in a perfect position to control hirings, firings, advancements, seniority, and other employment practices which easily lend themselves to abuse.

Certainly my bill is not the first to realize and attempt to attack the problem. Hopefully, mine will prevail where others failed. My bill would treat union employment discrimination as an unfair labor practice under the National Relations Act. This would place such acts under the jurisdiction of the National Labor Relations Board; the net result being faster and cheaper enforcement of a national policy by the organization which is most conversant with unions and their hiring practices.

Mr. President, I am sure that all Americans of conscience will support this act. I ask my colleagues to do the same.

By Mr. DOMINICK (for himself, Mr. FANNIN, Mr. TOWER, Mr. BENNETT, and Mr. HANSEN):

S. 2109. A bill to make it an unfair labor practice to require a person who conscientiously objects to membership in a labor organization to be a member of such an organization as a condition of employment. Referred to the Committee on Labor and Public Welfare.

Mr. DOMINICK. Mr. President, I introduce for myself, Mr. BENNETT, Mr. FANNIN, Mr. TOWER and Mr. HANSEN for appropriate reference, a bill to amend the National Labor Relations Act so as to make it an unfair labor practice to require a person to join a labor organization as a condition of employment where such a person's religious beliefs are contrary to labor organization membership.

The first amendment of the Constitution recognizes and protects the free exercise of religious belief in the United States. Just as important as the written first amendment is the unwritten fundamental tradition of religious freedom in America. This tradition was born with our Founding Fathers who colonized America to avoid religious persecution in Europe.

There are people in the United States today who are inadvertently being denied their freedom of religion. These are the people who belong to religious denominations which believe that membership in or support of a labor organization is wrong. Members of these denominations are forced to violate their religious conscience and join labor unions or suffer the economic consequences.

My bill would protect the religious freedom of these people by allowing them to work for an employer without being required to join or financially support a union organization. It protects the religious beliefs of union members without allowing them to avoid dues paying responsibilities, by providing that in lieu of paying dues, the individual contribute a like amount to any nonreligous charitable fund exempt from taxation under section 501(c)(3) of the Internal Revenue Code. The particular charity would be designated by mutual consent of the individual and the union.

Admittedly the number of persons affected by my bill would be relatively small, although more than many people would suppose. The number affected is not relevant because religious freedom should never be predicated on practical political factors of majorities or votes.

Mr. President, my bill perhaps seems inconsequential, but who are we to deny a very important and fundamental right to those who have different religious views than our own. We must correct this situation as rapidly as possible so that our practices are consistent with our fundamental principles.

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

S. 2110. A bill to amend the Fair Packaging and Labeling Act to provide for a uniform system of quality grades for food products, to provide for a system of labeling of food products to disclose the ingredients thereof, to provide for a system of national standards for nutritional labeling of food products, and to provide for a system of labeling of perishable and semiperishable foods; and

S. 2111. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by certain distributors of retail unit prices of consumer commodities, and for other purposes. Referred to the Committee on Commerce.

FOOD LABELING ACT AND PRICE DISCLOSURE ACT

Mr. MAGNUSON. Mr. President, I introduce for appropirate reference two bills to amend the Fair Packaging and Labeling Act. These bills are Unit Price

Disclosure Act and the Food Labeling Act. Each bill would use the authority granted by the Congress under the Fair Packaging and Labeling Act to extend the scope of FPLA to include additional labeling necessary for consumers to make intelligent purchasing decisions. The Food Labeling Act is designed to end the mystery which surrounds the foods we eat. It would require that basic information about our packaged foods be printed on package labels in plain and concise language. Similarly the Price Disclosure Act would require that packaged consumer goods display the total selling price and the retail unit price.

These bills are designed to lessen the difficulties which consumers face in the marketplace. In a time of inflationary costs it is critical that the consumer put his dollar to good use. Through the provision of the kinds of information proposed in these bills we will have better informed consumers.

FOOD LABELING ACT

The Food Labeling Act provides for a uniformed system of quality grades for food products, the labeling of food products to disclose the ingredients, a program of nutritional labeling for food products, and the labeling of expiration dates for perishable and semiperishable foods. Under the quality of food products, a program of food quality grade designation expressed uniform language would be prescribed for all food products. The Secretary of Commerce is called upon to establish quality designations arranging from grades A through E and substandard to designate the differences in food products. Authority exists from the Secretary of Commerce to enumerate fewer than six standards if appropriate. Our meat labeling system would be exempt from the provisions of this title.

Packaged food products would bear a statement specifying all the ingredients contained in a food product in the order of predominance. There is no reason to ask the consumer to buy a product whose contents are not known in full.

The legislation provides for a national nutritional labeling program. Under the terms of the program, the Secretary of Commerce is directed to prescribe regulations requiring food products to bear labels containing a statement specifying the nutritional value of the product. The Secretary of Health, Education, and Welfare is called upon to provide the Secretary of Commerce appropriate scientific information concerning nutritional values and nutrients. In this manner the branch of Government which is responsible for health would enter into the development of the regulations.

The legislation also provided that food products which are perishable or semiperishable contain an expiration date, that is the last date on which a perishable or semiperishable food can be consumed without a high risk of spoilage or significant loss of nutritional value or palatability. The bill also requires that there be appropriate instructions on the label to guide the consumer in the storage of the food products. The provision also provides latitude for the requirement of freeze-thaw indicators if the technology is sufficiently developed to aid the consumer. Oftentimes a shopper may purchase a food product which should be frozen, but has thawed and been refrozen in transit or in the retail establishment. A freeze-thaw indicator would demonstrate to the purchasing consumer that the product has already thawed and thus should be used immediately or alternatively should not be used at all if the free-thaw-refreeze process has taken place prior to the consumer's purchase.

The Food Labeling Act would lessen substantially the difficulties which consumers face in purchasing food. It will assist in making the consumer informed and knowledgeable about what he buys. Many voluntary efforts have been made by retailers to provide the kinds of information called for in the Food Labeling Act. Although retailers have made great strides, the progress by the manufacturers in providing this information has been relatively slow and inconsistent. Most of the information required by this act can best be done at the manufacturing level rather than at the retail level.

The Price Disclosure Act requires that the price per unit of retail goods be posted in close proximity to the display of commodities subject to the Fair Packaging and Labeling Act. Because some small stores might be burdened by the implementation of unit pricing, the legislation has an exemption which excludes stores having gross sales of less than $250,000 per annum. The legislation also provides that pictorial labels or other representations on the label accurately reflect the identity or the quality of the product contained in the package.

In spite of the intention of Congress in the Fair Packaging and Labeling Act to remove deceptively packaged products from supermarkets and stores, consumers must oftentimes reckon with impossible comparisons in the marketplace. Although there has been substantial improvement since enactment of the Fair Packaging and Labeling Act the goal of that act, "informed consumers are essential to the fair and efficient functioning of the free market economy," has not been completely achieved.

Together the Food Labeling Act and Price Disclosure Act are designed to provide appropriate and adequate information to the consumer about crucial factors which the consumer is often ignorant. A variety of different methods has been tried to provide this information to the public. But real success will only be found when the information is uniform and universal. Therefore, it is our belief that these bills will provide much of what the consumer needs in order to make intelligent decisions, in order to make better use of his shopping dollar.

Senator Moss, who has labored over this issue as chairman of our consumer subcommittee recently offered part of this legislation as an amendment to the fair packaging and labeling bill. Even though the Chair ruled that the amendment was not germane, we were pleased to see so many supporters. I intend to have the consumer subcommittee hold hearings on these bills. These are priority matters and must be explored thoroughly before too much more time passes.

Mr. President, I ask unanimous consent that the text of the Food Labeling Act and the Price Disclosure Act be printed in the RECORD immediately following the remarks of Senator Moss.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. MOSS. Mr. President, it is indeed a pleasure to join with the distinguished chairman of the Senate Commerce Committee, Senator MAGNUSON in jointly sponsoring the Food Labeling Act and the Price Disclosure Act.

Through the years, my studies of consumer activities have demonstrated that a major concern of the consumer is his inability to obtain adequate information concerning the products he buys. This missing information ranges from durability or product quality through price. The Food Labeling Act and the Price Disclosure Act are designed to remedy to a substantial degree the information which is not made available to the consumer in his purchasing decisions.

Our consideration of this legislation will be somewhat unique in that considerable experience has already been gained through the excellent voluntary efforts of retail food chains in providing much of the information which would be required under the legislation. Different methods of unit pricing, nutritional labeling, and open dating have been tested by a variety of chains. The experience which the public has had with these different methods of presenting information will prove invaluable to the rulemaking proceedings which would precede the implementation of the proposed bills.

Several weeks ago my colleagues will recall that I offered an amendment to the farm bill which would provide much of the information which would be required under the Food Labeling Act. It was my hope that we would be able to expedite consideration of the legislation in this manner, and couple with our extension of various farm programs, this program to provide important information to the consumer. Although the amendment was ruled not germane to the farm bill, I was heartened to see that 30 other Members of this body joined with me in their support of my amendment. Hopefully, through more complete consideration by the Commerce Committee, we will be able to see enacted into law legislation which will provide the kinds of information which the consumer needs.

Since President John Kennedy enunciated the Consumer's Bill of Rights some 11 years ago, the right to be informed has been one of the most basic objectives of the consumer movement. The Food Labeling Act and the Price Disclosure Act would fulfill that right.

Mr. President, the Chairman and I have agreed that this legislation deserves priority consideration. Many Senators have introduced bills either to amend the Food, Drug, and Cosmetic Act or the Fair Packaging and Labeling Act to accomplish the same objectives. It is imperative that we take the steps necessary in

order to provide adequate labeling for the American people. I can assure my colleagues that we will consider this legislation as priorities permit, and I can assure them that this legislation has a high priority in the agenda of the Consumer Subcommittee.

EXHIBIT 1

S. 2110

A bill to amend the Fair Packaging and Labeling Act to provide for a uniform system of quality grades for food products, to provide for a system of labeling of food products to disclose the ingredients thereof, to provide for a system of national standards for nutritional labeling of food products, and to provide for a system of labeling of perishable and semiperishable foods

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 "Food Labeling Act".

SEC. 2. (a) The Fair Packaging and Labeling Act (15 U.S.C. 1451–1461) is amended as follows—

(1) by inserting "TITLE I—FAIR PACKAGING AND LABELING" immediately above the heading of section 2;

(2) by redesignating sections 2 through 5 as sections 101 through 104, respectively;

(3) by striking out "section 3" in section 103(a) (as designated by clause (2) of this section) and inserting in lieu thereof "section 102";

(4) by striking out "section 3" in section 103(b) (as redesignated by clause (2) of this section) and inserting in lieu thereof "section 103";

(5) by striking out "section 4" and "section 2" in section 104(b) (as redesignated by clause (2) of this section) and inserting in lieu thereof "section 103" and "section 101", respectively;

(6) by striking out "section 4" in section 104(c) (as redesignated by clause (2) of this section) and inserting in lieu thereof "section 103"; and

(7) by adding immediately after section 104 (as redesignated by clause (2) of this section) the following new titles:

"TITLE II—QUALITY GRADING OF FOOD PRODUCTS

"UNLAWFUL ACTIVITIES

"SEC. 201. (a) It shall be unlawful for any person engaged in the packaging or labeling of any food product for distribution in commerce, or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distibution in commerce of any packaged or labeled food product, to distribute or to cause to be distributed in commerce any such product if it is contained in a package, or if there is affixed to that product a label which does not conform to the provisions of this title and regulations promulgated under the authority of this title.

"(b) The prohibition contained in subsection (a) shall not apply to persons engaged in business as wholesale or retail food distributors except to the extent that such persons (1) are engaged in the packaging or labeling of such food, or (2) prescribe or specify by any means the manner in which such food is packaged or labeled.

"FOOD QUALITY LABELING PROGRAM

"SEC. 202. (a) The Secretary of Commerce shall formulate and prescribe a system of food quality grade designations, expressed in a uniform nomenclature, for all food products.

"(b) No person subject to the prohibition contained in section 201 shall distribute or cause to be distributed in commerce any packaged or labeled food product except in accordance with regulations which shall be prescribed by the Secretary of Commerce pursuant to this title. Such regulations shall require that any food product distributed in interstate commerce bear a label containing a food quality designation of the food product contained therein, that the label on such product appear in a uniform location on the package, and that such label—

"(1) appear in conspicuous and easily legible type in distinct contrast (by typography, layout, color, embossing, or molding) with other matters on the package.

"(2) contain letters or numerals in type size which shall be (A) established in relationship to the area of the principal display found on the package, and (B) uniform for all packages of substantially the same size; and

"(3) be placed so that the lines of printed matter included in that statement are generally parallel to the base on which the package rests as it is designed to be displayed.

"(c) The food quality designations for food products adopted by the Secretary shall provide for the following designations in descending order of quality of the food product:

"(1) United States grade A
"(2) United States grade B
"(3) United States grade C
"(4) United States grade D
"(5) United States grade E
"(6) Substandard.

The Secretary of Commerce may authorize the use of less than six different designations in the case of any food product if he determines that it is not in the public interest or is impracticable to require such food product to be broken down into six quality designations.

"(d) The Secretary of Commerce shall immediately initiate and carry out a program of consumer education in conjunction with the promulgation of food quality designations prescribed by him under this title.

"(e) The provisions of this title shall not apply in the case of any meat with respect to which there is in effect an inspection and grading program administered by the Secretary of Agriculture.

"TITLE III—LABELING OF FOOD PRODUCTS TO DISCLOSE INGREDIENTS

"UNLAWFUL ACTIVITIES

"SEC. 301. (a) It shall be unlawful for any person engaged in the packaging or labeling of any food product for distribution in commerce, or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distribution in commerce of any packaged or labeled food product, to distribute or to cause to be distributed in commerce any such product if it is contained in a package, or if there is affixed to that product a label which does not conform to the provisions of this title and regulations promulgated under the authority of this title.

"(b) The prohibition contained in subsection (a) shall not apply to persons engaged in business as wholesale or retail food distributors except to the extent that such persons (1) are engaged in the packaging or labeling of such food, or (2) prescribe or specify by any means the manner in which such food is packaged or labeled.

"INGREDIENT LABELING PROGRAM

"SEC. 302. No person subject to the prohibition contained in section 301 shall distribute or cause to be distributed in commerce any packaged or labeled food product except in accordance with regulations which shall be prescribed by the Secretary of Commerce pursuant to this title. Such regulations shall require that any food product distributed in interstate commerce bear a label containing a statement specifying all the ingredients contained in such food products in the order of their predominance, that the label on such product appear in a uniform location on the package and that such label—

"(1) appear in conspicuous and easily legible type in distinct contrast (by typography, layout, color, embossing, or molding) with other matters on the package;

"(2) contain letters or numerals in type size which shall be (A) established in relationship to the area of the principal display found on the package, and (B) uniform for all packages of substantially the same size; and

"(3) be placed so that the lines of printed matter included in that statement are generally parallel to the base on which the package rests as it is designed to be displayed.

"TITLE IV—NUTRITIONAL LABELING OF FOOD PRODUCTS

"DEFINITIONS

"SEC. 401. For the purpose of this title—

"(1) The term 'nutritional value' means the amount of nutrients contained in the food expressed in terms of the relationship of the amount of each nutrient contained in such food to the total recommended daily requirement of each such nutrient required to maintain a balanced diet as determined by the Secretary of Health, Education, and Welfare.

"(2) The term 'nutrient' includes protein, vitamin A, B vitamins (thiamin, riboflavin, nacin), vitamin C, vitamin D, carbohydrate, fat, calories, calcium, iron, and such other nutrients as may be prescribed by regulation.

"UNLAWFUL ACTIVITIES

"SEC. 402. (a) It shall be unlawful for any person engaged in the packaging or labeling of any food product for distribution in commerce or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distribution in commerce of any packaged or labeled food product, to distribute or to cause to be distributed in commerce any such product if it is contained in a package, or if there is affixed to that product a label which does not conform to the provisions of this title and regulations promulgated under the authority of this title.

"(b) The prohibition contained in subsection (a) shall not apply to persons engaged in business, as wholesale or retail food distributors except to the extent that such persons (1) are engaged in the packaging or labeling of such food, or (2) prescribe or specify by any means the manner in which such food is packaged or labeled.

"NUTRITIONAL LABELING PROGRAM

"SEC. 403. (a) No person subject to the prohibition contained in section 402 shall distribute or cause to be distributed in commerce any packaged or labeled food product except in accordance with regulations which shall be prescribed by the Secretary of Commerce pursuant to this title. Such regulations shall require that any food product distributed in interstate commerce bear a label containing a statement specifying the nutritional value of the food product contained therein, that the label on such commodity appear in a uniform location on the package, and that such label—

"(1) appear in conspicuous and easily legible type in distinct contrast (by typography, layout, color, embossing, or molding) with other matters on the package;

"(2) contain lettters or numerals in type size which shall be (A) established in relationship to the area of the principal display found on the package, and (B) uniform for all packages of substantially the same size;

"(3) be placed so that the lines of printed matter included in that statement are generally parallel to the base on which the package rests as it is designed to be displayed, and

"(4) bear a statement of the nutritional value of each serving if the label appears on a packaged food product which bears a representation as to the number of servings of the food product contained in the package.

(b) The Secretary may by regulations require additional or supplementary words or phrases to be used in conjunction with the statement of nutritional value appearing on the label whenever he determines that such regulations are necessary to prevent the deception of consumers or to facilitate value comparisons as to any food product. Nothing in this subsection shall prohibit supplemental statements, which are not misleading or deceptive, at other places on the package, describing the nutritional value of the food product contained in such package.

"TITLE V—LABELING REQUIREMENTS FOR PERISHABLE AND SEMIPERISHABLE FOODS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) The term 'food' has the meaning prescribed for that term by section 201 of the Federal Food Drug, and Cosmetic Act, except that such term does not include any fresh fruit or vegetable.

"(2) The term 'perishable or semiperishable food' means any food which the Secretary determines has a high risk of any of the following as it ages:

"(A) spoilage;

"(B) significant loss of nutritional value; or

"(C) significant loss of palatability.

"(3) The term 'expiration date' means the last date on which a perishable or semiperishable food can be consumed without a high risk of spoilage or significant loss of nutritional value or palatability.

"LABELING REQUIREMENTS FOR PERISHABLE AND SEMIPERISHABLE FOODS

"SEC. 502. (a) No person who manufactures or packages a perishable or semiperishable food in the form in which it is sold by retail distributors to consumers may distribute (or cause to be distributed) in commerce for purposes of sale a perishable or semiperishable food packaged by him in such form unless he has, in accordance with the requirements of subsection (f), labeled such packages to show (1) the expiration date of such food, and (2) the optimum temperature and humidity conditions for its storage by the ultimate consumer, and (3) such other information as the Secretary determines necessary to protect consumers from the purchase of foods which may have spoiled, suffered a loss of nutritional value, or suffered a loss of palatability.

"(b) No person engaged in business as a retail distributor of any packaged perishable or semiperishable food subject to the provisions of subsection (a) may sell, offer to sell, or display for sale such food unless the food's package is labeled in accordance with this title.

"(c) No person engaged in business as a retail distributor of any packaged perishable or semiperishable food may sell, offer to sell, or display for sale any such food whose expiration date, as specified on its package's label, has expired.

"(d) No person engaged in the business of manufacturing, processing, packing, or distributing perishable or semiperishable foods may place packages of such foods, labeled in accordance with subsection (a), in shipping containers or wrappings unless such containers or wrappings are labeled by him, in accordance with regulations of the Secretary, to show the expiration date on the labels of such packages.

"(e) No person may change, alter, or remove, before the sale of a packaged perishable or semiperishable food to the ultimate consumer, any expiration date required by this section to be placed on the label of such food's package or shipping container or wrapping.

"(f)(1) The expiration date and the storage instructions required to be on the label of a packaged perishable or semiperishable food under subsection (a) shall be determined in the manner prescribed by regulations of the Secretary.

"(2) An expiration date shall, in accordance with regulations of the Secretary—

"(A) be (i) in the case of the month contained in the expiration date, expressed in the commonly used letter abbreviations for such month, and (ii) otherwise expressed in such combination of letters and numbers as will enable the consumer to readily identify (without reference to special decoding information) the day, month, or year, as the case may be, comprising the expiration date; and

"(B) be separately and conspicuously stated in a uniform location upon the principal display panel of the label required under subsection (a).

"(3)(A) Any regulation under paragraph (1) prescribing the manner in which expiration dates for a packaged perishable or semiperishable food shall be determined may include provisions—

"(i) prescribing the time periods to be used in determining the expiration dates for such food,

"(ii) prescribing the data concerning such food (and the conditions affecting it before and after its sale to the consumer) to be used in determining its expiration dates, or

"(iii) permitting a person engaged in the business of manufacturing, processing, packaging, or distributing such food to determine its expiration dates using such time periods and data as such person considers appropriate.

"(B) If such regulation includes provisions described in subparagraph (A)(iii) of this paragraph, such regulation shall also contain—

"(i) such provisions as may be necessary to provide uniformity, where appropriate, in the time periods used in expiration date determinations; and

"(ii) provisions for regular review by the Secretary of the expiration date determinations and the time periods and data upon which they are based.

"PENALTIES AND INJUNCTIONS

"SEC. 503. (a) Any person who knowingly or willfully violates any provision of section 502, or any regulation made thereunder, shall be imprisoned for not more than one year or fined not more than $5,000, or both; except that if any person commits such a violation after a conviction of him under this subsection has become final, or commits such a violation with the intent to defraud or mislead, such person shall be imprisoned for not more than three years or fined not more than $25,000, or both.

"(b) Any packaged perishable or semiperishable food that is distributed in violation of section 502 or any regulation made thereunder shall be liable to be proceeded against at any time on libel of information and condemned in any district court of the United States within the jurisdiction of which such packaged food is found. Section 504 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334) (relating to seizures) shall apply with respect to proceedings brought under this subsection and to the disposition of packaged foods subject to such proceedings.

"(c)(1) The United States district courts shall have jurisdiction, for cause shown, to restrain violations of section 502 and regulations made thereunder.

"(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, which violation also constitutes a violation of section 502 or a regulation made thereunder, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceeding subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(d)(1) Actions under subsection (a) or (c) of this section may be brought in the district wherein any act or transaction constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

"(2) In any actions brought under subsection (a) or (c) of this section, subpenas for witnesses who are required to attend a United States district court may run into any other district."

SEC. 3. (a) The Fair Packaging and Labeling Act is further amended by inserting "TITLE VI—GENERAL PROVISIONS" above the heading for section 6, and by redesignating sections 6 through 13 as sections 601 through 608, respectively.

(b) Section 601(a) of such Act (as redesignated by subsection (a) of this section) is amended by striking out "section 4 or section 5 of this Act" in subsections (a) and (b) and inserting in lieu thereof "section 103, 104, 201, 302, 403, or 502 of this Act".

(c) Section 602(a) of such Act (as redesignated by subsection (a) of this section) is amended by striking out "section 3 of this Act." and inserting in lieu thereof "section 102, 201, 301, or 402 of this Act. The provisions of this subsection shall not apply with respect to title V."

(d) Section 602(c) of such Act (as redesignated by subsection (a) of this section) is amended by striking out "sections 4 and 5" and inserting in lieu thereof "sections 103, 104, 201, 302, 403, and 502".

(e) Section 603 of such Act (as redesignated by subsection (a) of this section) is amended by striking out "section 5(d)" and inserting in lieu thereof "section 104(d)".

(f) Section 605 of such Act (as redesignated by subsection (a) of this section) is amended by adding at the end thereof the following:

"(g) The terms 'food' and 'food product' mean any article used for food or drink for man or other animals, and any article used as a component of such article."

(g) Section 607 of such Act (as redesignated by subsection (a) of this section) is amended to read as follows:

"SEC. 607. It is the express intent of Congress to supersede any and all laws of the States or political subdivisions thereof insofar as they may provide for (1) the labeling of the net quantity of contents of the package of any consumer commodity as provided in title I of this Act; (2) the quality grading of food products as provided in title II of this Act; (3) the labeling of the ingredients contained in food products as provided in title III of this Act; (4) the labeling of the nutritional value of food products as provided in title IV of this Act; (5) the labeling of perishable and semiperishable foods as provided in title V of this Act, which are less stringent than or require information different from the requirements of the appropriate title or regulations promulgated pursuant to such title."

(h) Section 608 of such Act (as redesignated by subsection (a) of this section) is amended by striking "This" and inserting in lieu thereof "(a) Except as provided in subsection (b), this"; and by adding at the end thereof a new subsection as follows:

"(b) The provisions of title II, III, IV, and V shall become effective twelve months after the date of enactment of such title.

S. 2111

A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of retail unit prices of consumer commodities, 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 "Price Disclosure Act".

SEC. 2. Paragraph (1) of subsection 4(a) of the Fair Packaging and Labeling Act (15 U.S.C. 1453(a)(a)) is amended by inserting "(A)" immediately after "(1)" and by adding at the end thereof the following: "and (B) The commodity shall not bear any label, depiction, vignete, or other representation which purports to identify the product or its quality in a manner that does not accurately disclose the identity or quality of the product;"

SEC. 3. Section 4 of the Fair Packaging and Labeling Act (15 U.S.C. 1453) is amended by adding at the end thereof the following new subsection:

"(c) No person engaged in business in the sale at retail of any packaged consumer commodity which has been distributed in commerce, or the distribution of which affects commerce, shall sell, offer for sale, or display for sale any such commodity unless—

"(1) the total selling price of such commodity is plainly marked by a stamp, tag, or label affixed to a principal display panel of the package or by a label or sign at the point of display of such package; and

"(2) the retail unit price of such commodity is plainly marked by—

"(A) a stamp, tag, or label affixed to a principal display panel of the package, or

"(B) a label or sign in close proximity to the point of display of such package, which label or sign shall also contain the name and quantity of contents of such commodity."

SEC. 4. Sections 5(b) of such Act (15 U.S.C. 1454 (b)) is amended by inserting "(1)" after "(b)", and by adding at the end thereof the following new paragraph:

"(2) The following entities shall be exempt from the operation of section 4(c)(2):

"(A) Any individual retail outlet which sells or offers for sale packaged consumer commodities and whose total gross sales do not exceed $250,000 per annum, unless such an outlet is one of a number of outlets owned substantially or whose inventory is supplied substantially, by a single person, partnership, or corporation whose total gross sales exceed $500,000 per annum.

"(B) Any retail outlet in any State or any political subdivision thereof which has enacted mandatory unit pricing laws and whose laws, in the judgment of the Federal promulgating authority, are in full force and effect and are comparable in scope and comprehensiveness to the requirements of this section; except that retailers (including chainstores and affiliated stores) who operate outlets in any such geographical area shall be subject to the provisions of section 4(c)(2) if they also operate outlets in one or more other States or political subdivisions."

SEC. 5. Section 5(c)(2) of the Fair Packaging and Labeling Act (15 U.S.C. 1454(c)(2)) is amended by striking out "regulate the placement upon any package containing any commodity, or upon any label affixed to such commodity, of any printed matter stating or representing by implication that such commodity" and inserting in lieu thereof "regulate the stating or representing by implication on the package, label, coupon, or other promotional device that such commodity".

SEC. 6. Section 7(a) of the Fair Packaging and Labeling Act (15 U.S.C. 1456(a)) is amended by striking out the words "or delivered for introduction in commerce", and inserting in lieu thereof a comma and the following: "delivered for introduction in commerce, or sold at retail, offered for sale at retail or displayed for sale at retail,".

SEC. 7. (a) The first sentence of section 10(a) of the Fair Packaging and Labeling Act (15 U.S.C. 1459(a)) is amended by—

(1) striking out the word "consumption" the first time it appears in such sentence and inserting in lieu thereof the word "use"; and

(2) striking ", or use by individuals for purposes of personal care or in the performance of services ordinarily rendered within the household, and which usually is consumed or expended in the course of such consumption or use", and inserting in lieu thereof the following: "in or around the household, but shall not include durable goods which are customarily not expended or consumed during the first year of use".

(b) Section 10 of that Act (15 U.S.C. 1459) is amended by adding at the end thereof the following new subsection:

"(g) The term 'retail unit price', when used in relation to the contents of a package of any consumer commodity, means the retail prices of the contents of that package expressed in terms of the retail price of such contents per single whole unit of weight, volume, or measure."

SEC. 9. The amendments made by this Act shall take effect on the first day of the seventh month after its date of enactment.

By Mr. TOWER:

S. 2113. A bill to amend the Economic Stabilization Act of 1970. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. TOWER. Mr. President, the number of reports of possible severe food shortages continues to grow. There are reports of many thousands of baby chicks being slaughtered, reports of substantially reduced numbers of cattle being placed on feed, and reports of much lower production of several agricultural commodities.

Within a few weeks when this production would have normally been processed for consumer use, there will be a marked shortage of some of these most important items.

As I have continually stated, the problem of insufficient food supplies, which has been the focus of so many conversations, has been responsible for the higher food costs. Only by increasing this supply can market relief be expected. The present controls on prices are definitely not aiding in increasing this supply. When custom cattle feeding operations must continue to charge the same rate for feed items while the price of feed ingredients is increasing daily, it becomes a business decision whether or not to continue to feed cattle. The same decision must be made by those producing dairy products, poultry, and eggs. The decision is too obvious, and the result is evident in the decreased number of animals producing meat, eggs, and dairy products.

There are long-range proposals which should help in resolving some of these inequities. Nevertheless, it is necessary first to address the immediate problems in order to assure that in the future there will be the same number of agricultural operations in existence.

I have requested that some changes be made in an effort to provide immediate relief; however, to date, these requests have received no action. Consequently, today, I am proposing legislation to remove controls on the prices of meat, poultry, eggs, dairy products, and feed grain ingredients of the commercial livestock feeding industry.

I shall not suggest that removal of the controls on these items will have no effect on the price of food. However, we cannot expect operations which are losing money to continue production, and many food production operations are now losing money. I am interested primarily in assuring that those on whom we all depend for a needed increase in food supplies can operate without losses. A substantial drop in present production will have a devastating effect on the supply of food in the near future. This cannot be allowed to happen.

We are only a few weeks away from possibly the largest grain harvest on record. As this grain comes in for domestic feed consumption and export requirements, the strain of short feed stuff supplies will be greatly relieved, and should result in reduced feed prices, even though some varieties of grain are only now reaching reasonable price levels. We must allow market fluctuations on the basis of supply and demand, for it is patently inequitable and, as we are witnessing, counterproductive, to regulate prices on some products which are produced subject to market variations of other commodities.

It takes several weeks or months after a substantial reduction in production before reduced supply and accompanying higher prices are evident in the marketplace, for several months are necessary to fatten an animal for slaughter.

Today, not only is the number of animals in the feed lot decreasing, but also the number of animals kept for additional production is decreasing. Consequently, efforts to lower food prices through increased supply are being severely restricted by the controls now in effect.

Our free market economic principles rely on incentives as the best means of increasing the supply of any commodity which is in great demand. These incentives must be real and evident, and, in the case of beef and other foodstuffs, must remain consistent for extended periods of time due to the time required to increase food supply. These incentives are certainly not now evident.

Texas is the largest cattle feeding State in the Nation. I have had numerous contacts from many of my constituents who are caught in the squeeze which is currently operative due to the inequitable controls on this segment of the economy. These individuals who are forced to take losses or discontinue further operations are the ones responsible for feeding many millions of Americans. Obviously, it will be the entire food-consuming public which will eventually suffer from the problems now facing those producing meat, poultry, eggs, and dairy products.

This country should never be faced with food shortages. Nevertheless, the problems today are real. We must take the facts in hand and move decisively to resolve the situation, for every day that passes further compounds the problems which demand our immediate attention.

I urge my colleagues to give careful consideration and speedy approval to the measure I am proposing today, and ask unanimous consent that it be printed at this point in the RECORD.

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

S. 2113

A bill to amend the Economic Stabilization Act of 1970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Economic Stabilization Act of 1970 is amended by adding the following new subsection (k) to Section 203:

"(k) The authority conferred by this section shall not be exercised to limit the level of prices of meat, poultry, eggs, dairy products and feed ingredient costs of the commercial livestock feeding industry."

By Mr. STEVENS:

S. 2114. A bill to amend title V of the Social Security Act to provide that, in making certain allotments to States thereunder, there shall be taken into account the higher cost-of-living prevailing in Alaska and Hawaii. Referred to the Committee on Finance.

Mr. STEVENS. Mr. President, title V of the Social Security Act sets forth the formula to be used in determining the allocation of Federal maternal child health service funds to the States. One of the criteria used in the formula is per capita income. This figure is used inversely, thus the higher the per capita income, the lower the State's allocation.

The bill I am introducing today will modify the formula to take into account the higher cost of living in Alaska and Hawaii, which is recognized by the Civil Service Commission and many other Federal programs. The formula in my bill reduces the per capita income by an amount equal to the cost-of-living allowance established by the Civil Service Commission for Alaska and Hawaii. The bill provides that the so-called adjusted per capita income in these two States shall be the remainder of a computation which is the per capita income minus a figure which shall be the product of the cost-of-living allowance percentages times the adjusted per capita income.

In other words: if

A=Adjusted per capita income;
COL=Cost-of-living allowance percentage; and
Y=per capita income;

then

$$A=Y-(COL\times Y)$$

This legislation was introduced at the suggestion of the Alaska State Commissioner of Health and Social Services.

I request unanimous consent to print in the CONGRESSIONAL RECORD at this point the bill itself and a copy of the Commissioner's letter to me of April 26.

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

S. 2114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 503 of the Social Security Act is amended by adding after paragraph (2) the following new sentence: "If the adjusted per capita income of a State is taken into account in determining (for purposes of paragraph (2)) the financial need of such State, then, in the case of Alaska and Hawaii, the adjusted per capita income of such State shall be the remainder of the per capita income of such State (as determined without regard to this sentence) minus a number which shall be the product of the adjusted per capita income of such State (as so determined) and a per centum thereof equal to the per centum applicable, for the period in which any determination under the preceding sentence is being made, in determining the amount of the allowance payable under section 5941 of title 5, United States Code, to Federal employees serving in such State."

(b) Section 504 of such Act is amended by adding after paragraph (2) the following new sentence: "If the adjusted per capita income of a State is taken into account in determining (for purposes of paragraph (2)) the financial need of such State, then, in the case of Alaska and Hawaii, the adjusted per capita income of such State shall be the remainder of the per capita income of such State (as determined without regard to this sentence) minus a number which shall be the product of the adjusted per capita income of such State (as so determined) and a per centum thereof equal to the per centum applicable, for the period in which any determination under the preceding sentence is being made, in determining the amount of the allowance payable under section 5941 of title 5, United States Code, to Federal employees serving in such State."

(c) The amendments made by this Act shall be applicable to allotments made under sections 503 and 504 of the Social Security Act after the date of enactment of this Act.

STATE OF ALASKA, DEPARTMENT OF HEALTH AND SOCIAL SERVICES,
April 26, 1973.

Hon. TED STEVENS,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR STEVENS: We recently had an opportunity to review and comment on regulations in the Social Security Act regarding allocation of federal funds to Alaska for Maternal and Child Health programs. The enclosed letter to Dr. David Johnson, the Regional Health Director for Region X office of the federal government, proposing changes in these regulations brought the enclosed reply from him. He is pointing out that the regulations are based specifically on the law in this case and could not be changed without a change in the federal law.

The particular federal law in question here is the Social Security Act Title V, Sections 503 and 504. It describes the method for allocating federal Maternal Child Health Service funds to various states. One of the criteria used to determine the amount of funds to a particular state is per capita income. This figure is used inversely and thus the higher a state's per capita income, the lower the relative allotment that state receives. This is patently unfair to those states which have a high per capita income but also have a high cost of living. The cost of living is not taken into account in the formula for distribution of funds. Since Alaska's cost of living is particularly high, we are penalized by the appearance of high per capita income which remains uncorrected for the high cost of living.

We are, therefore, recommending that you consider submitting a bill amending the Title V legislation to provide a more equitable form of the distribution of the funds depending not directly on per capita income, but rather on per capita income modified by some formula to take into account the cost of living.

There are several other federal funding mechanisms that utilize similar formulas which also penalize Alaska. Anything that could be accomplished to change the basis upon which funds are allocated from per capita income or population would be a real service to Alaska.

Sincerely,

FREDERICK MCGINNIS,
Commissioner.

By Mr. STEVENS:

S. 2115. A bill to facilitate the recruitment of health personnel for remote and isolated hospitals of the Public Health Service through the provision of adequate housing for personnel by establishing a rental guarantee program as an incentive for builders and other sponors to construct needed housing for Public Health Service personnel. Referred to the Committee on Labor and Public Welfare.

Mr. STEVENS. Mr. President, it is becoming increasingly difficult to recruit personnel for the isolated facilities of the Public Health Service because other organizations compete for the same health professionals and have facilities located in major urban areas where modern homes and apartments are available. In some cases, because of constraints on Federal construction of quarters and the absence of sufficient financial incentives for construction, housing is simply nonexistant and has made the recruitment of badly needed professional health service staff extremely difficult. It is essential for the recruitment of professional and allied health personnel to provide adequate housing at isolated facilities in communities across the United States.

Some incentive is badly needed to stimulate the construction of personnel housing. With assurances that there will be a reasonable return upon the investment, local communities including Alaska Native villages and tribal organizations as well as other communities in other regions of the country, will be encouraged to enter into the construction of homes and apartments for personnel stationed at remote health facilities. Such incentives will also encourage private builders and the States to construct such facilities.

Such construction would, of course, be advantageous to the Federal Government. Long-term leasing and direct rental agreements would mimimize the need for the Federal Government itself to construct or to purchase housing facilities for the Public Health Service. These incentives would also stimulate the construction of private housing in the same area.

Because of the remoteness of many of the locations at which the Public Health Service personnel are located, there are many difficulties in providing adequate housing both in terms of construction and financing. For example, a principal factor to qualify for a loan is the length of one's stay in a given location. Most professional and semiprofessional Public Health Service employees are on a limited tour of duty.

Many remote areas do not have the necessary utilities available to support

adequate housing. Therefore, considerable expense and time are required to obtain the utilities.

The resale of property is difficult in many isolated areas. In many regions serviced by the Public Health Service, the real estate market is extremely limited—hence the collateral is of limited value.

On Indian reservations where most of the Indian Health Service facilities are located, Federal and State laws are not conducive to loaning money for the construction of homes on leased property or undeeded land. This is particularly Indian reservations is held in trust or in a restrictive status.

Long-term leasing or direct rental arrangements could include maintenance aid repair provisions by the tenant. These would minimize the possibilities of overpriced rentals.

The availability of adequate housing would materially improve the morale of employees. It would also enhance the services that are provided to people in remote areas of the United States. The housing would be located in proximity to the health facilities. Such housing would enable key medical and support personnel to be available on a 24-hour basis. It would also encourage and stimulate the economy of many depressed areas across the country.

I request unanimous consent that the bill I am introducing be printed in the RECORD in its entirety, followed by a table listing the projected costs for proposed personnel quarters constructed by Indian tribes as opposed to those constructed by the Federal Government. My colleagues should be aware that facilities on Indian reservations are but one of the several types of communities serviced by the Public Health Service.

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

S. 2115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 208 of the Public Health Service Act (42 U.S.C. 210) is amended by adding at the end thereof the following new subsection:

"(h) for the purpose of providing family housing in remote areas for commissioned officers, noncommissioned officers, and other employees of the Public Health Service and their families, the Secretary is authorized to enter into agreements guaranteeing the builder or other sponsor of such housing a rental return which he determines to be equivalent to a specified portion of the annual rental income which the builder or sponsor would receive from the tenants if the housing were fully occupied, except that (1) such agreement may not guarantee the payment of more than 97 per centum of the rentals which would be received if the housing were fully occupied, (2) no such guarantee shall extend for a period in excess of 20 years with the provision that the guarantee be for 10 years with the option to renew for 10 years, and (3) the average guaranteed rental on any project may not exceed an amount determined by the Secretary per unit per month which includes the cost of maintenance and operation. In carrying out his functions under this subsection, the Secretary shall give a priority to builders or other sponsors who are Indian tribes or Alaskan native villages."

CURRENT IHS PERSONNEL HOUSING REQUIREMENTS AND PROJECTED COST PROJECTIONS UNDER PROPOSED RENTAL GUARANTEE PROGRAM

	Cost projects for proposed personnel quarters to be constructed by Indian tribes						Comparable cost projections based on construction by Federal Government					
(A)	(B)	(C)	(D)	(E)	(F)	(G)[1]	(H)[2]		(I)[3]		(J)[4]	
Year	Proposed units	Cumulative total	Total rent[5]	Rental cost of projected 25-percent vacancy	Percent of total rental (3 percent) not covered by guarantee	Projected contingent liability based on 25-percent vacancy rate	Alaska quarters Units	Alaska quarters Cost	Contiguous U.S. quarters Units	Contiguous U.S. quarters Cost	Total quarters Units	Total quarters Cost
1st	100	100	$210,000	$52,500	$6,300	$46,200	20	$2,000,000	80	$2,320,000	100	$4,390,000
2d	130	250	525,000	131,250	15,750	115,500	20	2,000,000	130	3,770,000	150	5,770,000
3d	150	400	840,000	210,000	25,200	184,800	20	2,000,000	130	3,770,000	150	5,770,000
4th	150	550	1,155,000	288,750	34,650	254,100	20	2,000,000	130	3,770,000	150	5,770,000
5th	150	700	1,470,000	367,500	44,100	323,400	20	2,000,000	130	3,770,000	150	5,770,000
6th	150	850	1,785,000	446,250	53,550	392,700	15	1,500,000	135	3,915,000	150	5,415,000
7th to 10th	7	857	1,799,700	449,900	54,000	395,900	4	400,000	3	87,000	7	487,000

[1] Cost as shown in footnote (4) will be absorbed by the developer; the amount shown is the estimated maximum liability.
[2] Construction cost for quarters in Alaska estimated at an average of $100,000 per unit.
[3] Construction cost for quarters in contiguous United States estimated at an average of $29,000 per unit.
[4] In addition to construction cost shown, there will be additional cost for furnishing, administration, and maintenance repair. Total construction cost for the 857 units estimated at $33,302,000.
[5] Average is $175 per unit per month rent, including utilities.

By Mr. STEVENS:

S. 2116. A bill to amend section 208 of the Public Health Service Act to provide pay incentives for personnel serving in remote and isolated areas. Referred to the Committee on Labor and Public Welfare.

Mr. STEVENS. Mr. President, today I am introducing legislation to authorize the Secretary of Health, Education, and Welfare to pay to public health personnel in remote and isolated health facilities additional compensation up to 15 percent of the basic pay or compensation.

The growing nationwide disparity between available and needed health manpower is adversely effecting the Public Health Service's recruitment program. For example, the Indian Health Service, with facilities located in remote areas, competes with all major users of similar professional health personnel. Other governmental agencies, universities, and the general public provides facilities located in urban areas with much greater attraction for most people in the health field. As a result, it is quite difficult for the Public Health Service to obtain skilled personnel to service Americans living in remote communities.

My bill should facilitate the recruitment of physicians and other health personnel for the Indian Health Service as well as the National Health Service Corps (Public Law 91–623) assigned to underserved rural areas by providing a pay incentive.

I ask unanimous consent that the bill itself be printed in the RECORD followed by a table of estimated costs for fiscal years 1973–1978 for a 15-percent pay incentive for Indian Health Service personnel stationed at remote facilities. I remind my colleagues that Indian Health Service personnel are but one type of employee covered by my bill.

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

S. 2116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 208 of the Public Health Service Act (42 U.S.C. 210), as amended, is further amended by adding at the end thereof the following new subsection:

"(h) Subject to regulations of the Secretary, any commissioned officer or employee of the Service assigned to a remote medical facility shall be entitled to receive in addition to any pay or compensation to which he may otherwise be entitled, additional compensation not in excess of 15 per centum of such individual's basic pay."

ESTIMATED COST FISCAL YEAR 1973–78 FOR 15 PERCENT PAY INCENTIVE FOR INDIAN HEALTH PERSONNEL STATIONED AT REMOTE FACILITIES

	Fiscal year 1973	Fiscal year 1974	Fiscal year 1975	Fiscal year 1976	Fiscal year 1977	Fiscal year 1978
Estimated number eligible for incentive pay	1,635	1,826	1,960	2,062	2,161	2,258
Estimated cost for 15 percent incentive pay	$2,711,000	$3,210,000	$3,652,000	$4,072,000	$4,524,000	$5,010,000

By Mr. WILLIAMS (for himself and Mr. RANDOLPH, Mr. CHURCH, Mr. JACKSON, Mr. METCALF, Mr. JAVITS, Mr. SCHWEIKER, Mr. COOK, Mr. PELL, Mr. KENNEDY, Mr. NELSON, Mr. CRANSTON, Mr. CASE, Mr. ABOUREZK, Mr. HUGHES, Mr. HATHAWAY, Mr. HART, Mr. HUMPHREY, Mr. MCGEE, Mr. MCGOVERN, Mr. MAGNUSON, Mr. MOSS, Mr. MANSFIELD, Mr. TUNNEY, Mr. MONDALE, Mr. EAGLETON, Mr. STEVENSON, and Mr. MUSKIE):

S. 2117. A bill to promote safety and health in the mining industry, to prevent recurring disasters in the mining industry, and for other purposes. Referred to the Committee on Labor and Public Welfare.

THE FEDERAL MINE SAFETY AND HEALTH AMENDMENTS OF 1973

Mr. WILLIAMS. Mr. President, I am introducing for myself and Senators RANDOLPH, CHURCH, JACKSON, METCALF, JAVITS, SCHWEIKER, COOK, PELL, KENNEDY, NELSON, MONDALE, CRANSTON, EAGLETON, ABOUREZK, HATHAWAY, HART, HUMPHREY, MANSFIELD, MCGEE, MCGOVERN, MOSS, TUNNEY, MAGNUSON, CASE, HUGHES, and STEVENSON, legislation that will hopefully improve the health and safety of the Nation's miners.

The cosponsors of this bill represent a broad cross section of congressional concern. The sponsors serve on the committees concerned with our Nation's most pressing human and economic problems—Labor and Public Welfare—Public Works and Interior. We represent coal and metal mining States, nonmining States, a nationwide and bipartisan representation. Our concern is singular however, the need to protect the safety and health of our working miners. It is well known that mining is one of the most hazardous occupations in this country and though we in the Congress tried over the years to reduce these hazards through safety legislation, our efforts have been largely frustrated by the administration of those laws. Until now the trustee of the miner's well-being has been the Department of the Interior. It is the premise of this bill that such trust has been misplaced, and that miners can achieve the benefit of effective administration only by a transfer of responsibility to the Department of Labor. The reasons for such a change are clear and are rooted in the very nature of those two departments. I say this with recognition that the Bureau of Mines has many people dedicated to mine safety and a corps of well-qualified inspectors. In fact, one provision of this bill will transfer their personnel resource to the Labor Department.

Historically the Interior Department has been a production oriented agency. Its primary function, its first priority has always been the development of this Nation's natural resources. Such an orientation is not of itself objectionable but it becomes so when it detracts from what has been erroneously perceived as one of the Department's secondary functions—the protection of persons who must produce those resources. Ironically, the Bureau of Mines Organic Act specifies the safety interest but when mine safety and mine production are set against one another as opposing goals, as they often are, it has been the fate of safety in the Department of the Interior to consistently emerge the loser. In a recent article in the National Journal, an official of the Bureau of Mines admitted the problem when he was quoted as saying:

> We do have a kind of built-in conflict of interest. In order to do our job we have to work closely with the mining industry and sometimes it's difficult to do that and to enforce the safety and health laws at the same time.

Such a conflict is obvious when one examines the Department's record but is no less intolerable for its being so apparent.

The lamentable result of this conflict has been the appalling record of deaths and disabling injuries that have characterized the Interior Department's stewardship of the American miners' safety and health. Let me take a moment to outline that all too familiar and tragic record of recent years. On March 5, 1968, a shaft fire in a salt mine in Louisiana killed 21 men; on August 7, 1968, a coal dust explosion in a Kentucky mine killed 9 men, and on November 20 of that year, an explosion in the Consol No. 9 mine at Farmington, W. Va. killed 78 men. The latter tragedy prompted the Congress to pass the Federal Coal Mine Health and Safety Act of 1969 which has been accurately described as "by far the strongest Federal mine safety act ever enacted." During the Senate debate on this measure I indicated that this act—

> Provides the tools for better health and safety [but it] will never achieve adequate health and safety for the miner unless the Department of the Interior acquires new perspective and focus concerning the importance of the miner and unless there is strong and vigorous administration by the Department.

Such a new perspective and vigorous administration have not been forthcoming and the unfortunate consequences are almost predictable. One year after the passage of that strong mine safety law an explosion killed 38 miners in Hyden, Ky., on December 30, 1970. Earlier in the year, in April, hydrogen sulfide gas killed seven men in a fluorspar mine near Rosiclair, Ill.

Even more recently, on July 22, 1972, nine miners died as a fire swept through a mine at Blacksville, W. Va., and again on December 9, 1972, five men were killed in a methane explosion in a coal mine near Itman, W. Va., and on May 2, 1972 in one of the worst disasters in modern mining history, 91 men were killed in a mine fire at the Sunshine silver mine near Kellogg, Idaho. The collapse of a coal mine refuse dam at Buffalo Creek, W. Va. took the lives of 125 inhabitants of the valley, including 14 coal miners. There were more miners killed in 1972 than in any other year since 1965, except for the year 1968 when the Farmington disaster occurred.

The rate on nonfatal injuries is equally alarming. The injury rate for underground coal miners in 1968 was 46.99 injuries per million man-hours, and climbed to 52.82 in 1971; a total increase of 5.83 disabling injuries per million man-hours. For the underground metal and nonmetallic mines, the statistics are even worse, rising from a rate of 40.93 in 1968 to a rate of 47.99 in 1971, or an increase of 7.06 disabling injuries per million man-hours. The actual number of lost time injuries to the Nation's miners rose from 16,466 in 1968 to 18,710 in 1971. These figures need no further elaboration.

Of course beyond these and other major disasters of the past few years, hundreds of miners are killed and injured each year in mine accidents that are far less dramatic but no less real and devastating to the miners involved and their families. And speaking of families, it is not only the miner who is in jeopardy, but in some cases his spouse and children who live in the coal producing areas. The terrible tragedy of Buffalo Creek, W. Va. where the coal mine refuse dam burst and killed 125 inhabitants of the valley, most of them families of the coal miners, is sufficient testimony to the results of lax enforcement and inadequate regulations.

Although the unacceptable rate of death and injury has not been abated by the Interior Department, these people are not lost or injured in some uncontrollable natural catastrophe. They do not perish in tornadoes, earthquakes, or hurricanes. Quite simply and deplorably, these people are victims of manmade disasters and those disasters are certainly preventable. They are preventable before they happen by conscientiously adhering to safe procedures in the mining industry and by vigorously administering and enforcing the safety laws that Congress has provided to create safe and healthy conditions in the mines.

Moreover, the impact of these tragedies can be lessened after the initial events simply by using more modern rescue methods rather than the antiquated techniques and equipment now utilized by the Department of the Interior. Mr. President, we are far beyond the point where we in the Congress can accept dead and broken miners as the inevitable cost of producing this Nation's mineral resources, and we must at long last find an agency to administer our mine safety laws that recognizes that important fact.

We have tried in the last 3½ years to provide guidance to the Secretary of Interior and to the Director of the Bureau of Mines. We have had at least three major series of oversight hearings on the operation of the Bureau of Mines. We have directed at least three separate investigations of the General Accounting Office and I must say that we have devoted the full time and energy of a number of staff investigators to a continuing investigation of mine disasters and oversight of the operation of the Bureau of Mines in connection with those disasters.

Mr. President, it has been a totally frustrating experience and frankly it is our view that the Bureau of Mines in its present location is not capable of responding to the needs of the working miners.

In sum, it seems only a matter of elementary human decency that when it comes to the health and the very lives of America's miners, they deserve no less than a governmental agency whose first priority is protecting them from disabling injuries and debilitating diseases encountered on the job. None other than the Secretary of the Interior has recognized this in principle when he recently reorganized his Department to separate responsibility for mine safety and health from other Mine Bureau functions. This move, however, is a classic case of far too little, far too late. Although the result represents an improvement over the previous situation, the fact remains that the responsibility for the miners' health and safety continues to reside in a Department whose first concern is production and the maintenance of such a situation is therefore entirely unacceptable. The fatality rate of 400 miners per year and the disabling injury rate of 19,000 per year, is also unacceptable.

On the other side of the issue, the Department of Labor has historically been the advocate of the American worker within the Government. The Congress clearly recognized this fact and its importance to the subject before us today when it entrusted the health and safety of almost 60 million workers to that Department with the passage of the Occupational Safety and Health Act of 1970—OSHA. I am proud to have played an instrumental role in the passage of that landmark legislation and I believe that S. 2117 does today for miners what OSHA did more than 2 years ago for most other industrial workers. It creates within a Department that has the interest and well-being of workers at the top of its priority list, a separate agency whose sole purpose is to insure the work-related health and safety of the thousands of mine workers in America. I want to assure the Members of the Congress that in making this transfer miners will not suffer due to a lack of mining expertise in the Labor Department. Under this bill not only will the operating responsibility be transferred to the Department of Labor who now administer mine health and safety will be transferred as well. Changing the administering agency is neither a panacea nor an end to the problem of mine safety. It does, however, represent a necessary first step toward obtaining vigorous enforcement of the law and thereby reducing a continually unacceptable rate of death and disabling injuries that afflict this vitally important industry.

One further effect of this bill will be to take the long overdue action of combining all mine workers under a single, strong piece of legislation. Presently, mine safety and health is regulated under both the Federal Coal Mine Health and Safety Act and the Metal and Nonmetallic Mine Safety Act.

This latter act was progressive legislation when it passed the Congress and a vast improvement over previous efforts at writing mine safety legislation. Since its enactment in 1966, however, we have had much additional experience not only with that act but with the Federal Coal Mine Health and Safety Act of 1969 and OSHA as well. This experience has placed the limitations of the Federal Metal and Nonmetallic Mine Safety Act in sharp relief and enabled us to deal more effectively with the problems of health and safety in the mines now covered by that act.

Some of these shortcomings that will be corrected by S. 2117 include first, the lack of a general duty provision to cover unique but dangerous circumstances concerning which no standards have been promulgated, second, the requirement for only one full inspection each year for underground mines, third, the lack of a prohibition against providing advance notice of an inspection, fourth, the lack of provision for emergency temporary standards, fifth, the limitation on prescribing mandatory standards and sixth, the lack of any mandatory penalties. These and other weaknesses of the act and particularly the inadequate administration of the act by the Department of the Interior tragically culminated on May 2, 1972, at the Sunshine Silver Mine in Kellogg, Idaho. The 91 men who perished in that disaster bear silent but eloquent witness to the deficencies of that Department, the law under its charge, and the urgent need to rectify this intolerable situation. The Interior official who investigated the accident underscores the necessity for congressional action when he writes in his interim report:

> It is evident that a large number of deaths and the magnitude of the disaster are a direct result of inadequate safety standards, industrywide poor safety practices, the lack of training of the miners in the event of a disaster, and the fact that no one expected a disaster of this magnitude to occur. Further, not only are some standards inadequate, but they have been diluted and rendered ineffective by interpretation.

Such a tragedy cannot be allowed to happen again and we as legislators have a responsibility to make certain that no inadequacy in the legislation we enact or in those to whom we entrust the administration of such legislation contributes to the death or injury of the innocent. No matter how good the Federal Metal and Nonmetallic Mine Safety Act was for its time, we now know that we can and must write a better law to protect those miners now subject to that act and to remove their welfare from the jurisdiction of the Department of the Interior.

Like the Federal Metal and Nonmetallic Mine Safety Act, the Federal Coal Mine Health and Safety Act of 1969 was tremendous improvement over previous coal mine safety measures, and I feel privileged to have played a part in its development. The fact is that the proposed Federal Mine Safety Act retains most of that act's provisions and applies them to all mines. For example, it retains the requirement that all underground mines be inspected at least 4 times each year and that particularly hazardous mines be given a spot inspection at least once every 5 working days. In addition, the close order sanction whereby the Secretary may close a mine for certain violations is also retained and strengthened.

The Coal Act is improved, most importantly, by the adoption of a number of streamlined enforcement and review procedures which should reduce the excessive delays encountered in assessing fines and thereby reduce the disturbing gap the Bureau of Mines has developed between penalties proposed and fines collected. In a sample taken by the General Accounting Office, the average time between the citation for a violation by the mine inspector and the issuance of a proposed assessment order was 129 days and the delays ranged upward to 279 days. The resulting collection system is such that in the same report the GAO found that of some $12.5 million in proposed penalties only $1.4 million had actually been collected.

Furthermore, a Federal judge in March ruled that the Interior Department's regulations and procedures for assessing fines were illegal thus complicating the collection of the full amount of penalties from coal companies who have violated the law. Such a record of incompetent administration cannot be allowed to continue.

My concern is certainly not to fill the treasury with collected fines but rather to maintain a fast and efficient, yet fair and equitable, system of proposing and gathering fines that respects both the rights of the mine operators to due process and the rights of the miners to work in an atmosphere free from danger. Only then will the enforcement system merit respect and serve its intended purpose of being an added incentive for voluntary compliance. Just as a guaranteed speedy trial is one of the best known deterrents against crime so too will the assurance of rapid processing of penalties assessed for violations of the act serve as a formidable deterrent against those very violations. As I have said on previous occasions, the interests of the workers and the business community are both well served by a system that is based on fairness and due process and which is properly administered and enforced.

Thus, S. 2117 combines the best features of three occupational safety and health acts and transfers the responsibility for administering the new act to a department that has demonstrated in the past its ability to forcefully and successfully administer occupational safety and health laws.

Mr. President, the result, I believe, is a very strong, fair, and eminently workable mine safety and health bill that will at long last provide the safe working conditions that other occupations take for granted but which have been denied to the miners of this country for far too long.

Mr. President, I ask unanimous consent that a summary analysis, and a section-by-section analysis of S. 2117 be printed at this point in the RECORD.

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

ANALYSIS OF FEDERAL MINE SAFETY AND HEALTH AMENDMENTS OF 1973

The legislation has three principal features. First, the bill would merge the safety and health protection for metallic and nonmetallic miners with the protection for coal miners under the Coal Mine Health and Safe-

ty Act of 1969 into a Federal Mine Safety and Health Act.

Second, the functions of the Secretary of the Interior under the present Coal Mine and Metal Mine Acts be transferred to the Secretary of Labor in a separate mine safety and health administration with an administrator subject to Senate confirmation.

Third, the bill provides for standard setting and enforcement procedures under the new Federal Mine Safety and Health Act of 1973 which would conform to the Administrative Procedure Act and provide for appellate court review.

MERGER OF METALLIC AND NON-METALLIC AND COAL MINE SAFETY AND HEALTH

The merger provision is accomplished by eliminating all references to coal under Titles I, II, IV, and V of the 1969 Coal Mine Health and Safety Act and by repealing the 1966 Metallic and Non-Metallic Act. The definitions of the Coal Mine Health and Safety Act are revised to make clear their application to all forms of underground mining but specifically exclude sand and gravel operations. This approach is predicated on an assumption that the essentials of safety in underground mining are similar and that a unified statutory approach would make for a much more efficient operation. Moreover, existing metal mine statutes are seriously deficient with respect to administrative and enforcement procedures (see below).

TRANSFER OF MINE SAFETY FUNCTIONS TO THE SECRETARY OF LABOR

The transfer of mine safety enforcement to the Secretary of Labor is accomplished by substituting Secretary of Labor for Interior or Bureau of Mines in the Amendments to the 1969 Act. Additional provisions are made for a separate mine safety and health administration in order to provide a continuity and maintenance of effort. The bill has legislative language requiring a maintenance of the separate inspection forces and separate budget submissions designed to make sure that existing cases and decisions are maintained in force regardless of the transfer. The rationale for this transfer function is that the Bureau of Mines has failed as the governmental agency responsible for mine safety. The Subcommittee's oversight activities coupled with the disaster investigations reflects an inability of the Bureau of Mines to develop the strong enforcement program needed in this area.

The over-riding need for the transfer is that the Secretary of the Interior with his primary charge of responsibility to ensure adequate energy sources for our country is presented with an irreconcilable conflict in also being chaged to ensure maximum safety of workers in the mines. A transfer of this function to the Secretary of Labor will allow him to concentrate his efforts on workers protection and avoid the Interior Department's continuing schizophrenic conflict on energy v. safety.

Health research matters are transferred to the Secretary of Health, Education and Welfare under the National Institute of Occupational Safety and Health.

The elimination of the jurisdiction of sand and gravel pits is done because that coverage closely relates to construction work rather than mining operations and accordingly a more efficient operation can be accomplished by letting that be handled by the Occupational Safety and Health Act of 1970. Moreover, the ability of the Bureau of Mines to focus on the more dangerous underground mining operation is diminished by having the jurisdictional responsibility of the vastly large sand and gravel operations.

REVISION OF ADMINISTRATIVE PROCEDURE AND ENFORCEMENT

The bill revises the standard making procedures, enforcement and inspection procedure, and penalty provisions of the 1969 Coal Mine Act under a basic framework of operation within the Administrative Procedure Act while retaining some of the more viable features of the 1969 Coal Mine Act. This is accomplished legislatively by rewriting the entire Title I of the 1969 Act. The Secretary of Labor is given stronger independence on promulgating standards, advisory committes are strengthened in their operation and given a definite time frame within which to deliver. However, Advisory Committees are left optional with respect to the Secretary's decision to appoint them. Existing coal mine and metallic mine safety and health standards are retained in place until better substitutes are promulgated. One feature will be to make all of the metallic mine safety standards mandatory and eliminate the present situation where some of the metal mine standards are mandatory and some advisory. There seems to be no rational basis for devising a standard which is necessary to life and safety as being advisory. The Secretary is given authority to issue future temporary noncompliance orders and variances.

The procedures for inspection enforcement are likewise based on making clear the strong inspection requirements of the Coal Mine Act but eliminating certain of the bureaucratic problems that the Bureau of Mines has had in conducting inspections. The closure for imminent danger situations are stronger under the 1969 Coal Mine Act and therefore have been retained.

The penalties of the 1969 Coal Act are retained. The Occupational Safety and Health Review Commission is given jurisdiction for appeals from the Secretary under the new Act. The review commission is expanded for this purpose.

SECTION-BY-SECTION ANALYSIS OF S. 2117

TITLE I—AMENDMENTS TO THE GENERAL PROVISIONS OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Section 101—This section amends section 1 of the Federal Coal Mine Health and Safety Act of 1969 such that it is now cited as the "Federal Mine Safety and Health Act of 1973."

Section 102—Definitions and applicability.

Section 102(a)(1)—provides that Section 2 of the Federal Mine Safety and Health Act of 1973 is amended by striking out "coal" wherever it appears.

Section 102(a)(1)—provides that the functions of the Secretary of the Interior in developing and promulgating improved mandatory health and safety standards under Section 2(g)(1) are transferred to the Secretary of Labor.

Section 102(b)(1)—changes the definition of "Secretary" in section 3(a) from Secretary of the Interior to Secretary of Labor.

Section 102(b)(2)—enlarges the definition of "mine" in section 3(h) to include those mines previously covered by the Federal Metal and Non-Metallic Mine Safety Act (except sand and gravel mines).

Section 102(b)(3)—expands the definitions of "operator," "agent," "miner," and "imminent danger" in sections 3(d), (g), and (j), respectively, to apply to all mines now covered by the Act.

Section 102(b)(4)—amends section 3 to add a new section 3(n) defining "Administration" which means the Mine Safety and Health Administration established under section 402 of this Act and a new section 3(o) defining "Commission" which means the Occupational Safety and Health Review Commission established under section 12 of the Occupational Safety and Health Act of 1970.

Section 102(c)—amends section 4, "Mines Subject to Act," to include in addition to coal mines, mines newly covered by this Act.

Section 102(d)(1)—amends Section 5(c) to conform the wording thereof to the new definition of "Secretary," but the meaning is unchanged.

Section 102(d)(2)—includes operators and miners' representatives of mines newly covered by this Act among those that may ask the Interim Compliance Panel for a public hearing under Section 5(f), and changes the wording of that section to conform to the new section number for "Judicial Review."

TITLE II—MINE SAFETY AND HEALTH STANDARD AMENDMENTS

Amendment to title I

Section 202—This section amends Title I of the Federal Coal Mine Health and Safety Act of 1969 so that it includes:

Section 101—Duties.

Section 101(a)—establishes the duty of each mine operator to comply with the health and safety standards, all rules, regulations, and orders promulgated under this Act and to furnish a place of employment free from recognized hazards causing or likely to cause death or physical harm.

Section 101(b)—establishes the duty of each miner to comply with the health and safety standards, all rules, regulations, and orders promulgated under this Act which are applicable to his own conduct.

Section 102.—Safety and Health Standards.

Section 102(a)—establishes that the Secretary may by rule promulgate, modify, or revoke any health and safety standard.

Section 102(a)(1)—provides that the Secretary may request the recommendations of an advisory committee appointed under section 103 whenever he determines from information submitted to him in writing or on the basis of his own information that a rule should be promulgated. Where an advisory committee is appointed, the Secretary must provide such committee with any proposal of his own or of the Secretary of Health, Education, and Welfare as well as any factual information that has been developed. The advisory committee must submit to the Secretary its recommendations within 90 days from the date of its appointment or a longer or shorter period of time prescribed by the Secretary, but no longer than 270 days.

Section 102(a)(2)—requires the Secretary to publish a proposed rule in the Federal Register and afford interested persons a period of 30 days after publication to submit written comments. Where an advisory committee is appointed and the Secretary decides to issue a rule, he must publish the proposed rule within 60 days after submission of the committee's recommendations or the expiration of the period prescribed by the Secretary for those recommendations.

Section 102(a)(3)—permits any interested person to file with the Secretary written objections to the proposed rule and request a public hearing before the expiration of the comment period provided for in section 102(a)(2). Within 30 days after the last day for filing such objections, the Secretary shall publish in the Federal Register a notice specifying the standard objected to and the time and place for a hearing.

Section 102(a)(4)—provides that within 60 days after expiration of the comment period under section 102(a)(2) or within 60 days after completion of a hearing under section 102(a)(3), the Secretary shall issue a rule or determine that a rule should not be issued. In order to insure that affected employers and their employees are informed of the existence of the standard and its requirements, an issued rule may contain a provision delaying its effective date for a period determined by the Secretary, but not longer than 90 days.

Section 102(a)(5)—requires the Secretary, in promulgating standards, to set the standard which assures that miners will not suffer impairment of health, functional capa-

city, or diminished life expectancy even if regularly exposed to the hazards throughout their working lives. Development of standards is to be based on research, demonstration, experiment, and other appropriate information. In addition to the attainment of the highest degree of safety and health protection for the miner, other considerations shall be the latest available scientific data in the field, the feasibility of the standards and experience gained under this and other health and safety statutes. Wherever practicable, the standard should be expressed in terms of objective criteria and performance desired.

Section 102(a)(6)—provides that any standard promulgated under section 102(a) must prescribe the use of labels or other warnings necessary to ensure that miners are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment and proper conditions and precautions of safe use or exposure. A standard, when appropriate, shall prescribe protective equipment, control or technological procedures to be used, and shall provide for monitoring or measuring miners exposure as may be necessary for the protection of the miners. Where appropriate, such standard shall prescribe the type and frequency of medical examination or tests which the miners shall provide, at his cost, in order to determine whether the miner exposed to such hazards is adversely affected by such exposure.

The medical examination may be furnished at the expense of the Secretary of Health, Education, and Welfare if he determines them to be in the nature of research. The results of such examinations or tests shall be furnished only to the Secretary, the Secretary of Health, Education, and Welfare, and at the miners request, to his designated physician. The Secretary, in consultation with the Secretary of Health, Education and Welfare, may by rule promulgated pursuant to section 553 of title 5, United States Code, modify the foregoing requirements relating to labels, warning, monitoring and medical examination as subsequently acquired experience, information or medical and technical developments warrant.

Section 102(a)(7)—requires that no safety or health standard promulgated under Title I shall reduce the protection afforded miners below that provided by any safety or health standard previously in effect.

Section 102(b)(1)—provides that where the Secretary determines that miners are potentially subjected to physical or mental impairment from exposure to substances or agents determined to be toxic or physically harmful or from new hazards and that an emergency standard is necessary to protect the miners, he may promulgate an emergency standard effective upon publication in the Federal Register without regard to the rule making procedures of the Administrative Procedure Act.

Section 102(b)(2)—provides that an emergency temporary standard shall be effective until superseded by a standard promulgated in accordance with the procedures prescribed in section 102(b)(3).

Section 102(b)(3)—requires the Secretary to begin a proceeding for promulgating a standard in accordance with section 102(a) upon publication of the eemergency temporary standard. The emergency temporary standard shall serve as the proposed rule in such a proceeding and the Secretary shall promulgate the permanent standard no later than six months after publication of the emergency temporary standard.

Section 101(c)—authorizes the Secretary to grant a variance if he determines or the Secretary of Health, Education, and Welfare certifies that such a variance is necessary for the operator to participate in an experiment approved by one of the Secretaries designed to improve techniques of safeguarding the health or safety of the workers.

Section 102(d)—provides that any operator may apply to the Secretary for a temporary order permitting limited non-compliance with a standard or any of its provisions promulgated under section 102. Such a temporary order shall be granted only if the operator's application meets the requirements of paragraph (2) and establishes that (a) he is truly unable to come into compliance with the standard by its effective date, (b) he is taking all available steps to safeguard his miners against the hazards covered by the standard, and (c) he has an effective program for coming into compliance with the standard as quickly as practicable. Any temporary order issued under the above parargaph must prescribe the practices the operator must use while the order is in effect and describe his program for coming into compliance with the standard. A temporary order may be granted only after notice to miners and an opportunity for a public hearing but the Secretary may issue one interim order to be effective until a decision is made on the basis of the hearing. A temporary order may be in effect only long enough for an employer to achieve compliance with the standard or 6 months, whichever is shorter, except that such an order may be renewed not more than twice if (i) the requirements of this subsection are met and (ii) an application for renewal is filed at least 90 days prior to the expiration date of the order. No interim renewal of an order may remain in effect longer than 180 days.

Section 102(d)(2)—requires that an application for a temporary order contain:

(A) a specification of the standard or portion thereof from which the employer seeks a non-compliance.

(B) a representation by the employer, supported by qualified persons, that he is unable to comply with the standard or portion thereof and the detailed reasons for such inability to comply.

(C) a statement of steps he has taken and will take to protect employees against the hazard covered by the standard.

(D) a statement of when he expects to be able to comply with the standards, and what steps he has taken and will take to comply with the standard, and

(E) a certification that he has informed his employees of the application and their right to petition the Secretary for a hearing; a description of how miners have been informed shall be contained in the certification.

Section 102(e)—allows operators to apply to the Secretary for a variance from a standard promulgated under Section 102. Affected miners and their representatives must be given notice of each such application and an opportunity to participate in a hearing. The Secretary shall issue a variance if he determines on the record, after opportunity for an inspection where appropriate and a public hearing, that the operator will provide conditions as safe and healthful as those which would prevail if he complied with the standard. The order of variance shall prescribe the conditions the operator must maintain and the practices he must use to the extent they differ from the standard. Such an order may be modified or revoked upon application by an operator, miners, miners' representative, or by the Secretary in the manner prescribed for its issuance.

Section 102(f)—provides that subsections (d) and (e) shall not apply with respect to any standard in effect on the effective date of the Federal Mine Safety and Health Amendments of 1973 other than the standards in sections 202(b) and (c) and 305(a) of this act.

Section 102(g)—provides that hearings held under this section shall be of record and subject to 5 U.S.C. 554.

Section 102(h)—allows persons adversely affected by a standard to challenge its validity, within 60 days of its promulgation, in the appropriate U.S. court of appeals. Unless ordered by the court, such challenge shall not operate as a stay of the standard. The Secretary's determination shall be conclusive if supported by substantial evidence in the record, as a whole.

Section 103—Advisory Committees.

Section 103(a)—allows the Secretary to appoint advisory committees to assist him in his standard setting functions under section 102(a) and advise him on other health and safety matters. Each committee shall include one or more designees of the Secretary of Health, Education, and Welfare. The National Bureau of Standards, Department of Commerce, and the National Science Foundation, operator and miner representatives in equal numbers, one or more representatives of State mine inspection or safety agencies, and may include other members qualified by knowledge and experience. Committee members from private organizations shall not exceed in number the members from Federal and State agencies. Committee meetings must be open to the public and the record thereof must be made available to the public. No committee member, except representatives of the operators and miners, shall have an economic interest in any proposed rule.

Section 103(b)—provides for the compensation for committee members from private life according to the provisions for section 3109 of title 5, United States Code for consultants or experts. The Secretary shall pay to the States the actual costs to them of their representative's membership on the Committee.

Section 104—Inspections, Investigations, and Recordkeeping.

Section 104(a)—authorizes the Secretary or the Secretary of HEW or their authorized representative upon presenting appropriate credentials to the owner, operator, or agent in charge. (1) to enter without delay and at reasonable times any mine subject to the Act and (2) to make reasonable inspections and investigations and to question privately employers, owners, operators, agents, or employees. With respect to underground mines, the Secretary is required to make inspections of the entire mine at least four times a year. No advance notice of inspections shall be given.

Section 104(b)—allows the Secretary to require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses will be paid the same as witnesses in U.S. courts. The appropriate district courts, upon application by the Secretary shall have jurisdiction over witnesses failing to appear and may issue orders requiring such appearance. Failure to obey such an order may be punished as contempt.

Section 104(c)(1)—requires each operator to maintain such records regarding his activities under the Act that the Secretary in cooperation with the Secretary of Health, Education, and Welfare prescribes as appropriate for the enforcement of the Act or for developing information regarding the causes and prevention of occupational accidents and illnesses in the mines, and shall make such information available to the Secretaries. Regulations issued pursuant to this paragraph may include provisions requiring operators to conduct periodic inspections.

Section 104(c)(2)—provides that the Secretary, in cooperation with the Secretary of Health, Education, and Welfare, shall require operators to maintain records of and make periodic reports on work-related deaths, injuries, and illnesses except for minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness restriction of work or motion, or transfer to another job in the mines.

Section 104(c)(3)—requires the Secretary, in cooperation with the Secretary of Health,

Education, and Welfare, to issue regulations requiring operators to maintain records of miner exposures to potentially toxic or harmful physical agents that must be monitored or measured under the Act's health and safety standards. The regulations are to give miners or their representatives an opportunity to observe the monitoring or measuring and to give miners and former miners access to such records of individual exposure. Operators are to notify miners of overexposure and shall inform overexposed miners of the corrective action being taken. Any miner transferred due to such exposure shall receive compensation at not less than the rate he received immediately prior to his transfer.

Section 104(c)(4)—provides that all accidents, except some unintentional roof falls, shall be investigated by the operator or his agent to determine the cause and means of preventing recurrence. Records of accidents and investigations shall be maintained and made available to the Secretary and the appropriate State agency. Such records shall be open for inspection by interested persons.

Section 104(d)—requires that information obtained under the Act must be obtained with a minimum burden upon operators, especially those operating small businesses. Unnecessary duplication of effort in obtaining information is to be reduced as much as possible.

Section 104(e)—provides that subject to regulations issued by the Secretary a representative of the operators and a representative of the miners shall be given an opportunity to accompany the inspecting official during the inspection of a mine under section 104(a). Where there is no authorized miner representative the inspector shall consult with a reasonable number of miners. If he determines more than one representative from each party would aid the inspection, the inspector may permit each party equal number of additional representatives. A miner representative who is also employed by the operator shall not lose pay for his participation in the inspection. Compliance with this subsection shall not be a jurisdictional prerequisite to the enforcement of any provision of this Act.

Section 104(f)(1)—provides that if any miner or their representative believe that a standard violation exists that threatens physical harm or that an imminent danger exists, he may request an inspection by giving written notice with his signature to the Secretary or his authorized representative of such violation or danger. A copy of such notice shall be provided to the employer or his agent no later than at the time of inspection but upon request, the name of the person giving such notice and miners referred to therein shall be deleted.

If the Secretary determines there are no reasonable grounds to believe that a violation or danger exists, he shall make a special inspection as soon as practicable. If the Secretary determines there are no reasonable grounds to believe that a violation or danger exists, he shall so notify in writing the miners or their representative.

Section 104(f)(2)—provides that prior to or during any inspection any miners or their representative may notify the federal inspector, in writing, of any violation of this Act or imminent danger they believe exists. The Secretary shall, by regulation, establish informal review procedures for any refusal by an inspector to issue a citation with respect to such alleged violation or order with respect to such danger and shall furnish the miners or their representative requesting such review a written statement of the reasons for his final disposition of the case.

Section 104(g)(1)—authorizes the Secretary and the Secretary of Health, Education and Welfare to publish information obtained under this section.

Section 104(g)(2)—provides that the Secretary and the Secretary of Health, Education, and Welfare shall each prescribe regulations necessary to carry out their responsibilities under this Act.

Section 104(h)—requires the Secretary to provide a minimum of one spot inspection of all or part of a mine during every 5 working days at irregular intervals, if the mine contains some especially hazardous conditions.

Section 104(i)—provides that if there is a mine accident, the operator shall notify the Secretary and preserve any evidence that would aid an investigation of the cause. The Secretary may supervise rescue and recovery activity in such mine, if such activity is necessary, and take other appropriate action to preserve life.

Section 104(j)—provides that if there is a mine accident, and the Secretary's representative is present, he may issue appropriate orders to insure the safety of persons in the mine, and the operator must obtain his approval, in consultation with appropriate State representatives, when feasible, of any recovery plan or plan to return affected areas to normal operation.

Section 105—Citations and Orders.

Section 105(a)(1)—provides that if, upon inspection or investigation, the Secretary or his representative believes an operator has violated any standard, rule, order or regulation pursuant to this Act, he shall with reasonable promptness issue a citation to the operator. The citation shall be written, describe with particularity the nature of the violation, and fix a reasonable time for the violation's abatement.

Section 105(a)(2)—provides that if a citation is issued under paragraph (1) for a violation the Secretary believes was committed willfully or with gross negligence and which subjected miners to an imminent danger, the citation shall include such charge with a specific description of the danger involved.

Section 105(b)—provides that if upon any follow-up inspection, the Secretary's representative finds (1) the cited violations have not been totally abated within the original or subsequently extended abatement period, and (2) the abatement period should not be further extended, he shall find the area affected by the violation and promptly issue an order requiring the operator to withdraw from the affected area all persons (until the Secretary's representative determines the violation has been abated), except the following:

(1) Any person whose presence is necessary to eliminate the danger, in the judgment of the operator or the Secretary's representative,

(2) Any public official whose official duties require his presence, or

(3) Any legal or technical consultant or representative, qualified to make mine examinations or accompanied by such a person, and whose presence is necessary for the proper investigation of the conditions described in the order, in the judgment of the operator or the Secretary's representative.

Section 105(c)(1)—provides that if an inspector finds a standard violation that could significantly contribute to the cause and effect of a mine health or safety hazard and which is caused by an unwarranted failure of the operation, he shall issue an order withdrawing all persons, except those referred to in section 105(b) from the affected area until the Secretary's representative determines that the violation has been abated.

Section 105(c)(2)—provides that if a withdrawal order has been issued pursuant to section 105(c)(1), a withdrawal order shall be issued by the Secretary's representative who finds other unwarranted violations. The order shall be effective until an inspection discloses no similar violations. Following such an inspection the provisions of section 105(c)(1) shall again be applicable to the affected mine.

Section 105(d) requires that during the abatement period for a violation of the respiratory dust concentration limit, the operator must take samples described in section 202(a) during each production shift. The section also provides that after a withdrawal order has been issued for failure to abate a violation of the respirable dust concentration limit, the Secretary, upon request of the operator, shall provide technical assistance to aid in reducing such dust concentrations. Those persons sent by the Secretary may require the operator to take actions they deem appropriate to insure the health of persons in the mine.

Section 105(e) requires that each citation or order or copy thereof issued under this section must be posted in accordance with section 110 and as prescribed by the Secretary's regulations.

Section 105(f) provides that no citation may be issued under this section after 6 months following any violation.

Section 105(g) provides that any order issued under sections 105(b) or (c) is effective until revoked by the Secretary or modified or vacated by the Commission or the courts pursuant to sections 106(c) or 107(a).

Section 105(d)—requires that during the abatement period for a violation of the respiratory dust concentration limit, the operator must take samples described in section 202(a) during each production shift. The section also provides that after a withdrawal order has been issued for failure to abate a violation of the respirable dust concentration limit, the Secretary, upon request of the operator, shall provide technical assistance to aid in reducing such dust concentrations. Those persons sent by the Secretary may require the operator to take actions they deem appropriate to insure the health of persons in the mine.

Section 105(e)—requires that each citation or order or copy thereof issued under section 110 and as prescribed by the Secretary's regulations.

Section 105(f) provides that no citation may be issued under this section after 6 months following any violation.

Section 105(g) provides that any order issued under sections 105(b) or (c) is effective until revoked by the Secretary or modified or vacated by the Commission or the courts pursuant to sections 106(c) or 107(a).

Section 106. Procedures for Enforcement.

Section 106(a)—requires the Secretary to notify within a reasonable time an operator issued a citation under section 105(a)(1) of any penalty to be assessed under section 111(a) and that the operator has 15 working days to notify the Secretary that he wishes to contest the citation or proposed penalty. If the citation contains a charge under section 105(a)(2), the Secretary's notification shall include a proposed civil penalty closure order under section 111(c) in addition to the proposed civil monetary penalty.

If the operator fails to notify the Secretary within the 15 workings days that he intends to contest the citation or proposed penalty or penalties and if no notice is filed by any miner or miner representative under subsection (c) within such time, the citing penalty or penalties as proposed shall be deemed a final order of the Commission and not subject to review by any court or agency.

Section 106(b)—provides that if the Secretary believes an employer has failed to correct a cited violation within the abatement period (which period begins on the entry of the Commission's final order in the case of any review proceedings under this section initiated in good faith and not solely for delay) the Secretary shall notify the operator of such failure, of the proposed penalty under section 111 for that failure, and that the operator has 15 working days to contest the notification or proposed penalty. If the operator does not so notify the Secretary within the 15 working days, the notification and

proposed assessment shall be deemed a final order of the Commission and not subject to review by any court or agency.

Section 106(c)(1) prohibits discharging, discriminating against, or interfering with the exercise of statutory rights by any mine employee or applicant for employment because he filed a complaint or instituted or caused to be instituted any proceeding under or related to this Act or testified or is about to testify in any such proceeding or exercised for himself or others any statutory right afforded by this Act.

Section 106(c)(2) authorizes any mine employee or applicant who believes that he has been discharged or otherwise discriminated against or interfered with by any person in violation of this subsection to, within 30 days after such violation, file a complaint with the Secretary, who shall then make any appropriate investigation. If upon such investigation, the Secretary determines there has been such violation, he shall immediately file a complaint with the Commission. The Commission shall afford an opportunity for a hearing and based on findings of fact issue an order affirming, modifying, or vacating the Secretary's proposed order or directing other appropriate relief. Such order is final 30 days after its issuance. The Commission shall have the authority to order all appropriate relief including rehiring or reinstatement of the miner to his former position with back pay and interest.

Section 106(c)(3) requires the Secretary within 90 days of the receipt of a complaint filed under this subsection, to notify the complaintant of his determination whether a violation has occurred. If the Secretary determines there is no violation the complaintant may file, within 30 days of such notice, before the Commission charging discrimination under paragraph (1). The Commission shall afford an opportunity for a hearing and thereafter shall issue an order dismissing or sustaining the complaintant's charges and if sustained, granting appropriate relief. Such an order becomes final 30 days after its issuance. When such order sustains the miner's charges, all reasonable expenses (as determined by the Commission) incurred by the miner related to such proceedings shall be assessed against the violator. Proceedings under this section shall be expedited by the Secretary and the Commisison. A Commission order under this paragraph shall be subject to judicial review under section 107. Violations by any person of paragraph (1) shall be subject to the provisions of sections 109 and 111(a).

Section 106(d)—provides that if an operator notifies the Secretary that he intends to contest a citation, or order under section 105 an employee or employee representative alleges that the abatement period for a cited violation is unreasonable, the Secretary shall immediately so advise the Commission. The Commission must then provide an opportunity for a hearing and thereafter issue an order affirming, modifying, or vacating the Secretary's citation, order, or proposed penalty or directing other appropriate relief. Such an order becomes final 30 days after its issuance.

The rules of procedure prescribed by the Commission shall provide affected miners or their representatives an opportunity to participate as parties to Commission hearings under this subsection. The Commission shall take whatever action is necessary to expedite proceedings for hearings appeals of orders issued under section 105.

Section 107. Judicial Review.

Section 107(a)—permits any person adversely affected or aggrieved by an order of the Commission issued under this Act to obtain review of such order or decision in any appropriate U. S. Court of Appeals by filing a written petition within 60 days of the issuance of the order. The subsection specifies that procedures to be followed after a petition for review is filed, including:

(1) The clerk of the court transmits a copy of the petition to the Commission and other parties.

(2) The Commission files in court the proceeding record pursuant to 28 United States Code 2112 and the court shall then have exclusive jurisdiction.

(3) The court is authorized to grant appropriate temporary relief or restraining orders and may enter and enforce a decree affirming, modifying, or setting aside in whole or in part the Commission's order.

(4) Unless ordered by the court, the commencement of proceedings shall not stay the Commission's order.

(5) Objections not urged before the Commission will not be considered by the court unless the failure to urge such objection is excused because of extraordinary circumstances. The Commission's findings of fact shall be conclusive when supported by substantial evidence on the record as a whole.

(6) Any party may apply for leave to adduce additional evidence and if such evidence is material and there were reasonable grounds for not adducing such evidence before the Commission, the court may order the evidence taken before the Commission and made part of the record. The Commission may then modify its findings of fact or make new findings and shall file such findings, which shall be conclusive if supported by substantial evidence on the record as a whole. The Commission may modify or set aside its original order due to such modified or new findings of fact.

(7) The judgment and decree of the court shall be final except subject to review by the Supreme Court of the United States, pursuant to 28 United States Code 1254.

(8) Petitions filed under this subsection shall be heard expeditiously.

Section 107(b)—permits the Secretary to petition an appropriate United States Court of Appeals for review or enforcement of the Commission's final order and to the extent applicable, the provisions of section 107(a) shall govern such proceedings. If no review petition, pursuant to section 107(a) is filed within 60 days after service of the Commission's order, the Commission's findings of fact and order shall be conclusive in connection with any enforcement petition filed by the Secretary after such 60 day period. In any such case or final order of the Commission under section 106(a) or (b), the clerk of the court, unless otherwise ordered by the court, shall enter a decree enforcing the order and transmit copies to the Secretary and operator. In any contempt proceeding to enforce a court of appeal's decree pursuant to section 107(a) and (b), the court of appeals may assess penalties provided in section 11 and other available remedies.

Section 108. Procedures to Counteract Dangerous Conditions.

Section 108(a)—provides that if upon any inspection or investigation, the Secretary's representative finds an imminent danger exists, he shall determine the affected area and issue a withdrawal order barring all persons except those referred to in section 105(b) from such area. The issuance of an order under this subsection shall not preclude the issuance of a citation under section 105 or the proposing of a penalty under section 111.

Section 108(b)(1)—provides that if upon any inspection, the Secretary's representative finds (A) conditions exist which have not resulted in an imminent danger, (B) such conditions cannot be effectively abated with existing technology, and (C) reasonable assurance cannot be provided that continued mining will not result in an imminent danger, he shall determine the affected area, and issue a notice to the operator or his agent of such conditions, and file a copy with the Secretary and miners' representative. Upon receipt of such copy, the Secretary shall make appropriate investigations, including an opportunity for the operator or miners' representative to present information relating to such notice.

Section 108(b)(2)—provides that upon conclusion of such investigation and an opportunity for a public hearing (when requested by an interested party), the Secretary shall make findings of fact, and by decision either cancel the notice or issue a withdrawal order barring all persons from the affected area except those referred to in section 105(b), until the Secretary, after a public hearing affording all interested persons an opportunity to present their views, determines that such conditions have been abated. Hearings under this paragraph shall be of record and subject to 5 United States Code 554 but without regard to Subsection (a)(3).

Section 108(c) requires findings and orders issued under section 108(a) to contain a detailed description of the conditions which constitute an imminent danger, and all orders issued under this section to contain a description of the area of the mine throughout which persons must be withdrawn.

Section 108(d)—requires that each finding made and order issued under this section be in writing, signed by the person making them, and given promptly to the affected operator. Any order issued pursuant to sections 108 (a) or (b) may be annulled, canceled, or revised by the Secretary's representative. Any order issued under sections 108 (a) or (b) shall remain in effect until annulled by the Secretary or revised or canceled by the Commission or the courts pursuant to sections 108(e) or 107(a).

Section 108(e)—provides that any operator notified of an order under this section may apply to the Commission within ten days for its annulment or revision. The Commission shall afford an opportunity for a hearing (in accordance with 5 United States Code 554, but without regard to subsection (a)(3) of such section) and thereafter issue an order, based on findings of fact, vacating, affirming, modifying, or terminating the Secretary's order.

Section 108(e)(2)—provides that the Commission shall take appropriate action to expedite proceedings under this subsection.

Section 109. Injunctions.

Section 109(a)—authorizes the Secretary to institute civil action for relief, including a permanent or temporary injunction or any appropriate order, in any appropriate United States district court whenever an operator or his agent (a) violates or does not comply with any order or decision issued under this Act, (b) hinders the Secretary or the Secretary of Health, Education, and Welfare or their representatives in carrying out the provisions of the Act, (c) refuses to admit such representatives to the mine, (d) refuses to permit the inspection of the mine, or the investigation of an accident or occupational disease related to such mine, (e) refuses to furnish any information or report requested by the Secretary or the Secretary of Health, Education, and Welfare in furtherance of the Act's provisions, or (f) refuses to permit access to and copying of such records as the Secretary or the Secretary of Health, Education, and Welfare determine necessary in carrying out provisions of the Act. Each court shall have jurisdiction to provide appropriate relief. Temporary restraining orders must be issued in accordance with rule 65 of the Federal Rules of Civil Procedure, as amended, but seven days from the date of entry shall be the time limit when issued without notice. Except as otherwise provided, relief granted by the court to enforce an order under clause (a) of this section is effective until completion of all review proceedings for the order under this title, unless prior thereto, the district court grant-

ing such relief sets it aside or modifies it. In any action instituted under this section to enforce an order or decision by the Commission or the Secretary after a public hearing in accordance with 5 United States Code 554, the Commission's or Secretary's findings, if supported by substantial evidence on the record as a whole, shall be conclusive.

Section 110. Posting of Notices, Orders, and Decisions.

Section 110(a)—requires that at each mine there be a mine office and a bulletin board at such office or at or near a conspicuous place near the mine entrance so that notices, order, citation, or decision required to be posted thereon and easily seen, and protected against damage by the weather and unauthorized removal. A copy of any notice, order, citation, or decision required to be given to the operator must be delivered to the mine office and immediately posted on the bulletin board. for not less than 30 days.

Section 110(b)—requires the Secretary to mail a copy of any notice, order, citation or decision required to be given to an operator to the affected miners' representatives, the States official or agency that administers State laws relating to health or safety in the affected mine. Such notice, order, citation, or decision shall be available for public inspection.

Section 110(c)—provides that in order to insure prompt compliance, the Secretary's representative may deliver any notice, order, citation, or decision to the operator's agent who shall immediately take appropriate measures to comply.

Section 110(d)—requires the name and address of each mine and each person who controls or operates such mine to be filed with the Secretary. Each operator must designate an official responsible for health and safety at the mine and that official shall receive copies of any notice, order, citation, or decision affecting that mine. The designation of a health and saftey official does not make him subject to any penalty under this Act.

Section 111. Penalties.

Section 111(a)—provides that a civil penalty of up to $10,000 shall be assessed for each violation of any standard, rule, order or regulation promulgated pursuant to this Act.

Section 111(b) provides that an operator who fails to correct a violation cited under section 105(a) within the abatement period (which period shall not begin until the date of the Commission's final order in any review proceeding under section 106 initiated by the operator in good faith and not soley for delay or avoidance of penalties) may be assessed a maximum civil penalty of $1,000 for each day the violation continues.

Section 111(c) provides that whenever a corporate operator violates any standard, rule, order, or regulation promulgated pursuant to this Act, any director, officer, or agent of such corporation who knowingly authorized, ordered, or carried out such violation shall be subject to the same civil penalties, fines, and imprisonment, that may be imposed upon a person under subsections (a), (b), (e), (f), or (g).

Section 111(d) provides that any operator who willfully, or with gross negligence violates any standard under this Act and thereby subjects miners to imminent danger, shall be subject to a civil penalty close order by the Commission which shall:

(i) order the mine closed for minimum specified period not to exceed 30 working days,

(ii) provide that the mine not be reopened except upon a subsequent order and finding by the Commission that no unabated safety or health violations exist at such mine (except those for which the abatement period has not expired), and

(iii) provide that during the period of closure the operator shall pay the miners at their regular hourly rates, except miners found by the Commission to have willfully or with gross negligence contributed to the violation which gave rise to the closure order.

Section 111(e) provides that any operator who willfully violates any standard, rule, order, or regulation promulgated pursuant to this Act shall upon conviction be punished by a fine of not more than $25,000 or imprisonment for not more than 1 year, or both. For any subsequent conviction, punishment shall be a fine of not more than $50,000 or imprisonment for not more than 5 years, or both.

Section 111(f) requires that, upon conviction, any person giving advance notice of any inspection be punished by a fine of not more than $1,000 or imprisonment for not more than 6 months, or both.

Section 111(g) provides that whoever knowingly makes false statements, representations, or certifications in any document filed or required to be maintained pursuant to this Act shall upon conviction be punished by a fine of not more than $1,000 or imprisonment for not more than 6 months, or both.

Section 111(h) provides that any operator who violates any of the posting requirements under the Act shall be assessed a civil penalty of up to $1,000 for each violation.

Section 111(i) provides that any miner who willfully violates smoking related safety standards shall be subject to a civil penalty of not more than $250 for each violation assessed by the Commission.

Section 111(j) provides that whoever knowingly distributes, sells, offers for sale, introduces, or delivers in commerce any equipment for use in a mine, which is represented as complying with the provisions of this Act, or with any specification or regulation of the Secretary and which does not so comply, shall upon conviction be punished by a fine of not more than $25,000 or by imprisonment for not more than one year, or by both.

Section 111(k) authorizes the Commission to assess all civil penalties and to issue all civil penalty closure orders provided in this Act, giving consideration in assessing civil monetary penalties to (a) the gravity of the violation, (b) the good faith of the person charged, (c) the history of previous violations, and (d) the appropriateness of the penalty with respect to the size of business of any operator being charged.

Section 111(l) provides that civil penalties owed under this Act shall be paid to the Secretary for deposit into the U.S. Treasury, shall accrue to the United States and may be recovered in a civil action in the name of the United States brought in the appropriate United States district court.

Section 112. Entitlement of Miners.

Section 112(a)—provides that if a mine or an area of a mine is closed by an order issued under sections 105 or 108, all miners working during the shift when the order was issued who are idled by such order shall be entitled to full compensation by the operator at their regular rates of pay for the period they are idled, but not more than the balance of the shift. If the order is not terminated before the next working shift, all miners on that shift shall be entitled to full compensation by the operator at their regular rates of pay for the period they are idled, but not more than four hours. If the closure results from an order for failure of the operator to comply with a health or safety standard, all miners idled by the order shall be fully compensated by the operator at their regular rates of pay for such time as they remain idled by the closing or for one week, whichever is lesser. When an operator fails to comply with an order issued under section 105 or 108, all miners employed at the affected mine who would, by such order, be barred from such mine or area thereof shall be entitled to full compensation at their regular rates of pay, in addition to pay received for work performed after the order was issued, for the period beginning when the order was issued and ending when the order is complied with, vacated, or terminated. The Commission shall have authority to order such compensation under this section when a miner or his representative files a complaint and after an opportunity for a hearing subject to 5 USC 554.

Section 113. Administrative Provisions.

Section 113(a) authorizes and directs the Secretary to administer this Act through the Administration. Acting through the Administration, the Secretary shall have authority to appoint, subject to civil service laws, such officers and employees as he deems necessary for the administration of this Act, and to prescribe powers, duties, and responsibilities of all officers and employees engaged in administering this Act.

Section 113(b) authorizes the Solicitor of Labor to appear for and represent the Secretary in any civil litigation brought under this Act, except as provided in 28 U.S. Code 518(a) relating to litigation before the Supreme Court.

Section 114. Authorization of Appropriations.

Section 114—authorizes appropriations of any moneys in the Treasury not otherwise appropriated that may be necessary to carry out the provisions of this title.

Section 201. Amendments with respect to Interim Mandatory Health Standards.

Section 201(a)(1)—makes all mines covered by this Act subject to the interim mandatory health standards of section 201 (a).

Section 201(a)(2)—applies to all mines subject to this Act the purpose of Title II, established in section 201(b).

Section 201(b) applies the dust standard and respiratory equipment requirements of section 202 to all mines subject to the Act.

Section 201(c)—applies the medical examnation requirements of section 203 to all mines covered by this Act.

Section 201(d)—applies the dust standard when quartz is present of section 205 to all mines covered by the Act.

Section 201(e)—applies the noise standard of section 206 to all mines subject to this Act.

TITLE III—RELATIONSHIP TO OCCUPATIONAL SAFETY AND HEALTH PROGRAM

Section 301. Applicability of the Occupational Safety and Health Act of 1970. This section provides that nothing in this Act applies the provisions of the Occupational Safety and Health Act of 1972 to the working conditions in the mines.

Section 302. The Occupational Safety and Health Review Commission.

Section 302(a)—increases the Commission from 3 to 5 members appointed by the President with the Senate's consent, one of whom shall be designated by the President as Chairman. The two additional members shall be qualified by reason of training, education, or experience in mine safety and health. Not more than 3 commissioners, including the Chairman, shall be of the same political party.

Section 302(b)—provides that the terms of the 2 additional members shall be 6 years except—

(1) the first 2 additional members taking office after this Act's enactment shall serve, as redesignated by the President at the time of appointment, one for 2 years and one for 6 years; and

(2) a vacancy prior to the expiration of the term for which such member was appointed shall be filled only for the remainder of such unexpired term.

Any such member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(3) the Chairman shall be responsible for the Commission's administrative operations.

The Commission shall appoint such employees as it deems necessary including a chief administrative law judge and other necessary administrative law judges. Employee compensation shall be in accordance with chapter 51 and subchapter III of chapter 53 of title 5, U.S.C. and assignment, removal, and compensation of administrative law judges shall be in accordance with sections 3105, 3344, 5362, and 7521 of the same title and section 12(k) of this Act.

Section 302(c)—provides that 3 members of the Commission constitute a quorum and official action can be taken only on the affirmative vote of at least three members, except pursuant to rules the Commission may establish for proceedings arising under this Act, the Commission may fix a quorum at 2 members. In any review by the Commission or upon any petition for review before it, an equally divided vote shall be an affirmative of the order or decision being reviewed or for which review is asked.

Section 302(d)(1)—provides that pursuant to rules the Commission may establish proceedings held under this Act may be held before a special mine safety panel established in the Commission, composed of both members especially qualified in mine safety and health and one additional member.

Section 302(d)(2)—authorizes the Commission to expedite the proceedings held pursuant to this Act in ways consistent with the rights of the parties to an opportunity for a hearing.

Section 302(e)(1) provides that the Commission shall appoint an administrative law judge to hear matters under this Act and the Occupational Safety and Health Act of 1970 assigned to him by the Commission or its chief administrative law judge. The decisions of the administrative law judge become the final Commission order 30 days after its issuance unless within such period the Commission directs the decision to be reviewed by the Commission pursuant to paragraph (2) of this subsection. An administrative law judge shall not be assigned to prepare a recommended decision under this Act or under the Occupational Safety and Health Act of 1970.

Section 302(e)(2) directs the Commission to prescribe rules of procedures for its review of the administrative law judges' decisions in cases under this Act and the Occupational Safety and Health Act of 1970 which shall meet the following standards for review:

(i)(a) Petitions for Discretionary Review—Within 30 days of its issuance, any party may file a petition for discretionary review by the Commission of an administrative judge's decision. Such review is not a matter of right but of the Commission's sound discretion.

(i)(b) Such petitions shall be filed only upon one or more of the following grounds:

(1) A finding or conclusion of material fact is not supported by substantial evidence.

(2) A necessary legal conclusion is erroneous.

(3) The decision is contrary to law, or to the Commission's promulgated rules and decisions.

(4) A substantial question of law, policy, or discretion is involved.

(5) A prejudicial error was committed in the proceedings.

(i)(c) Indicates some technical requirements of such petitions. Also, except for good cause shows no assignment of error shall rely on questions of fact or law upon which the administrative law judge has not had opportunity to pass. The Commission's review shall be granted by majority vote of those present and voting. If granted review shall be limited to questions raised by the petitioner.

(ii) Review by the Commission at its own Initiative—Within 30 days after the issuance of a decision of an administrative law judge, the Commission, by majority vote of those present and voting, may review such case but only on the grounds that the decision may be contrary to law or Commission policy or that a novel question of policy has been presented. Such grounds shall be specifically in the order to review. If a party's petition for discretionary review has been granted, the Commission shall not raise or consider additional issues in such review proceedings except in compliance with this paragraph.

(iii) Scope of Review—For purposes of Commission review under paragraphs (i) or (ii) of this subsection, the record shall include (1) all matters constituting the record upon which the decision of the administrative law judge was based, (2) rulings upon proposed findings and conclusions, (3) the decision of the administrative law judges, (4) any petition for discretionary review, responses thereto, and the Commission's order for review, and (5) briefs filed on review. No other material shall be considered by the Commission upon review. The administrative law judge's findings and conclusions of fact shall be set aside only if unsupported by substantial evidence of record. The commission may remand the case to the administrative law judge or affirm, set aside, or modify his decision or order.

Section 302(f) provides that in hearings before them, the Commission or its administrative law judge may compel the appearance and testimony of witnesses and the production of physical evidence. They may order depositions. In case of failure to obey such subpena or order of the Commission or an administrative law judge, any appropriate U.S. district court, upon application by the Commission or the Administrative law judge, may order such person to appear, testify, or produce evidence and failure to obey such an order may be punished as contempt.

Section 302(g) provides that except as specifically provided in this section, the provisions of section 12 of the Occupational Safety and Health Act of 1970 with respect to the Commission shall continue in effect.

Section 303. National Institute for Occupational Safety and Health. This section authorizes the National Institute for Occupational Safety and Health established under section 22 of the Occupational Safety and Health Act of 1970 to conduct research related to the development of safety and health standards under this Act and to perform all functions with respect to mines that it performs with respect to employments subject to the Occupational Safety and Health Act of 1970.

Section 304. Statistics. This section provides that the Secretary in carrying out his functions under section 24 of the Occupational Safety and Health Act of 1970 shall include accurate statistics on the work injuries and illness occurring in the mines.

Section 305. Sand and Gravel Mines. This section provides that nothing in this Act prohibits the application of the Occupational Safety and Health Act of 1970 to sand and gravel mines.

Section 306. Terms of Present Members of the Review Commission. This section provides that nothing in this title shall effect the terms of the members of the Commission serving on the date of enactment of this Act.

TITLE IV—MISCELLANEOUS PROVISIONS

Section 401. Transfer Matters.

Section 401(a)—transfers the functions of the Secretary of the Interior under the Federal Coal Mine Health and Safety Act of 1969, and the Federal Metallic and Nonmetallic Mine Safety Act of 1966 to the Secretary of Labor, except those expressly transferred to the Commission by this Act.

Section 401(b)(1)—provides that the mandatory and advisory standards relating to mines, issued by the Secretary of the Interior under the Federal Metal and Nonmetallic Mine Safety Act of 1966 and standards under the Federal Coal Mine Health and Safety Act of 1969 which are in effect on the date of enactment of this Act shall remain in effect as mandatory standards under Title I of this Act until the Secretary issues news or revised standards under that Title, or with respect to sand and gravel standards, are issued by the Secretary under Section 6 of the Occupational Safety and Health Act of 1970.

Section 401(b)(2) provides that all interpretations, regulations, and instructions of the Secretary of the Interior or the Director of the Bureau of Mines, in effect on the date of enactment of this Act and not inconsistent with any provision of this Act or any amendment made by this Act, shall be published in the Federal Register and shall continue in effect until modified or superseded in accordance with the provisions of this Act.

Section 401(c)(1)—transfers to the Department of Labor all personnel, property, records, obligations, unexpended balances of appropriations, and commitments which are used primarily with respect to any transferred function under section 401(a). The transfer of personnel pursuant to this paragraph shall be without reduction in classification or compensation for one year after such transfer, except that the Secretary shall have full authority to assign personnel during such one-year period in order to efficiently carry out functions transferred to him under this Act.

Section 401(c)(2)—provides that all orders, decisions, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges (A) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this section by any department or agency, any functions of which are transferred by this section and (B) which are in effect when this section takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary, the Commission, any court of competent jurisdiction, or operation of law.

Section 401(c)(3)—provides that the provisions of this section shall not affect any proceedings pending at the time this section takes effect before any department or agency, functions of which are transferred by this section; except that such proceedings as they relate to transferred functions, shall be continued before the Secretary or the Commission. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary, the Commission, a court of competent jurisdiction, or operation of law.

Section 401(c)(4)—provides that the provisions of this section shall not affect suits commenced prior to this section's effective date and in all such suits proceedings shall be had, appeals taken, and judgments rendered, as if this section had not been enacted; except that if before this section's effective date, any department or agency (or officer thereof in his official capacity) is a party to a suit involving functions transferred to the Secretary, then such suit shall be continued by the Secretary. No cause of action, and no suit action, or other proceeding, by or against any department or agency (or officer thereof in his official capacity) functions of which are transferred by this section, shall abate by reason of this section's enactment. Causes of action, suits, actions, or other proceedings may be asserted by or against the United States or the

Secretary as appropriate and in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this paragraph.

Section 401(d)—provides that for purposes of this section, the term "function" includes power and duty, and the transfer of a function, under any provision of law, of an agency or the head of a department shall also be a transfer of all functions under such law which are exercised by any office or officer of such agency or department.

Section 402. Mine Administration for Safety and Health.

Section 402(a)—establishes in the Labor Department, a Mine Administration for Safety and Health to be headed by an Administrator appointed by the President, with the Senate's advice and consent. The Secretary is authorized and directed to carry out his functions under this Act through the Administration.

Section 402(b) amends 5 United States Code 5315 by adding "(98) Administrator of the Mine Administration for Safety and Health" to Level IV of the Executive Schedule.

Section 403. Amendments with Respect to Mine Administration for Safety and Health.

Section 403(a)(1) applies the research provisions of section 501(a) to all mines covered by this Act.

Section 403(a)(2) amends section 501(b) such that research activities relating to mine health will be carried out by the Secretary of Health, Education, and Welfare through the National Institute for Occupational Safety and Health, and the Secretary's research activities relating to safety are extended to all mines now covered by this act.

Section 403(a)(3) extends to all mines covered by this Act, the Secretary of Health, Education and Welfare's authorization under section 501(d) to conduct studies and research involving the protection of life and prevention of diseases relating to certain non-miners who work with or around mine products.

Section 403(b) extends the training and education provisions of section 502 to all mines now covered by the Act.

Section 403(c)(1) amends section 503(a) to authorize the Secretary in coordination with the Secretary of Health, Education, and Welfare to make grants to any State in which mining takes place.

Section 403(c)(2) applies the criteria for approval of State grant applications to all mines now covered by this Act.

Section 403(d)(1) expands the exchange of State and Federal inspection reports provided for in section 503(i) to include inspection reports of all mines covered by this Act.

Section 403(d)(2) extends to any mining State the 80 percent limit on State grants in any fiscal year provided for in section 503(g).

Section 403(e) revises the qualifications for mine inspectors under section 505 to include practical experience in mining in lieu of "practical experience in the mining of coal."

Section 403(f) amends section 506(b) such that any State law or regulation providing for health and safety standards applicable to any mine now covered by this Act and that (1) are more stringent than Federal law, or (2) apply to any area not covered by Federal law, shall not be held to be in conflict with this Act.

Section 403(g)(1) amends section 511(a) such that the Secretary's annual report shall cover health and safety relating to all mines now covered by this Act.

Section 403(g)(2) amends section 511(b) such that the annual report of the Secretary of Health, Education, and Welfare shall cover health matters relating to all mines covered by this Act.

Section 403(h) amends section 7(b)(5) of the Small Business Act such that appropriate loans are available to small business concerns that operate any mine subject to this Act.

Section 404. Savings Provision.

This section provides that nothing in this Act or the amendments made by this Act shall be construed to reduce the number of inspectors enforcing the provisions of the Coal Mine Health and Safety Act of 1969 and the Federal Metal and Nonmetallic Mine Safety Act of 1966 as in effect prior to the effective date of this Act or to reduce the number of inspectors enforcing the Occupational Safety and Health Act of 1970.

Section 405. Budget Provision.

This section provides that in the preparation of the Budget message required under section 201 of the Budget and Accounting Act of 1927, the President shall set forth as separate appropriation accounts amounts required for appropriation for mine health and safety pursuant to this Act and for occupational safety and health pursuant to the Occupational Safety and Health Act of 1970.

Section 406. Repealer.

This section repeals the Federal Metal and Nonmetallic Mine Safety Act of 1966.

Section 407. Effective Date.

This section establishes the effective date of this Act and the amendments made by this Act as the first day of the second month after the date of enactment of this Act, except that the Secretary is authorized to establish rules and regulations necessary for the efficient transfer of functions provided under this Act.

FEDERAL MINE SAFETY AND HEALTH AMENDMENTS OF 1973

Mr. JACKSON. Mr. President, I wish to commend the distinguished Senator from New Jersey for authoring and for introducing the Federal Mine Safety and Health Amendments Act of 1973. It is a real pleasure to join with the Senator from New Jersey in sponsoring this measure. The transfer of all mine health and safety enforcement functions from the Bureau of Mines to the Department of Labor is a welcome measure, for it separates the regulatory mine inspection responsibilities from the production oriented missions of the Bureau.

After the Fourth of July recess I will be introducing the administration's proposal to reorganize the Department of the Interior and the Atomic Energy Commission, among others, into a Department of Energy and Natural Resources. I intend to amend this bill when it is considered by the Government Operations Committee to provide for the transfer of the mine health and safety regulatory functions of the Bureau of Mines to a newly created Mine Safety and Health Administration in the Labor Department.

The creation of the Department of Energy and Natural Resources provides a perfect opportunity for the long overdue separation of the regulatory and promotional functions of both the Bureau of Mines and the Atomic Energy Commission.

By Mr. BUCKLEY (for himself and Mr. JAVITS):

S. 2118. A bill to modify the project for hurricane-flood protection and beach erosion control at East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, N.Y., and for other purposes. Referred to the Committee on Public Works.

Mr. BUCKLEY. Mr. President, the purpose of the bill which my colleague, Senator JAVITS, and I are introducing today is quite modest. We merely intend to clarify the authority of the Chief of Engineers of the Department of the Army with respect to a project for the protection of Rockaway Beach, N.Y., which was originally approved by the Congress under the Flood Control Act of 1965. The project, as originally contemplated, combined two distinct purposes—beach erosion control and protection from hurricane flooding. However, as the planning proceeded it became evident that, in order to assure that the project would not threaten the water quality of Jamaica Bay, which is protected from the Atlantic Ocean by the beach itself, further studies of the hurricane—flood protection aspect must be undertaken.

This would effectively delay what is agreed by most observers as the more urgent aspect of the project—the prevention of further erosion of Rockaway Beach through the constant tidal and wave action of the Atlantic Ocean. The bill we have introduced today makes legally clear the authority of the Army Corps of Engineers to commence with the beach erosion control aspect of the authorized project whenever the environmental impact analysis for that aspect has been completed; the work on the hurricane-flood protection aspect would follow when the applicable environmental analyses and redesign were finalized.

It is my understanding that the two aspects of the project are physically separable and that their respective environmental impacts are also separable. Thus there would be no harm in proceeding with the one while continuing study of the other.

I believe the early completion of the project for the control of erosion of Rockaway Beach is an important contribution to the welfare of the many thousands of New Yorkers who utilize the beach for summertime recreation. The opportunities for this kind of recreation are very limited in relation to the millions of people who potentially benefit from its use. We cannot afford, year after year, to watch the disappearance of this small, but exceptionally valuable recreation resource.

As a member of the Water Resources Subcommittee of the Public Works Committee, I shall seek the cooperation of my colleagues for the inclusion of the authority provided in this bill into the river basins authorization bill now under consideration in our committee. In this way, we may assure its early approval by the Congress.

Mr. JAVITS. Mr. President, the Rockaway Beach area of New York City has suffered such extreme erosion in the past few years that a 14-block area of the city-owned beach is now unusable. In 1965 Congress authorized a combined beach erosion and hurricane-flood protection project for the Rockaways and Jamaica Bay. Unfortunately, ongoing studies for the multiple purpose project will not be completed until May, 1975, by which time the continuing erosion may well have eliminated even more extensive stretches of beaches and have caused serious and irreparable damage to the seawall, roadbeds, sewer systems and the boardwalk itself. The fact that these beaches accommodate over 2 million

beach users per season and are reachable by subway from all of New York City is evidence of the impact which this problem presents on a purely human level.

In order to deal with this increasingly serious problem, the State of New York and city of New York have submitted a request to the Corps of Engineers to phase the two aspects of the project, that is, beach erosion and hurricane-flood protection, and to proceed immediately with the beach erosion aspect. The corps has indicated that it is feasible to phase the two aspects and merely requires a change in the authorization to permit them to go ahead.

Senator BUCKLEY and I are therefore joining with the 29 members of the New York House delegation in introducing a bill to provide for a modification in the authorization to authorize the corps to commence work on the beach erosion control aspect of the project, independently of the hurricane-flood protection aspect.

This bill further provides that construction of the beach erosion control aspect may be commenced following the completion of environmental studies regarding that aspect—conducted pursuant to the National Environmental Policy Act—and that nothing contained in this bill shall increase or reduce the percentage of total costs of the entire project to be contributed by the affected non-Federal interests.

Mr. President, the need for this legislation is in human terms as well as urgent need to protect the immediate environs from the threatening seas. I hope that early consideration of this measure in the Public Works Committee will enable a construction start on this beach erosion project promptly.

By Mr. HELMS:

S.J. Res. 130. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right of life to the unborn, the ill, the aged, or the incapacitated. Referred to the Committee on the Judiciary.

Mr. HELMS. Mr. President, I introduce today a proposed amendment to the U.S. Constitution which would guarantee to every human being that he not be deprived of life without due process of law, nor be denied the equal protection of the laws.

An amendment to the Constitution is not something to be undertaken lightly, or to be interposed every time one is dissatisfied with a decision of the U.S. Supreme Court. But we are dealing here with an issue so basic and so essential to our rights that it cannot be sidestepped without drastic impairment to the whole range of our freedoms and responsibilities as embodied in the U.S. Constitution. The right to life is the very precondition of all our other rights. If the right to life is diminished or restricted, every other right is open to attack. If we wish to preserve our fundamental American freedoms, then the right to life must be inviolable.

In the 14th amendment, the Constitution guarantees that:

> No State shall . . . deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

In February of this year, the U.S. Supreme Court in Roe against Wade decided that some human beings were not "persons" within the meaning of the 14th amendment. Those human beings who were denied the protection of being a legal person included those who had been conceived and had not yet attained 3 months in the mother's body; those who had lived for 3 months, but were not yet viable outside the womb; and those who had reached the stage of viability, but could be killed if, in some doctor's judgment, their continued existence threatened the mental and physical health of the mother.

Implicit in these decisions is the principle that an innocent human being can be defined as a nonperson and subjected to death at the convenience of others or because those others consider him unfit to live.

I submit that this is a principle of awesome proportions, the entering wedge which can be used to destroy the integrity of our safeguards on personal freedoms. If the pretext of a person's stage of development can be used as an excuse to take some lives, then age, illness, or mental capacity can be used—no doubt under expert medical supervision—as guidelines for the destruction of any other individuals whose existence inconveniences others.

The Court's holdings in Wade can be summarized as follows:

During the first trimester, the State may neither prohibit nor even regulate abortion, which is "left to the medical judgment of the pregnant woman's attending physician."

From the end of the first 3 months to the time when the child becomes viable, the State may not prohibit abortion but may "regulate the abortion procedure in ways that are reasonably related to maternal health." According to the Court, "viability is usually placed at about 7 months—28 weeks—but may occur earlier, even at 24 weeks."

"For the stage subsequent to viability," the State may regulate and even forbid abortion "except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother." The health of the mother includes "psychological as well as physical well-being" and "the medical judgment may be exercised in the light of all factors—physical, emotional, psychological, familial, and the woman's age—relevant to the well-being" of the mother.

To justify abortion on the ground that it is good for the mental health of the mother is so vague as to be practically equivalent to abortion on request. The Supreme Court has thus given a license for elective abortion at any stage of the pregnancy, right up to the moment of normal delivery.

A constitutional amendment is necessary, not only to protect the innocent child in the womb, but also the elderly, sick and retarded who also are now in peril of being defined as nonpersons by the Court. For in an innocent human being can be defined as a nonperson because he is too young, that is, that he has not lived 9 months from the moment of his conception, there is no reason in principle why he cannot be defined as a nonperson because he is too old, or too retarded, or too disabled.

It is essential to reverse the Supreme Court on its basic proposition and to restore the fundamental principle of our Constitution, that the right to live and the equal protection of the laws must be guaranteed to all human beings at every moment of their existence. The constitutional amendment I introduce today will meet that need. It is identical to the amendment (H.J. Res. 261) introduced in the House of Representatives by Representative LAWRENCE J. HOGAN of Maryland. It provides:

> 1. Neither the United States nor any State shall deprive any human being, from the moment of conception, of life without due process of law; nor deny to any human being, from the moment of conception, within its jurisdiction, the equal protection of the laws.
>
> 2. Neither the United States nor any State shall deprive any human being of life on account of illness, age, or incapacity.
>
> 3. Congress and the several States shall have power to enforce this article by appropriate legisltaion.

This human life amendment would protect the right to life from the very beginning. The Supreme Court has defined the unborn child as a nonperson, and deprived him of his most basic right. All this amendment would do is to give the unborn child the same right to continue living as his older brother. Both of them would be governed by the same even-handed application of the principles of due process and equal protection.

I believe that the State has the right to take the life of the person adjudged guilty of a capital crime. But that is, of course, a completely different issue, and is hedged round in our culture, our common law, and our constitutional practice with the principles of due process and equal protection. The guilty must be punished, but the innocent must not be punished. No one has yet judged an unborn child to be guilty.

I also believe that a soldier, fighting in defense of his country and in defense of freedom, has the right—nay, the obligation—to take the life of the enemy in battle. But no one has yet defined the unborn child as "the enemy."

We cannot, however, exempt any stage of the development of the human being from the writ of freedom. From the moment of conception to the ultimate of death, the human being is in a continous process of change. There is no stage when we can say, "This is not a human being yet," or "Now it has become a human being." The science of biology has aided the basic wisdom of the ages in understanding the precise facts of development.

Life begins in fact at the moment of conception, that is, when the male sperm and the female ovum are joined. In his basic text, "Human Embryology," Dr. Bradley M. Patten, of the University of Michigan Medical School, wrote that the union of the male sperm and the female ovum "initiates the life of a new individual." It begins "a new individual life history." Thereafter, he wrote, the process is one of growth and development and "birth is but a convenient landmark in a continuous process." [Patten, "Human Embryology" (1964), 35, 79, 82; see also, Patten, "Human Embryology" (1953),

541. In a New York Times magazine study of the new medical specialty of fetology, the noted medical writer James C. A. Conniff, described the moment of conception as follows:

> At last, one—and only one—sperm penetrates the tough *zona pellucida*, the glass-clear membrane shell of the ovum, and joins its pronucleus with that of the egg. At that moment conception takes place and, scientists generally agree, a new life begins—silent, secret, unknown. [Conniff, "The World of the Unborn," New York Times Magazine, January 8, 1967, p. 41]

Twenty years ago, a New York court described the humanity of the child from conception:

> The mother's biological contribution from conception on is nourishment and protection; but the foetus has become a separate organism and remains so throughout its life. That it may not live if its protection and nourishment are cut off earlier than the viable stage of its development is not to destroy its separability; it is rather to describe the conditions under which life will not continue. Succeeding conditions exist, of course, that have that result at every stage of its life, postnatal as well as prenatal. [*Kelly* v *Gregory*, 282 App. Div. 542, 544, 125 N.Y.S. 2nd 696, 697 (1953)]

The amendment I introduce today recognizes this simple scientific fact, that human life begins at the moment of conception, that is, at the moment of the fertilization of the ovum by the sperm. This point is nonnegotiable, for it would be indefensible to withhold constitutional protection from any human beings, however young. Even if one somehow entertained doubts about the scientific facts, the clear obligation is to give the benefit of the doubt to innocent life rather than death and to protect the right to live from the moment of conception. In fact, there is no doubt. Life begins at the moment of conception, and it must be protected from that point.

But it would be a mistake, I believe, to argue the wording of a constitutional amendment solely from the biology of today. A constitutional amendment must be above the state of science at a given time. Everything that the biology of today teaches us merely confirms us in what we know already, namely, that abortion at any stage is the killing of a human being. I am confident that whatever refinements of knowledge are discovered by science in the future will merely reinforce this basic understanding.

Accordingly, this amendment would protect the unborn child "from the moment of conception." This language offers clear guidelines for any future Court interpretations. It affirms that life has a beginning at a point in time, and that it has constitutional protections from that point. It leaves no lingering ambiguity. Whatever the biological explanation of conception, the Court cannot go behind the requirement that life must be protected from the very start.

Nor is this an academic or emotional question. Modern science has already produced very efficient modern versions of the hellish concoctions of legend that would produce abortions at any stage of pregnancy, from conception right up to the end of the 9-month term. If the State is allowed to license such preparations, there will be no effective way to restrain their use, particularly during the initial period in which science presently has no method of determining pregnancy. When a human being has in fact come into existence, his right to life should not depend upon the crudity or incapacity of science to acknowledge his existence.

Finally, I would note that the enforcement of this amendment would depend upon the due process of law, and particularly, of the particular laws which are made pursuant to the enforcement clause in section 3. This keeps the amendment within the context of our legal traditions, and, by inference, enables future scientific understandings to be incorporated into our constitutional system. I do not believe it is wise to elevate exceptions or hypothetical situations, which may be based upon the transitory state of medical science or opinion, to the rigid status of constitutional language.

Mr. President, I want to address myself to one related point concerning this issue. The question has been raised in the House by Mr. WHITEHURST of Virginia as to whether or not there should be an amendment permitting the States to allow or forbid abortion. He has introduced such an amendment (H.J. Res. 427) which provides, "Nothing in this Constitution shall bar any State or territory or the District of Columbia, with regard to any area over which it has jurisdiction, from allowing, regulating, or prohibiting the practice of abortion."

On the surface, it would appear to be an attractive and easy solution to turn this problem back to the States. Yet, it is simply wrong in principle to subject the right to life of innocent human beings to the variant determinations of different legislatures. The right of innocent life is inviolable. And it is indivisible. The right to exterminate innocent life surely is not one of the reserved powers of the States.

Moreover, the situation today is not the same situation as before the Supreme Court acted. It is not so easy to restore Humpty Dumpty back to his accustomed place. Despite the due process and equal protection clauses of the 14th amendment—which would seem on their face to protect the lives of all persons—the Court attacked the rights of the unborn by narrowly defining "person." The Whitehurst amendment does not disturb the Supreme Court's decree that the unborn child is a nonperson. Nor does it prevent the State courts from applying that Supreme Court definition of nonpersonhood to the due process clauses in State constitutions. If a State law forbidding abortions were attacked as a violation of the mother's so-called right of privacy as that right is embodied in the due process clause of the State constitution, the State court would be justified under the Whitehurst amendment in looking to the Supreme Court for an interpretation of what that right of privacy means.

Due process in the State constitutions has essentially the same meaning as in the 14th amendment—a meaning for which precedent has been set in the abortion cases. Since the Whitehurst amendment does not overrule the Supreme Court rationale that the child in the womb is a nonperson, it is likely that a State court under the Whitehurst amendment would consider itself at least implicitly bound by that Supreme Court interpretation of what due process means. The State court, therefore, would conclude that the child in the womb is a nonperson under the due process clause of the State constitution, just as he is now a nonperson under the 14th amendment. Since the unborn child is a nonperson, the State court might very well conclude that a State law restricting abortion would infringe the mother's right of privacy and would therefore be invalid as a violation of the due process clause of the State constitution.

Those who favor abortion would have every reason to support the Whitehurst amendment. Those who believe that the killing of the unborn is incompatible with our constitutional freedoms would be bitterly disappointed if the amendment became law. By failing to overturn the truncated definition of person set up in Wade, such an amendment would leave the Supreme Court's poisonous doctrine permanently engrafted in our constitutional law, with its implications against the lives of the unborn, the aged, and the incapacitated.

Mr. President, it is time now for action, and not sophistry. Even before the Supreme Court acted, the partial relaxation of our abortion laws legally had brought about the deaths in 1972 of over 700,000 innocent children whose only misfortune was that they had not yet been born. In all the wars which this Nation has fought, from the beginnings of the War for Independence all the way through to the Vietnam war, American battle deaths totaled 668,276. In 1 year more died through abortion than on all those gallant battlefields. Indeed, in New York State alone, the State health department reported that there were more abortions in 1972 than live births, 278,000 abortions and 252,278 live births. We are developing a cult of death, attaching to death the higher value. If the human being is not to become a mere item, manipulated by the State, and destroyed for the convenience of others, we must act to reassert the traditional values of our culture.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 275

At the request of Mr. HARTKE, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 275, to amend title 38 of the United States Code increasing income limitations relating to payment of disability and death pension, and dependency and indemnity compensation.

S. 367

At the request of Mr. GOLDWATER, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 367, to provide for the reimbursement of taxpayers of all costs, including legal and

accounting fees, incurred by them in contesting unwarranted second audits of their income tax liability.

S. 1218

At the request of Mr. GRAVEL, the Senator from Montana (Mr. METCALF) was added as a cosponsor of S. 1218, to amend title II of the Communications Act of 1934 to authorize common carriers subject to such title to provide certain free or reduced rate service for individuals who are deaf or hard of hearing.

S. 1408

At the request of Mr. HARTKE, the Senator from Florida (Mr. GURNEY) was added as a cosponsor of S. 1408, to provide social security coverage for Federal employees.

S. 1812

At the request of Mr. MCINTYRE, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 1812, to improve the coordination of Federal reporting services.

S. 1880

At the request of Mr. HARTKE, the Senator from Maine (Mr. HATHAWAY) was added as a cosponsor of S. 1880, the Hobby Protection Act.

S. 1983

At the request of Mr. WILLIAMS, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1983, the Endangered Species Conservation Act of 1973.

S. 1988

At the request of Mr. MAGNUSON, the Senator from Louisiana (Mr. LONG), the Senator from Hawaii (Mr. INOUYE), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Alaska (Mr. GRAVEL) were added as cosponsors of S. 1988, the Interim Fisheries Zone Extension and Management Act of 1973.

S. 2026

At the request of Mr. HUMPHREY, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor to S. 2026, to amend the Foreign Assistance Act of 1961, and for other purposes.

S. 2029

At the request of Mr. WILLIAMS, the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 2029, to provide assistance for Vietnamese children.

S. 2069

At the request of Mr. EAGLETON, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2069, to improve national reading skills.

SENATE RESOLUTION 134—ORIGINAL RESOLUTION REPORTED INCREASING EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS (S. REPT. NO. 93-281)

(Placed on the calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported an original resolution which was placed on the calendar, and reads as follows:

S. RES. 134

Resolved, That section 5 of Senate Resolution 46, Ninety-third Congress, agreed to February 26, 1973, is amended by striking out "$10,000" and inserting in lieu thereof "$25,000".

SENATE RESOLUTION 135—ORIGINAL RESOLUTION REPORTED RELATING TO EXPENDITURES BY THE COMMITTEE ON PUBLIC WORKS (S. REPT. NO. 93-291)

(Referred to the Committee on Rules and Administration.)

Mr. RANDOLPH, from the Committee on Public Works, reported an original resolution, which reads as follows:

S. RES. 135

Resolved, That section 2 of the Senate Resolution 21, 93d Congress, agreed to February 22, 1973, is amended by striking out "$625,000" and "$9,000" and inserting in lieu thereof "$940,000" and "$309,000", respectively.

REFORM OF CONGRESSIONAL PROCEDURES—AMENDMENTS

AMENDMENT NO. 295

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

Mr. MAGNUSON submitted amendments, intended to be proposed by him, to the bill (S. 1541) to provide for the reform of congressional procedures with respect to the enactment of fiscal measures; to provide ceiling on Federal expenditures and the national debt; to create a budget committee in each House; to create a congressional office of the budget; and for other purposes.

AMENDMENT OF EXPORT ADMINISTRATION ACT OF 1969—AMENDMENTS

AMENDMENT NO. 286

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

AMENDMENTS TO THE TIMBER EXPORT ADMINISTRATION ACT OF 1973

Mr. PACKWOOD. Mr. President, I am submitting on behalf of myself, Mr. CRANSTON and Mr. STEVENSON, several amendments to S. 1033, the Timber Export Administration Act of 1973.

These amendments are designed to correct several provisions in the pending legislation. These provisions are either incorrect, confusing or absent from the version of the bill before the Senate today.

Examples of the sort of thing these amendments will provide are:

Throughout the present bill, the words "logs," "lumber," "unprocessed timber," and "timber" are used interchangeably. This is inaccurate so several of the amendments proposed here will serve to modify these references to two common points of "unprocessed timber" and "processed timber."

The current bill does not provide for reporting of activity under the provisions of the export limitation; the amendments will remedy that oversight.

The amendments will modify the language relating to the promulgation of antisubstitution regulations to be more in keeping with the committee's intent as reflected in the report to the Senate on this bill.

In section 203 of the bill, there is provision for the adjustment of export ceilings by the Secretary of Commerce subject to disapproval by either House of the Congress; the amendments will provide that any such resolution of disapproval will enjoy the same expeditious treatment procedures as are currently accorded to reorganization plan resolutions.

These are some of the matters that will be resolved by approval of these amend ments. I urge the Senate to consider very carefully this package of amendments and pass favorably on them when S. 1033 is brought before the Senate.

I ask unanimous consent that the text of the amendments be 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. 296

On page 8, beginning on line 20, strike the phrase: "of species and grades generally used for domestic manufacture of construction lumber or plywood".

Beginning on page 8, line 25, strike all through page 9, line 2, and insert in lieu thereof the following:

"(b) The restriction set forth in subsection (a) does not apply to timber cut from Federal lands that has been exempted from domestic processing under the provisions of any Federal timber sale contract awarded prior to May 10, 1973: *Provided*, That any unprocessed timber exported pursuant to this subsection shall be subject to the provisions of section 203.".

On page 9, strike lines 15 through 18, and redesignate subsections (e) and (f) following as subsections (d) and (e), respectively.

Beginning in page 9, line 19, strike all through page 10, line 2, and insert in lieu thereof:

"(d) The Secretaries of the departments administering Federal lands referred to in subsection (a) shall issue rules and regulations to carry out the purposes of this section, including the adoption of public hearings procedures to determine if the purchase of Federal timber by an exporter of non-Federal timber adversely affects the customary supply for domestic users and processors dependent on Federal lands for a substantial portion of their timber supply, and to prevent such purchases if customary supplies for domestic use are adversely affected.".

On page 10, line 8, strike the phrase "softwood logs" and insert in lieu thereof: "unprocessed timber".

On page 10, line 9, strike the phrase "softwood lumber" and insert in lieu thereof: "processed timber".

On page 10, line 21, strike out the semicolon and insert in lieu thereof: ": *Provided*, That in determining his estimates of supplies from all sources for the succeeding fiscal year, the Secretary shall consider softwood log, lumber, and plywood imports as being of a volume not in excess of that volume which was imported during the preceding calendar year;".

On page 11, between lines 7 and 8, insert the following: "For the purposes of clause (3), in the computation of the 90-day period there shall be excluded the days on which either the Senate or the House of Representatives is not in session because of an adjournment of more than three days to a day certain or an adjournment of the Congress sine die. The provision of sections 910-913 of title 5, United States Code, shall apply to the procedure to be followed in the Senate or the House of Representatives in the exercise of

their respective responsibilities under clause (3) in the same manner and to the same extent as such provisions apply to the procedure followed in the case of reorganization plans; except that references in such provisions to a "resolution with respect to a reorganization plan' shall be deemed for the purposes of this subsection to refer to a resolution of disapproval under clause (3).".

On page 11, line 10, strike "softwood" and insert in lieu thereof: "unprocessed".

On page 12, beginning on line 4, strike section 204 and insert in lieu thereof:

"(e) Within thirty days after enactment of this section, whoever exported unprocessed or processed timber during the calendar year 1972 shall file with the Secretary of Commerce a report, in such form as he may require, stating the quantities of unprocessed and processed timber exported during the calendar year 1972, the customs district through which it was exported, and the country to which it was shipped. The Secretary shall use reported quantities in determining the allocation of quotas for each exporter for each customs district under this section.

"SEC. 204. Sixty days after the end of each calendar year whoever exported unprocessed or processed timber during the calendar year shall file with the Secretary of Commerce a report, in such form as he may require, stating the quantities exported under this title, the customs district through which it was exported, the country to which it was shipped, and the sources thereof.

"SEC. 205. Whoever exports unprocessed or processed timber after July 1, 1973, shall permit access to related books, records, and accounts, and their log and lumber storage areas by the Secretary of Commerce.

"SEC. 206. Whoever knowingly and willfully exports any unprocessed or processed timber in violation of this title, or knowingly and fraudulently files a false report, or fails to permit the Secretary of Commerce access to his books, records, and accounts and his log and lumber storage areas, or in any other manner violates the provisions of this title shall be fined not more than $10,000 or imprisoned for not more than one year, or both, for each such violation and may thereafter be prohibited from exporting unprocessed and processed timber for a period of not more than five years.

"SEC. 207. As used in this title—

"(a) The term 'unprocessed timber' includes

"(1) any logs such as sawlogs, peeler logs, and pulplogs;

"(2) cants and squares to be subsequently remanufactured exceeding eight and one-half inches in thickness; and

"(3) split or round bolts, or other roundwood not processed to standards and specifications suitable for end-product use.

"(b) The term 'processed timber' includes

"(1) lumber and construction timbers, regardless of size, manufactured to standards and specifications suitable for end-product uses;

"(2) poles and piling cut or treated for use as such; and

"(3) cants, squares, and lumber cut for remanufacture, not exceeding eight and one half inches in thickness.

"(c) The term 'timber' means coniferous timber.".

AMENDMENT NO. 297

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

AMENDMENT TO AMENDMENT NO. 229 TO THE TIMBER EXPORT ADMINISTRATION ACT OF 1973

Mr. PACKWOOD. Mr. President, I am introducing on behalf of myself, Mr. CRANSTON and Mr. STEVENSON, an amendment relating to the volume of logs that will be allowed to be exported from the United States under the provisions of S. 1033.

The Stevens amendment, No. 229, to which this amendment is proposed will provide for the exclusion of the State of Alaska from coverage under section 203 of the proposed bill. This will have the effect of removing the 340.2 million board feet of lumber that was exported last year from Alaska from the ceiling of 1.2 billion board feet of lumber which will be imposed under the terms of S. 1033.

Rather than subtract the volume shipped out of Alaska from the lumber ceiling, we propose to proportionately reduce the log export ceiling from 2.25 billion to 2 billion board feet. This is done for two reasons: First, we have received representations to the effect that elements in the timber industry would be placed in an extremely tight situation if they are allowed no latitude in the volume of processed lumber to be exported; and second, the overall volume of logs and lumber that will be allowed to be exported—after the exclusion of the Alaska volume—will remain roughly the same for the lower 48 as it is in the present bill.

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. 297

On page 1, at the end of the amendment insert the following:

On page 10, line 7, strike the words "and twenty-five one-hundredths".

RIGHTS-OF-WAY ACROSS FEDERAL LANDS—AMENDMENTS

AMENDMENTS NOS. 298 AND 299

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

Mr. MAGNUSON. Mr. President, I submit two amendments to S. 1081, the Federal Lands Rights-of-Way Act of 1973, and ask that they be printed.

Mr. President, the Senate will soon take up S. 1081, which provides the Department of Interior with authority to grant broad rights-of-way across Federal lands. Lack of such authority has prevented a decision on the proposed Alyeska trans-Alaska pipeline. It is likely that the entire delivery system for Alaskan oil will be at issue in the consideration of this bill.

As you know, the trans-Alaska delivery system will utilize a marine leg to move the estimated 2 million barrels of oil produced per day by the Alaskan North Slope fields. One of the continental unloading points will be in my own State of Washington. Puget Sound is projected to receive 190,000 barrels per day, or approximately 10 percent of the North Slope production. The Atlantic Richfield Co. has built a large refinery at Cherry Point to accommodate this flow of Alaskan crude.

One of the criticisms of the trans-Alaska delivery system has been the need to utilize a marine leg. The oil will be carried in supertankers of 70,000 to 120,000 deadweight tons with approximate drafts of 43 feet to 52 feet, respectively. Seven of these tankers have already been built and 32 more are on the way.

Just this week, Atlantic Richfield took delivery of the first of three tankers intended for the Alaska route—the 120,000 deadweight ton S.S. *Arco Anchorage*. It is the second longest ship in the American merchant marine at 833 feet. It has a 138-foot beam, and draws 52 feet of water. The cargo capacity of this vessel is an astounding 942,565 barrels of oil.

These tremendous vessels will be moving through narrow straits in Alaska and in Puget Sound where the margin for error is small. The southern terminus of the pipeline will be on the southern shore of Port Valdez, located in the northeastern part of Prince William Sound in the Gulf of Alaska. Tankers must negotiate a narrow 3,000-foot channel at Middle Rock before reaching the terminal.

In Puget Sound, the tanker route begins in the Strait of Juan de Fuca and continues through the narrower Rosario Strait for 50 miles to Cherry Point. The width of Rosario Strait varies from 1.5 to 5 miles and is spotted with isolated pinnacle rocks, some of which are bare at low water. The potential for an incident here is difficult to predict, but it nonetheless exists.

Mr. President, I firmly believe that, if the trans-Alaska delivery system is approved, the marine leg of the system must be designed to be both safe and pollution-free. This is the purpose of the two amendments I am introducing today. The first would make construction standards for tank vessels now being considered by the Coast Guard pursuant to the Ports and Waterways Safety Act applicable to vessels in the Alaska trade by June 30, 1974.

The Coast Guard presently has authority under title II of the Ports and Waterways Safety Act of 1972, Public Law 92-340, to require that tankers be constructed in conformance with certain specifications designed to prevent or mitigate pollution of the marine environment. These construction standards would serve to reduce or eliminate both accidental and intentional discharges of oil into the sea from ships.

However, since the Coast Guard is awaiting the outcome of the 1973 IMCO Conference on Marine Pollution From Ships before promulgating rules and regulations pursuant to the mandates of the Ports and Waterways Safety Act, vessels now being constructed for the Alaska trade will not be equipped with the latest in safety features.

The delayed applicability of rules and regulations drawn up pursuant to the Ports and Waterways Safety Act was a conscious decision made by the Congress so that maritime nations could first attempt to work out international standards applicable to tanker construction.

Accordingly although the Coast Guard published an advance notice of proposed rulemaking for tank ship construction requirements on January 26, 1973, finalized rules are not anticipated until after

IMCO's Conference on Marine Pollution From Ships in October of this year.

But international considerations do not raise the same difficulties when considering whether to apply the Ports and Waterways Safety Act to domestic coastal trade. The Senate Commerce Committee's report on H.R. 8140 stated this clearly:

As was stated by the Assistant Secretary of Commerce for Maritime Affairs, and with respect to which the Committee is in agreement, regulations for the design, construction, alteration, and repair of vessels for the protection of the marine environment must not competitively disadvantage United States-flag vessels vis-a-vis their foreign competition. Since any group of standards will inevitably involve cost, they must apply equally to United States-flag vessels operating in the foreign trade and to foreign vessels entering our navigable waters. Of course, the same rationale does not apply to United States-flag vessels operating in domestic trades in which competition from foreign-flag vessels is precluded by law. (Report No. 92–724.)

Therefore, Mr. President, this amendment is in strict accord with existing law and does not distort or disrupt the considered intent of the Ports and Waterways Safety Act. This amendment would simply require the Coast Guard to implement the mandate of Public Law 92–340 at an earlier date for vessels in the domestic trade, and of course, for vessels in the Alaska trade.

My second amendment directs the Coast Guard to install a vessel traffic control system in the Prince William Sound and Valdez, Alaska. Such a system is needed and would serve to prevent tanker movement incidents.

I feel these amendments are basic to the safety of the marine leg of the Alaska system. I urge my colleagues to support them.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATION BILL, 1974—AMENDMENT

AMENDMENT NO. 300

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

Mr. HANSEN. Mr. President, I submit an amendment to H.R. 8825, fiscal year 1974 appropriations for the Department of Housing and Urban Development; Space, Science, Veterans, and certain other independent agencies.

My amendment would increase the amount in this bill appropriated for general operating expenses of the Veterans' Administration from $300 million to $315 million.

During the past several months, the Senate Veterans' Affairs Committee, on which I serve, had conducted hearings where the level of service and care provided to veterans was outlined. Although a great deal of the committee discussion centered on the quality and quantity of medical care available to veterans, we also discussed other services of the Veterans' Administration, including administration of pension and benefit programs, the loan program, and other services.

When the House Appropriations Committee considered H.R. 8825, they reduced the Veterans' Administration request for general operating expense funds from $315,000,000 to $300,000,000. I believe this $15 million should be restored to the fiscal year 1974 budget to insure the availability of adequate and efficient services to veterans.

Following an incident earlier this year when it was learned a change in veteran disability benefit qualifications was discussed, a number of bills were introduced in the Senate and House requiring maintenance of service to veterans and requiring that the agency seek permission from Congress before curtailing any functions or services.

It is possible the agency would be forced to curtail services if Congress insists on the $15 million reduction in operating funds for the coming fiscal year. My amendment would restore this $15 million, bringing the total appropriated for general operating expenses for fiscal year 1974 for the Veterans' Administration to $315 million.

I urge my colleagues to support this amendment as a means of insuring the availability of adequate funding to provide the many services to veterans which are the responsibility of the Veterans' Administration.

FEDERAL ELECTIONS CAMPAIGN ACT—AMENDMENTS

AMENDMENT NO. 301

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

Mr. BELLMON submitted amendments, intended to be proposed by him, to the bill (S. 372) the Federal Elections Campaign Act.

NOTICE OF HEARINGS ON S. 2058

Mr. WILLIAMS. Mr. President, I should like to announce that the Subcommittee on Securities of the Committee on Banking, Housing and Urban Affairs will hold 2 days of hearings on S. 2058. This bill, which I introduced with Senators BENNETT, BROOKE, STEVENSON, and TOWER, amends the Securities Exchange Act of 1934 to provide for the regulation of clearing agencies and transfer agents, to give the Securities and Exchange Commission authority to prescribe the form and format of securities certificates and to eliminate the use of such certificates in the settlement of broker to broker transactions, and to deal with related matters.

The hearings will be held July 11 and 12, 1973, at 9:30 a.m. in room 5302, Dirksen Office Building.

NOTICE OF JOINT HEARINGS ON S. 1010

Mr. JACKSON. Mr. President, I wish to inform the Members of the Senate and the general public that the hearing on S. 1010 before the Subcommittee on Minerals, Materials and Fuels of the Senate Committee on Interior and Insular Affairs will be, in fact, a joint hearing before the Subcommittees on Public Lands and on Minerals, Materials and Fuels of the Senate Committee on Interior and Insular Affairs.

The hearing is still scheduled for July 18, 1973, at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

NOTICE OF HEARINGS ON BILLS TO AMEND THE WILD AND SCENIC RIVERS ACT

Mr. JACKSON. Mr. President, I wish to inform the Members of the Senate 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. 921, S. 1101, and S. 1391, bills to amend the Wild and Scenic Rivers Act.

The hearing will be held on July 16, 1973, at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

NOTICE OF HEARINGS ON PROPOSED REALINEMENT OF THE BUREAU OF INDIAN AFFAIRS CENTRAL OFFICE

Mr. JACKSON. Mr. President, I wish to announce that the Subcommittee on Indian Affairs will resume its hearings on July 10 at 2 p.m., on the proposed realinement of the Bureau of Indian Affairs Central Office.

Departmental witnesses will continue their testimony at that time. It will be an open public hearing and will be held in room 3110, Dirksen Office Building.

NOTICE OF RECONVENED HEARINGS ON ENERGY RESEARCH AND DEVELOPMENT

Mr. JACKSON. Mr. President, the Senate Interior Committee will reconvene hearings on legislation to establish a comprehensive national energy research and development program on Wednesday, July 11, and Thursday, July 12, 1973. The hearings will focus on the provisions of S. 1283, the National Energy Research and Development Policy Act of 1973, introduced on March 19, 1973, by Senator JACKSON for himself and 27 other Senators.

National energy research and development activities by both Government and industry, have failed to provide the United States with the technological options and capabilities necessary to achieve energy self-sufficiency.

As long as cheap energy sources are available, no effort was made to improve efficiency or to develop the capability to utilize alternative domestic energy sources. Instead, we choose to resolve our currently critical shortages of oil and gas by an ever increasing dependence upon imported petroleum. This was the easy way and right now, it is the only way. Over the longer term, however, it is not a responsible way to deal with our future energy requirements.

We must move forward aggressively in a national research and development effort, such that, by 1985, we can have the

technological capability and the choice of continuing to use imported energy resources or of using our abundant domestic coal, oil shale, and geothermal energy resources.

The invited witnesses are:

WEDNESDAY, JULY 11, 1973

9:30 A.M.

The Honorable MORRIS K. UDALL, Congressman from Arizona;

Prof. Hendrick S. Houtakker, Harvard University;

Dean James W. McKie, University of Texas;

Prof. Edward Mitchell, Cornell University; and

Alex Radin, general manager, American Public Power Association.

2 P.M.

Edison Electric Institute panel.

THURSDAY, JULY 12, 1973

9:30 A.M.

Panel of environmental organizations;

Frank N. Ikard, president, American Petroleum Institute;

George H. Lawrence, senior vice president, American Gas Association; and

Carl E. Bagge, president, National Coal Association.

These hearings, which are being held as part of the National Fuels and Energy Policy Study—Senate Resolution 45, 92d Congress—will begin at 9:30 a.m. in room 3110 of the Dirksen Senate Office Building. Individuals desiring to file statements for this hearing record are requested to transmit them, in 10 copies, to the committee by July 20, 1973.

ADDITIONAL STATEMENTS

COAL DEVELOPMENT IN EASTERN MONTANA

Mr. MANSFIELD. Mr. President, in my continuing effort to keep my colleagues informed on the controversy that is developing over the vast coal deposits in eastern Montana, I wish to direct your attention to an article appearing in the July 1, 1973, issue of Forbes magazine. This is yet another analysis of the attitudes of Montanans—the ranchers, Indians, and business interests. I ask unanimous consent that the Forbes article be printed at the conclusion of my remarks.

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

ON THE WARPATH AGAIN

He was a full-blooded Crow Indian, and as he rode in the back of the car rolling across the Montana countryside, he pointed to the earth heaps where the Burlington Northern had once strip-mined engine coal and where shovels of Montana Power Co. were now scooping away a seam of the low-sulphur black stuff. "Never," he said, his eyes narrowing, "never will we let mounds like that rest on *our* reservation."

His reaction is typical these days among residents of Montana, Wyoming and North Dakota. The three states hold around 40% of the nation's coal resources, most of it low-sulphur coal, the kind big-city utilities must burn to avoid polluting the air. Utility men like Donald Cook, chairman of American Electric Power, think it may be the answer to the energy crisis. The residents of the new coal states aren't at all happy about the prospects.

Montana's Lieutenant Governor William Christiansen speaks proudly about his state's efforts to keep the coal miners under tight control: "I've compared our coal laws against all the rest, and when the dust settled, Montana had the muscle." It is not only the landscape the Westerners are thinking about. Deepest of all perhaps is the problem of people pollution. The reservation Indians and most Westerners like their wide-open spaces. The idea of hordes of newcomers does not appeal to them in spite of the spending money the newcomers would bring.

Louis W. Menk, chairman of the Burlington Northern railroad, has promised to observe good sound ecological practices and to be a good neighbor in mining his company's lands for coal. But he also chided Montanans for attempting to turn their state into a museum.

Caught square in the middle are two big railroads, Menk's Burlington Northern and the Union Pacific. Each controls mineral rights to over 8 million western acres. Each claims minable reserves of more than 10 billion tons. And for the BN, the potential figure may be six times as much.

Federal land grants in the 19th century gave the roads and their predecessors a lock on western coal. But until recently they did little with it except to mine some engine coal. Influential shareholders think the railroads ought to do more with it. "My Lord," says Norton Simon, the Los Angeles industrialist (*see* Forbes, *June 15*) who is a BN director and the road's largest individual shareholder, "BN has all these resources, including the greatest coal reserves of any company in the nation, but it employs only 180 people, including clerks, to develop it." Of the 590 million tons of coal mined last year, only an estimated 43 million tons came from western states. Even so, that's the only growth area remaining in an industry whose total output continues to decline (Forbes, *Nov. 15, 1972*).

On the other hand, the railroads face the fire of Westerners who don't want their land cut up by strip mines or filled up by newcomers. A Billings, Mont. area rancher told Forbes, "I like it here just the way it is." His view is mirrored by the Montana legislature, which, with only one dissenting vote, passed in March the nation's toughest strip-mining control bill. Reservation Indians who control 50 billion tons of western coal agree, as do federal land leasing officers and environmental protectionists.

But the cities need the coal. And the railroads need the traffic.

Says Lou Menk, "One day we hope coal will be as important to us as grain-hauling." In spite of environmentalist protests, that traffic is growing. The BN had $75 million in coal-hauling income last year, up from $43 million in 1970. This year the BN may do $95 million and the Union Pacific perhaps $35 million.

The Interstate Commerce Commission Act forbids a railroad to haul commodities it mines, and a provision in the 1920 Mineral Leasing Act blocks a road from mining or leasing federal coal lands. Still, the railroad lawyers think they can get the coal out of the ground through joint ventures, earning both royalties and traffic in the process.

The BN earned $5.8 million on its coal land leases last year, the first time coal income topped that from oil and gas. But a major part of the BN's income now comes not from long-term royalties but from one-shot bonuses and guaranteed minimum payments paid by coal prospectors in hot pursuit of an answer to the energy crisis. "Eventually, as more and more mines come on stream, we think our coal income will come from royalties and there will be fewer and fewer bonuses," says C. Robert Binger, Burlington Northern's president for the newly created resources division.

The Union Pacific is stepping more slowly into coal. Unlike the BN, the UP operates as a holding company, and in 1969 it formed the Rocky Mountain Energy Co. just to develop its coal. Rocky Mountain employs fewer than 50 persons and places what chips it has on coal research, leasing and in joint ventures. The first venture, a mining effort at Rock Springs, Wyo. with Boston's Eastern Gas & Fuel Associates, was halted when dust from the strip mine began to blow over the town. "The cost of control was exorbitant in relation to the reserves that were there," says James H. Evans, president of the UP. "It was simply uneconomic." Other sources say that Eastern Gas' marketing men were upset by the railroad's go-slow attitude on coal. Evans responds that if he is cautious on coal, it's because of the nature of UP's coal reserves and the distance of western coal from its markets.

Western strip coal is the cheapest in the nation to mine, costing a coal company only about $1.10 a ton. But transportation charges drive the delivered price at Chicago's Commonwealth Edison, for instance, up to $13.40 a ton. The railroads promise rate savings as the volume rises, but some present contracts also provide for rate escalations as the price of coal goes up. "Right now," says Evans, "most of our coal is just not competitive in the Midwest."

The UP seems to be waiting mainly for gasification of coal. It is allowing its land to be used for gasification experiments by the U.S. Bureau of Mines and has a stake in other laboratory tests. UP also has taken a small position in Lurgi process research being directed in Scotland by the Continental Oil Co. "It may cost $250 million to $400 million to get a coal gasification plant on the line, and it may be five to ten years away, but I think this is the best solution we have as a company in the energy crisis," says Evans.

The BN recently has begun to look on its vast lignite reserves as an answer in gasification. An average plant site would require a half-billion tons in reserve, and the BN has mapped 12 such areas in Montana and North Dakota. Options on leases would provide for a BN equity in the project. "But we're taking a slow valve on leasing," says Binger. "We're not moving until the pattern of gasification deals is clearer."

Which, of course, gives the railroads and other landowners time to deal with the problems of ecology and with the greenhorn-keep-out syndrome. But in the end, the massive development of western coal probably depends on two factors: the pace of coal gasification technology and the cantankerousness of the Arabs. Once gasification becomes economically feasible, the coal will become too valuable to leave in the ground. And how soon it will become that valuable depends in part on how fast the Arabs push up the price of oil.

CONSTRUCTION OF TRANSIT LINE TO SAVE DULLES AND FRIENDSHIP AIRPORTS

Mr. MATHIAS. Mr. President, I commend my distinguished colleague from New Hampshire, Senator NORRIS COTTON, for his leadership in the Committee on Commerce which has favorably reported S. 2047. This bill will authorize a Federal payment of $10 million for the planning of a transit line in the median of the Dulles Airport road and for a feasibility study of rapid transit to Friendship International Airport. My distinguished colleague from Maryland, Senator J. GLENN BEALL, JR., also deserves great credit for his special effort to in-

sure that Friendship Airport was included in this bill. In the Baltimore-Washington metropolitan area, there are only three major airports to serve the needs of the many citizens who require air transportation.

Friendship Airport, because of its proximity to the Washington area, is an important link in this transportation chain. As the Committee on Commerce has noted:

A feasibility study should be made of constructing a rapid transit line between the Adopted Regional System and Friendship Airport. This extension would further enable the Washington Metro system to be connected with the Baltimore Metro system now in the planning stage, inasmuch as a spur to Friendship Airport has already been planned from the Baltimore Metro system.

At the present time a line of the Washington Metro system is planned to extend to the Greenbelt Road area, which is immediately adjacent to the Baltimore-Washington Expressway. A further extension of this line toward Baltimore into the city of Laurel has also been proposed. The Baltimore-Washington Expressway runs between the Greenbelt Road area and Friendship Airport, and the median strip of this expressway might be utilized as the right-of-way for a rapid rail transit line to Friendship Airport.

The Senate has already expressed its support for this measure as evidenced by the fact that a similar bill passed the Senate last October 4, 1972, by a voice vote. Unfortunately, the House did not have the opportunity to act before the 92d Congress adjourned in October. We again have the chance to move this vitally important measure forward for action by the House, and I urgently ask that my colleagues support this bill today.

SENATOR McGOVERN: A MAN WORTHY OF HIMSELF

Mr. CHURCH. Mr. President, our able and distinguished colleague from South Dakota (Mr. McGOVERN) made an honorable run for the highest office of the land last year. He was unsuccessful but Senator McGOVERN's now famous characteristics of decency, integrity, endurance, and courage have left a lasting, constructive impression on the crooked landscape of Presidential politics in 1972.

Abraham Lincoln once said:

It is difficult to make a man miserable while he feels he is worthy of himself . . .

This applies to Senator McGOVERN.

Mr. Godfrey Sperling Jr., national correspondent of the Christian Science Monitor notes these factors in his June 23 column entitled "If McGovern Had Made It to the Presidency"

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:

IF McGOVERN HAD MADE IT TO THE PRESIDENCY

(By Godfrey Sperling, Jr.)

WASHINGTON.—Never mind that George McGovern may have had some impractical schemes along the way. Never mind that his campaign organization very early fell apart, due, in large part, to the candidate's failure to run the store properly. Never mind that he looked less than "presidential" at times, particularly in his handling of the Eagleton affair.

The important thing that should be said about Senator McGovern is that, after saying the worst one can think about him, he had decided strengths in the very areas where the Nixon administration is showing its greatest weakness—its lack of sensitivity to what is basically right and what is wrong.

One does not have to build the South Dakota Senator up to be a paragon of virtue to make the point here. You merely have to note that during the campaign George McGovern (a) was the first of all the Democratic candidates to disclose the sources of all his campaign money—and he did this well before the law came into effect and (b) he collected almost all of his campaign contributions from a vast group of small donors—where there could not be even the slightest hint of any quid pro quo being involved.

Further, the Senator worked untiringly to open up the democratic processes in order to let more people have their say as to who would be their next president. It was Senator McGovern, more than anyone else, who brought about the reforms that opened up the Democratic National Convention to more young people, women, and blacks. It was McGovern, again more than anyone else, who, in the primaries, successfully persuaded other candidates to join him in debates that gave the voters both enlightenment on the issues and a better idea of where each candidate stood on these issues. Later McGovern challenged Nixon to debate—but got nowhere with it.

The McGovern efforts to make the electoral machinery work better—and to involve more of the people in it—may not have always been roaring successes. But what he was doing in strengthening our democracy was just the opposite of what this administration has brought about. Sometimes this reporter is asked in the many letters he is receiving on Watergate what actually was "so wrong" about it. "Why was it so bad?" So many are wanting to know. Archibald MacLeish, a poet with experience in national government, has provided the best answer I have seen to such questioning when he writes:

"For months we have been preparing to celebrate the bicentennial of the reestablishment on this continent of the first, great self-governing people in history. And now, on the eve of that celebration we discover that a conspiracy, ripening among officials and functionaries of the republic over the same period of time, appears to have been a conspiracy to undermine precisely the institution and practices of self-government."

And just a little more of MacLeish as he narrows in: "To govern themselves a people need to know and this [the Watergate], as we see more and more clearly, confession by confession, explanation, has been a conspiracy to keep the people from knowing, to corrupt and distort and misrepresent what the people need to know if they are to vote for their representatives and administrators and to oversee the government conducted in their name."

To all appearances, officials in this administration were trying to steal our precious right to make a fair assessment of the candidates and thereby to make a fair and honest choice for the position we honor the most; the presidency. That was what was so terribly wrong about what happened in the Watergate affair.

Also, a former member of this administration, who was afforded a particularly good look at what happened in the Watergate episode (although he has not been implicated himself), recently told a reporter there was another rather "hidden evil about Watergate:

"What the public should really be concerned about is how close this administration came to getting away with Watergate. There were probably 25 people involved. Yet the 'cover-up' was so well-conceived and beautifully coordinated that it almost succeeded. If it had not been for Judge Sirica; if McCord had not talked; if one or two other things had not happened; all of this might have been bottled up forever. What people should be thinking about is this: If the executive was able to come this close this time on this major invasion of their rights—what might some other administration do? That's the real lesson of Watergate."

So now we come back to Senator McGovern. Were he in the White House today, he certainly would not be the historic President Mr. Nixon, with his great achievements in foreign relations, has become. But without knowing what kind of a president Mr. McGovern would be today, it is still possible and relevant to underscore the obvious: He and his administration would be untarnished by this frightful scandal.

And he would be a president whose stature would not have been Watergate-impaired at a most important time in our history—the week that Leonid I. Brezhnev, the Soviet Communist Party leader, came knocking on our door.

Also—and quite clearly—Mr. McGovern would not have Watergate hanging over his head, diverting him and keeping him from giving his full attention to the national urgencies, both at home and abroad.

BRITAIN FINALLY LEARNS—WHEN WILL WE?

Mr. HELMS. Mr. President, a friend of mine in Raleigh, N.C., Edwin S. Pou, sent me a copy of the publication, Virginia Road Builder, which in its June issue contained an editorial by the publisher, Mr. Frank A. Howard. Mr. Howard is also engineer-director of the Virginia Road Builders Association.

Mr. Pou suggested that I would be interested in Mr. Howard's editorial, headed "Britain Finally Learns—When Will We?" Mr. Pou was right, Mr. President. The editorial is indeed of interest, and I think Senators will also find it instructive.

Therefore, I ask unanimous consent that Mr. Howard's excellent editorial be printed in the RECORD.

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

BRITAIN FINALLY LEARNS—WHEN WILL WE?

The British have finally learned that a paternalistic government of the welfare state won't work. They went into full bloom with the welfare state at the close of World War II. It has forced them to "achieve" the lowest rate of growth among the industrial nations of Europe.

The conservatives, who won the last election in England have cut taxes, cut subsidies, cut back on big government, cut medicare, and cut welfare to those with the money to pay and the ability to work. They have tried both nationalization and socialism and found that they were economic poison which led them to the brink of disaster. They have taken the first step back toward the capitalistic incentive that sustained them as a great nation as long as they practiced it.

What I can't understand is that in the face of the dismal failure of the welfare state in Britain why our politicians and our government continue to use it as a model for our own welfare programs. By what line of reasoning do our own economic whiz bangs in Washington decide to sacrifice capitalism for the welfare state.

Since industrial capitalism is required to support the welfare state, I'm at a complete loss to understand why the welfare statists are trying so hard to kill the goose that's laying the golden eggs. They would be well advised to support the capitalistic principles of profit that makes their very existence possible. They'd better realize that there must be profits to sustain the confiscatory taxation that pays the welfare.

Everything of value in this world has been created by the motive for profit, either monetary or psychic. The very rise and maintenance of socialism and the welfare state has been made possible only by the profit motivated capitalism that supplied the wealth to pay the bills.

The one thing that capitalism absolutely requires, and that socialism and the welfare state completely ignores, is responsibility.

If it hadn't been for capitalism there wouldn't be any modern welfare state because there wouldn't be any funds to support it. I'm wondering just how much further the welfare state can be pushed in America without milking the capitalistic cow to death. The taxpaying sheep might rebel. You know you can sheer a sheep many times, but you can skin him only once!

I believe that people are finally waking up, and becoming aware and concerned about the wasteful squandering of their tax monies by our bumbling bureaucrats. Every day more people are becoming disillusioned with the direction in which our government is traveling.

Somehow, someway, someday, when inflation and the welfare state ends, as historically it always has, in economic and social disaster, we must stop and rebuild the heritage of pride of accomplishment that we have lost in our social and moral decline of the last 40 years. Let's hope and pray that we don't go so far overboard we can't get back in the boat.

SENATOR RANDOLPH SUPPORTS STRONG PROGRAM FOR TRAINING OF PERSONNEL IN GERONTOLOGY—COMMENDS SENATOR CHILES

Mr. RANDOLPH. Mr. President, last week the Senate Committee on Aging held hearings on "Training Needs in Gerontology."

These hearings were called at the direction of the committee's newest majority member—the able Senator from Florida (Mr. CHILES). I commend Senator CHILES for his leadership in conducting this timely inquiry on a very vital subject.

A major focus of these hearings was the administration's proposal to phase out funding for the title IVA training program under the Older Americans Act. This decision, it seems to me, should be reversed because the need for additional trained personnel in the field of aging is urgent and growing rapidly. Without an adequate number of suitably trained individuals to provide essential services for the aged, recent legislative victories for the elderly can be largely negated.

During its brief existence, the Administration on Aging training program has proved to be a prudent investment for our Nation, the aged, and service personnel in the field of aging. Instead of being abruptly terminated, the program should be continued—and quite possibly expanded—to respond to the increased demand.

Leading experts in the field of aging, who testified at these hearings, also shared this viewpoint. They were in near unanimous agreement that the administration's decision, if allowed to stand, could severely undermine training efforts in gerontology.

For these reasons, I am hopeful that the Senate Appropriations Committee will reject the administration's proposal and will vote to restore funding for the title IVA training program.

At the recent Committee on Aging hearings I had an opportunity to express my thoughts on this subject as well as other important issues concerning training needs in gerontology.

Mr. President, I ask unanimous consent that my testimony at the Committee on Aging hearings on "Training Needs in Gerontology" be printed in the RECORD.

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

STATEMENT BY SENATOR JENNINGS RANDOLPH AT HEARING ON "TRAINING NEEDS IN GERONTOLOGY," BY THE U.S. SENATE SPECIAL COMMITTEE ON AGING

Mr. Chairman, at the outset I wish to congratulate you for calling these timely hearings on "Training Needs in Gerontology."

Quite clearly, one of the most pressing problems in the field of aging today is the dearth of trained personnel to provide essential services which the elderly so desperately need.

This fundamental fact of life was documented very forcefully in a recent report—entitled "Research and Training in Gerontology"—prepared by the Gerontological Society. In fact, the Gerontological Society gave this candid assessment:

"The gap between the need for trained personnel and the capacities of present training programs is so great that there is no danger in overtraining for several decades."

Literally hundreds of thousands of individuals must be trained over the next five years to respond to the growing service requirements in the field of aging. By 1978 it is projected that there will be a need for an additional 50,000 licensed practical nurses; 16,000 registered nurses; 24,000 recreation leaders and specialists; 3,900 physical therapists; and 3,225 nutrition project directors.

Moreover, during the next 27 years the elderly population is expected to increase markedly. By the turn of the century it is estimated that anywhere from 40 to 45 million Americans will have had their 65th birthday. In terms of sheer numbers then, we, as a Nation, have a vital stake in training persons to provide services for this rapidly expanding age group.

In recognition of this clearcut need, the Congress—in the recently enacted Older Americans Comprehensive Services Amendments—called for an all out effort to meet the critical shortage of trained personnel for programs in gerontology. One such example is that the Commission on Aging was directed to develop a national plan to train persons in the field of aging.

However, the Administration still steadfastly insists on requesting no funds for the Title IVA Training program—the lifeline of our Nation's efforts to develop necessary manpower in gerontology.

If this decision is allowed to stand, it can have the effect of crippling the training program under the Older Americans Act.

This seems especially shortsighted and ill-advised, in my judgment, because the 1973 Amendments to the Older Americans Act significantly expanded service programs for the elderly. But without adequately trained personnel, these programs, which offer great promise for aged and aging Americans, will be seriously undermined—and quite possibly rendered useless or ineffective.

In my own State of West Virginia, I have had an opportunity to see firsthand some of the outstanding achievements of the AoA training program. These training efforts have already produced substantial dividends for elderly West Virginians. For example, students trained at West Virginia University have helped to organize an agency to administer a meals on wheels program in Morgantown. This program has not only had an immeasurable impact on the psychological outlook of the aged being served nutritious meals, but it has also enabled them to live independently in their own homes.

Mr. Chairman, Federal funding for training under the Older Americans Act has repeatedly proved to be a sound investment for our Nation, the elderly, and the participants in the program.

For these reasons, I wish to reaffirm my strong support for continuation and expansion of the Title IVA Training program.

ELIGIBILITY FOR FEDERALLY FUNDED WELFARE PROGRAMS

Mr. TOWER. Mr. President, I was pleased to note that on June 26, 1973, the Social and Rehabilitation Service of the Department of Health, Education, and Welfare proposed a revision of regulations first proposed on June 16, 1972, regarding citizenship and alienage eligibility for federally funded welfare programs.

These regulations were intended to implement the Supreme Court decision in *Graham* v. *Richardson*, 403 U.S. 365 (1971), and would have required as a condition for approval of State plans under title I, IV–A, X, XIV, XVI or XIX of the Social Security Act, that these State plans not exclude any individual otherwise eligible on the basis of his citizenship or alien status. The effect of these regulations, however, would have been to require the States to provide public assistance to aliens not lawfully admitted to this country.

The magnitude of the problems these regulations would have created for States such as my own State of Texas cannot easily be assessed. To begin with, neither the State of Texas nor the Immigration and Naturalization Service really knows how many illegal aliens are actually in Texas. Nevertheless, it has been reliably estimated by State officials that possibly as many as 500,000 illegal aliens might be in Texas at any given point in time. Certainly, if the State were forced to expand its eligibility roles to this extent, a grave crisis would threaten the very integrity of its fiscal structure. More importantly, however, would be the effect such action would have in penalizing those families and lawful residents of the State of Texas who are deserving of public assistance.

The regulations now proposed, as revised on July 26, 1973—

Require that a State plan must include any otherwise eligible resident of the United States who is either a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under code of law; and must exclude any individual who is not lawfully in this country.

I applaud this decision on the part of the Social and Rehabilitation Service and urge that the regulations, as revised, be implemented with expediency.

THE SOIL CONSERVATION SERVICE

Mr. CHURCH. Mr. President, yesterday the Senate adopted the Agriculture appropriations bill for fiscal year 1974. I was pleased to support this legislation which included within its provisions appropriations for the Soil Conservation Service. As our Nation's principal conservation agency on private land, the Soil Conservation Service is a prime example of the success achieved in conservation through leadership provided by local soil conservation districts. The benefits of conservation expertise possessed by participants in the soil conservation programs are being brought to bear on the solution of a rapidly increasing variety of problems.

The Soil Conservation Service through the local districts has contributed over 90 water supply reservoirs serving almost 500,000 people; 112 reservoirs providing 6.2 million user-days of recreation; as well as many acres of improved wildlife habitat associated with these works. Conservation works are estimated to reduce erosion by an additional 30 million tons each of the last 2 years for a total reduction of 200 million tons below what might have been lost without this work. Drainage systems have been provided for over 1,000,000 acres and irrigation systems for over 250,000 acres.

Of equal significance, expanding suburbs, housing developments, industrial growth, airports, highways, parks, school facilities—the elements of rapid urbanization—are being built upon land that was only a few years ago agricultural land. Though Idaho is basically rural, urban centers such as Boise, Twin Falls, Pocatello, Idaho Falls, Lewiston, and Moscow are growing. Idaho is also experiencing a mushrooming of recreation and vacation-type developments. Basic natural resource data and careful planning are required to guide this growth and development in an orderly fashion.

The real need for SCS programs, however, revolves around the fact that Idaho is a State of small communities and individual farms. As an agriculture State—in fact, agriculture is still developing in many areas of my State—the need and demand for the help offered by soil conservation districts continues to grow.

However, during a time when there is increasing awareness of the need to protect the environment and when we already have an established and proven reservoir of conservationists from SCS projects, this administration advocates the cutting back of Soil Conservation Service funding for fiscal year 1974. The administration proposed in its fiscal year 1974 budget to cut overall Soil Conservation Service programs by $28 million over last year's budget. These proposed cuts are advocated in spite of the fact that soil surveys and other essential data are lagging far behind the need for such information.

Last year, the administration placed manpower ceilings upon the SCS so that personnel were not available to utilize the funds appropriated by the Congress nor was there sufficient manpower to carry out the programs of the SCS. This year, however, the situation is far more serious because of the proposed cutbacks.

In Idaho, the Soil Conservation Service had approximately 240 permanent full-time people in 1966. They have been reduced to approximately 190 people at this time and projected losses due to funding and personnel ceilings will take them down to less than 170 people by the end of fiscal 1974. This means fewer technical people to provide assistance to our soil conservation districts.

The people of Idaho, and I am sure throughout the Nation, are not happy about the prospects of a reduction in an agency so dedicated to helping our people, both rural and urban, make wise use of the land through proven conservation practices. I cannot emphasize enough that the SCS is a showcase of the best team efforts of Government and its people. Landowners themselves make the decisions under SCS programs and the Soil Conservation Service furnishes the technical information necessary to help landowners and operators evaluate their problems and arrive at practical economic solutions.

What the environment needs is not less emphasis on the programs conducted under the Soil Conservation Service—the apparent goal of the administration—but more.

During this past year I have received numerous letters from soil conservation districts throughout Idaho urging that SCS funding be maintained and increased. Bill Clark, legislative chairman of the Idaho Association of Soil Conservation Districts, visited with me earlier this year and brought with him several dozen letters from district chairmen throughout Idaho again urging that SCS receive adequate funding. I would like to read excerpts from some of those letters:

> We certainly agree that federal spending must be cut, but believe deep cuts in going conservation programs is the wrong place to start. We believe foreign aid and military expenditures are far better candidates for the budgetary axe. A re-evaluation of priorities certainly is in order. The importance of a continuing strong national conservation movement which our district organization has provided cannot be over-emphasized. Anything reducing the amount and quality of technical assistance available through USDA agencies certainly will have a detrimental effect on our future district programs. Please do everything you can.

> Soil conservation districts are constantly being given broader areas of responsibility and involvement. Special types of technical assistance are being requested by communities, units of government, state agencies, and groups. The district tries to place these requests on a realistic priority schedule. This is becoming increasingly difficult to achieve with the supply of technicians presently available. It seems we are asked to play the same old game year after year, and it becomes very discouraging and completely unrealistic. That is "Do more with less."

> We are completing our long range program with a new outlook of helping groups and units of government. This is a far reaching program and will require more technical assistance than we are presently able to furnish. We are the pioneers in innovating animal waste pollution control measures. . . .

> But at that we have just barely scratched the surface in what needs to be done. We must find some means of continuing to help the individual farmer or rancher with his pollution problems.

> In summary I will say that no matter which direction we look we see expanding demands for the services of both SCD and SCS personnel. Demands created by an increasing public awareness of the need for soil and water conservation, environmental improvement, and pollution abatement. Demands created by population growth and increased acreages of farmland.

> Couple this with a present shortage of technical personnel and a possible reduction of personnel in the future, and it becomes quite apparent that we cannot continue to meet the demands placed upon our time.

I commend Members of the House and the Senate for their foresight in refusing to accept the President's budget request and for increasing the funding of the SCS. I am hopeful that the funds appropriated will be of sufficient amount to carry forth the beneficial work of the SCS.

Mr. President, I support the efforts of Soil Conservation Districts and I commend the Senate for granting the Soil Conservation Service the funds so vitally needed by soil conservation districts in Idaho and throughout the Nation.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT

Mr. TAFT. Mr. President, the law enforcement education program contained in the Omnibus Crime Control and Safe Streets Act, the Senate voted to extend yesterday, was established to help law enforcement personnel to upgrade their professional capabilities. Unfortunately, section 406 of the act was drafted in such a manner to penalize law enforcement officers who work for more than one law enforcement agency during the 2-year service period required following completion of training funded by this law. For example, under the present interpretation of this section, an individual who takes a course that is paid for under the act and begins work in one law enforcement agency cannot transfer to another law enforcement agency in the 2-year service period without being forced to repay the amount of assistance provided for training. This is an inequitable situation and I do not believe this to be the intent of the authors of this act. Therefore, earlier this year, I submitted a bill, S. 977, to correct this problem. S. 977 would change section 406 of the act (42 U.S.C. 3746) to read "a law enforcement agency" instead of "the law enforcement agency." This change would not restrict an individual from working for more than one law enforcement agency during the 2-year service period and would correct current inequities in the act with regard to section 406.

I am happy to see that the Senate Judiciary Committee, under the leadership of Chairman McCLELLAN and Senator HRUSKA, and the Senate incorporated S. 977 in the bill and would hope that this change will not be disturbed by the conference committee.

MULTINATIONAL CORPORATIONS

Mr. HARTKE. Mr. President, the future role of the United States in the important area of international trade is a major concern facing Congress. Many important questions must be asked and analyzed by all Members in order to obtain an accurate understanding of the situation. Not the least important aspect is the operation of the multinational corporation. Lately, there has been such a blizzard of articles and studies about the multinational firm that it is hard to isolate the relevant facts.

A series of articles recently appearing in the Wall Street Journal serves as a useful source of information. The second article in the series deals with the interrelationship of capital flows and the multinational corporation. It seems that as these international conglomerates invest overseas and acquire huge amounts of foreign currencies, they exaggerate the already declining position of the dollar. This article quotes one representative of a New York bank as saying, matter-of-factly, that "certainly" we speculate against the dollar.

Such unregulated activity should not be tolerated. The Hartke-Burke trade proposal meets this problem head on. The Hartke approach would regulate the exportation of capital abroad from U.S.-based multinational firms. The President would have the authority to regulate the outflow of funds to other countries for private investment by American citizens or corporations whenever he determines that employment in the United States would be decreased by such a capital transaction. Violations of the act or regulations issued under it would be punished by criminal penalties.

Mr. President, I urge all Members to sincerely consider the grave implications facing the U.S. economic system if the multinational corporation remains uncontrolled.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Wall Street Journal, Apr. 19, 1973]

MANY CRITICS CHARGE MULTINATIONAL FIRMS CREATE MONEY CRISES—CORPORATE CURRENCY MOVES ARE CITED BUT COMPANIES CALL TACTICS "DEFENSIVE"—A WARNING TO THE PEASANTS

(By Charles N. Stabler)

LONDON.—They can, and they do, force unwanted changes in the various values of national currencies. They strongly influence interest rates throughout the world. Through a combination of sophistication and sheer size, they often manage to evade governmental economic policies. In fact, in the pantheon of demons plaguing financial markets around the globe, they now have displaced the legendary gnomes of Zurich, the ultrasecretive Swiss bankers, as the chief culprit blamed for recurrent instability and breakdowns.

They are the world's multinational corporations—the giant firms and banks that operate through subsidiaries scattered around the globe. The marketing of their goods and services, in fact, knows few boundaries. They deal in nearly all of the world's currencies.

The multinationals are currently the center of a storm of controversies. Devious political doings, irregular labor practices, unfair competitive strategies—all these and more have been alleged as standard practices of the multinational corporation. But of all the controversies, the most complex concerns the multinationals' highly mobile money. To wit: It is increasingly argued that no nation nor any international monetary system can withstand the multinationals' financial power.

"Much of the funds which flow internationally during (a monetary) crisis doubtlessly is a multinational corporation origin," says a recent, massive study by the U.S. Tariff Commission. The companies don't deny this assertion. But whether they indeed possess the enormous power attributed to them by some of the world's financiers is open to varying opinions.

Nowhere are there more opinions on the subject of multinationals than here in this English capital's financial district, the so-called City of London. Here has traditionally been located the nerve center of what is called the Eurodollar market—that is, dollars on deposit in Europe and therefore beyond the purview of U.S. government control. With the growth of multinationals, this market has vastly diversified to the point that it is more appropriately measured in "Eurocurrency," consisting, say, of Euroyen or Euromarks—a kind of world money that integrates, sometimes to their discomfort, the financial markets of the various nations.

The power to move these deposits among banks in different countries is wielded by a variety of sources, ranging from the central banks of nations to wealthy individuals. But these days, such assets are largely controlled by the multinational banks and corporations. And if the multinationals' power is regarded in some quarters as threatening the world's financial structure, the multinationals themselves, while by no means minimizing their role in world finance, frequently maintain that their monetary maneuvering is purely defensive—an effort, in fact, to play a legitimate business game without being at the mercy of changes in the value of their chips.

PLANNING AHEAD

"The international treasurer must try to avoid a serious economic book loss to the company in dollar terms on account of even small changes in foreign currency values against the dollar," says William F. Ryan, international finance director of one of the great multinationals, Allied Chemical Corp. "To do so, he plans ahead to keep a balanced position in his financial assets and liabilities overseas. For example, if the deutsche mark is a relatively stronger currency against the dollar and the Italian lira is a relatively weaker currency against the dollar and a change in the mark-lira rate is likely, he would prudently aim to increase his mark financial assets and decrease his mark liabilities, while decreasing his lira assets and increasing his lira liabilities."

But if the rationale is obvious—the multinational company offsets its losses in one currency (translated into dollars) with gains from another—so, too, is the result: The weakness of the currency that is dumped is aggravated and the strength of the sought-after currency is enhanced. And while international trade has always involved this process, the growth of multinational corporations in recent years—along with improvements in intercontinental communications—has sent the size and speed of capital flows soaring and, critics say, has consequently accelerated the pace of world monetary crises.

Here in London, Christopher Tugendhat, who represents the City in Parliament (much as if Wall Street had its own Congressman), remarks on a kind of "go-go" fever that has increasingly pervaded the control centers of multinational money management. In a recent book, he points out that when performance-oriented mutual fund managers all follow each other in and out of the same stocks, "upward and downward swings (in prices) are invariably exaggerated." He adds: "In certain circumstances, the same applies to currencies."

A FEW EXCUSES

True, few deny that sometimes the multinationals enter into monetary maneuvering because they simply can't do otherwise—that there is in actuality much to buttress their claims that their moves are defensive. A New York banker, for example, analyzing the genesis of the most recent currency crisis (which resulted in the second devaluation of the dollar) says, "Our big customers (multinational corporations) weren't in it at the start, and they held back quite a while; they thought it would blow over. But as it kept building up, they finally had to step in and protect themselves." (This particular protection involved short sales of borrowed dollars and purchases of Swiss francs, German marks and Japanese yen.)

But despite what they say is their avowed dedication to purely defensive money management, the temptation for multinations to use their financial prowess in speculative ventures is sometimes too great to be suppressed. "Certainly we take uncovered (speculative) positions in currencies," says the representative of a New York bank here in London, "and it can be very profitable."

Considering the size of the multinationals' assets, it isn't surprising that any moves on their part—speculative or otherwise—are greeted with concern, not only in the City and on Wall Street, but in Washington and Whitehall as well. According to the Tariff Commission study, for example, private institutions on the international financial scene controlled some $268 billion in short-term liquid assets at the end of 1971. By comparison, the reserves of the world's major central banks—the foreign exchange holdings that they use to buy or sell currencies to defend against unwanted price changes—come to less than $68 billion. Germany, for example, has about $22 billion in foreign exchange reserves, France has $5 billion, Great Britain $4 billion and Japan $17 billion.

(According to some major banks and corporations, the Tariff Commission figure is unrealistic and thereby distorts the comparison between the wealth of the multinationals and the central banks. Economists at New York's First National City Bank, for example, term the commission's estimate for the corporations "naughty numbers" and say it includes about $138 billion in nonliquid assets and double-counting. But even if this figure were to be subtracted, the multinational treasury would still be more than enough to precipitate a crisis in the event of even slight maneuvering. In the currency crisis that led up to the most recent dollar devaluation, well under $10 billion was sufficient to break down the alignment of exchange rates agreed on 14 months earlier at the Smithsonian Institution and, in fact, to sink the whole monetary system.)

Further enhancing the power of the multinationals is the fact that they can bring about major changes in a nation's balance of payments even without outright transfers of funds. The process is familiarly called "leads and lags," and its effect can be devastating. An example: Great Britain in one recent month had export-and-import payment flows totaling $4.3 billion and a trade deficit of $260 million. If, because of doubts about the pound, British importers hastened payments and exporters respectively delayed collections by 10%—which is well within the realm of possibility—the nation's trade deficit would have widened to $699 million.

A nation can, of course, almost entirely seal its borders against money flows and thereby prevent such swings. The Soviet Union, China and other countries with tight economic controls and currencies that aren't readily convertible are cases in point. But such preventive medicine has its side effects in that investments are blocked and trade is effectively strangled.

How then can national money managers curb speculative, and disruptive, flows of capital while not frightening off wanted investment and trade? In the wake of each recent currency crisis, nations have tried to deal with this dilemma in a variety of ways. France, for example, has a two-tier currency; the price of francs used in trade is supported against some other European currencies, while the price of francs used in internal financial transactions floats in response to market forces. Several other nations now have what might be called negative interest rates on deposits from nonresidents in their banks; the nonresident has to pay the bank to withdraw money.

SKINNING THE CAT

But such controls, money men say, really don't work very well in the long run. "There are too many ways to skin a cat," says a New York foreign exchange dealer. By way of example, he cites the case of a Latin American subsidiary of a large multinational company. The subsidiary was amassing large profits, the dollar value of which was threatened by an almost certain revaluation of the host country's currency. And the country's weak balance of payments, which had precipitated the idea of revaluation, had already caused it to block companies from exporting assets to a safer haven.

The solution: On orders from headquarters, employes throughout the company's worldwide network began to order all their airline tickets through the Latin American subsidiary. This ploy drained away the subsidiary's endangered profits to the tune of about $100,000 a year and served the dual purpose of trimming expenses for the company's other affiliates.

Indeed, multinationals have proved to be exceedingly versatile at outwitting national economic policies. Take the case of a devaluation stemming from a country's desire to curb inflation. Knowing that companies will often try to circumvent devaluation to maintain profit margins by simply raising prices, the move to devalue a currency is often accompanied by price controls. But a clever multinational management, anticipating devaluation, will prior to the devaluation announce an artificially high price for its products, which it then quietly sells at a discount; when devaluation occurs, the company simply eliminates the discount, thereby maintaining its profit margin.

"If necessity is the mother of invention, restrictions must certainly be the father in ingenuity," says Yves-Andre Istel of Kuhn, Loeb & Co. And other observers agree that such ingenuity will continue to triumph, since the benefits of trade and investment among nations are generally too desirable for governments to have them institute more restrictive controls.

"Bureaucrats and governments keep trying to control markets, but history proves they can't," asserts Vilo Vesel, managing director of the Paris-based international arm of Smith, Barney & Co. He adds: "Thomas Aquinas kept warning the peasants they would go to hell if they raised the price of potatoes. But people took the chance and raised the prices anyhow."

In terms of the Eurodollar market, this situation means that efforts to control the market by one nation or a group of nations would simply drive it elsewhere—to the Bahamas, say, or to Zurich or indeed anywhere it could operate free of control. This eventuality isn't lost on the British, whose authorities reject the idea of regulating the Eurodollar by controlling financial intermediaries in London—even though it was through the Eurodollar market that $3 billion flooded into England in a matter of days last year, knocking the pound sterling off its fixed peg and into a float that still continues. The British reasoning, of course, is that any effort to restrict Eurodollar operations would simply deprive London of the business.

(Many nations do control participation by their own residents in the Eurodollar market. But there is no supranational control and there is little confidence such control could ever come about.)

The British have perhaps learned a lesson from what some consider to be a U.S. mistake. A recent study by Rimmer de Vries, international economist of New York's Morgan Guaranty Trust Co., indicates U.S. efforts to shore up the nation's balance of payments by restricting financial outflows "are responsible for the export of the international banking business of U.S. banks.

"The U.S. is the largest industrial country and has the most advanced banking system and the best developed money and capital markets in the world and therefore should be a much more important international financial center than it has been," Mr. de Vries says. "The enormous expansion of international financial activity in the past decade or more has largely bypassed the U.S. because of restraints and regulations." (One major result in order to compete in international markets. U.S. banks have sharply expanded their overseas operations and created 353,000 jobs in the process, all outside the U.S.)

CONSTRUCTIVE FORCE?

In fact, most analysts say the Eurodollar market has more advantages than disadvantages for the world monetary structure. "On balance, most observers would agree that the Eurodollar market has been a major constructive force in the financing of economic growth and expanded international trade," John J. Balles, president of the Federal Reserve Bank of San Francisco, said in a recent analysis.

One advantage, Eurodollar proponents contend, is that the market is an increasingly important source of capital for companies and governments. For example, the investment banking firm of White, Weld & Co. says that last year's new issues of international bonds sold in the Eurodollar market totaled a record $5.66 billion, some $2 billion more than in 1971 and more than double the 1970 figure. The bonds were denominated in 10 different currencies and combinations of currencies, with Eurodollars accounting for $3.2 billion. (Affiliates of U.S. companies borrowed $1.5 billion of the total.)

"The record volume of new-issue activity again amply demonstrated the resilience and adaptability of the international bond market," White Weld says.

If the Eurodollar market is here to stay, is there any ready solution to the multinational corporations' potential for transmitting monetary strains from nation to nation? Apparently not. And the reason, some analysts argue, is that the disruptive problem of short-term capital flows brought on by multinational corporate activity is basically a symptom rather than a cause of world monetary malaise.

"Regulation of the Eurodollar market isn't simply a technical matter but is rather an aspect of the broader problem of international monetary cooperation," says an early study of the question by Donald R. Hodgman, a professor of economics at the University of Illinois. "This in turn merges into the still broader issues of international economic and political cooperation."

WORDS OF WISDOM FROM THE SENATE'S YOUNGEST MEMBER

Mr. GRIFFIN. Mr. President, much has been said and written about the Watergate scandal and how it relates to the Republican Party. Recently the Marquette Mining Journal commented editorially on a speech delivered by the youngest Member of this body, Senator JOSEPH BIDEN, JR., of Delaware.

His words of wisdom are worthy of the attention of all Americans, and I ask unanimous consent that the editorial be printed in the RECORD.

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

NOT PARTY'S FAULT

Clipping one's opponent on the football field is bad enough. What the Watergate conspirators did was like slipping sleeping pills into the other team's water bucket.

In other words, it was an entirely different category of offense from the usual nasty tricks political rivals play on one another.

The homely image of the playing field was suggested by Sen. Joseph R. Biden Jr., Democrat from Delaware, speaking at a recent City Club Forum in Cleveland as a last-minute substitute for one of the many casualties of the Watergate explosion—resigned White House aide John D. Ehrlichman.

"The importance of Watergate is not the bugging of telephones, it is the massive assault on the system," said Biden, "—eliminating the field of contenders and subverting the system.

"If the allegations are true, then those who took part in it crippled the other team before it got on the playing field."

Yet the senator warned his fellow Democrats that it would be morally wrong to blame the Republican party for Watergate. As a party, the Republicans had nothing to do with it.

Not only that, he pointed out, but not one person involved so far is a politician. They are all administrative bureaucrats.

"We are a product of our political system," said Biden. "What holds us together as a nation are not cultural ties as in other countries but political ties. We are able to move forward because of politics. If we bring down a great political party, we bring down our political system."

At 30 years of age, Biden is the nation's youngest senator. He makes more sense than some of the solons who have been in office that long.

THE FUEL OIL SUPPLY PROBLEMS FACING NEW ENGLAND INDEPENDENT MARKETERS AND CONSUMERS

Mr. BROOKE. Mr. President, earlier this week, Mr. Duke R. Ligon, Director of the Office of Oil and Gas of the Department of the Interior, addressed the 12th annual convention of the New England Fuel Institute in Boston. The Institute is an association of 1,143 independent retail and wholesale home heating oil dealers and distributors in the six State region. Its members market nearly 80 percent of the No. 2 fuel oil in New England, as well as substantial quantities of gasoline and No. 6 fuel oil.

Mr. Ligon gave a very frank analysis of the fuel oil supply problems facing New England independent marketers and consumers. His presentation was a

refreshing contrast to the bland, reassuring—and often misleading—statements provided by Federal oil officials in years past. Mr. Ligon made clear that we are facing a difficult period and that additional steps need be taken if we are to avoid a serious fuel oil supply crisis during the coming winter.

As one who has fought for recognition of New England's fuel supply problems for many years, I appreciate the honesty and candor of Mr. Ligon's remarks. I have always felt that the only way to solve New England's supply problem is to face it squarely and I believe Mr. Ligon has done just that.

Mr. President, I ask unanimous consent that Mr. Ligon's address to the New England Fuel Institute be printed in the RECORD.

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

STATEMENT OF DUKE R. LIGON

The Nation is faced with a classic supply/demand problem. The question is: How will we meet energy needs, when we are unable to produce enough fuel domestically?

Your interest centers on gasoline, distillates, and residual fuel in New England and means of meeting demand for these fuels during the coming weeks and months.

Therefore, I will concentrate on these topics, while attempting to place your concerns in perspective with national and international energy relationships.

As we enter the peak months for gasoline usage, a national spotlight has fallen on adequacy of supply.

Gasoline stock levels for pad I–IV (those areas east of the Rockies) measured 182.4 million barrels as of June 15, 1973.

This is down slightly from the previous week, but comparable to inventories last year at this time.

We are encouraged by the building of stocks, however, our concern about gasoline supplies has not diminished.

Demand for gasoline is expected to grow by some 6 percent over last year.

If we continue to run refineries at a high capacity utilization, as we have done in recent weeks, we should be able to meet most gasoline demand, though spot shortages may and are expected to occur.

Let's look more closely at estimates of supply and demand for distillates and residual fuel oil in New England for the coming winter.

In 1972 domestic demand for distillates grew 8.1 percent over demand during 1971.

This year, our forecasts indicate demand will grow by about 13 percent nationwide, with growth in pad I (the east coast) estimated at about 6 percent.

Though the percentage is considerably lower in the northeast, it is important to bear in mind that this area, your area, accounts for about 50 percent of domestic demand for distillates.

In other words, growth in the distillate market will affect you, whether it occurs in your region or not.

Domestic demand for residual fuels in pad I increased 14.6 percent in 1972 over over the 1971 figure.

However, this growth rate can be misleading.

In 1970 people bought resid and stored it.

Then the following year the northeast experienced a mild winter.

In 1972, when the weather was colder and storage not as great, the percentage increase of resid growth rose sharply.

When adjustments are made for these unusual circumstances, we come up with an estimate of a 10 percent growth rate in resid demand for the northeast in 1973.

The nationwide growth rate should be very similar percentagewise.

There are three major factors which will affect fuels supply this winter: inventories, production, and imports.

At present, inventories of number 2 fuel oil are running slightly above the average for the last 3 years at this time of year.

But with the greatly increasing demand, we of course need a broader inventory base from which to work.

During the winter of 1973–74, we expect refinery capacity to approximate 92 percent utilization.

This would mean that domestic production of No. 2 oil would average about 2.7 million barrels per day during the winter in districts I–IV or the area east of the Rockies.

The shortfall in supply between what we produce domestically and what we need; will be made up by imports.

At present, we estimate No. 2 imports of 500,000 b/d will be needed in districts I–IV for the winter season.

This daily average is much higher than in previous winter seasons.

The previous comments are the assumptions about supply and demand we have made.

However, there are many factors which can affect and will affect these estimates.

First, the factors which could have a positive effect.

The new oil import program which lifts volumetric restrictions should make more fuels available.

For all intents and purposes, the quantitative restrictions on No. 2 oil were abolished in January of this year, and those on resid brought into the East Coast, in 1966.

Now, 50,000 barrels per day of No. 2 will be allowed into District I, license fee exempt.

Resid imports amounting to almost 2.9 million barrels per day will be license fee exempt, whereas they were formerly subject to a 5¼¢ per barrel tariff if under 25 degrees API gravity and 10½¢ per barrel if over 25 degrees API gravity.

Quantities of number 2 or resid above these amounts can be imported if a license fee of 15¢ is paid.

This license fee will rise to 20¢ per barrel in November.

Quite frankly I realize that many of you fought for a higher level of license fee exempt No. 2 imports. And from your point of view I cannot blame you for your effort.

At the time the import program was revised, the oil policy committee was under tremendous pressures to recommend to the President specific actions which would benefit individual sectors of the energy industry.

Our goal was to develop an equitable program, and I believe when the program is viewed as a whole, we achieved this goal.

For years, New England has championed programs to lift quantitative restrictions on importation of fuels.

I believe that we accomplished a dual purpose with the new oil import program: we initiated a means of increasing fuels supplies to meet immediate needs, while providing incentive for domestic exploration, production, and refining.

Importantly, the differential between the license fees for crude and finished products should provide the needed incentive to get refining capacity in this country growing once more.

We have provided an atmosphere conducive to expansion of energy supplies.

We are waiting to see the results.

New regulations governing the Oil Import Appeals Board supply a mechanism for easing specific problems.

The Oil Import Appeals Board has been empowered to grant license fee exempt allocations to those experiencing exceptional hardship.

An independent refiner, marketer, or jobber can appeal to the Board with the knowledge that his request will be dealt with on the basis of its merits; the OIAB is no longer bound by quantitative limitations.

But, providing the atmosphere for increasing fuel supplies may not be enough.

I'm afraid we will have to wait until the winter to see if our efforts bear fruit.

However, I believe our actions concerning oil imports were necessary and positive.

They will either lead to adequate supplies or ameliorate shortages, depending on other factors affecting the Nation's energy supply.

Now, what possible contingencies could contribute to heating oil shortages in New England?

First, if natural gas supplies fail to meet levels of demand, oil will be called upon to make up the difference.

As you know, this is the problem we ran into in the midwest this past winter.

In testimony before the cost of living council, the Chairman of the Federal Power Commission said that of the 184 billion cubic feet of gas which was curtailed during November and December of 1972, an estimated 84 billion cubic feet was replaced by fuel oil and 50 billion cubic feet by distillate fuel oil.

Extrapolating these figures and translating these statistics into estimates for the full winter season reveals approximately 20 million barrels of distillate oil was needed to replace curtailed gas volumes during 1972.

Moreover, interruptible customers often turn to fuel oil when there is a shortage of natural gas.

About 18 percent of our natural gas is used by electric utilities and about half of this is "interruptible" service.

Electric utilities have not only had gas supplies curtailed and interrupted but have been virtually unable to obtain new natural gas service.

Thus the gas shortages, coupled with the disqualification of coal for environmental reasons, has increased electric utility demand for fuel oil dramatically.

In 1972, for example, the Bureau of Mines of the Department of the Interior, reported an increase of 26.5 percent in fuel oil used by electric utilities over 1971.

A recent report by the FPC cites that the use of natural gas by 267 electric companies declined from 861 billion cubic feet in the fourth quarter of 1971 to 771 billion cubic feet in the fourth quarter of 1972, whereas fuel oil usage increased from 106 million barrels to 128 million barrels for the same period.

This increase of 240,000 barrels per day occurred during the fourth quarter, the very time when heating oil demand is at its highest.

Additional strains on fuel oil supplies will be encountered if more coal and foreign oil are deemed unuseable due to high sulfur content.

I agree wholeheartedly that primary air quality standards, which relate to human health, must be met.

However, I believe that, in some cases, secondary standards can and must be eased so that more foreign fuel is available for use.

Opening the federal oil import gates will do little good if city and states gates are closed to foreign fuels.

We must seek a balance between environmental goals and societal needs.

The question is, Where are you burning high sulfur fuels and how does this affect the surrounding environment?

High sulfur must be used to supplement low sulfur fuels if we are to meet day-to-day needs.

However, work towards attaining secondary air quality standards must also continue.

While quantitative restrictions on petroleum imports have been lifted, there is still the problem of price.

At present, No. 2 oil delivered to the east

coast from the gulf coast costs about 19.5¢ per gallon.

Caribbean No. 2 costs about 20¢; Persian Gulf, about 20.5¢ and Italian, about 23.1¢.

In other words, prices for finished foreign oils delivered to the east coast are higher than for domestic.

Unless the Cost of Living Council guidelines are modified or clarified concerning the pass through of the cost of foreign oils, these higher prices could be a real deterrent to increased importation.

Cost of Living Council action is vital to both the independent marketer and refiner.

Adding to economic problems of importing oil is the fact that tanker charter rates have increased dramatically during the past month.

This is seasonally atypical, as you well know.

I'm sure you're aware that spot charter rates in the world are at a level of worldscale 258, whereas only one month ago the average was worldscale 166.

This represents an increase of 55 percent in just one month.

At this same time last year, the worldscale rate for spot tanker charters was only 65.

At worldscale 258, it costs more than $3.50 per barrel to move crude oil from the Middle East to the United States.

The present export controls on Canadian finished petroleum products create uncertainty concerning the availability of fuel oil from that area.

In 1972, imports of No. 2 to the east coast were small.

However, a number of refineries in the maritime provinces were being built or expanded with an eye to the U.S. market.

At this time, we do not know whether the Canadian Government will find excess capacity available from these refineries to export to the United States.

The new Canadian ruling does not affect resid.

In sum, if and only if we're able to get rolled in prices for foreign oil and environmental variances, I feel supplies of fuels will probably be adequate for the winter heating season.

Without these measures, New England fuels will be in very tight, if not short supply.

Many people have suggested that more efficient use of energy can spell the difference between adequacy and shortage.

I believe in the value of energy conservation and the need to teach an "energy ethic," to use a term coined by Secretary of the Interior Morton.

I look forward to receiving the recommendations of the new Office of Energy Conservation.

I do not believe that we can realistically expect a large percentage of the population to install better home insulation this year, though that would cut down on heating needs as well as fuel bills.

This goal can be achieved, but it will not be attained overnight.

However, other conservation measures can be accomplished quickly by increasing public awareness of wasteful practices.

Certainly this is a worthy goal.

Some people have asked me what role I foresee for the voluntary petroleum allocation plan.

At present, we are reviewing the program in light of comments received during four days of public hearings.

Undoubtedly the program will be strengthened, however, since we are still analyzing hearing information, it would be premature for me to suggest what specific changes will occur.

Up to this point, I have talked about fuel needs for the coming season.

However, I believe that these must be placed in proper perspective, indicating hopes and problems for the future.

As indicated in the President's second energy message to Congress, this nation needs to be moving out and exploring many energy fronts.

Most immediately, we need to develop those resources which we can use in the near future and that means oil and gas.

United States production of oil and natural gas has been on the decline at a time when the demand for clean, efficient fuels is accelerating.

The lag in production of our natural gas resources is partially due to artificially low prices of interstate sales of gas set by the Federal Power Commission; low prices have discouraged new exploration and development required to provide new reserves and supplies.

To resolve this, the President has proposed legislation which would remove constraints on wellhead prices of new gas supplies for interstate markets.

This course of action would provide incentive for the development of gas production.

At the same time, consumers would be protected against precipitous cost increases because prices on the new gas supplies would be averaged in with the prices of gas that are still regulated.

Also, the Secretary of the Interior Department would be authorized to impose ceilings on new gas prices, if warranted.

In addition to promoting exploration and development in the lower 48, we *must* begin construction of the Alaska pipeline.

The Department of the Interior is confident that oil can be piped from the north slope in a manner that will protect environmental and social values and enhance the Alaskan economy.

The President has urged the Congress to remove present statutory restrictions to construction on the pipeline so that this domestic oil may be brought to American markets at the earliest possible date, if all goes well, sometime in 1977.

The United States geological survey estimated there were 52 billion barrels of identified recoverable resources as of December 31, 1970, and 450 billion additional barrels were classified as undiscovered, but recoverable resources.

At present, offshore areas of the United States alone are estimated to contain 186 billion barrels of crude oil and over 844 trillion cubic feet of natural gas resources, which are recoverable with existing technology.

These amounts represent approximately 40 percent of the Nation's total undiscovered oil and gas reserves and offer promising opportunities since most onshore areas have been explored and developed.

To accelerate exploration and drilling, the President has directed the Interior Department to triple its leasing program, beginning with expanded sales in the Gulf of Mexico, starting in 1974.

By 1985, this accelerated leasing rate could increase annual production by an estimated 1.5 billion barrels of oil or approximately 16 percent of our projected oil requirements for that year and 5 trillion cubic feet of natural gas or approximately 20 percent of expected demand for that year.

One fact remains apparent: if we are to meet near term demands, oil imports will have to grow since efforts to increase domestic exploration, production and refining capacity will not bear fruit for a few years, even under the most propitious circumstances.

Nonetheless the administration hopes that today's actions to increase energy supply will provide the margin of security needed to tide us over until the fast breeder reactor, geothermal steam, solar energy, coal gasification, oil shale, and other new fuel sources come on the scene.

Today, you and I are concerned about the summer, fall, and winter of 1973–74.

But, we as a nation cannot allow our current concerns to blind us to the fact that long-term fuel problems must be resolved concurrently with short-term.

Your alertness and creativeness in dealing with fuel problems can help us live comfortably through the near future.

As always, I welcome your ideas concerning fuels development, allocation, and conservation.

SUPPORT FOR MUTUAL DEVELOPMENT AND COOPERATION ACT OF 1973

Mr. McGEE. Mr. President, our Nation is at a critical pivotal point in its history. There is a growing weariness in the Congress and across the land with our active, but brief, involvement in international affairs. Few will argue that the experience of Indochina has been the major contributing factor to our present sense of frustration and mood of retreat from the affairs of the world.

Our experience as a nation, which was called upon to play a major role in the world some 27 years ago, has cut across a wide spectrum of our national consciousness. The aftermath of World War II presented us with a challenge we accepted with considerable reluctance. Yet, the entire international community realized that mankind could never again be swept into the holocaust of a massive, worldwide, conflagration and ever hope to survive. Thus, the termination of World War II and the establishment of the United Nations brought a euphoria of high hopes that, somehow, we had found that magical formula for peace; that those perplexing pieces to the puzzle of man's relationships with his fellow man would now fit.

We soon discovered, to our dismay, that the world was not tied up in one neat package. Nevertheless, we were determined to find those pieces to the puzzle we suddenly discovered were missing. Now, we stand at the precipice of almost total disillusionment. The traumatic realization that even the United States was capable of making mistakes has called into question our own adequacies as a Nation in dealing with the complexities of the international community. Yet, even as the frustration grew, more pieces to the puzzle were fitting into place. We have seen detente with Soviet Russia and the People's Republic of China—events which we believed to be completely outside the realm of possibility 27 years ago. We have seen a devastated Western Europe and Japan evolve into economic giants, bringing prosperity to millions of people. We have seen the United Nations grow from 50 to 132 nations—nearly to the point of universality. We have seen nearly a billion of the world's population move from colonial to independent status with very little violence. We have made the age-old problems of poverty, disease, hunger, and illiteracy the concerns of the international community. We have seen the respect for the sovereignty of nations

strengthened despite our disappointment that this principle has not been applied universally.

We have seen man evolve to a level where, in spite of his mutual differences, there is an overriding consideration for his common interests. This, perhaps, holds the key to those missing pieces of the puzzle which we have slowly and almost subtlely laid into place. We have traversed the maze of war, hostility, distrust, fear, and other plagues of mankind to the realization we all have much in common; that we must live together because we can never survive in isolation from one another.

Yet, in spite of the distance we have traveled in this brief period of history, we are threatening to retreat. Yes, we have made mistakes along the way. But we have also learned so much. Just as the individual from infancy to death is a product of his experience, so are nations. The United States, as a major element in the international community, was born just 27 years ago. Just as the individual is subject to erring through his infancy, so are we. Just as the individual learns from his mistakes, so must we. Just as the individual should never retreat from responsibility or challenge, neither should we. No matter how tired or frustrated we have become, and no matter how disillusioned we may be, we must rise to the challenges with which all mankind is now confronted. Just as the individual can never return to the protection of the womb, neither can we. We are inextricably tied to the entire world. We will never again find solace in isolation.

Soon, the Senate will be considering the economic development portion of foreign assistance. Hopefully, the focus of our deliberations will be the Mutual Development and Cooperation Act of 1973 introduced by the distinguished Senator from Minnesota (Mr. HUMPHREY) and the distinguished senior Senator from Vermont (Mr. AIKEN)—a measure which I have joined in sponsoring. This measure promises to be an innovative change in the direction of our economic assistance programs. It is a recognition that we have made mistakes in the past, but are willing to rise to the challenge of overcoming our mistakes. There will be attempts to drastically reduce the funding authorizations for economic assistance. The old myth that this is nothing more than a giveaway program will be revived again. We will be confronted with the argument that we cannot afford to contribute to the development of nations less fortunate than our own. The measure will be the object of worn-out rhetoric and simplistic shortsightedness.

Foreign aid has come to be a distortion in our national psyche. Our perceptions, in too many instances, are not relevant to realities. We are not indiscriminately doling out aid. We, as a nation, are making an investment in the present and the future. Our decisions concerning this bill will determine what the world will be like for our children and our children's children. Thus, we must shape with utmost care our contribution to what kind of world we want and what our role in that world will be.

Nearly three-quarters of the world's total population lives in the less developed nations of this planet. These people occupy two-thirds of our land surface, covering vast, untapped natural resources. We cannot achieve our national aspirations for peace and economic prosperity in isolation from these people. The welfare of the United States and all industrialized nations is tied to the welfare of the less developed nations. The future stability and prosperty of the world rests with the ability of the international community to make this planet a better place in which to live for all its inhabitants. Social, economic, and political problems are no longer endemic to nation-states, no matter how rich or how poor.

The economic welfare of this Nation depends upon a increasing flow of goods and services. The less developed nations provide a market of enormous potential for U.S. goods. Last year, these nations accounted for 30 percent of our exports and were the only areas of the world where we enjoyed favorable trade balances. More than $30 billion of United States private capital is invested in these countries. Thus, the development, economic expansion, and welfare of these nations is vital to our own national interests.

The problems of environmental degradation, an unstable international monetary system, trade deficits, natural resource depletion, the population explosion, disease, poverty, hunger, and illiteracy are increasingly dominant factors as to the type of world we live in and will leave to our children. These factors are the root causes of instability. Unless there is broad international cooperation on all these fronts, we will continue to be plagued by war, famine, poverty—all those aspects of our existence which breed waste and carnage and which threaten the very viability of both our species and our planet.

These are the stakes with which we are confronted as we consider whether this Nation will continue a responsible engagement in the world. If we believe we can live in isolation from the problems of the less developed countries, we are making a serious and potentially fatal mistake.

We hold one of the key pieces to the puzzle. Let us not let the opportunity slip from our grasp. We must exercise wisdom and courage in making our decisions as they affect the international community. This is not the time to fall victim to the ploys of ignorance, empty rhetoric, or short-term selfishness. We have the capacity to assault the problems which plague all mankind—problems we ourselves cannot escape by withdrawal from the world community. Let us not fall to our worst and basest instincts.

KROGER CO. RESPONSE TO SURVEY OF SENATE COMMITTEES

Mr. TAFT. Mr. President, the issue of consumerism and corporate responsibility has recently received a great deal of attention in the Congress. This year Senator MAGNUSON, chairman of the Senate Commerce Committee, and Senator Moss, chairman of the Commerce Subcommittee for Consumers, undertook a study of consumer protection activities implemented by various segments of the business community to meet the needs of consumers. Senators MAGNUSON and Moss are to be congratulated for conducting such a project as it is important to obtain a balanced public record on this issue. One of the firms asked to respond to this survey was the Kroger Co., whose executive offices are located in Cincinnati, Ohio. The Kroger Co., and many other fine firms in Ohio, have been quite active in responding to consumer needs and such efforts are to be commended.

I ask unanimous consent that a letter dated May 11, 1973, from the Kroger Co. to Senators MAGNUSON and Moss answering this survey, be printed in the RECORD.

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

THE KROGER CO.,
Cincinnati, Ohio., May 11, 1973.

Hon. WARREN G. MAGNUSON,
Hon. FRANK E. MOSS,
U.S. Senate,
Washington, D.C.

DEAR SENATORS: We are pleased to respond to your invitation to participate in your report, "Initiatives in Corporate Responsibility." We commend you for reaching out in this way to insure that the efforts of business are aired adequately. With the private sector attempting to meet the challenges of greater social responsibility, it is imperative that we communicate and understand together the implications and limits of corporate involvements in solving many of today's problems. Retailers represent the transactions closest to consumers; therefore, our response to consumer and social needs is not only important but critical in demonstrating how business is responding to the greater demands and expectations of the public we serve.

The Kroger Co. is responding to the increased level of expectation from our ever-changing society, and we believe our actions represent sound business practices as well as serving the best interest of promoting and protecting our free market system.

Let us now cite for you some of the actions taken by our company to respond positively to consumerism and other areas of corporate responsibility.

A. CONSUMERISM

1. After testing open dating with the United States Department of Agriculture and the Consumer Research Institute, open dating was implemented on 1,300 perishable and semi-perishable Kroger items. The Kroger open dating utilizes a readable pull date—i.e., June 17—indicating the last day the product should be sold.

2. We first tested unit pricing in Toledo in 1970. In 1972 and 1973, expanded unit pricing experimentation has taken place in two Kroger divisions, Houston and Columbus, covering 155 stores.

3. Ingredient labeling has begun on standardized food items.

4. Ground beef fat disclosure is a new program we are implementing. It insures the content of ground round and ground chuck and includes the posting of signs in the store indicating the fat level in various ground beef products.

5. The National Business Council for Consumer Affairs was created by President Nixon in August of 1971. Kroger Chairman Robert O. Aders was appointed by President Nixon

to serve on the Council and was Vice-Chairman of the Council's Packaging and Labeling Sub-Council. The Sub-Council subsequently adopted "Guiding Principles for Responsible Packaging and Labeling" to be recommended to American industry. The Principles call for open dating, ingredient labeling, and greater disclosure of significant items in processed foods.

6. The consumer's right to know received a boost as a result of Kroger's new bacon package designed to let shoppers see at a glance how much lean there is in bacon. Kroger had its package voluntarily on the market prior to the U.S.D.A. regulations on this subject.

7. Kroger has begun a program of primal meat cut labeling. By the end of this year, Kroger will have this new, more informative meat labeling in all Kroger food stores. With this new label, consumers will be informed of the primal cut as well as the special name of the cut—i.e., Boston roast/beef chuck. This program will enable consumers to know exactly what they are buying.

8. To insure corporate attention to consumer issues, a Consumer Issues Coordinating Committee has been created within the company to assist in the development and implementation of policies designed to aid consumers. The functions of merchandising, buying, quality assurance, manufacturing and public affairs are represented on this internal group. We are using this mechanism to examine policies that should be changed and new policies that should be adopted with the aim of assisting today's shopper to make better, more informed decisions in the marketplace.

B. NUTRITION

1. Kroger initiated and developed a cooperative program with the U.S.D.A. to help train U.S.D.A. nutritional aides. The aides are inner-city residents trained to service approximately 40 families helping those families toward a more nutritional diet through wiser food purchase practices. Eight Kroger divisions have participated in a planned training program where the nutritional aides use Kroger facilities as a laboratory and Kroger personnel participate in the instruction explaining cuts of beef, food care and handling procedures, etc.

2. In January of 1972 Kroger conducted a test of nutritional labeling with the Food and Drug Administration. The test ran for three months in Cincinnati with nutritional labeling information provided on the labels of five items—pork and beans, milk, eggs, peanut butter and bread. We now plan voluntarily to begin nutritional labeling this year.

3. The Kroger Basic Four Cookbook, a book designed to encourage homemakers to plan meals according to good nutritional standards, was published and distributed. To date, 85,000 copies have been distributed.

4. In 1970 Kroger became the first grocer and baker to use white flour enriched with vitamins and minerals in its baked goods. This action followed a recommendation by the White House Conference on Foods, Nutrition and Health.

5. Vitamins such as vitamin C have been added to certain Kroger products such as gelatin.

C. COMMUNITY INVOLVEMENT

Kroger is cooperating with the Hunger Coalition of Cincinnati, an arm of the Southern Christian Leadership Conference. The Coalition operates five breakfast centers in the inner city which feed 600 children a day. Kroger helped with a needed financial contribution and has provided office space, warehousing facilities, a delivery truck and office equipment. Kroger merchandisers are providing help in planning bulk purchases of food products. As a result of the Kroger support, the Coalition is now able to feed up to 2,000 children daily.

D. ENVIRONMENT

1. In 1971 Professor Schuyler Otteson of the University of Indiana was commissioned to undertake an ecology audit of the Kroger Co. Three students were employed full time for the summer to carry out the field work and engage in a general study of environmental problems of Kroger operations or affecting Kroger operations.

2. A program on in-store balers has been adopted. The balers enable Kroger food stores to compact and recycle corrugated paper. In the past, this material was burned in an incinerator. Since 60% of store waste is in corrugated paper materials, the recycling is significant both as a productive use of materials and in minimizing air pollution that results from the incineration.

3. Kroger has joined with others from industry and labor in forming and funding the National Center for Resource Recovery, Inc., in Washington. Kroger President James P. Herring is a member of the Board of Directors of the Center. The objective of the organization is to develop the technology and systems needed for effective and economical disposal and reuse of solid waste materials, thereby helping to solve some of the problems associated with solid waste disposal.

4. We supported the efforts to aid in recycling by identifying recycling collection points in our advertising and actually providing collection points, such as in Memphis, for can and bottle returns and by supporting a student group in Cincinnati known as the Cincinnati Experience whose primary purpose is recycling solid waste materials.

E. MINORITY INTERESTS

1. The Kroger Co. has participated in the National Alliance of Businessmen since 1968. There have been two JOBS contracts—MA-3 and MA-5. In these contracts, we pledged to hire and train a total of 107 minority people.

2. Kroger has cooperated with the National Minority Bank Deposit Program (Capital Formation, Inc.) by expanding our deposits with minority banks. In 1972 new deposits were placed with minority banks in Atlanta, Fort Worth, Dallas, Houston, Detroit and Memphis.

3. In Louisville we have developed a joint program with the Urban League designed to train minority personnel for food store employment. Through this program, we have been able to increase our minority employment.

4. Through organizations such as Cincinnati's Business Resource Center, Kroger employees have given their expertise in the areas of accounting, merchandising, etc., to assist beginning minority enterprises.

F. CHARITABLE CONTRIBUTIONS

The Kroger Company Charitable Trust distributes financial support each year to civic, cultural, welfare and social organizations to assist the communities where we operate in improving the quality of life. Some examples of the 600 yearly contributions are:

Contribution to the Seven Hills Neighborhood House;

Helped underwrite the expense of a theatrical production by the Robert F. Kennedy Theater for Children for 5,000 disadvantaged children in Cincinnati;

Grants to the United Negro College Fund for the past ten years;

Contribution to a Boy Scouts of America Camp Development Plan to build a camp in Arkansas.

The foregoing represents some of the actions we have taken and are taking in recognizing our responsibility to improve both the marketplace and the world in which we live. We are committed to continue fulfilling our corporate responsibility. Toward that end, we have established a Committee on Corporate Responsibility made up of five members of the company's Board of Directors. This Committee serves to insure that matters relating to corporate responsibility receive the highest level of management attention.

We see new standards and seek new directions. We are listening so that our response will contribute to a better company and a better society.

Sincerely,

JAMES P. HERRING,
President.
ROBERT O. ADERS,
Chairman of the Board.

NCIC ADVISORY POLICY BOARD MEMBERS

Mr. MATHIAS. Mr. President, I ask unanimous consent to place in the RECORD the names of the NCIC Advisory Policy Board Members which were provided to me by Clarence Kelley, Director of the FBI, in response to written questions I directed to Director Kelley during his confirmation hearings.

This information supplements the answers that appeared in the RECORD for June 27, 1973.

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

NCIC ADVISORY POLICY BOARD MEMBERS

NORTHEASTERN REGION

Colonel D. B. Kelly, Department of Law and Public Safety, Division of State Police, Box 68, West Trenton, New Jersey 08625.

Mr. William E. Kirwan, Superintendent, New York State Police, Public Security Building 22, State Campus, Albany, New York 12226.

Major Albert F. Kwiatek, Director, Bureau of Technical Services, Pennsylvania State Police, Post Office Box 2771, Harrisburg, Pennsylvania 17120.

Colonel Walter E. Stone, Superintendent, Rhode Island State Police Headquarters, Post Office Box 185, North Scituate, Rhode Island 02857.

Mr. John R. West, Deputy Superintendent, Police Department, 154 Berkley Street, Boston, Massachusetts 02116.

NORTH CENTRAL REGION

Colonel Robert M. Chiaramonte, Superintendent, Ohio State Highway Patrol, Columbus, Ohio 43205.

Mr. Clarence M. Kelley, Chief of Police, Kansas City, Missouri 64106.

Mr. Robert K. Konkle, Superintendent, Indiana State Police, Indiana State Office Building, 100 North Senate Avenue, Indianapolis, Indiana 46204.

Colonel John R. Plants, Director, Department of State Police, 714 South Harrison Road, East Lansing, Michigan 48823.

SOUTHERN REGION

Colonel R. L. Bonar, Superintendent, West Virginia State Police, 725 Jefferson Road, South Charleston, West Virginia 25309.

Captain J. H. Dowling, Communications Bureau, Police Department, 128 Adams Avenue, Memphis, Tennessee 38103.

Dr. Howard M. Livingston, Director, Police Information Network, Department of Justice, 111 East North Street, Raleigh, North Carolina 27602.

Colonel Ray Pope, Director, Department of Public Safety, Post Office Box 1456, Atlanta, Georgia 30301.

Honorable William L. Reed, Commissioner, Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302.

WESTERN REGION

Mr. L. Clark Hand, Superintendent, Idaho State Police, Post Office Box 34, Boise, Idaho 83707.

Mr. O. J. Hawkins, Assistant Director, Identification and Information Branch California Department of Justice, Post Office Box 608, Sacramento, California 95803.

Colonel James J. Hegarty, Director, Arizona Department of Public Safety, Post Office Box 6638, Phoenix, Arizona 85005.

Mr. George P. Tielsch, Chief of Police, Seattle, Washington 98104.

THE HONORABLE DILEMMA

Mr. CRANSTON. Mr. President, I would like to share with my colleagues an article which appeared on May 23, 1973, in the San Diego Evening Tribune. The reporter, Benjamin Shore, discusses cogently the ethical questions involved when members of Congress accept fees and honoraria for speeches and articles. Since all of us face the honorarium dilemma, I believe Mr. Shore's article can be an important contribution to our thinking.

Even though the article is somewhat critical of me, I think it is a good piece. I, for one, have no objection to such criticism; I welcome them. Close press scrutiny of Members of Congress—indeed of everyone in government—is absolutely essential to the health of a free society.

That is not to say that I agree with everything Mr. Shore says. I specifically disagree with Mr. Shore's inference that it is improper for a staff member to help prepare a speech or article for which a fee is paid.

I myself do much of my own work—both writing, editing and rewriting. I also often extemporize substantial portions—sometimes all—of my speeches. But I do not hesitate to use my staff to assist me. I believe this is fully justified from a taxpayer's point of view. After all, it is a basic part of a Senator's job to communicate with the public. And making speeches and writing articles are part of that job.

The speeches I give and the articles I publish are intended to fulfill my responsibility to make my views known to the public. If there is an honorarium—and usually there is none—it is incidental to the purpose for which I give the speech or prepare the article.

I never give a speech simply to get an honorarium.

I never ask for an honorarium.

I have instructed my administrative assistant to discuss speaking fees only if they are voluntarily offered.

I accept an honorarium only if it is a conventional courtesy which the sponsoring organization offers to all its speakers—regardless of who they are.

And the amount of honorarium I accept is only that which the sponsoring organization customarily pays.

In addition, I utilize most of my speeches in more than one way. For example, they often serve as position papers on various subjects—and are thus valuable for responding to constituent inquiries.

In my case, honoraria do not "go into the Member's pocket," to use Mr. Shore's phrase. They go into a special office account I have set up, and they are used to pay expenses—deductible and otherwise—which arise from my being a U.S. Senator. I believe some other Members of the Senate and House follow this practice.

Last year, for example, income from my speeches and articles was used by my office to meet telephone, photocopy, and stationery supply expenses for which Senate allowances are inadequate; for travel to California; for subscriptions, telegrams and other communications which were not official but which are part of my responsibility as a Senator.

Mr. Shore is right on target, however, when he talks about the appearance of a conflict of interest when a Congressman accepts fees from organizations whose members may be affected by legislation passed on by committees on which the Congressman serves.

I know that honoraria do not influence my voting record, one way or the other. But I recognize that it is not easy for everyone else to know that is the case, or to accept my statement to that effect—particularly at a time when the whole fabric of governmental integrity is under such intense public scrutiny.

Personally, I would be delighted to be able to refuse all honoraria and fees, and thus eliminate every shadow of doubt about the effect of honoraria. But to do so under present circumstances would badly cripple my ability to do my job. Existing limitations on office and staff funding force me to choose from among only three alternatives:

First. To handicap severely my efforts to be as effective as I possibly can as a Senator, by cutting off a source of funds I presently depend upon to pay for important parts of my work.

Second. To go deeply into personal debt by meeting these expenses out of pocket.

Third. To accept under rigidly controlled conditions these fees and honoraria.

None of these three is by any means wholly desirable. Of the three, however, I feel that accepting honoraria is the least undesirable, since it will best enable me to serve my constituents.

I agree with half of Mr. Shore's solution that Senators should "have the courage to raise their salaries and allowances, thus eliminating the need to accept speaking and writing fees."

I do not favor an increase in congressional salaries at a time when Congress should be setting a frugal example in the fight against inflation.

But I do agree that we need increases in Senatorial allowances—most of which I find are inadequate to meet the legitimate demands and expectations of my California constituencies.

Fortunately, the funding of Senate offices has improved significantly in recent years, thanks largely to the suggestions of a number of Senators still in their first 6 year term, who have been operating under the leadership of our distinguished colleague from Texas (Senator BENTSEN).

An extremely helpful change last year was to consolidate into a single account allowances for items such as travel, telephone and telegraph, stationery, and home offices. This consolidation enabled Senators to establish individual priorities in their office budgeting, and to transfer money from one account where they may have a surplus into another where they may have a deficit.

This year, we first term Senators have proposed increasing the clerk-hire allowance. We have also requested that we be allowed to carry forward unused clerk-hire funds from 1 month to the next, on a yearly basis.

These are but two of a number of improvements still sorely needed to correct an unbusinesslike patchwork of antiquated procedures for operating a Senator's office.

I'm confident that the current momentum for congressional reform will get us to the point—in the near future—where a Senator's activities will be adequately financed. At that point, honoraria can and should become an unmourned relic of our political history.

Mr. President, I ask unanimous consent that those portions of Mr. Shore's column relevant to my discussion be printed in the RECORD.

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

A LITTLE QUESTION OF ETHICS—THE MOONLIGHTING, SPEECH-MAKING SOLONS

(By Benjamin Shore)

WASHINGTON.—Each year around this time, senators are required to file reports with the Senate indicating how much money they received during the previous year for giving speeches and writing articles outside the Congress.

Representatives file reports on their sources of outside income also, but amounts of money received need not be disclosed under House rules.

The common practice of members of Congress taking money for speeches and articles raises serious questions of ethics.

First of all, the work almost always is done not by the senator or representative himself but by a staff assistant who is on the public payroll and who often draws on research performed by a congressional committee staff or the Library of Congress, also paid for by the public.

Second, the fees, which commonly run in the $500 to $1,500 range, but which have been reported as high as $5,000 for one speech, go into the members' pockets and are taxed as personal income.

For example, Sen. Alan Cranston, D-Calif., sold an article to the Los Angeles Times last year for $750. It was written by his California-based assistant who relied on research performed earlier in the year by the senator's Washington staff as it drafted legislation on the same subject.

Another question of ethics arises from the fact that many of the lucrative speaking engagements are offered by business and industry interests to senators and representative who, through their congressional committee assignments, have jurisdiction over legislation affecting those segments of the business world.

Since corporations are prohibited by the Corrupt Practices Act from making direct contributions to the campaigns of candidates for federal office, many find the payment of speaking fees to incumbents seeking re-election to be a slick way around the law.

Some corporations and business associations clearly are looking for experts to address their executives and members, and this is one of the defenses raised by members of Congress. But why do the legislative experts from the Congress feel it necessary to flout ethics by accepting money beyond expenses?

Cranston, for example, sits on the Senate Banking Committee which handles legislation dealing with banking and credit laws. Among his 1972 speaking engagements were Bank of America executives ($500), the Mortgage Bankers Association ($1,000), and the California and America Retailers Associations together ($2,000).

Senators more than representatives, and especially senators from large states, find they need extra money for the extra expenses of operating their Washington and state offices. There are Senate allowances for staff, equipment and travel to their home states, but many senators find they need more money to meet constituent demands for service.

But the nagging question is why don't the senators have the courage to raise their salaries and allowances, thus eliminating the need to accept speaking and writing fees?

White House and other executive branch employes are not allowed to accept anything more than expenses to give a speech or to write an article. And the judicial branch, which saw Supreme Court Justice Abe Fortas resign over a $15,000 fee for a series of college lectures, operates under a canon of ethics which permits the acceptance of lecture and writing fees only as long as they do not "interfere with the due performance of judicial duties . . ." This is intended to rule out any hint of conflict of interest, a concern not shared by many members of Congress.

ADDRESS BY SENATOR TAFT BEFORE METROPOLITAN HOSPITAL ASSOCIATION EXECUTIVES

Mr. TAFT. Mr. President, I recently had the pleasure of addressing a group of hospital administrators and executives from various sections of the country on the issue of extension of the National Labor Relations Act to nonprofit hospitals. I found this issue of great interest to the hospital administrators in attendance at the meeting as a genuine concern was expressed with regard to the ability of hospitals to provide uninterrupted patient care if the NRRA is extended to nonprofit hospitals.

Hearings have been completed in the other body and are scheduled to be held later this year in the Senate Labor Subcommittee. I am quite hopeful that as a result of these deliberations a thorough and extensive review of this matter can be obtained and would urge my colleagues to carefully follow any developments in this area.

Members of Congress must be aware that this is not a labor management relations issue per se, as hospitals are not factories or retail establishments, and patients are not material or merchandise. Hospitals are for human beings and any legislation enacted by the Congress must take this fact into account.

I ask unanimous consent that the text of my remarks before the Metropolitan Hospital Association Executives in Washington, D.C., on June 19, 1973, be printed in the RECORD.

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

REMARKS OF SENATOR ROBERT TAFT, JR., BEFORE THE METROPOLITAN HOSPITAL ASSOCIATION EXECUTIVES, WASHINGTON, D.C., JUNE 19, 1973

Last year, as many of you may recall, the House passed a bill, H.R. 11357, introduced by Congressman Thompson of New Jersey, and supported by Congressman Ashbrook of Ohio, which would have extended coverage of the National Labor Relations Act to nonprofit hospitals. There was little discussion in the House on this issue, and the bill passed by a three-to-one vote of 285–95.

The bill then was forwarded to the Senate for consideration by the Labor and Public Welfare Committee, of which I am a member. The Senate Labor Subcommittee, under the Chairmanship of Senator Williams of New Jersey, had scheduled only a half day of hearings on this issue, and intended to report the bill to the Senate and obtain prompt floor action.

After listening to the brief testimony presented that first day, I asked for another day of hearings, as it became very apparent to me that there were many unanswered questions regarding the possible effects of such a proposal.

Many of the questions I raised at the second day of hearings were not answered, and due to the late date in the session, the committee took no further action on the House-passed bill.

This year, Congressmen Thompson and Ashbrook have co-sponsored an identical bill in the House, H.R. 1236, providing for a straight extension of the NLRA to nonprofit hospitals. Hearings were held earlier this year on their proposal and it currently is awaiting action in the special labor subcommittee of the House Education and Labor Committee.

Legislation that would provide a similar extension of the Act to non-profit hospitals, S. 794, has also been introduced in the Senate this session by Senators Cranston of California and Javits of New York. Hearings are scheduled to be held on July 17th and 18th in the Senate Labor Subcommittee, with Senator Cranston chairing the hearings.

Supporters of legislation extending the National Labor Relations Act to non-profit hospitals argue that certainly there is no harm in extending the Act. In fact, many advocates of this proposal wonder how I can question the wisdom of extending an Act that my father helped author.

In examining the legislative history of the NLRA, however, it is apparent that the Senate Labor Committee in 1947 did not believe that hospitals would be considered a part of interstate commerce and, therefore, were not subject to coverage under the Act.

Further, to insure that eleemosynary institutions were not covered by the Act, specific language was adopted on the Senate floor and accepted by the House to exclude such institutions.

Today, however, the pressures for extending coverage of the Act are great, as hospital labor organizations, their supporters in Congress, and state hospital organizations having inadequate laws, are intensifying their efforts for extension of this coverage.

The basic thrust of their argument is that a reasonable procedure should be established whereby labor disputes in hospitals can be rationally settled, especially with respect to recognition requests.

These groups suggest that the National Labor Relations Act provides this rational framework, and they point to the experience of the profit-oriented hospitals which are currently covered by the Act. The argument runs that no major catastrophes have occurred in these institutions with regard to labor management problems and, therefore, an extension of the Act to eleemosynary institutions is desirable.

I would disagree with such reasoning, as profit-oriented hospitals have not been without their problems in the labor field. Moreover, such hospitals are a very small percentage of the total hospital care picture in this country and do not represent an accurate sampling.

Additionally, I would suggest that many states have recognized the need for providing specific protections for hospitals and their patients by enacting laws restricting work stoppages.

The practical and moral obligation of providing continued health care and services, which I believe both management and labor must assume, is but one of the issues, however, that must be considered with regard to this question. One must also examine the legal and economic questions involved.

If a hospital is suddenly faced with a work stoppage and forced to function with limited personnel, numerous malpractice suits may result. As administrators of hospitals, you are certainly aware of the legal problems that face hospitals, even when they are fully staffed. One solution with respect to this matter was recently conveyed to me from the West Coast.

A work stoppage had occurred and the union involved was required under their contract to furnish limited numbers of employees to provide essential services during the strike. The hospital administration gladly accepted such employees, with the proviso that each sign forms, stating that he or she would assume legal liability if any malpractice action was brought against the hospital for services performed during their tenure of service. The employees refused to sign, and the union was faced with the position of breaking the contract. The hospital administrator received a phone call within hours from the union's attorney stating that negotiations would resume immediately. Surprisingly enough, the work stoppage was resolved very shortly thereafter.

The issue of increased medical costs as a result of extension of the Act must also be focused upon. I am sure that all of you are aware of the ever increasing expense involved in providing hospital care and treatment. If reasonable efforts are to be made in controlling such expense, cooperation must be obtained by all parties as economic controls alone are not the answer. Organized labor must be prepared to fully cooperate in this effort, if they are to become an integral part of the nation's health care system.

I believe those people advocating extension of the National Labor Relations Act to non-profit hospitals must be prepared to respond to these issues and propose or support amendments to the Act that would give hospitals and their patients adequate protection.

Various proposals have been advanced and I am not yet convinced which approach is most acceptable.

At the minimum, however, I believe a solution should insure that safeguards be established whereby hospitals would be given adequate notice of work stoppages so patients can be properly provided for.

Further, such a solution must contain provisions for emergency injunctive relief, and procedures for requiring parties to bargain over their differences.

I am encouraged that the Administration is reconsidering their position of last year of supporting a straight extension of the Act. My staff has held extensive meetings with the Department of Labor and, hopefully, their proposal will be sounder this year.

Regardless of the Administration's position, however, it is important that your association and others affiliated with you, such as the American Hospital Association, take a strong stand on this issue.

It is important to convey to the Members of Congress that hospitals are not factories or retail establishments, and patients are not raw material or merchandise.

Hospitals are for human beings and any legislation enacted by Congress should take this fact into account.

In summary, I think opponents of legislation to include non-profit hospitals under the NLRA must be realistic, and understand that prospects for passage of a bill along these lines during the 93rd Congress are much greater than they were last year.

My suggestion, therefore, would be to concentrate on informing your Senators and Representatives in Congress of the urgent need to include in any such legislation, adequate safeguards for the public—to protect the continuity of hospital care against the very real dangers of interruptions in patient services resulting from strikes, picketing, and bargaining impasses.

By taking a positive approach to this issue—offering constructive proposals to help assure continuity of patient care, require sufficient notice of work stoppages, put reasonable limits on the number of bargaining units, develop expedited means of obtaining emergency injunctive relief, and provide effective impasse resolution procedures—you will be recognizing the realities of the situation on Capitol Hill this year, and at the same time, be making a genuine and valuable contribution to whatever legislation may ultimately be adopted by the Congress.

THE GENOCIDE CONVENTION AND THE SETTLEMENT OF DISPUTES

Mr. PROXMIRE. Mr. President, article IX of the Genocide Convention deals with the manner in which disputes between two or more signatories are handled:

> Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

Provisions comparable to this passage are included in many treaties of which the United States is a party; for example, the Japanese Peace Treaty and the Antarctic Treaty.

There are several countries, most prominently Communist nations, that have ratified the Genocide Convention with the stipulation that they do not consider themselves obligated to abide by article IX. The United States is expected to follow suit:

Thus it is difficult to understand the fear that a "dying" court would suddenly play a major role in genocide affairs. So far, no disputes have been brought to the International Court of Justice at The Hague dealing with violations of the Genocide Convention. Actually, few cases at all have been taken there. This should not imply, of course, that the United States could never be involved in such a case; but if a charge should be brought before the Court, it would be dealt with there and be carried no further. Moreover, it should be pointed out that the Court has no enforcement powers, nor can individuals or groups bring a case before the World Court. Only states that are party to the Court's statute may do so.

Therefore, article IX should present no barrier to the ratification of the Genocide Convention. The time for positive action on the part of the United States is now.

THE AMATEUR ATHLETIC ACT

Mr. PEARSON. Mr. President, the Commerce Committee has ordered legislation to be reported to the Senate which will lead to a constructive and timely resolution of the major problems confronting amateur sports in the United States. The bill, which I have cosponsored, is the result of an arduous committee investigation of the amateur sports establishment in this country as well as independent studies conducted by myself, and Senators TUNNEY, COOK, GRAVEL, and THURMOND.

I would like at this point to commend my colleagues who have devoted much time and attention to the problems confronting the administration of amateur sports. We have worked in a bipartisan spirit to bring to the Senate legislation designed to resolve these problems and meet the needs of today's athletes.

Mr. President, those of us who participated in the hearings on amateur sports held last May agreed from the start that the never-ending feuding between the major sports governing bodies has not been in the best interests of the Nation's athletes who have, in spite of such feuds, achieved phenomenal success both domestically and internationally. Nor were such confrontations in the best interests of the sports public, which has supported the development of amateur sports over the years. It has long been evident that the major sports governing bodies have failed to recognize their obligations to athletes, sports, and the American people. In a world which has become increasingly aware of the interdependence of societies and individuals, the hierarchy of amateur sports has remained aloof, isolated, and unresponsive to the desires of those they are meant to serve.

It is possible that we may never have realized the import of these failures had we not been subjected to the series of blunders which occurred during last year's Olympic games. As millions watched in Munich and around the world, our basketball team lost in the finals of its competition, because U.S. officials failed to follow through in attempts to correct a patently unjustifiable decision by a referee in the contest; an American swimmer was stripped of his gold medal, because U.S. officials failed to inform the proper authorities that the drug he was taking was prescribed by a doctor to correct an asthmatic condition; and two of our best sprinters missed their races, because the coach failed to notify them of the proper starting time.

Mr. President, I have no doubt that most Americans will accept graciously the defeat of their favorite in athletic competition, provided the event was conducted according to the rules and provided the promoter afforded every opportunity for each competitor to produce his or her best effort. However, no fair minded individual can tolerate a defeat which results from mismanagement or other administrative failure. Unfortunately, it is becoming increasingly clear that U.S. athletes are being penalized by the sports bureaucracies who fail to understand their needs and who fail to act in their best interests.

Accordingly we have acted to bring about a basic restructuring of the present sports establishment, one which we feel will bring needed reforms to amateur sports both on the domsetic and international levels. Additionally, we have done so without injecting the Federal Government in the day-to-day activities of the governing organizations and without destroying any of what is good in the administration of domestic competition.

Mr. President, our bill provides reform in three basic areas. First, it will fundamentally reorganize the U.S. Olympic Committee and improve the methods by which athletes are chosen to represent the Nation in the Olympic games. Second, it provides a premanent solution to the longstanding feud between the AAU and the NCAA. Finally, it provides seed money for the development of amateur sports at the grassroots level.

To implement these reforms, we have agreed to the creation of a U.S. Amateur Sports Board, composed of five members and including one amateur athlete. Each board member will sit for a term of 4 years. This board will award charters to groups designated as U.S. sports associations. Each association will then become the domestic governing body for as many as three sports in which there is international competition. However, it is intended in this legislation that domestic control will be limited to competition in which athletes affiliated with more than one sports organization—such as the NCAA or AAU—are involved.

An additional responsibility of a chartered sports association will be to represent the United States internationally and to represent its sport or sports on the U.S. Olympic Committee. However, the charter will be awarded only if the applicant organization is capable of gaining the recognition of the appropriate international sports federation.

In order to insure that the best qualified applicants attain the status of charter holder, this bill provides that each charter will expire after a 4-year term, following the conclusion of the Olympic games for those sports in which there is Olympic competition. For those sports in which there is no Olympic competition, the charter shall expire on the year following the conclusion of the summer and winter Olympic games.

In order to receive a charter, a prospective sports association must comply with the following requirements:

It must be able to show that no less than 20 percent of its voting membership is composed of athletes competing in its sport or sports;

It must demonstrate that its membership is not dominated by one particular group and that its officers are not holding similar positions in another sports association;

It must be willing to develop its sport or sports on a national basis;

It must be prepared to sanction any event in which athletes affiliated with more than one sports organization are competing, provided the promoter has

met certain conditions outlined in the legislation.

It is of paramount importance that the sports associations be responsive to the athletes they represent and the public they serve, because international rules require that those organizations which are the recognized national governing bodies must control the majority of the voting power on national Olympic committees. If these organizations are held accountable for their actions, it stands to reason that the U.S. Olympic Committee will also become more responsive to public pressures and demands for change.

But in recognition of the fact that other problems exist in the administration of the U.S. Olympic Committee, our bill mandates the creation of a commission appointed by the board to conduct an investigation of the USOC and to determine whether further changes in the selection and management of Olympic teams are necessary. This proposal is similar to legislation offered by Senator TUNNEY in the last Congress, which was approved by the Senate but which failed to receive full congressional approval. I applaud his initiative in this regard, and I believe a thorough review of the USOC is necessary to eliminate the threat of U.S. mismanagement in future Olympic games.

Mr. President, the bill reported from the committee contains other worthy provisions which I fully support. Senator COOK, who has contributed much to the development of this legislation, proposed language which was adopted by the committee authorizing the board to act as a clearinghouse for the collection and dissemination of information related to athletic facilities and sports safety and health. Additionally, the legislation provides for mediation in the event a dispute between a U.S. sports association, another sports body, or an individual athlete develops. Language is also in the bill designed to encourage participation of all athletes in any competition sanctioned by a U.S. sports association, regardless of their affiliation to any sports organization.

Finally, Mr. President, we have included in the bill a proposal initially offered by Senators GRAVEL and THURMOND, creating a quasi-public foundation to foster the development of athletics at the grassroots level. This foundation, financed equally by the private sector and by a one-time, Federal payment of $50 million, can be utilized in a number of worthwhile ways, including the encouragement of participation in sports, the construction or modernization of athletic facilities, and the advancement of knowledge in all aspects of sports and physical recreation.

Mr. President, I have been involved with attempts by Congress to resolve the major obstacles confronting the administration of amateur athletics for a number of years. In spite of the best efforts of Members of Congress, the late Gen. Douglas MacArthur, President Kennedy, and numerous other distinguished Americans, the problems still remain. In all that time, I have seen no substantive change in the attitude of the major sport bureaucracies. Although I regret the Federal Government must take these steps, I have no confidence that there will be a voluntary solution to the problems we have attempted to resolve in our bill.

In spite of my reservations, I am hopeful that enactment of our legislation will inaugurate a new era in the history of U.S. amateur sports. I believe it will bring all factions of the U.S. amateur sports world together in a manner which cannot help, but foster better programs of development for the Nation's athletes. The influx of new moneys into currently existing or proposed development programs will help enrich the lives of our youth regardless of their educational, social, or economic background. Finally, the legislation we propose will guarantee that only those associations supported by athletes, administrators, and the Government can control their respective sports and represent the United States in the Olympics and other worldwide events. I am hopeful, Mr. President, that the Congress will approve this bill at an early date.

THE URGENT NEED FOR A U.S. PASSPORT SERVICE

Mr. HUMPHREY. Mr. President, on March 26, 1973, I introduced a bill, S. 1363, to provide for the establishment of a U.S. Passport Service within the Department of State and to provide for a passport service fund to finance its operations.

To those who are familiar with the passport operation, the need for legislation of this nature is obvious. Indeed, the need has been obvious since I first introduced a similar bill in 1956.

The demand for passports by Americans has grown rapidly and consistently over the last 20 years. 373,729 passports were issued and renewed in 1952. In 1972 the Passport Office issued 2,605,321 passports, an increase of almost 600 percent.

The Passport Office has grown into a big business operation requiring business type methods and financing to provide a service to the American public. The American people pay for this service.

New methods and new systems involving automation and requiring more technically oriented employees must be planned, studied and implemented. As I mentioned when I introduced S. 1363, I was involved as a member of the Government Operations Committee in modernizing and updating the then antiquated system for issuing passports.

Today through lack of foresight and proper support from the Department of State, the system which evolved in 1956 has itself become inadequate to meet the ever-growing demand of the American public for passports.

As I mentioned previously, the State Department has attempted to meet the needs of the public with Post Office acceptance facilities and shift operations, but these are temporary stopgap measures jury rigged to meet a situation already out of hand. They have not and obviously can not solve the long-range problems of the Passport Office.

The Passport Office has initiated a comprehensive study performed by a private contractor to improve its operations. Hopefully, this study will produce some long-range solutions, but it is a fact that no matter how sound these solutions may be, they cannot be brought to maturity unless they are spawned in a favorable administrative and financial climate. History records that the State Department has not been inclined to provide this favorable climate. On the contrary it has demonstrated unusual speed in objecting to every piece of legislation designed to upgrade the Passport Office and to give recognition to its important and ever-increasing role in servicing U.S. citizen travelers.

The service fund provided in my bill would permit the U.S. Passport Service to use a portion of the fees it collects and returns each year to the Treasury to finance an efficient and modern public service and provide for continuous updating and improvement of its operations. The service fund provides for a controlled business-type budget, a business-type accounting system, audits by GAO with periodic reports to the President and Congress.

In short my bill both organizationally and financially provides for a business-type organization to run a big business operation. The need for this kind of measure is long overdue and therefore urgent.

My bill, S. 1363, was referred to the Committee on Foreign Relations. I urge members on that committee not only to act on my bill, but to report it favorably to the floor of the Senate, where I am sure it will receive widespread support. Such constructive action would preclude the yearly crises which have developed in the Passport Office as a result of lack of administrative support within the Department of State.

Time passes with the winged feet of Mercury. I have never urged hasty or ill-considered action, but the basic proposals of my bill were germinated back in 1956. Year after year similar bills have been thwarted by unsubstantiated objections from the Department of State.

Mr. President, I would like to add that the Passport Office, under the very able leadership of Miss Frances G. Knight, has developed an excellent reputation for outstanding and efficient service to the public. It is time now to recognize that if this quality of service is to be maintained, we must establish a new U.S. Passport Service.

RELEASE OF FUNDS FOR SUMMER JOBS PROGRAM OF NEIGHBORHOOD YOUTH CORPS

Mr. JAVITS. Mr. President, this past Wednesday, June 27, 13 other Senators joined with me in a statement calling upon the administration to release funds for the Neighborhood Youth Corps summer job program in time for use this summer. Joining in were Senators ABOUREZK, BEALL, BURDICK, CRANSTON, HATHAWAY, HART, HUGHES, HUMPHREY, KENNEDY, MONDALE, NELSON, PELL, TUNNEY, and WILLIAMS.

Our request related to $256.5 million

previously appropriated by the Congress for the Neighborhood Youth Corps summer job program and as to which the Congress had referred the administration's requests for rescission and amendment. Of that sum $239.2 million was appropriated under the authority of the Economic Opportunity Act in the Supplemental Appropriations Act, 1973, Public Law 92–607, signed by the President on October 31, 1972, and the remainder, $17.3 million was appropriated under the authority of the Manpower Development and Training Act of 1962 in the Continuing Appropriations Act, Public Law 93–9, signed into law on March 9, 1972.

We indicated that these funds would provide 607,827 9-week opportunities for poor youth in our inner-cities and other areas—even then somewhat below last year's level—411,164 short of the number the U.S. Conference of Mayors-National League of Cities documented earlier this year as the minimum necessary which they could effectively place—and 1,193,-173 short of the number needed for the 1.7 million poor youth which the Department of Labor itself estimates may be out of school and out of work this summer.

In our statement, we said that the denial by both Houses of the administration's requests for rescission—not to spend these funds—is equivalent to a direction to spend them and the administration should do so now so that poor youth will have constructive alternatives to a summer of sheer restlessness.

Mr. President, yesterday our position was essentially sustained by Judge Leonard I. Garth for the District Court for New Jersey, Newark in the case of Community Action Programs Executive Directors Association of New Jersey, Inc., the New Jersey Neighborhood Youth Corps Directors Association, Mary Ann Weston, Yvette Youth, et al. against Roy L. Ash, Director of the Office of Management and Budget, Peter J. Brennan, Secretary of the Department of Labor, William Kolberg, Assistant Secretary of Manpower of the Department of Labor, and Howard Phillips, former Acting Director of the Office of Economic Opportunity.

The court ordered that the defendants make available by 10 a.m., Saturday, June 30, 1973, $239.2 million for the Neighborhood Youth Corps job program for this summer. Questions were raised with respect to the $17.3 million where that element was not clearly identified under the original authorizing and appropriating legislation and the court decided not to provide relief with respect to that element.

The court also ordered the defendant Ash to insure that the funds do not revert to the Treasury after June 30. It is my understanding that the defendants may seek to obtain a "stay," pending an appeal to the circuit court, of the district court's order that funds be obligated by Saturday; in that event, the order against the defendant Ash, preventing reversion of funds to the Treasury, would remain in force.

Mr. President, the district court's decision constitutes a victory for the cities in their struggle for recognition by the Federal Government of their needs. It has been a lengthy fight beginning on February 20, when 26 Senators and I wrote the President and continuing to date. I am most gratified to report at this time a success in this area—a victory for the will of the Congress and for poor youth in our inner cities, as well as the State and local governments which are attempting to meet their needs.

I ask unanimous consent that there be printed in the RECORD the following: A copy of a letter to the President dated June 21 signed by myself and a bipartisan group of Senators urging release of funds; the statement made on June 28 by 13 Senators and me calling on the administration to release funds, and an article from the New York Times dated June 29, 1973.

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

[From the New York Times, June 29, 1973]

JUDGE ORDERS U.S. FUNDS RELEASED FOR YOUTH CORPS

(By Martin Gansberg)

A Federal judge in Newark ordered the United States Department of Labor yesterday to release $239-million budgeted nationwide for the Neighborhood Youth Corps summer program.

Judge Leonard I. Garth of the District Court said that the funds must be released no later than 10 A.M. tomorrow and ordered the Office of Management and Budget to refrain from taking any steps that would allow the funds to revert to the United States Treasury. Funds not spent before the end of the fiscal year—midnight of June 30—revert to the treasury.

"There is no doubt it was the unequivocal intention of Congress that the amount be appropriated," Judge Garth said in an oral decision after a five-hour hearing. "This is no raid on the public treasury. It is just action required to release appropriated funds."

President Nixon requested Congress last year to allocate $256.5-million for summer youth jobs, with the funds to be disbursed through the Neighborhood Youth Corps. Congress made the appropriation, and it reaffirmed the allocation last June 19 by rejecting a Government rescission request.

Since the original request, however, the President imposed his spending ceiling, $250-billion for the current fiscal year, in order to control inflation without a tax increase. One of the allocations held up, but not impounded, was the money for the Neighborhood Youth Corps.

The suit leading to Judge Garth's ruling was filed by 22 Community Action Program directors in New Jersey and two girls who had been promised jobs this summer, Mary Ann Weston, 16 years old, and Yvette Young, 19, both of Neptune, N.J.

The New Jersey agencies provided jobs for 11,591 youths last year after an allocation of $3.3-million.

Earlier in the day, before the ruling by Judge Garth, Mayor Lindsay sent a telegram to Administration leaders in Washington urging that the Youth Corps funds be distributed.

"Those funds are urgently needed," the Mayor said. "In New York City alone we could use 77,500 summer job slots for our young people, many of whom face neighborhood unemployment levels of up to 40 per cent."

Last year, funds from the Neighborhood Youth Corps provided jobs for 50,000 youngsters in New York on an allocation of almost $20-million. Across the nation, the money was expected to provide jobs for 609,-300 youths this summer, through 930 organizations.

The Youth Corps is a nine-year-old program that provides summer employment for disadvantaged youths. The jobs usually are in public agencies or nonprofit organizations and are service-oriented. Many of the youths work in parks, recreational activities or with hospitals.

GOVERNMENT TO APPEAL

The money is allocated by the Department of Labor to agencies in municipalities throughout the nation. A spokesman for the department in Washington said yesterday that the $239-million "wasn't spent yet because we just haven't had time to spend the money." He said that the Government would appeal Judge Garth's decision.

In issuing his order, Judge Garth declared that the refusal to release the funds "has been activity outside the statutory limits."

The attorney for the plaintiffs, David H. Ben-Asher of East Orange, said the New Jersey Community Action Program Directors Association had decided to file suit last week at the urging of Senator Harrison A. Williams Jr., Democrat of New Jersey.

$380-MILLION IS FROZEN

WASHINGTON, June 28.—A United States District Court judge today ordered frozen $380.4-million in Federal education funds previously impounded by the Nixon Administration.

Today's action by Judge Joseph C. Waddy prevents the money, more than 14 per cent of the education funds appropriated by Congress, from reverting to the Treasury on Saturday, the end of the fiscal year.

The order comes as a result of a suit filed June 8 by Pennsylvania. In the suit, which has since been joined by eight other states, the court was asked to allow the allocation of the funds for eight different education programs.

While the decision does not release any funds, the judge ordered the freeze because the states "have demonstrated a substantial likelihood of success on the merits" of the case.

Edmund Kitch, a lawyer for the Justice Department, said that today's decision would allow the impoundment issue to be argued in the courts.

U.S. SENATE,
Washington, D.C., June 20, 1973.

DEAR MR. PRESIDENT: We urge that the Administartion begin immediately, in accordance with Congressional intent, to release and obligate in time for use this summer at least the $256,503,000 previously appropriated by the Congress for the Neighborhood Youth Corps summer job program to provide 607,827 work experience opportunities for poor youth fourteen to twenty-one years of age.

This aggregate amount was originally requested by the Administration for fiscal year 1973 and appropriated by the Congress in the Supplemental Appropriations Act (P.L. 92–607), which you signed on October 31, 1972, and the Continuing Appropriations Act (P.L. 93–9), which became law on March 9, 1973.

As you know, in conjunction with its fiscal year 1974 budget submission, the Administration requested rescission and amendment of its fiscal 1973 budget, requesting permission not to expend any funds for the Neighborhood Youth Corps summer job program for this summer. Instead, it proposed that States and cities use for summer jobs for youth as much as $333.0 million (including $112,260,000 in discretionary and reallocated funds specifically made available for that

purpose) of the $1.25 billion originally appropriated for fiscal year 1973 for the specific purpose of the public employment program under the Emergency Employment Act of 1971.

Both Houses of the Congress have now denied rescission in connection with their consideration of H.R. 7447, the Second Supplemental Appropriations bill, rejecting the idea of using Emergency Employment Act funds and directing that at least the $256.5 million already appropriated for the Neighborhood Youth Corps be released and obligated before the close of this fiscal year. The Statement of the Committee on Conference on H.R. 7447 reaffirms these actions stating the intent of the Conferees that generally appropriated (but unobligated) funds for manpower services (even beyond the $256.5 million if necessary) should be made available to maintain the Neighborhood Youth Corps program.

As the public schools are recessing right now throughout the Nation for the summer, poor youth will face unemployment levels ranging from 30 to 40 percent in poverty neighborhoods and States and cities will not be able to meet their needs for youth jobs without cutting back substantially on employment opportunities for returning veterans and those on welfare who would otherwise be provided for under the public employment program; in fact the Department of Labor statistics document clearly that if $333.0 million in Emergency Employment Act funds are diverted to summer jobs for youth, at least 53,000 opportunities will have to be cut from the public employment program. The Department of Labor estimates that already as much as $150 million in Emergency Employment Act funds have been diverted for the summer job program.

We submit that this situation creates an impossible choice for States and cities which can be ameliorated by making available at least the funds heretofore appropriated by the Congress for the specific purposes of the Neighborhood Youth Corps summer program.

We note that the National League of Cities-U.S. Conference of Mayors documented earlier this year that it can effectively use a total of 1,018,991 opportunities in the Neighborhood Youth Corps summer job program for this summer (compared with a target group of 1.7 million).

Accordingly, the 607,827 opportunities that could be made available with the $256.5 million will not be adequate to meet minimum needs. Even if States and cities have already made available, as the Department estimates, $150.0 million in Emergency Employment Act funds, these funds together with the $256.5 million, could fund an aggregate of only 963,277 slots—still 55,714 slots below the 1,018,991 opportunities documented by the National League of Cities-U.S. Conference of Mayors.

Accordingly, we urge you to act immediately in accordance with the clear Congressional intent while there is still a chance to provide a program with respect to the $256,503,000 already appropriated so that poor youth will have constructive alternatives to a summer of restlessness and possibly worse.

Very truly yours,

JACOB K. JAVITS.

LIST OF SIGNATURES

Jennings Randolph, Thomas F. Eagleton, James Abourezk, Joseph R. Biden, Jr., Harold E. Hughes, John V. Tunney, Edward M. Kennedy, and Quentin N. Burdick.

Edward W. Brooks, Claiborne Pell, J. Glenn Beall, Jr., Lowell P. Weicker, Jr., Philip A. Hart, Frank Church, Gale McGee, William D. Hathaway, Hubert H. Humphrey, Gaylord Nelson, Howard W. Cannon, Dick Clark, George McGovern, Alan Cranston, Birch Bayh, Harrison A. Williams, Jr., Walter F. Mondale, Charles McC. Mathias, Jr., Robert T. Stafford, Mark O. Hatfield, and Robert Taft, Jr.

JAVITS AND 13 OTHER SENATORS CALL ON ADMINISTRATION TO RELEASE FUND FOR SUMMER JOBS PROGRAM OF NEIGHBORHOOD YOUTH CORPS IN TIME FOR THIS SUMMER WITH END OF FISCAL YEAR ONLY 2 DAYS AWAY

The Administration apparently continues in its refusal to release $256.5 million already appropriated by the Congress for the Neighborhood Youth Corps summer job program for this very summer—already upon us. The refusal represents a most unwise challenge to the will of the Congress, a gross disregard of the pleas of state and local governments which have documented the need for the jobs, and an insensitive affront to the needs and hopes of poor youth, 14–21 years of age, who are the intended beneficiaries of the program.

These funds would provide 607,827 nine-week job opportunities for poor youth in our inner cities and other areas—even then somewhat below last year's level—411,164 short of the number the U.S. Conference of Mayors-National League of Cities documented earlier this year as the minimum necessary which they could effectively place—and 1,193,173 short of the number needed for the 1.7 million poor youth which the Department of Labor itself estimates may be out of school and out of work this summer.

No less than three times both Houses of the Congress have taken action indicating a clear obligation under law that at least the $256.5 million be made available before the appropriation expires at the end of this fiscal year, 1973—now only two days away.

First, by appropriating $256.5 million for the program *as originally requested* by the Administration under the Supplemental Appropriations Act (P.L. 92–607) *signed into law* by the President on October 31, 1972 and under the Continuing Appropriations Act (P.L. 93–9), which became law on March 9, 1973.

Second, by the action of each House last month in refusing the request of the Administration to "rescind" these amounts—in effect requesting permission not to spend them—and in rejecting the Administration's proposed alternative of diverting for summer jobs for youth up to $333.0 million of public employment funds under the Emergency Employment Act of 1971—funds intended for the distinct purpose of providing jobs for those on welfare and other adults.

Third, by the action of the Senate Tuesday, following House action Monday, in approving and sending to the President the Conference Report on H.R. 7447, the Second Supplemental Appropriations bill, which report (while refusing to accept our amendment adopted in the Senate to add $44.5 million to the $256.5 million already appropriated) said:

"The conferees reached the conclusion that additional appropriations for the summer jobs program are not needed at this time since a total of $1,595,297,000 is available for obligation in fiscal year 1973 under the appropriation for "Manpower training services", of which the Department of Labor currently plans to obligate only $1,220,000,000. It is clear that ample funds are currently available within this appropriation to fully support the Neighborhood Youth Corps summer jobs program for the coming summer. It is the intent of the conferees that at least as many Neighborhood Youth Corps summer job opportunities should be provided from this source as were provided in last summer's program."

Thus, the Administration is "hoarding" for some unknown future purpose, a total of $375,297,000 in manpower services funds—an amount exclusive of funds for Emergency Employment Act—and shows no intention to make available in time even $256.5 million of that sum for the Neighborhood Youth Corps summer programs in accordance with law.

It is clear that the Administration's policy is one of "bankrupting" the funds. It is evident that the cities—despite the Administration's wishful thinking—cannot meet two separate needs from one "pot" of money—summer jobs for youth and public service jobs for others. This is shown by the fact that the Labor Department documents that to date only $150.0 million in EEA funds have been applied to meet summer jobs of youth, and what they have been able to "squeeze out" from that source has come only by denying the jobs under the Emergency Employment Act to others equally in need. The choice is one of firing the father to hire the son. The Administration defends this on the ground that unemployment is reduced, but it still remains at a highly unacceptable figure and, therefore, the argument is unsound.

We call upon the President, as we did last February, and again only last week, to release these funds *now* before they revert to the Treasury at the end of this week. Such an action would be one of "domestic statesmanship" and an indication that the Administration is "at its word" with respect to its desire to work closely with the Congress.

The denial by both Houses of the Administration's requests for rescission—not to spend these funds—is equivalent to a direction to spend them and the Administration should do so now so that poor youth will have constructive alternatives to a summer of sheer restlessness.

The clear fact is that even with the Presidential veto of the Supplemental Appropriations bill the funds for the summer job program have been made available by the Congress under previously enacted appropriations bills and should be spent for that purpose.

Joining Senator Javits in making this statement are Senators Abourezk (D-S. Dakota), Beall (R-Maryland), Burdick (D- N. Dakota), Cranston (D-Calif.), Hathaway (D-Maine), Hart (D-Mich.), Hughes (D-Iowa), Humphrey (D-Minn.), Kennedy (D-Mass.), Mondale (D-Minn.), Nelson (D-Wisc.), Pell (D-R.I.), Tunney (D-Calif.), and Williams (D-N.J.).

FLORIDA CITRUS MUTUAL'S 25 YEARS OF SERVICE

Mr. CHILES. Mr. President, 25 years ago a handful of citrus growers got together at Winter Haven, Fla., to discuss severe difficulties which were threatening the State citrus industry in the post-World War II period. From that meeting came Florida Citrus Mutual, a citrus growers' organization that was instrumental in stabilizing the industry.

On June 19 Florida Citrus Mutual commemorated its 25th anniversary, an event that I was unfortunately unable to attend because of Senate business in Washington. However, Florida Citrus Mutual's history of accomplishments are worthy of exposure through the CONGRESSIONAL RECORD, to serve as an example to agriculturists and others throughout the Nation of what can be done when people work together. Briefly, I would like to outline that history of accomplishment, and thereby commend all those who worked so hard and are deserving of credit for the great success.

A review of Florida Citrus Mutual's activities over the past quarter century would be incomplete without a brief pre-

amble outlining the reasons behind its organization.

The year was 1948—the economy of the industry was staggering. Growers were receiving what amounted to bankrupt prices for their fruit following great prosperity which had been fashioned by high prices during World War II brought on by large government purchases of citrus for troops and lend-lease programs.

Case in point: During the war years, orange production averaged 40 million boxes annually and on-tree returns hit $77 million. Two years after the armistice, 55 million box crops were bringing on-tree returns of only $40 million.

To the credit of industry leaders at that time—and there were many—the organization of Mutual as an organization which could serve as a rallying point for growers was a must if a depression and possible collapse of the industry was to be avoided.

Mutual did serve as a rallying vehicle for growers. Initially, Mutual instituted programs designed to control supply and demand, set minimum FOB prices of fruit sold on the fresh market.

Fresh fruit shippers were given weekly allotments and shipments to various marketing areas were controlled, in an attempt to alleviate market gluts which had prevailed previously.

The fact that growers were on the road to recovery was evidenced during the 5-year period after Mutual actually began operating. Orange production averaged 65 million boxes annually and on-tree value climbed to $94 million, averaging out to about $1.50 per box. Needless to say, a virtual grower utopia compared to prices received shortly after World War II when production costs were hard to recover.

An investigation into Mutual's activities by the Federal Trade Commission in the early 1950's brought a change of direction for the grower organization.

Instead of attempting to establish floor prices and allotments, Mutual turned to the role of providing growers with market information and price forecasting.

Compilation and dissemination of accurate and reliable marketing data became the order of the day and the very fact such material was readily available to growers brought about price stability and sensible marketing procedures which had not been practiced previously.

As time progressed, Mutual sought other areas of service for growers. There was increased emphasis on legislation at the State and Federal levels; taxation and assessments on grove properties throughout the citrus belt; citrus research and development of new products; and the importance of advertising and promoting various products with effective programs.

Mutual was also developing the flexibility to clearly identify problem areas of concern to growers and the ability to move in any given direction when an emergency existed which threatened the general welfare of growers.

An example was the freeze of 1962 which was almost a disaster for many growers. Mutual moved in to secure financial assistance allowing groves to be rehabilitated and took many other measures which enable the industry to again bounce back from adversity.

Mutual was a leader in the development of higher quality concentrate which resulted in the 45° Brix product, an improvement over the 42° Brix, which brought sales increases and insured consumer confidence.

It was through Mutual's instigation that State legislation was passed requiring juice content of new crop grapefruit to meet certain standards which would bring the approval of consumers.

And there was the development of the grapefruit spoon idea, which has been a tremendous merchandising tool still in use by the industry.

Mutual's flexibility was apparent in 1956 when the industry was threatened by a Mediterranean fruit fly infestation. Field personnel were assigned to serve with the Division of Plant Industry in a successful effort to combat infestation and Mutual headquarters acted as an information center for growers on procedures to be employed which allowed the industry to continue in operation and still protect growers and consumers.

One of the most renowned actions of Mutual over the years was its intervention into a deal between an agency of the U.S. Government and Virgin Island interests to grow citrus and bring it into the States duty free.

Only after Mutual had bared the ruse, did President Johnson intervene and put an end to the project which would have threatened the entire Florida citrus industry.

In 1963 trade and tariff negotiations at Geneva were scheduled to include revisions of tariffs on imported citrus. With Mutual the Citrus Commission, Canners Association, Indian River Citrus League and virtually every industry agency mounted stiff opposition to kill the proposal which would have allowed foreign citrus into the United States at reduced duty rates.

The Virgin Island situation, like the Geneva trade talks, are only two examples which illustrate what Mutual has done for growers which they could not have done for themselves individually.

Throughout the years, illustrations of Mutual acting on behalf of growers are common place, almost to the point where they are virtually overlooked by growers.

In yet another area, Mutual was in the forefront of fighting spreading decline which posed a threat to growers in the mid-fifties. Mutual secured funds to combat the disease, set up buffers and generally bring it under control.

Accurate citrus forecasts are becoming more and more important to growers as they tend to set the stage for marketing decisions and practices. It was chiefly through Mutual's leadership that funds were provided for a detailed tree census which is now a regular activity of the Crop and Livestock Reporting Service and a vital ingredient in making monthly citrus estimates.

Development of hybrids, root stocks resistant to temperature and drought, plus the upbreeding of existing root stocks are extremely important to growers. Mutual officials recognized this need, then they spearheaded the effort to secure funds and property for the Citrus Research Foundation near Leesburg.

Desirability of involving the Nation's school lunch program as a source of increasing frozen concentrated orange juice sales was apparent to Mutual several years ago.

Another project was Mutual's role in passage of the Haley bill in 1969 which virtually put an end to speculative planting of citrus as a tax write-off.

Perhaps one of the best testimonials to the integrity and credibility of Mutual came about in the recent legislative sesion when lawmakers in the waning days passed a mechanical harvesting bill which, if approved by growers, could become one of the most important achievements in many seasons.

Long an advocate of research and development of mechanical harvesting systems to circumvent labor shortages such as those experienced this season, Mutual officials are confident growers will sanction underwriting costs of the system which will also serve as a safeguard in harvesting larger crops expected in the future.

True to its character as an organization representative of the growers, the bill passed by the legislature provides that growers decide in a referendum if they favor development of a system.

Mutual officials are extremely cognizant of the need for continued monitoring of governmental actions at every level, particularly as they relate to assessment of citrus properties. A good example of this occurred recently when the State Department of Revenue attempted to institute new assessment guidelines for citrus.

Unfortunately, the guidelines did not take into consideration many of the factors which relate only to citrus production and if unchallenged would have placed many growers at the brink of disaster.

Mutual was instrumental in convincing the agency that amendments to the guidelines should be made and in so doing enabled the department to arrive at proposals much more practical than those originally offered, and still permitting growers to accept a more equitable share of the tax burden.

The Agricultural Tax Council, an organization which Mutual has supported since its origin, bears much of the brunt for attacking such controversies.

Also with an eye on the future, Mutual has provided the impetus for establishment of a National Citrus Council which is a coalition of citrus producers from Florida, California, Arizona, and Texas.

The object: to identify and seek solutions to problems cropping up on the national and international level which may affect growers in each of their respective areas.

THE CURRENT LUMBER PROBLEM

Mr. NELSON. Mr. President, 24 years ago Congress established a national policy and goal that every American should have a decent home and a suitable living environment. In 1968, Congress reconfirmed this goal by enacting

a 10-year housing construction program. To meet this goal, it was estimated that 26 million housing units must be built by 1978. Since 1968, however, average housing production has fallen far short of the goal.

Housing fell woefully short of the national goal in these years largely because of the administration induced recession of 1970 and its intensive impoundment of housing funds. In the last year and a half, housing has staged a vigorous revival.

Now, however, the administration's inept handling of inflation and of the economy threatens to further slow our progress of fulfilling our national housing goal. The increases in the cost of lumber have kept pace with, and in some cases surpassed, the shocking increase in food prices.

Lumber is the largest single cost paid by the builder of a new home. Fifteen percent of the cost of a new single family home in 1972 consisted of the cost of lumber. An additional 13 percent of that cost represented other related wood products and millwork. Increased cost to home builders means inevitably higher purchase price to the family desiring to buy a home. The increased purchase price results in higher down payment, and increased interest, property taxes, and insurance costs for the home buyer. The National Association of Home Builders estimates that for every dollar increase in the monthly mortgage payment, the home buyer has to earn $4 more to qualify for a loan.

As the price of lumber increases, fewer houses will be built and bought. The Nation falls farther and farther behind its national housing goal.

This unfortunately, is what is happening today. Housing starts fell in April for the third straight month to the lowest level since October 1971. The need for housing remains unabated, and the demand for building materials remains high, but the high price of lumber is taking its toll. Early in 1973, the National Association of Home Builders estimated that the construction cost of an average house had increased during the preceeding 6 months by at least $1,200 because of increased lumber and plywood prices.

Between January 1971 and January 1973, the wholesale price index for softwood lumber increased 56 percent; the index for all other commodities increased by 11 percent. In the same period, the price of certain kinds of lumber and plywood, greatly exceeded the average. For example, between February 1971 and February 1973 the price of Green Douglas Fir 2x4's increased 104 percent while the price of ½-inch exterior plywood jumped 102 percent.

These dramatic price increases occurred during phase I and phase II of the Economic Stabilization Program but under the relaxed controls of phase III, lumber prices made a vertical take-off.

Between January 10 and April 13, 1973—just a 3-month period—the price of Green Douglas Fir 2x4's has skyrocketed 51 percent; the price of ⅜ inch AD interior sanded plywood—a prime building material—has almost doubled—it increased 98 percent in the first 3 months of phase III. The largest advance in the wholesale price index occurred in March with lumber being the largest single component of that increase. April brought little cessation of increasing lumber prices. Lumber and wood products increased by 5.5 percent over the previous month while the overall increase was 0.8 a 33.6-percent increase over April of last year. Although the prices of some soft wood lumber items have declined slightly in the last month, these new price levels are still considerably higher than the previously exorbitant rates prevailing at the outset of phase III.

The increases I have mentioned are national figures; lumber price increases in some regions of the country have been even more pronounced. An Oregon home manufacturer reported that the price of some lumber products has increased by as much as 200 percent since January. The manager of a lumber dealership in southern California was quoted as saying:

> I've been in this business 26 years, and I've never seen anything like it. It's going to price the average buyer out of the prospect of buying a new home.

The increases in lumber and plywood prices since January 11, 1973, are telling testimony to the complete failure of the phase III program to restrain inflation. It is to be hoped that the President's recently announced 60-day freeze and phase IV will be more successful. It should be noted, however, that the freeze means prices on lumber will tend to stay where they were frozen, namely at nearly the highest levels in history.

Furthermore the freeze will tend to drive more softwood into exports. It should be recognized, also, that President Nixon's speech was an announcement of intent to have a plan to control inflation sometime within the next 60 days, not such a plan itself. As a former member of Mr. Nixon's Council of Economic Advisers, Hendrik Houthakker stated:

> I don't regard the freeze by itself as solving anything.

Mr. Houthakker went on to say that President Nixon, "evidently wanted to take some visible action" but, "I would say that the President has not yet come to any firm view as to what is necessary." President Nixon's announcement offers no solution to the general economic problems or to the problem of high lumber prices.

To date the administration's major response to the intolerable situation of inflated lumber prices was to have Dr. Dunlop, of the Cost of Living Council instruct the Senate on March 26 on the laws of supply and demand. He observed that "pressures for higher prices stemmed mostly from a relative shortage of lumber and wood products with respect to a high demand for these products," and added that the high prices act as a "rationing mechanism" which allocates "limited supply among numerous potential purchasers." That meant that the supply of timber cannot meet the demand for the manufactured product. And then Dr. Dunlop stated that phase II price controls required the "artificial maintenance of a lower price" for lumber. Phase III, he indicated, has permitted those prices to rise to a natural, "free market" level—where the lumber supply could be "rationed" as economics textbooks describe. This kind of language hardly promises well for forceful enforcement of controls during phase IV.

Dr. Dunlop's reasoning is supposed to make us feel better about inflated lumber prices. But a higher price is a higher price, whether it is a so-called equilibrium free market price or not. The home buyer forced to sign a bigger mortgage is not better off knowing that he is paying a "free market" price according to textbook theorists. In this sense, every limited price under phase I and phase II was an artificial price. But this is hardly an argument for a tough price controller to make—if we were to shun all such "artificial" prices, there would not be a price control or stabilization program at all.

Mr. President, the causes of increased lumber prices should not be in dispute. It is repetition without remedy to say, in explaining increased prices, that supply is short and demand is high.

We all know that. What needs to be done is to identify and attack the specific causes of the short supply. The only alternative would be to sit by and watch the influences of supply and demand run their course. The demand for lumber stems from the demand for housing. Our housing needs are not going to diminish, however high lumber prices rise—nor should those needs go unfulfilled. Surely this is one demand that is nonnegotiable. The Nation needs lumber. It does not make sense for the administration to pay lip service to national housing goals, and then be content with inflated lumber prices cutting the demand for lumber. We should not be willing to cut the demand, and so we have to find other ways to cut the prices.

The principal reason why lumber prices have swollen during the last 2 years relates to the supply of timber. Total lumber consumption in the United States during 1972 has been estimated to be 41 billion board feet. Yet, during the same year, this country exported 3.05 billion board feet of softwood logs. Those logs that were shipped to foreign mills could have yielded, if manufactured domestically, over 4 billion board feet of additional softwood lumber for our home markets, which would have represented an increase in lumber supply during 1972 of over 11 percent. The impact on lumber prices of that added supply would have been dramatic.

The Forest Service reports that total log exports were only 266 million board feet in 1960. For the years 1968 through 1971 exports averaged 2.42 billion board feet. From 1971 and 1972 exports increased by 26 percent. In the first 3 months of 1973, log exports increased by 38.1 percent over the comparable period of 1972. At this rate, log exports will exceed 4 billion board feet this year. That is enough logs to manufacture lumber for 500,000 homes. Clearly, such a drain on our domestic log supply can only have a critical impact on lumber prices.

While the detrimental effect of massive log exports on domestic lumber prices has been clear for some time, the Admin-

istration has taken contradictory and ineffective action. On July 7, 1972, Secretary of the Treasury George Shultz announced that Japanese purchases of U.S. timber would be reduced by 200 million board feet during 1972.

Only 2 months later, however, in a meeting between President Nixon and Premier Tanaka it was reported that Japan as part of a trade agreement would increase its purchases this year of U.S. logs and lumber from $354 million to $452 million.

In his March 26 testimony, Dr. Dunlop announced that the administration would seek a "voluntary agreement" with the Japanese aimed at reducing their purchases of U.S. logs. He stated that the Japanese had "indicated that they are aware of the problem" and that they would try to see that the log acquisitions "do not inconvenience" the United States.

The arrangement between the Japanese and the U.S. Government announced on May 14, of this year is woefully inadequate response to the problem. The arrangement does not require the Japanese to purchase timber at a lower rate during the last half of 1973 than they did during the first half of this year.

The critical facts are that log exports to Japan account for 83 percent of all U.S. log exports, and in January of this year our log exports to that country were 46 percent above what they were a year earlier.

Log exports to Japan increase lumber prices in two ways. First, the general supply of logs for domestic manufacture has been reduced by shipments abroad, and second Japanese purchasing agents have been willing to bid up stumpage prices far above what domestic bidders would alone have been able to do. On February 16, Random Lengths reported that one stand of Washington State timber that had been appraised at $45 per thousand board feet was bid up by export agents to $270 per thousand board feet. Another stand appraised at $66 was bid to $263. There have been many other reports of export pressure on stumpage prices.

Although the Cost of Living Council has stated that "artificial" export controls, presumably in the form of an embargo, are "not the desired solution" since they would becloud our policy of free trade, not to mention the impact on our balance of payments deficit, it is by no means certain that shutting off log exports would have a net negative effect on our trade balance.

During 1972, the nation imported 8.9 billion board feet of lumber. If our log exports of 3.05 billion board feet during that year had been translated into 4 billion board feet of alternative domestic manufacture, our lumber imports could have been restricted accordingly. During 1972, the United States imported from Canada approximately 70 percent of that nation's entire production of softwood lumber. It is doubtful that such an import level would have to be sustained if we were to manufacture the logs we currently export. This point was made in a New York Times editorial, which in reversing its former position, called for restricting our log exports to Japan. As the editorial stated:

The proposed reduction in exports of raw logs can only improve a trade balance that now operates on the nonsensical basis of selling cheap to Japan and buying dear from Canada.

Mr. President, I ask unanimous consent that the May 5 New York Times editorial I have referred to, be printed in the RECORD.

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

TIMBER

The skyrocketing price of lumber has induced the Nixon Administration to appoint a task force whose job will be to plan an increase in the timber cut of the national forests; and it is all too predictable that any increased timber cut will be at the expense of the forests themselves. Such a course would be indefensible and unnecessary.

The United States is currently exporting some 5.5 billion board feet of softwood logs and lumber, 85 per cent of it to Japan. It need only curtail that practice sharply to ease the supply for Americans.

Senator Packwood of Oregon is pressing for a measure that could at the same time increase the supply of wood for domestic needs and prevent the national forests from being raped. He wants a restriction not only on the export of all logs from the national forests but, in a phased program, from state and privately owned forests as well. His bill would allow for a controlled resumption of such exports whenever a drop in domestic demand warranted such action.

This newspaper took the opposite stand, on liberal trade grounds, when a similar ban was proposed in 1968. But the situation now is far graver than it was then; prices are much higher; the need for housing more desperate and the danger to the forests now more acute and therefore less tolerable. The classic argument for free trade is persuasive, but we feel it has to be balanced against the fact that no country can for long afford to export raw materials in seriously short supply at home.

Even less cogent is the case against an export ban that rests on the need to restore this country's balance of trade. Against the 5.5 billion board feet of logs which the United States now exports, 9 billion board feet of finished lumber from Canada are being imported. The proposed reduction in export of raw logs could only improve a trade balance that now operates on the nonsensical basis of selling cheap to Japan and buying dear from Canada.

Senator PACKWOOD, of Oregon, has introduced legislation which as amended by Senator STEVENSON would place a limit on log and lumber exports from the United States. As a means of stopping the steadily increasing drain on supply of logs, I support this legislation.

The administration, however, has the opportunity for taking action that would provide immediate relief. The Export Administration Act of 1969 authorized the United States to use export controls "to the extent necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of abnormal foreign demand."

The administration has never acted to use that authority and thereby it shirks its responsibility to protect our domestic economy, combat inflation, and lower lumber prices.

On June 13, the President announced the need for new laws to control exports of scarce raw materials under the Economic Stabilization Act. Surprisingly, he did not mention lumber where the need for such legislation is greatest. We must take steps to protect and preserve a natural resource which takes up to 100 years to replenish.

No discussion of the present lumber crisis would be complete without some mention of our national forests. It is currently estimated that over 50 percent of all commercial softwood sawtimber still on the stump is located in our national forests, maintained by the U.S. Forest Service. Only 35 percent of our timber inventory is owned by private sources. The lumber industry is not a concentrated industry with a few large firms; there are over 80,000 separate business firms that harvest, manufacture, sell, and distribute lumber and wood products, and less than 800 of them do more than $5 million in business a year. Only the very largest firms can afford owning private timberland, most lumber manufacturers in the Western States—where softwood lumber, used in construction, largely originates—is furnished from sale by the U.S. Forest Service. The Forest Service each year specifies the amount of timber that can be cut from the national forest for commercial sales. For the last several years the actual sales were substantially below the allowable cut, further diminishing the supply of lumber.

While the Cost of Living Council has announced that it has asked the U.S. Forest Service to find ways to meet the allowable cut in 1973, the Nixon administration has cut the Forest Service budget. Cutting trees requires money for timber sales preparation, forest management support activities, as well as reforestation after the cut has been made. During fiscal year 1972, the Forest Service spent $293 million on forest land management. But for fiscal year 1973, the administration estimates that the forest land management budget will have been limited to $253 million, and only $247 million has been requested by the White House for fiscal year 1974. Although an additional $1.4 million has been allotted to the fiscal 1974 budget for timber sales preparation work, most experts agree that the increment will be just enough to cover wage increases, and higher operating costs, and not enough to finance the timber sales necessary to enhance the supply for commercial manufacture. While some limited increases in money and manpower were announced recently, it is futile for the administration to require the Forest Service to increase its sales this year with what still remains inadequate manpower and money necessary to do the job.

Increasing the cut is necessary to increase the supply of logs and to restrain the price of lumber in the long range. I do not advocate increasing the cut just to get more logs on the market quickly. We must obey the proper environmental restraints. Such measures will not affect the price of lumber today, or during the rest of the year. Timber sales are rarely translated into logged trees during the

year of sale. Timber sales contracts usually require 3 or 4 years for completion. It has been estimated that for each major sale of timber from the National Forests, less than 10 percent of the trees are cut in the first year after sale. The administration will have to explain how it intends to alter this pattern if it expects achievement of allowable cut to make a difference in the price of lumber before 1975.

Furthermore, there are legitimate environmental questions that must be answered. As the National Resources Defense Council in its testimony before the Cost of Living Council last month indicated environmental impact statements must be prepared to explain significant changes in the Forest Service activities affecting the forest environment.

Mr. President, effective action to restrict our log exports and increasing the actual cut in the national forest are requisite if the price of lumber and the consequent cost of housing is not to continue to rise in the 1970's. But neither form of action can seriously restrain lumber prices this year.

The Economic Stabilization Act imposes the responsibility to prevent or to nullify price increases fueling the inflationary fires. Confronted with price increases in building material products that range between 25 and 100 percent since January 11, 1973, the administration has failed to act effectively, until the recently announced 60-day freeze. The regulations of phase III spell out a general price standard to which business firms were expected to observe.

By any standard of measurement or compliance, there is hardly a manufacturer of softwood lumber in the United States today that could expect to comply with the terms of that general price standard, in view of the price increases that have occurred since the end of phase II.

The lumber industry is an outstanding example of the administration's failure to enforce its own regulations; its unwillingness to do the "dirty jobs" to fight inflation.

In 1972, the lumber industry experienced the biggest year in its history. Average industry profits rose 16 percent over 1971. Industry Week magazine has predicted that the industry's profits will rise another 15 percent this year.

As the wholesale price index for softwood lumber rose 19.4 between November 1971—when Phase II began—and December 1972, the largest lumber company in the country, Weyerhauser, enjoyed a 38.3-percent increase in its net income. Georgia Pacific, the second largest lumber company, recorded a 48.9-percent increase in net income. Standard & Poor's predicts for 1973 that "a greater portion" of this year's earnings advances for building material producers will come from price boost, than came from increases in 1972.

The spectacular price increases for lumber and plywood occurring since January has been due in part to the desire of lumber manufacturers and timber owners to maximize profits. The Journal of Commerce recently quoted the president of Williamett Industries, a large lumber company, as saying that he was "embarrassed at the prices we are getting today," and a top lumber official in the South was quoted by a newspaper in Atlanta as saying that now the lumber companies "hold the upper hand" that they are "just going to get whatever the market will take." Continued high demand for lumber will allow the lumber industry to continue to charge whatever the market will bear.

The lumber industry would seem to be a prime target for the administration proposed "profit sweep." The profit of the lumber industry should be carefully reviewed to see if they are justified because of increased cost or efficiency.

If the Council expects to retain any shred of credibility in the face of dramatic price increases in this industry, I urge it to analyze carefully the lumber industry's compliance with the price standards of phase III. Furthermore, the administration should take the following actions:

First. Further substantial increases in the fiscal 1974 appropriation request for forest land management of the U.S. Forest Service.

Second. As an interim measure, immediately implement the Export Administration Act of 1969 to reduce by at least 15 percent, the export of logs to foreign countries within a period of 90 days.

Third. As a long-term solution, support and help to enact legislation similar to that offered by Senator PACKWOOD which would place a total ban on the exports of timber harvest from Federal lands and which would place a ceiling on logs at 2.5 billion board feet and lumber at 1.2 billion board feet that can be exported from non-Federal sources. This legislation would take effect immediately under enactment and would remain in effect for 3 fiscal years. There are provisions in the bill for lowering and raising the ceiling if conditions warrant such changes.

Fourth. Appropriate research funds to develop new methods of logging now harmful to the environment.

Fifth. Rescind the exemption from controls on stumpage and logs. We must stop increasing lumber prices at their source.

Sixth. After the 60-day freeze, reassertion of mandatory price controls on the lumber industry.

To the extent that the administration succeeds in improving the Nation's supply of sawtimber in 1973, the application of mandatory controls can be withdrawn or ended. There is no special magic about mandatory price controls. All businesses, all bureaucrats, and all legislators would like to do without them. But at the present time the alternative is the meek acceptance of the enormous price increases that were phase III's special gift to the Nation.

The Federal Government should act now to give proof to its commitment to national housing needs by acting to restrain the price of lumber and wood products.

RETIREMENT OF JOHN KAMPS

Mr. JACKSON. Mr. President, I rise to honor a great reporter, Mr. John Kamps, who will retire today as a Washington correspondent of the Associated Press.

We do far too little to honor such men as John Kamps, who day in and day out record the activities of the Congress.

John was born in Litchville, N. Dak., on June 11, 1909. He earned his BA in journalism at Montana State. He joined the AP at Denver in 1942, and after military service rejoined the news gathering organization in 1946 at Helena, Mont. In April of 1951, he came to Washington with the AP as a correspondent.

He covered news concerning the Rocky Mountain States, and the Senate Interior and Insular Affairs Committee. As chairman of that committee, I have been well aware of the accuracy and fluency of John Kamp's dispatches.

I understand that John is heading out next week for Florida where he plans—at least for a while—to loaf and to fish. He has earned much happy loafing and good fishing, and I wish him endless hours of both.

THE PRESIDENT, CONGRESS, AND EXECUTIVE PRIVILEGE

Mr. ABOUREZK. Mr. President, I recently received a letter from a man whom I admire greatly, and whose views I deeply respect, Mr. Irving Brant. Mr. Brant was kind enough to enclose a copy of the commencement address he gave to this year's graduating class at the University of Oregon School of Law. Mr. Brant has had a long and distinguished career in journalism and government. He is regarded as one of America's foremost constitutional experts.

The thoughts Mr. Brant conveys in his address constitute an insightful commentary on the present state of our Government, and kindle a renewed awareness of very real and dangerous threats to our democracy. I would like to take this opportunity to commend Mr. Brant's remarks to my colleagues in the Senate and House of Representatives. Mr. President, I ask unanimous consent that Mr. Brant's speech be printed in the RECORD.

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

THE PRESIDENT, CONGRESS, AND EXECUTIVE PRIVILEGE

(By Irving Brant)

One of the most pleasant surprises of my life came to me when Dean Scoles wrote that the 1973 graduates of the University of Oregon School of Law had requested that I be invited to deliver this commencement address.

I thought of the speakers you might have invited:

Any one of the nine justices of the Supreme Court. Anybody else in high position not subpoenaed before a grand jury.

Instead, you picked a person with no legal standing whatever. That is especially pleasing because, for thirty-odd years, I have frequently been twitted about my lack of credentials.

In 1937 I testified before the Senate Judiciary Committee on the bill to enlarge the Supreme Court.

"Are you a lawyer?" I was asked.

"No, sir," I answered.

Several times, later, I testified on the constitutionality of bills pending in Congress. Always the same exchange:

"Are you a lawyer?"

"No, sir."

The tide turned in 1972, when the New York Times asked me to write an article on impeachment. Their identification note began: "Mr. Brant, an attorney . . ." Under the rule laid down in *New York Times* versus *Sullivan*, that might qualify as "reckless disregard of the truth." However, I offer it to you as my credentials.

The President, Congress, and Executive Privilege! How priorities have changed! Who would have dreamed in 1933 that forty years later an Attorney General, speaking for the Chief Magistrate, would soberly tell the Senate that the President has unrestrainable power to forbid any executive officer to testify before Congress. That applied, Mr. Kleindienst said in answer to a question, to every one of the two million five hundred thousand civil employees of the federal government.

Who would have dreamed, forty years ago, that two successive Presidents would conduct the longest war in American history without authorization by Congress, which alone has constitutional power to declare war?

Who would have foretold that a President would claim authority to impound billions of dollars, appropriated by Congress, in whom the spending power is solely vested?

What writer of wild "Who Dunnits?" would have conjured up the Watergate burglary and bugging, with its tentacles of corruption reaching into the nooks and crannies of the executive branch of government?

These are issues that cut far deeper than the personality of any President, far deeper than the control of government by any special political party. They strike at the fundamentals of our constitutional system. They jeopardize the liberties of the people. They pollute the soils of America and send a sickening miasma around the world.

A President obsessed with power confronts a Congress long too disorganized to assert its constitutional authority, but aroused at last as if by electric shock. Aroused to decisive action? It is too soon to say. Paralysis of Congress produced Nixonism.

Executive privilege! Putting dogma above historic truth, President Nixon treats that principle as if it were an absolute. His definition of privilege, invalid in every respect, particularly ignores the censorial field. In that vast and important area, the Constitution, by unmistakable words and implications, uplifts Congress above the executive branch. James Madison said in the House of Representatives in 1794:

"If we advert to the nature of Republican Government, we shall find that the censorial power is in the people over the Government, and not in the Government over the people."

That is one of the greatest political truths ever uttered, and yet Congress itself, when true to its functions, is the censorial agent of the people. With roots running far back in English history, the people through their elected parliaments have exercised a censorial power over the administrative branch of government.

In both England and the United States, this censorship has taken its sharpest form in the process of impeachment. In our Constitution, the power to impeach the President and all civil officers is amply established and carefully safeguarded against abuse. The House of Representatives impeaches, the Senate convicts or acquits, on charges of "treason, bribery, or other high crimes and misdemeanors."

I emphasize the power of impeachment, not from any prospect of employment against President Nixon, but because it leads to vitally important corollaries to which no attention has ever been paid. Following the impeachment provisions of the Constitution are these two clauses:

The President shall take an oath to "preserve, protect, and defend the Constitution of the United States."

"The President . . . shall take care that the laws be faithfully executed."

Unfaithful execution of the laws, by deliberate obstruction of justice, is a high crime calling for removal of the President from office. Possessing this ground of removal, Congress must also have the power and duty to determine HOW the laws are being executed, whether faithfully or unfaithfully. Finally, having such an investigative power over the presidency, Congress must likewise possess that same power at every lower level of executive office.

This leads to an inescapable conclusion. Possession by Congress, at all levels, of the investigative power over faithful execution of the laws totally wipes out any restriction of such an investigation through executive privilege.

What is executive privilege, rightly considered? It is the implied right of the President to withhold information to protect the security or vital interests of the nation. It is also the implied right of the President to preserve a confidential relationship with his staff in the conduct of presidential business. That does not include criminal misconduct.

What is executive privilege as claimed by President Nixon? It is an unscalable wall, built to protect himself and his aides from the legitimate censorial power of Congress. Incorrectly regarding the separation of powers as absolute, Nixon treats executive privilege as likewise absolute, to be exercised by him for any reason or for no reason at all.

Considering the storm now raging over executive privilege, it is amazing to discover that only twice before in the nation's history, in 1796 and 1813, has it ever produced a heated clash between President and Congress. Neither case supports the Nixon concept.

In 1796 Chief Justice John Jay negotiated an Anglo-American commercial treaty that made this country an economic vassal of England. Laws were needed to bring the treaty into effect and rebellion broke out in the House of Representatives. A resolution was adopted by the House requesting President Washington to transmit all papers relating to the treaty. In the debate there was talk of impeaching John Jay, but the purpose was to scuttle the treaty.

President Washington refused to transmit the papers, calling them irrelevant: "to any purpose under the cognizance of the House of Representatives, *except that of impeachment*, which the resolution has not expressed." So, Washington exerted executive privilege validly, to protect the treaty-making powers of the President and Senate. But observe the exception about impeachment. President Washington recognized that if the House had declared the purpose to be impeachment, he would have been compelled to transmit the papers. This supports completely my view that the impeachment power is the apex and determinant of the general censorial power of Congress.

During the debate on the resolution James Madison, leader of the anti-treaty forces, defined presidential privilege. He was "ready to admit that the executive had a right, under due responsibility . . . to withhold information, when of a nature that did not permit a disclosure of it at the time."

Not the words "under due responsibility." Madison was saying in effect that the President could not withhold information at will; there must be compelling reason in national policy for his refusal. Note also the words "at the time." The withholding could only be temporary.

In 1813 President Madison nominated a minister to replace an American agent in Sweden. The Senate, objecting to the expense, appointed a committee to "confer" with the President on the subject. Madison refused a conference. Under the Constitution, he wrote, the President and Congress were "independent of and coordinate with each other." Conference of a committee with the President himself appeared to lose sight of this coordinate relationship.

How then was information to be furnished? The practice, said Madison, had been either to request the President to furnish it, or for a Senate committee to confer with the head of the proper department. He would cheerfully furnish all suitable information "in any mode deemed consistent with the principles of the Constitution and the settled practice under it."

Compare Madison's restricted view with the sweeping claims of Richard Nixon. In 1796, *combating* executive privilege, Madison recognized the right of a President to withhold information, "for the time being," when national interests forbade disclosure. In 1813, as President, *defending* executive privilege, Madison recognized the right of Congress to question the heads of departments. The words he used, linking "settled practice" with "constitutional principles," make the furnishing of information compulsory unless it jeopardizes national security. However, the President cannot be subpoenaed.

Contrast that with the Nixon-Kleindienst assertion of unrestricted power to forbid interrogation of two and a half million federal employees, including all executive officers, when the purpose of Congress is to uncover criminal malfeasance in office. Madison's explication utterly wipes out the Nixon definition.

Besides being legally untenable, Nixon's resort to executive privilege has boomeranged against him to the point of disaster. Its political weakness lies in its plainly visible motivation—to prevent White House aides from linking their superiors with the Watergate scandal. That blundering presidential tactic, combined with the magnificent work of the American press, has turned the Watergate affair from a temporary flash flood into a continental inundation. And the President himself has magnified the disaster by a nine-month campaign of vilification of the newspapers, reporters and broadcasters who have served the nation so marvelously well.

As a result, the word "impeachment," once heard only in the congressional Black Caucus and among antiwar extremists, has now reached the "if" stage in the minds of hundreds of congressmen, Republicans and Democrats alike. That, however, is a long way from action.

The Cambodian bombing, in my opinion, is an impeachable crime, violating both the U.S. Constitution and the Charter of the Nuremberg Tribunal, which is a part of American law. However, there will be no impeachment because the whole nation is involved in the crime.

Watergate is a different matter. Grading downward, there are four ways of looking at Nixon's possible responsibility for that monstrosity.

1. The President may have planned or authorized it. If so, he can and ought to be impeached.

2. The President, uninvolved in the crime, may have worked to cover it up. Impeachability would depend on motive—impeachable if his purpose was to obstruct justice, non-impeachable if words and actions were limited to self-protection from criticism.

3. The burglary and bugging may have been ordered by high White House staffers without the President's knowledge.

4. The break-in could have been the unauthorized work of low rank staffers. That, however, is almost beyond belief.

Let us consider burglary planned by high

White House aides acting on their own. Two weeks ago Mr. Nixon revealed that on July 23, 1970, to cope with "a wave of bombings and explosions [on] college campuses," he authorized four espionage agencies to commit burglary. Five days later J. Edgar Hoover induced him to revoke the order. Why did the President tell this to the people? Because Judge Sirica delivered the 1970 burglary order to the Ervin investigating committee. Better have the news come from the President himself, rather than like a clap of thunder from the Senate Caucus Room.

After the 1970 directive was revoked, Nixon continued, he set up "a Special Investigations Unit within the White House," supervised by Ehrlichman. He named three members—Krogh, who conducted the Ellsberg burglary, and Liddy and Hunt, who burglarized Watergate.

The President said that because of his emphasis on national security, he could understand how "highly motivated individuals could have felt justified in engaging in specific activities that I would have disapproved." If Mr. Nixon would have disapproved burglary in 1972, why did he authorize it in 1970. With such a background, what need was there for a presidential directive to burglarize the Watergate?

In his statement of May 22, President Nixon referred over and over to national security as the justification for his burglary directive. Where national security was concerned, he seemed to be saying, executive privilege frees the President from criminal law. And who menaced national security? College students and McGovernites.

Paradoxically, the line of reasoning I am following diminishes the President's liability to impeachment. However, it doubles his moral liability for Watergate and opens him more widely to the judgment of the American people. Let the adverse reaction be severe enough and it will leave no alternative to resignation from office.

If Watergate proves to be Richard Nixon's Nemesis, he will have brought it on himself by the most malaprop course recorded in American history. As he told it in his April 30 television speech, he never heard of White House participation in the Watergate burglary until March 21, when he was told about it by his counsel John Dean. One week ago newspapers quoted Dean as saying that he talked with Nixon about Watergate thirty or forty times before March 21, and discussed the cover-up. Nixon's press secretary called this an attempt to destroy the President, "using innuendo, distortion of truth and straight falsehoods." Learning next day that the story about Dean came from the Senate investigators, the White House spokesman admitted the earlier Nixon-Dean talks about Watergate, denied that the cover-up was discussed, and invoked executive privilege. The President's logs of those meetings, the press secretary said, "are not subject to subpoena" and would not be made available to investigators.

This defiant utterance produced the immediate threat of a subpoena and the President backed off. His press secretary explained that he had given his own erroneous interpretation of the President's position. The logs, he repeated, were not subject to subpoena, but they might possibly be furnished on some other basis. A promise to that end followed. That avoided a showdown but left intact the Nixon definition of executive privilege, which, if successfully applied. would reduce "faithful execution of the laws" to a shambles.

Let us go back to that April 30 television address. As Mr. Nixon then described Watergate, several "well-intentioned" White House staffers fell into "shady tactics." America, the President declared, "must not again fall into the trap of letting the end, however great that end is, justify the means." Compare that moralistic sermon with Nixon's 1970 authorization of burglary.

The "great end" of the "well-intentioned" burglars was of course the re-election of the President. But their "shady tactics" were not confined to Watergate. Nixon's campaign treasurer testified that $900,000, collected in cash and held in cash, was disbursed for secret purposes and all records were destroyed. We know from the General Accounting Office, over which the President has no control, how some of this money was spent.

To achieve the "great end," the men who burglarized Watergate received $450,000 of Nixon campaign funds, $210,000 of it just before and just after they were convicted. Was this second payment made out of compassion, or to keep them silent?

Letters forged by Nixon aides destroyed the presidential candidacy of Senator Muskie.

A burglary of Senator McGovern's headquarters misfired.

Burglary was used by the White House against Daniel Ellsberg.

Spurious State Department cablegrams, designed to incriminate the Kennedy family, were forged in the White House, stored there, and destroyed to prevent discovery.

All this by a special espionage unit set up by President Nixon and supervised by domestic chief John Ehrlichman.

I do not charge that the President ordered these lawless activities. I simply marvel that he could associate for four years with such a band of political cutthroats and not discover their character. Listen to the rollcall of those caught in the Watergate dragnet: Mitchell, Stans, Haldeman, Ehrlichman, Dean, Colson, Liddy, Hunt, Krogh, Young, Shepherd, Kalmbach, Caulfield, LaRue, Segretti, Magruder, Mardian, Strachan, Chapin, Sloan. It is a veritable Who's Who of the pre-purgation White House and re-election committee. And these twenty men, by concert or by coincidence, kept the President in total ignorance, for nine months, of occurrences that furnished the daily reading and listening of a hundred million Americans.

For Mr. Nixon, there is one possible escape from the worst deduction. A great deal that looks like presidential entanglement may be presidential ineptitude. Blundering reached its climax, certainly, in the nine-month White House campaign of vituperation directed against the Washington Post, the New York Times, and other publications.

Underestimate of the press was the fatal flaw in the Nixon game plan of playing Watergate down instead of blasting it wide open below the presidential level. As the press brought out fact after incriminating fact, the White House countered with denials, scoffings, and daily outcries against the press. With this continuing month after month, "Who planned Watergate?" turned into "Who is covering Watergate up?" Public apathy gave way to outrage.

It was the press, not Congress, that upset executive privilege and forced President Nixon to order his subordinates to testify. The press, especially a small band of competent, vigorous, dedicated reporters, has made itself a living monument to the First Amendment in which its own freedom is enshrined.

The record of our government is not wholly bad. In Congress, after a slow start, Republicans and Democrats have joined forces to combat the cancerous blight that afflicts the Executive. Senators led by Sam Ervin have forced the appointment of an independent prosecutor of highest standing. The judiciary has been magnificent. Judge John J. Sirica broke open the Watergate by overriding a footdragging Department of Justice. Judge Matt Byrne chastised the lawlessness of government by dismissing a prosecution reeking with political malice. Had these two judges been amenable to White House influence, they would have had the inside track for future appointment to the nation's highest tribunal. They threw away that prospect by hewing to the line of truth and decency.

What does all this portend? There is reason, in my opinion, to look to the future with hope. I cherish a belief, amounting almost to certainty, that the United States is beginning to move from a critical national illness into a healing catharsis of the entire body politic.

One thing I am sure of. I am certain that among the 139 young men and women who receive their law degrees this day, there are exactly 139 who will be more devoted to their country, more committed to justice and fair dealing, more faithful to democratic selfgovernment, because of the turmoil and travail through which the nation is struggling. We are at a moment of destiny.

SOVIET JEWRY AND INTERNATIONAL TRADE POLICY

Mr. WILLIAMS. Mr. President, in the June 13, 1973, issue of the North Jersey Suburbanite, Morton Steinberg, in his column, presented a detailed examination of the question of Soviet Jewry and the relationship of international trade policy.

Mr. Steinberg makes many valid points in his article and in view of our continuing deliberations on this matter, I think his article should be made part of the permanent RECORD.

Therefore, I ask unanimous consent that his column be printed in the RECORD.

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

FREE TRADE AND FREE PEOPLE

Leonid Brezhnev, leader of the communist party of the USSR will be here next week conferring with President Nixon. High on the agenda is the matter of granting "most-favored-nation" treatment in the Soviet Union. In simplistic terms MFN means that in our commerce with the USSR it will enjoy the same trade advantages granted to the "most-favored-nation" doing business with us.

Trade has been a boon and a bane in the history of mankind. It sparked the dumping of tea in Boston Harbor; the Opium War in China. In the age of Imperialism it made empires rich and kept colonies poor. In this age of "enlightenment" trade is slowly (very slowly) "developing" the underdeveloped countries. The use to which trade is put in international relations is a measure of each nation's spiritual qualities—illuminating the depth of degradation to which it may descend and the heights of the sublime to which it may ascend.

Today we want detente (in part a euphemism for more trade) with the Soviets. And we want more justice for Soviet Jews. Detente is a noble goal. So, obviously, is Justice. They are not incompatible. Detente means more than trade. It is only one of the many ways whereby differing societies approach greater understanding and respect for each other. In this sense justice for Soviet Jews would strengthen detente between the USSR and the USA.

The Soviet constitution requires the preservation and promotion of the cultural identity of the 108 nationalities composing the Soviet Union. The Jewish nation within that Union is expressly included, numerically number 11 among the 108. What is unique about the oppression of Soviet Jews? Other nationalities are allowed their own schools, languages, daily papers, libraries, books, museums, theatres, TV and radio programs. Jews

are not. Other religious groups are allowed to organize and centralize their institutions, including schools for clergy and priests; to replace sacred but worn altar objects and bibles; even to go abroad for international religious conferences. Jews are not. Why? Because Soviet Jewry is the only one of the 108 nationalities that is (1) both a nation and a religion, creating in this duality greater resistance to atheism (2) identified with an international community, more subject to western influence, thereby less easily made to conform to the dominant communist ideology, and (3) by nature (born out of the paths of their history) skeptical of a society in which the State is all, the Individual nothing, making it difficult, if not impossible (after a half century of trying) to mold the Jew into a model "Soviet Man."

Condemned to cultural genocide, over a hundred thousand Soviet Jews have sought to escape to Israel. (The Universal Declaration of Human Rights, to which the USSR is a signatory, declares this to be their right. In 1963 when the UN was studying this question the Soviet government declared that such a right must be granted a Soviet citizen unless he (1) is then on trial for a prior offense, (2) is then serving a sentence for prior offense, or (3) has yet to serve his term in the Soviet armed forces.) Nonetheless, when a Soviet Jew, in none of these categories, seeks permission to emigrate, he is at once demoted or fired from his job, whether a laborer, clerk, machinist, professor, ballet dancer, artist, scientist, or conductor of the Moscow Symphony. His apartment may be taken from him. His children are treated like lepers in the classroom. The universities are closed to them. He is lucky to stay out of jail as an (unemployed) vagrant. Assuming permission is granted, he must get out in a hurry (10–25 days to settle his affairs) on pain of the permit being withdrawn. He must pay the equivalent of $1,000 for himself and each departing member of his family. If he or they are college graduates, each must pay an additional $5,000 to $30,000, depending on the degrees held; notwithstanding that each may have repaid several times over in public service for their state-financed education.

If Soviet Jews are so difficult to mold into ideal Soviet citizens, why this punishment for seeking to emigrate? One answer is that making it "easy" to leave would open the floodgates, not only for all Soviet Jews, but for millions of other oppressed minorities. Permitting their departure in such waves is tantamount to admitting that Lenin's "noble experiment" has failed.

American (and world) reaction has been, in one word: abhorrence. It has been expressed by church groups of all faiths, by labor unions, hundreds of various organizations, and by the press in editorial columns. At the state and local level there have been resolutions of protest adopted by mayors and city councils, and by state legislatures from New York to California, including our New Jersey. At the national level it has been expressed in bipartisan sponsorship of the Jackson-Mills-Vanik amendment to the Trade Reform Act. It would prohibit MFN to any nation denying its citizens the right to emigrate or to impose more than a nominal tax in order to emigrate. The amendment would NOT prohibit trade, only most-favored-nation treatment. The Senatorial sponsors at last count number at least 75 out of 100; the House sponsors at least 280 out of 435. These numbers reflect the overwhelming sentiment at the "grass roots". The White House has rejected the amendment, urging MFN treatment for the USSR, following which there would be "quiet diplomacy" in behalf of Soviet Jews. We are asked to rely on vague unofficial promises (easily denied later) that the unconscionable "ransoms" will be waived. The public, after Watergate, are not likely to "buy" such devious and circuitous methods.

Apart from the moral question, Americans are beginning to ask questions about what they are going to get out of increased (MFN) trade with the Soviet Union. Judging from past experience we sell grain to them at bargain prices (with shipping costs subsidized by us—the taxpayers) and raise the price of bread at home. Our corporate giants will sell the USSR sophisticated machinery on long term credits, repayment guaranteed by us—the taxpayers. Banks are urged to extend such credit at interest rates below those granted to the best domestic risks. Recently, the Board Chairman of the Manufacturers Hanover Trust Company called this "dubious banking" and "'most-favored-nation' treatment with a vengeance".

Of course increased trade with the USSR (with or without MFN treatment) is desirable, but not when it involves picking the pockets of average Americans and destroying the souls of Soviet citizens. We are not creating precedents by refusing to grant MFN to the USSR without demanding in return recognition of basic human rights. (The US in 1912 abrogated its 1832 trade treaty with Russia because the then government refused visas to Jews). Nor are we violating international law or international morality. The best answer to the charge that we are "interfering in the internal affairs" of the USSR comes from, of all places, Moscow. In the words of Alexander Solzhenitsyn, the Nobel Prize winner: "Mankind's sole salvation lies in everyone making everything his business . . . There are no internal affairs left on our crowded Earth."

MIDWEST CONFERENCE OF DEMOCRATIC SENATORS CALLS FOR MANDATORY FUEL ALLOCATIONS

Mr. HUGHES. Mr. President, several members of the Midwest Conference of Democratic Senators met for breakfast yesterday and resolved to request that the President act immediately to impose a system of mandatory allocations of petroleum products, under authority granted him two months ago by Congress.

A statement was prepared in the form of a news release and issued yesterday afternoon with the concurrence of such members of the Midwest Conference as we were able to contact and obtain approval from within the brief time that was available. Twelve members of the Conference participated in issuing the statement, and I ask unanimous consent that a copy of the news release be printed in the RECORD at the conclusion of my remarks.

Mr. President, the statement takes cognizance of several critical concerns which weigh heavily on all of the people of the Midwest region of the Nation. But the paramount concern is whether existing food shortages and vicious price inflation will be allowed to worsen as a result of inaction by the Federal Government with respect to making fuel available to harvest the crops, process them, and transport them to consumer markets.

Implicitly ingrained in these concerns is also the impossible plight of the independent marketers of petroleum products. In Iowa, my home State, more than half of these products were formerly distributed by independent jobbers and retail outlets. I strongly suspect that is no longer the case, given the many reports I have received from independents that they often can find no product to sell, and what product they can find is priced so high that they would have to sell at a loss under the 60-day price-freeze regulations proclaimed by the President earlier this month.

This is the essence of the "economic trap" to which the Midwest Conference referred in our statement yesterday. It is the situation which prompted the Conference to urge the President to revaluate the manner in which the price freeze has been applied to independent marketers, and it is the situation which prompted the Conference to urge the Committee on Banking, Housing and Urban Affairs to evaluate the combined effects of the price freeze and allocation programs on independent marketers.

For myself, Mr. President, I would say that the position of the independent marketers has steadily worsened with each hesitant and incomplete action taken by the President to deal with the fuel shortages. And with this deterioration in viability of independent operators, the posture of the major, branded oil companies has steadily strengthened.

While independent, unbranded marketers have founded it increasingly difficult to obtain supplies, the major oil companies have been able to continue in business with only incidental reductions in service.

While independent, unbranded marketers have had to dramatically increase their prices to break even, the major, branded outlets have become the "cut-rate outfits" in many areas and still remain profitable.

When State, municipal, and school units have sought bids for supplying them with fuel, they have often received only one bid, rather than the several of former years; and the price they have had to pay has been on the order of 50 percent or more higher than in the past.

In my view, Mr. President, these occurrences strongly suggest that the major oil companies have "gotten together" on the most lucrative method of sharing their "responsibilities" under the administration's voluntary allocation program.

If there are monopolistic forces at work in the petroleum industry, they must be identified, ferreted out, and laid to rest.

To that end, I am pleased that the Senator from Washington (Mr. JACKSON), chairman of the Permanent Investigations Subcommittee of the Senate, and the Senator from Michigan (Mr. HART) chairman of the Antitrust and Monopoly Subcommittee, are pursuing an investigation of these forces.

I am also pleased to note and commend the Senator from New Hampshire (Mr. MCINTYRE) for introducing legislation that would require large oil companies to divest themselves of their marketing systems, when they are also engaged in production and refining of crude oil. Vertical integration of the oil industry, as we have now come unhappily to recognize, is no more desirable for

the consumer and our economy than vertical integration in the agriculture and food-processing industry.

For the immediate future, however, the problem is simply to make fuel available for agriculture and other essential public purposes, and to do it in such a way that the fuel flows through every existing outlet, independent as well as branded. In this way, maximum competition can be preserved, resulting in lower prices, and everyone who needs fuel will have it conveniently available.

I note that the President has sent to Congress today a message regarding the energy situation and announcng the appointment of Gov. John Love of Colorado to head up the coordination of energy policy in the administration. As a friend and former colleague of Governor Love, I applaud his selection for this vital position and wish him well in bringing to the adminstration a fresh perspective from a distance—from the area of the Nation hardest hit by the fuel shortages.

Of course, I have not yet had time to study the President's message in detail, but with the benefit of a quick review, I can find no indication of a willingness to implement a mandatory allocations program. I hope that this will be his decision, however, when he makes further announcements, as rumored, next week.

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

MIDWEST DEMOCRATIC SENATORS DEMAND MANDATORY FUEL ALLOCATIONS TO PREVENT FOOD PRODUCTION CATASTROPHE

The Midwest Conference of Democratic Senators today called on President Nixon to impose a mandatory fuel allocation program immediately to end petroleum product shortages that have hobbled agricultural operations and essential public services and to preserve competition in the petroleum industry.

We call on the President to implement a mandatory allocation program immediately, under authority given him by Congress on April 30 in the Eagleton Amendment to the Economic Stabilization Act, the Senators said in a joint statement issued by 12 members of the Conference.

Such action is urgently needed if the agricultural economy of the Midwest is to escape catastrophe next fall and winter.

The Senators also urged the President "to re-evaluate application of the price freeze to the marketing of petroleum products, in order to free independent marketers from an economic trap that prevents any allocation program, voluntary or mandatory, from assisting them and their customers."

At the heart of our concern is the very real prospect that farm crops may rot in the fields for lack of fuel to harvest them. Wheat harvests in the Southwest have already been stunted, and unless action is taken immediately, there will be a worsening of the already critical shortages and escalating prices of foodstuffs.

Propane production and stocks are unusually low, while prices are skyrocketing. Without a substantial improvement in the situation, there will not be adequate supplies for drying crops.

Current production of distillate fuels (home heating oil and diesel fuel) is about where it was at this time last year, and stocks are only marginally higher. Trucking companies have warned that, even if crops can be harvested and dried, they may not be able to reach the market.

The voluntary allocation program, so widely heralded by the Administration six weeks ago, has been a failure. Independent fuel oil and gasoline distributors have been dealt less than a fair share of available products—if they were lucky—or met with outright refusal of cooperation. When they have been able to get products, it has often been at wholesale prices which are at or above the retail prices of branded gasoline, diesel fuel, and propane.

With these price conditions frozen, the independents have been forced to choose between losing money while serving their customers or going out of business because they can get no product at even break-even prices.

STATISTICS

The price behavior of the industry has been little short of scandalous. According to the Bureau of Labor, the Wholesale Price Index for refined petroleum products rose by 25 per cent between May 1972 and May 1973, with most of these increases occurring since Phase II controls were lifted early in January. Prices again rose sharply in the last week in May and the first week in June, just in time to beat the June 8 price freeze.

We do not know how these increases were justified under Phase III controls. The Cost of Living Council has steadfastly refused to obey the will of Congress expressed in the Hathaway Amendment, which declares that cost justifications for price increases by the major oil companies are matters of public record. The Administration has the facts on the price increases, but refuses to release them.

The major oil companies appear to be cooperating with the voluntary program's guidelines for supplying essential public services, but at a high price. The traditional pattern of discounts for state, municipal and school district bids has disappeared, and public bodies are paying as much for gasoline and fuel oil as retail customers. Indeed, the prevailing pattern of single-firm bids, or no bids at all, to these public agencies, which formerly had as many as a dozen or more firms competing for their business, is fertile ground for exploration by Congressional Committees.

We also urge the Senate Committee on Banking, Housing and Urban Affairs, which originally recommended an allocation program to the Senate, to evaluate the Administration's allocation rules, as well as the impact of the price freeze on the operation of the allocation program.

Members of the Midwest Democratic Conference of Senators issuing the statement include Hughes (Chairman) and Clark of Iowa, Symington and Eagleton of Missouri, McGovern and Abourezk of South Dakota, Mondale and Humphrey of Minnesota, Stevenson of Illinois, Burdick of North Dakota, Hart of Michigan, Nelson of Wisconsin.

OUR VANISHING FISHERIES

Mr. MUSKIE. Mr. President, in the course of the last few years, I have been increasingly distressed by the depletion of various fishing stocks off our coasts and the seeming indifference of the U.S. Government to the plight of our fishing industry. We must all be aware of the fact that foreign fishing off our shores has increased several fold within the last decade and that the world's fishing effort is now of such a large magnitude that stocks can be decimated in a season or two. Witness the virtual depletion overnight of haddock stocks on Georges Bank in the Northwest Atlantic. And now, many experts are predicting similar fates for cod, sea scallops, yellow-tail flounder, and the lobster.

The 1974 Law of the Sea Conference at Santiago, Chile, will offer a unique opportunity for the international community to take a major step toward the creation of an international structure to manage 70 percent of the earth's surface. Such a structure could also serve as a model for subsequent efforts to avoid the conflicts and tensions arising out of unilateral efforts to appropriate a large measure of the world's remaining resources at the expense of those nations not able to compete for them on equal terms.

I am encouraged by these possibilities. I intend to support efforts to reach an international solution to the management of the globe's oceans. But we all should remember that the Santiago Conference is not scheduled to begin for almost another year 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 the very real problems presented by foreign fishermen to the U.S. fishing industry. These problems cannot be filed away while treaties are negotiated by diplomats. 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 Continental Shelf will increase. Such pressures are only heightened by the unwillingness of other nations within the International Commission for Northwest Atlantic Fisheries—ICNAF—to work with us to conserve and rebuild offshore stocks.

International management of the seas is by far preferable to unilateral declarations of exclusive rights and jurisdictions. However, if other members of the ICNAF continue to be reluctant to keep their fishing effort within reasonable conservation limits, unilateral action may prove to be the most effective way for our Government to produce the long-run international approach to management of the oceans that we need.

Mr. President, I ask unanimous consent to have printed in the RECORD two recent pieces that touch upon this important problem: an editorial in today's New York Times, and an article in the June–July issue of Travel and Leisure on "The Vanishing Lobster."

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

WIDER FISH WAR?

The "Cod War" that recently has precipitated dangerous encounters between Icelandic patrol vessels and British frigates in disputed fishing areas off Iceland is threatening to move west and escalate into a far more serious confrontation between the United States and foreign fishing fleets operating off this country's East Coast.

Like their counterparts in Iceland, America's fishermen have grown increasingly alarmed over the depletion of valuable stocks. A steadily growing fleet of large and sophisticated fishing vessels from the Soviet Union, Japan, Spain, the two Germanys and elsewhere already has cut the Northwest Atlantic haddock catch to zero and has reduced herring stocks by an estimated 90 per cent in less than a decade of intensive fishing.

Unlike the Government in Reykjavik, Washington has strongly resisted demands that the United States arbitrarily extend its 12-mile fisheries zone. The Administration fears that such unilateral action would undermine its efforts to promote a fisheries agreement at the forthcoming Law of the Sea Conference that will protect other American maritime interests, such as the right of the Navy to roam the high seas and the rights of American fishermen who have traditionally fished off foreign shores.

Rather than extend the fisheries limit, the United States Government has sought to protect American fishermen and their stocks through mutual agreement with other interested nations in the International Commission for Northwest Atlantic Fisheries. This effort, long viewed with skepticism by American fishermen, has now virtually collapsed. Attempts to persuade the Commission to set limits which American scientists regard as essential for conservation and rebuilding of stocks were rejected by the other members at a recent meeting in Copenhagen.

The failure of the International Commission compels the Administration and Congress to give serious consideration to a bill recently introduced by Senator Magnuson that would extend United States fisheries jurisdiction to 200 miles. Although drastic, the bill does take into consideration this country's wider, long-range maritime interests. Its provisions would remain in effect only until ratification of a new international fisheries agreement and it makes allowance for the traditional fishing rights of other nations within conservation limits, following closely United States proposals for a new international fisheries convention.

Conservation by mutual consent is still by far the preferable route, pending ratification of a new convention. But unless other members of the International Commission speedily revise their uncooperative attitudes, the United States may be forced to take the unilateral route in order to save its fisheries, with all the risks of conflict and anarchy at sea which that entails.

THE VANISHING LOBSTER

(By Silas Spitzer)

One of the little things that seem to nudge a boy into manhood is when he first cracks open, cleans out and devours a whole lobster, all by himself, without missing a single edible scrap. It happened to me long ago on my sixteenth birthday. I had never eaten a lobster before except when it was forked out of a can or stingily scattered among the vegetables in a salad.

I can still remember the hot Sunday afternoon when my father took me by streetcar for dinner at a famous seafood emporium in Sheepshead Bay. The place is still standing, though sadly changed, almost within scent of the old Brooklyn fishing grounds. It was one vast dining room that boomed and clattered with happy noise, like an army barracks at the end of a hard day. The room was packed to its yellow wooden walls with hungry shirtsleeved families shoveling in big helpings of food at long, untidily laden tables. A rich smell of fried fish and draft beer rode on a fresh sea breeze that blew fitfully in through the open windows.

The pound-and-a-half boiled lobster I consumed that day, with deep, lingering enjoyment, was an extra item on the "deluxe shore dinner." If memory serves, it cost my old man an additional two dollars. Today, the price of a healthy Maine lobster of about the same weight, if ordered at a fine fish restaurant would come to $13.50 or more.

Like all especially wonderful things to eat or drink, the price of fresh lobster has zoomed skyward. It is now in that remote heaven for the rich and overindulgent usually reserved for fresh foie gras, French and Italian truffles, prize Kansas beef, Iranian beluga caviar and château-bottled wines of the legendary years. Now lobsters cost so much that buying enough to satisfy a family is a serious project, like adding a new wing to your house.

Besides the basic pressures of inflation, there are a number of reasons why prices have soared. The demand for lobster taken off our northeastern coast has grown worldwide. The supply has been steadily sinking until it can no longer keep up. In 1957, the Maine lobster catch, which supplies 75 percent of the total national consumption, amounted to twenty-five million pounds. By 1972, it had dropped by eight million pounds. In other words, there are now fewer lobsters and more people who want them and can afford to buy them.

Rising prices and a seemingly insatiable demand lured more and more men to take up the hard calling of lobster trapping. Seven thousand of them are now lobstering in Maine. That is more than nature can handle. The inshore waters, once swarming with treasure, have become so overfished that the lobster population is seriously endangered. Scarcity has impelled lobstermen to voyage in their boats as far out as 200 miles, sowing their pots as they go, in the frigid ocean depths.

The situation contrasts dimsally with the lavish years of the 19th century. In those innocently permissive days, no statutory laws controlled the size or content of the Maine catch. Lobstermen could, and often did, haul as much as a thousand pounds in a twenty-four-hour day. Not a single creature was discarded because of age or size, not even females who were in an "interesting condition." The pools and grassy shallows among the tidewashed rocks were full of small fry, soft-shells and shedders. These were not acceptable to the wholesale buyers, but farmers harvested them by the cartload to fertilize their fields. Lobster was as common as clams or sweet corn at the day-long beach bakes of that happy period of plenty.

As time passed, wise heads in Maine decided that strict laws were needed to slow down the attack upon the State's most impressive source of natural wealth, worth as much as $60 million annually. This figure does not include the cash crop of summer tourists, who arrive panting for the salt-sea feasting ahead and dreaming of great hunks of sweet meat, with buckets of melted butter to dip them in.

Today the Maine lobsterman works under legal wraps which severely restrict his catch. By state law, he may not take a "keeper" less than 3 and 3/16th inches or longer than 5 inches from eye socket to the rear end of the body shell. To encourage accuracy, the state provides at cost an official measuring gauge. Other states along the eastern coast do not prohibit what Maine considers oversize lobsters, supposed to produce more eggs. This has caused grumbling among Maine men who would like to bring in the big fellows up to jumbo size, or at least increase size limits at either end of the scale.

Where I live, close to the long white ocean beaches of eastern Long Island, commercial fishing boats off Montauk and the Hamptons bring in monsters of ten to twenty-five pounds. They are frequently sold in the retail fish markets near Shinnecock Inlet. I once sat with three friends around a steaming ten-gallon metal container, making a fine meal out of a single nightmarish claw that actually weighed two-thirds of the big fellow's entire poundage. We smashed it open with a heavy hammer and dug out the flesh with our thumbs. There is an old wives' tale to the effect that the bigger the lobster, the tougher and more tasteless he will be, but we did not find it so.

Maine law further prohibits the taking of female lobsters that carry fertilized eggs under the tail, in batches up to fifty thousand at a time. Punishment for infractions brings a stiff fine and even imprisonment. The state has gone a long way to protect its most celebrated product. There is strong organized opposition to oil spill and all other forms of pollution. Scientists are studying the artificial breeding of lobsters, following the hatchery experiments in Brittany and some successful operations in this country with oysters and scallops. The latest campaign to bring back the lobster crop is directed against the big foreign fishing trawlers from a dozen different nations which patrol just outside the 12-mile limit and drag for everything that swims, crawls or just gets in the way. This indiscriminate sweeping, New England fishermen complain, gathers up not only fish but their lines and pods, whether empty or full. The big, efficient trawlers, with their enormous finely meshed nets that miss nothing bigger than a sardine, have already exhausted fishing grounds in other parts of the world. Our nearby ocean waters may be next to go.

Still, in spite of laws, admonitions and experiment, the supply drops as demand grows. Up to the time of cargo planes and refrigerated trucks, people living west of the Hudson never knew the taste of fresh lobster. But that changed as tons of live and kicking *Homarus americanus* were flown or trucked to all sections of the country. This year, restaurants that used to wallow in Lobster Thermidor or Newburg are feeling the pinch of high prices and scarcity. Today many have dropped lobster and are substituting frozen lobster tails from South Africa, New Zealand and Australia. The tails are fairly edible, but their flavor and texture cannot compare with the inimitable sea taste of Maine lobster, the eating of which is one of the most blissful taste experiences that life affords.

Highly rated restaurants in the bigger cities, where prices seem not to diminish the appetites of clients, still purchase live Maine lobster, undeterred by the costs of jet transportation on top of surging wholesale prices. As long as their clients have the money and are eager to spend it, lobster will be available in these plush places, which cater to the well-heeled hedonist trade. The rest of us will have to wait for some miracle to bring lobster down to our level. In a mood of pessimism, what I see ahead is the day when it will be eaten only on red-letter holidays, as roast goose and plum pudding are served at Christmas.

I have eaten *homard* in Brittany and Normandy, spiny lobster in seafood places Down Under, the much touted North Sea *Hummer* in Hamburg and Bremen, and various beasts which pass for lobster in other parts of the world. None can touch the true Maine lobster, its armored shell crammed solidly with crisp yet tender white meat with a flavor which is the sea's own uniquely subtle blend of sweet and salt. Every bit of a lobster but the shell is edible. One should not pass up a single succulent morsel. The green tomalley, which is the liver, is curiously delectable. If you are lucky, you may have on your plate a female "counter," full of roe. This dainty coral-red substance should be eaten with the tomalley, a sea-haunted blend of taste and texture found in no other delicacy.

Nearly everybody loves lobster, but how sad it is to see how few know how to eat it properly. Often, at home or in a restaurant, the precious meat is ripped carelessly from its shell and then served at table in a scramble of bits and pieces, all to save someone a little time and manual employment. Half the joy of eating a lobster is to do the job yourself, slowly, carefully and with loving patience. You will be amply rewarded by the luscious bits that come out of small, secret crevices.

It pains me to think about the evening when my wife and I had dinner in a New York restaurant known for its ponderous

steaks and massive lobsters, usually broiled and thickly stuffed with crabmeat and crumbs. Across the narrow room from where we sat was a party of eight or nine ladies and gentlemen, who never stopped talking, hardly even to eat. A fat, perspiring waiter with sideburns and a spotted apron, stood at the serving table close by and worked on a huge crimson pile of everybody's favorite crustacean, which incidentally, went for $15 apiece at this highly sophisticated spot. With heavy nutcrackers and his hairy hands, he smashed the lobsters into fragments at high speed and tore out only the meat of the claws and tails. A busboy shoveled the discarded, half-empty shells into a big pail and carried it off, I suspect to a corner of the kitchen where the house cat was licking his whiskers in anticipation. Nobody at the table stopped talking long enough to oversee this operation. Nobody worried about waste or cared whether he would be served all the good lobster his host was paying for. It was a scene that helped explain why there is still so much demand for Maine, East Coast and Nova Scotia lobsters even at the highest prices in our history.

Lobster epicures believe that the ideal eating weight is just under two pounds, young enough for tenderness, adult enough to have reached full flavor. When you shop for a live lobster, be sure the tail curls up, never droops. If it has already been cooked, pull its tail. If it springs back, chances are good that it was alive and saucy before the cook grabbed it.

As for cooking methods, I can only give my own preference, which is for boiling or steaming, instead of broiling or using elaborate cooking recipes requiring rich, creamy sauces and alien spicing. The subject is controversial, especially in Maine. In a Rockport lobster restaurant, they boiled the creature for half an hour, far too long for my taste. For best results, use a big kettle well filled with boiling sea water if you can get it, about 1½ quarts to the lobster. Drop it in head first, cover the pot, wait for a rolling boil and cook seven minutes for two pounds and under, ten minutes for specimens over two pounds. The big sin is to overcook. Tenderhearted people often start with cold water, believing that the animal loses consciousness before he can feel scalding pain. In France, the kitchen procedure is to quickly kill by piercing the brain with the sharp point of a knife.

Some Maine residents speak dreamily of eating freshly trapped lobster out-of-doors, steamed over seaweed in a pit of red-hot rocks. This is about as close as one can get to nature and the sea, and, as far away as possible from overcivilized techniques. Broiling has it advocates, but too often the cook lets the meat toughen and turn dry. The pure, strong essence of lobster flavor is perhaps best tasted in a Down East stew or a lobster bisque in a fine restaurant in France. Long, slow cooking is what makes these preparations so divinely rich. In the case of lobster bisque a la Francais, the old-fashioned method is to cook not only the meat, the tomalley and the colar and white lobster fat, but to reduce the shells to a fine powder in a huge mortar with a giant pestle and add it to the rest. I have never tasted that kind of bisque in this country, even at the most expensive places.

As things stand today, we lobster fanatics are troubled by the gradual disappearance of live Maine lobster at a fair price—but glad to eat one that occasionally comes our way. We live in hope, or at least I do, that some day the scientists will bring back the big crop of the good old years, breeding them in hatcheries to a point where the finger-long young can venture out to sea with a minimum of danger. May that day come soon, while we are still in good appetite.

SENATE ADOPTS ARREST RECORDS AMENDMENT

Mr. ERVIN. Mr. President, yesterday the Senate adopted amendment No. 273 to H.R. 8152, the LEAA authorization bill. That amendment is a commendable first step by the Senate to place interim restrictions upon the practices of criminal justice information systems funded by LEAA.

This amendment grows out of the concern voiced by citizens, various criminal justice experts and the courts about the misuse of criminal history information by State and Federal criminal justice information systems. The American Civil Liberties Union, the Lawyers Committee for Civil Rights and other groups have presented a compelling case for the debilitating effect that incomplete criminal history records can have upon an innocent individual. For example, there are many instances where incomplete records of an arrest have been disseminated to prospective employers. Records of an arrest of a job applicant will fall into the hands of a prospective employer where the record indicates no subsequent disposition of the charge arising out of that arrest but the defendant was ultimately acquitted of the charge. Of course, such damaging information eliminates any chance of that applicant being hired.

I believe that the best approach to this problem is a complete ban on dissemination of criminal history information unless records of arrest indicate that the defendant has been convicted of the charge arising out of that arrest. Quite frankly, I can see no use whatsoever, by prospective employers or law enforcement officials, for an arrest record which does not indicate conviction. Therefore, last year I convinced the Senate to adopt a rider to the FBI appropriation which would prohibit the dissemination of criminal history records unless they indicated conviction. I only wish the Senate had gone that far in yesterday's action.

Amendment No. 273 only restricts dissemination of criminal history records to those which contain dispositions. However, the amendment also requires that State and local criminal justice systems adopt minimum operating procedures designed to protect privacy and confidentiality of criminal history information and those systems must also guarantee a right of access to subjects who have records in the data bank. According to Senator KENNEDY, sponsor of the amendment, this means that at the very least all criminal justice information systems which receive any LEAA funds will have to adopt immediately the privacy and security regulations recommended by the Privacy and Security Committee of Project Search in 1970.

I was initially concerned by the fact that Senator KENNEDY's amendment requires the State and local data banks to include dispositional information only "to the maximum extent feasible." However, Senator KENNEDY in response to an inquiry by Senator MATHIAS, explained that this means that the systems must adopt the search rules immediately and begin including disposition information on records it disseminates as soon as is humanly possible. Accordingly, this language cannot be used as an excuse by law enforcement agencies who simply do not cooperate with court personnel to get dispositional information. Bureaucratic complications will not be tolerated under this amendment and neither should complaints about cost. Of course, it will cost more for the courts and police to interface their information systems so that criminal history records are complete but that is what the search rules require and that is what this amendment requires.

Finally, it is clear from yesterday's RECORD that Senators KENNEDY, MCCLELLAN, and HRUSKA, who all have an interest in this field, agree that amendment 273 is only an interim, stop-gap measure and is not a final comprehensive solution to this problem. As Senator HRUSKA said yesterday—

> The language in this amendment is not dispositive of the entire problem, but additional legislation will be forthcoming soon on that subject, and it will supplement and complement this measure.

The Subcommittee on Constitutional Rights on which Senator HRUSKA sits and which I chair shares jurisdiction over this matter with the Subcommittee on Criminal Laws and Procedures. I have instructed my staff to prepare comprehensive legislation on this question and I understand that the administration is doing the same. Therefore, I hope we will have a bill introduced within the next few weeks and that the Subcommittee on Constitutional Rights can hold hearings in the near future on that legislation and on the progress of LEAA in enforcing the Kennedy amendment.

OEO FUNDS TO CONTINUE

Mr. WILLIAMS. Mr. President, I am pleased to announce to my colleagues that U.S. District Court Judge William B. Jones yesterday ordered that all OEO grants now pending before the agency be immediately processed, and that all grantees be notified of the agency's decision on or before midnight June 30, the expiration date for fiscal year 1973 funds.

The judge further ruled that the Director-designate, Alvin Arnett, be temporarily empowered to issue such grants during this emergency situation until the Senate considers the nominee's confirmation. Judge Jones' decision is a direct result of a lawsuit entered into by myself and three colleagues, the distinguished Senator from Rhode Island (Mr. PELL), the distinguished Senator from Minnesota (Mr. MONDALE), and the distinguished Senator from Maine (Mr. HATHAWAY). Earlier this month, Judge Jones ruled that the former Acting Director, Howard Phillips, was serving illegally in that office, and was so removed by court order. This action was affirmed by the appellate court last week.

It is clear that the administration's unilateral efforts to dismantle OEO are a clear violation of the law and will not be tolerated.

Yesterday's court decision by Judge

Jones is a tremendous victory not only for reestablishing the constitutional prerogatives of the Senate, but will go a long way toward giving hope to the poor and disadvantaged of this country.

There is no question that this lawsuit has already given, and will continue to give, new impetus to Congress efforts to reorder our Nation's priorities to programs aimed at fulfilling the basic human and social needs of our citizens.

Tuesday, the House of Representatives overwhelmingly passed the Labor-HEW appropriations bill, which includes funds for OEO for fiscal year 1974. It is interesting to note that two efforts to reduce OEO appropriations—as recommended by the House Appropriations Committee—were soundly defeated. In my opinion, such action would have been unlikely prior to the court intervention initiated by myself and Senators PELL, MONDALE, and HATHAWAY.

Upon consideration by the Senate, I am confident that funds for OEO will be appropriated at a level which will enable the agency to continue its worthwhile activities. In the event that the Senate is unable to act on the OEO appropriations before June 30, Congress will undoubtedly assure the program's funding by enacting a continuing resolution. Such action has already been taken by the House.

With regard to the nomination of Mr. Arnett, I have directed the staff of the Senate Committee on Labor and Public Welfare to begin an immediate review of his background and qualifications. After proper notice is given to the public pursuant to statute and Senate rule, hearings on Mr. Arnett begin as soon as possible upon the return of the Senate after its July 4 recess.

Mr. President, because of the importance and the interest in this subject, I ask unanimous consent that the text of Judge Jones' memorandum and order of June 27, 1973, be printed in the RECORD.

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

MEMORANDUM AND ORDER

(Senator HARRISON A. WILLIAMS, Jr., et al., Plaintiffs; v. Howard J. Phillips, Defendant)

On June 22, 1973, the United States Court of Appeals for the District of Columbia Circuit entered an Order refusing to stay the June 11, 1973 Order of this Court declaring the defendant Howard J. Phillips to be serving illegally as Acting Director of the Office of Economic Opportunity [OEO] and enjoining him from taking any action as Acting Director. In addition the Court of Appeals remanded the case to this Court to consider certain objections to this Court's June 11, 1973 Order raised by the defendant and amici curiae in the Court of Appeals on the application for a stay. Some of those objections sought clarification rather than reversal of the Order. Other of the objections were based upon allegations of irreparable injury to OEO, its programs, and third parties dealing with it. The Court of Appeals determined that those allegations raised questions of fact concerning the actual effect of this Court's injunction, which required further development on the record.

In response to that remand, this Court held a hearing late on Monday, June 25, 1973. At that time the Court heard the views on remand from both counsel for the plaintiffs and counsel for the defendant. At the same time counsel for the plaintiffs in the several other actions pending before this Court involving OEO [1] were given the opportunity to express their views on the remand, although they did not participate in a formal sense as amici curiae.

In response to the suggestion of the Court of Appeals that motions might be filed for clarification or modification of this Court's injunction, the defendant filed a Motion for Relief From Judgment. That motion sought an order vacating the June 11, 1973 Order enjoining the defendant from taking any action as Acting Director of OEO. A modification of the declaration that the defendant was serving unlawfully and illegally was sought by holding that declaration to be effective as of July 1, 1973. In support of his motion the defendant attached his affidavit in which he stated that until the issuance of the June 11, 1973 Order, he intended to authorize, through subordinate officials, the making of additional grants and contracts totalling approximately $142 million before the end of fiscal year 1973. Recipients of those grants would have included, among others, Community Action Agencies, legal services organizations and migrant programs. The defendant further averred that to the best of his knowledge, information, and belief that no fiscal year 1973 funds have been legally obligated by OEO since the June 11, 1973 Order.

In connection with this motion and affidavit, the Court was advised by counsel that two or three grants have been made by OEO officials or employees since June 11, but that in each instance the grant was cancelled by other members of the OEO staff. In one or two of these instances, the Deputy General Council of OEO, who was present at the hearing, stated that he had ordered cancellation. The same Deputy General Counsel reported that a grant had been made by the OEO regional director for New York and that the grant had been cancelled by another OEO staff member. The regional director subsequently was placed on administrative leave. The Court inquired of the Deputy General Counsel whether the defendant's affidavit could be taken as an assurance that if the defendant were permitted to serve he would make grants and obligate the $142 million before the end of the fiscal year on June 30, 1973. The Deputy General Counsel stated that no such assurance could be given.

In this Court's view, whether the defendant would have made additional grants or contracts totalling $142 million before the end of fiscal year 1973 is totally beside the point. As has been made known in the June 11, 1973 Opinion and Order of this Court, this defendant has been illegally and unlawfully serving as Acting Director of OEO since the end of January, 1973. To reestablish him in that position would make a mockery of the law and would exceed even the liberal bounds of equity. The defendant's Motion for Relief From Judgment will be denied.

Also filed on the date of the remand hearing was a motion to intervene by the National Legal Aid & Defender Association, California Rural Legal Assistance, Inc., and the Michigan Migrant Legal Assistance project, Inc.,[2] accompanied by a motion to modify the June 11, 1973 Order. The proposed order submitted by the applicants for intervention would have reaffirmed the June 11, 1973 order that the defendant was serving illegally and unlawfully in office because he was not appointed Director of OEO by the President and confirmed by the Senate as is required by 42 U.S.C. § 2941(a) (1970). That order would have declared further that certain regulations promulgated by the defendant on May 25, May 30, and June 4, 1973, were not valid and of no force and effect. The proposed order finally provided that the June 11, 1973 Order would be modified to allow the defendant to take such actions as are reasonably required to administer OEO and all programs funded or regulated by it, and to otherwise preserve the status quo pending the appointment and confirmation of a valid Director of OEO. The proposed order would have further required him to issue or renew grants funded as of January 29, 1973, if an application for funds had been made. Lastly, the proposed order would have forbidden the defendant from terminating or reducing or permitting the expiration of funds of any such program, or from repealing, promulgating, or permitting to become effective any rule, regulation, or directive. The proposed order on its face is entirely illogical and because such relief was sought, the motion to intervene will be denied.

Counsel for the plaintiffs advised the Court that a continuing resolution was about to be enacted by the Congress which would continue OEO as a federal agency after July 1, 1973. Counsel further advised the Court the continuing resolution would continue OEO at the fiscal year 1973 appropriation level until an appropriation bill is passed. Thus it appears that OEO will continue as an agency and under the terms of its statute will be receiving appropriations for grants and contracts to be acted upon in due course.

Counsel in several of the other cases expressed concern because the current appropriation will revert to the general treasury if not fully obligated on or before June 30, 1973. To circumvent this possibility counsel in the recently filed case of *West Central Missouri Rural Development Corp.* v. *Shultz*, Civil Action No. 1237–73, would have this Court designate someone to serve as the trustee of unobligated funds of OEO. The trustee would be ordered to hold and control, although not expend, such funds on and after June 30, 1973, so that the current appropriation could be used in the next fiscal year. In essence the relief sought would have the judicial department establish a trusteeship over one branch of the executive department. The authorities cited in support of this proposition are unpersuasive and the proposition is without merit. In that case a pending application for a temporary restraining order will be denied.

Another suggestion by counsel for the various parties in the cases listed in note 1, *supra*, was that this Court should enter what in effect is a mandatory injunction obligating unspent fiscal year 1973 funds so that they would not revert to the treasury. But the Economic Opportunity Act of 1964, as amended, describes with considerable specificity the eligibility requirements for grantees. For this Court to enter a blanket injunction of the nature requested would in effect have this Court determine that such grantees were eligible for the funds for which they have applied. This is not a feasible solution.

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[1] The other cases are: Hayes v. Phillips, Civil Action No. 613–73; Migrant Legal Action Program v. Phillips, Civil Action No. 614–73; Goldman v. Phillips, Civil Action No. 956–73; Urban Planning Aid, Inc. v. Phillips, Civil Action No. 972–73; Rural Housing Alliance v. Phillips, Civil Action No. 976–73; United Migrants for Opportunity, Inc. v. Phillips, Civil Action No. 1141–73; West Central Missouri Rural Development Corp. v. Shultz, Civil Action No. 1237–73.

[2] The last named proposed intervenor is also a plaintiff in Civil Action No. 1141–73, note 1, *supra*.

The defendant has raised the question of who if anyone has current grant-making authority at OEO. The Court ordered the defendant at the remand hearing to present certain pertinent information which it has done. The Court requested that the defendant present two lists of currently serving OEO personnel with delegations of authority giving them grant-making authority. The first was a list of all personnel serving before January 31, 1973, and still employed at OEO, who had delegations of grant-making authority from prior validly serving Directors or their designees. The second category was those OEO employees issued grant-making authority between January 31, 1973, and March 1, 1973, by the defendant or his designees, and who are still employed at OEO. The later category was ordered for the purpose of making available to the Court of Appeals the state of OEO authority for the period of January 31 to March 1, 1973, in light of the remand considering but not holding that the defendant may have been legally in office for his first 30 days as Acting Director. This information is now in the record.

Since the remand hearing, counsel for the defendant has informed the Court that on June 26, 1973, the President appointed Alvin J. Arnett as Director of OEO, with Mr. Arnett's name to be sent to the Senate for its advice and consent. Under this Court's June 11, 1973, interpretation of 42 U.S.C. § 2941(a) and the Constitution, Mr. Arnett could not validly act as Director until he has been confirmed by the Senate pursuant to the President's nomination. As this Court recognized in that Opinion, however, emergency circumstances may create situations which require emergency action. The circumstances of this case do present such an emergency.

OEO, through its counsel at the remand hearing and through the defendant's affidavit, has informed the Court that approval of many of OEO grants is being held up because OEO officials are uncertain of who may act on those grants. In addition, $142 million of OEO funds will revert to the treasury after June 30, 1973, unless those funds are obligated on or before that date. This Court recognizes further that Congress has created OEO to carry out certain purposes and has appropriated funds for those programs. *See Local 2677, A.F.G.E.* v. *Phillips,* ------ F. Supp. -------- (D.D.C. 1973). Confusion and uncertainty at OEO over carrying out those programs are a matter of record. Therefore, this Court, in attempting to fashion an equitable remedy that will enable OEO to carry out its functions, finds that an emergency situation exists at OEO and that new director Arnett may perform those functions reserved to the director. It is to be emphasized that the circumstances surrounding this solution are unique and call for a unique fashioning of an equitable remedy. As the Court of Appeals recognized in its denial of stay, one possibility of modification of this Court's order would have been to allow time for compliance with the Constitution's requirements. *Brown* v. *Board of Education,* 349 U.S. 294 (1955); *Hecht Co.* v. *Bowles,* 321 U.S. 321, 329–30 (1944). In effect, the Court is attempting to allow such compliance and still do equity. In order to fashion a truly equitable remedy, however, the Court orders that the director act upon all pending OEO grant applications which were to be funded with fiscal year 1973 money before noon June 30, 1973. Those applications for grants are listed in the affidavit of Robert Treuer filed with this Court at its request after the remand hearing.

In case of the grant applications which have been denied since January 31, 1973, listed in the affidavit of the Deputy General Counsel, the new Director will be ordered to reconsider those denials deemed illegal and void because performed under Phillips' authority, before noon on June 30, 1973. If any details are sustained, full findings of fact and conclusions will be entered stating the reasons for those denials.

The emergency which has confronted this Court, OEO, and OEO beneficiaries is one that Congress could easily have prevented by providing for an orderly succession of power at OEO in the case of a vacancy such as it has done in the case of other independent establishments, e.g., Comptroller General, 41 U.S.C. §§ 42, 43a. It is hoped that Congress will recognize and rectify this situation which has placed all parties, but in particular the beneficiaries of OEO programs, in such a precarious position.

Appropriate orders will be entered in the individual grantee suits now pending before this Court.

Therefore, it is, this 27th day of June, 1973,

Ordered That the motion of the defendant for relief from judgment be and is hereby denied;

Further ordered That in the exercise of its equity powers, and with due consideration to the June 22, 1973 Order of remand from the United States Court of Appeals for possible modification of its decree Alvin J. Arnett, who has been nominated by the President as Director of the Office of Economic Opportunity and whose name has been submitted to the United States Senate for its advice and consent, is acknowledged by this Court to have authority in this emergency situation to act as Director of the Office of Economic Opportunity;

Further ordered That Alvin J. Arnett or persons acting under valid delegations of his grant-making power as Director of the Office of Economic Opportunity are ordered to considered all pending applications for grants or benefits of funds under the Economic Opportunity Act of 1964, as amended, to be made from fiscal year 1973 funds by 12:00 noon on June 30, 1973, and to notify all applicants for funds of the decisions rendered on their applications by telegram or other means to assure that the applicant knows of the decision by 12:00 noon on June 30, 1973; that all pending applications include those listed in the affidavit of Robert Treuer filed with this Court on June 26, 1973, as well as any applications for fiscal year 1973 funds which have been made but which are not enumerated in that affidavit; if any of those grants are denied, the Director shall inform the grant applicant of that decision, along with full findings and conclusions on which the denial is based as soon as practicable but in no event later than 12:00 noon on June 30, 1973;

Further ordered that Alvin J. Arnett or persons acting under valid delegations of his grant-making power as Director of the Office of Economic Opportunity consider all those applications for grants denied by the Office of Economic Opportunity after January 31, 1973, listed in the affidavit of the Deputy General Counsel filed with this Court, by 12:00 noon on June 30, 1973, and if those grants are denied, that he inform the grant applicant of that decision, along with full findings and conclusions by 12:00 noon on June 30, 1973;

Further ordered That service of this Order on the United States Attorney's Office shall constitute service upon Alvin J. Arnett and the Office of Economic Opportunity.

THE 200-MILE LIMIT: THE DANGER OF A NEW OLIGOPOLY

Mr. CRANSTON. Mr. President, on July 2 a United Nations committee of 92 nations will begin an 8-week working session in Geneva. This group is formally named the U.N. Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction but is commonly called the U.N. Seabed Committee. Subcommittee II of this committee deals with the breadth of the territorial sea, straits, and fisheries.

On August 3, 1971, the U.S. Representative, John Stevenson, introduced a document entitled "Draft Articles on the Breadth of the Territorial Sea, Straits, and Fisheries." This document put the U.S. delegation on record as opposing a 200-mile limit. As modified in 1972, the U.S. position favored a "species approach" to fisheries jurisdiction, whereby coastal and anadromous species—those swimming upstream to spawn—would be regulated by coastal states, and highly migratory species by international agreement. There is no fixed mileage boundary for fisheries as such.

Mr. President, anyone reading the CONGRESSIONAL RECORD these days would think that there was unanimous congressional support for the 200-mile limit. I think it is important to point out the drawbacks of unilateral claims on the ocean.

If a 200-mile limit were enacted worldwide, only 7 countries would control over 11-million square miles of the world's oceans. They are the U.S.A., the U.S.S.R., Australia, Indonesia, New Zealand, Canada, and Japan. Since this list includes the countries with the most sophisticated ocean technology, a universal 200-mile limit would establish an oligopoly over the oceans. The 19th-century scramble for Africa by the colonialist powers would seem superficial by comparison.

A 200-mile limit would do great damage to our long-distance fisheries, such as the tuna fishing industry. The problems that our tuna boats have encountered off the coast of Ecuador and Peru would be magnified many times over. Sports fishing off the coast of countries such as Mexico might be severely restricted. And once nations claimed 200 miles, they might want to claim more.

The United States has a long record of international agreements on fisheries. The oldest, the Convention Respecting Fisheries, Boundaries, and the Restoration of Slaves, pertained to Canada and was signed with Britain—in 1818. The latest is the treaty with Brazil under which the United States will assist in the conservation of shrimp resources off the Brazilian coast. This treaty is a fine example of creative ways of settling a fisheries dispute. I ask unanimous consent that a statement on this treaty by Ambassador Donald McKernan, Coordinator of Ocean Affairs, be printed in the RECORD.

In addition, I ask unanimous consent that several other documents appear in the RECORD. The first is a resolution endorsing the species approach and calling for bilateral and multilateral steps to protect our coastal resources. This resolution was adopted by the Pacific Marine Fisheries Commission in 1972. The other two documents are the U.S. revised draft fisheries article and a statement explaining its terms. Both

were submitted to the U.N. Committee on the Peaceful Uses of the Seabed and the Ocean Floor Beyond the Limits of National Jurisdiction on August 4, 1972.

Mr. President, on February 7, 1973, I joined with Senator EASTLAND and 39 other Senators in a resolution designed to revitalize the U.S. fishing industry. The industry faces a long list of problems and deserves new forms of support. In my opinion, however, the 200-mile limit should not be one of them.

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

STATEMENT BY AMBASSADOR DONALD L. MCKERNAN, COORDINATOR OF OCEAN AFFAIRS

Mr. Chairman and Members of the Committee, my name is Donald L. McKernan. I am Coordinator of Ocean Affairs in the Department of State and Special Assistant for Fisheries and Wildlife to the Secretary of State. It is a pleasure to be here today and a privilege to have this opportunity of testifying concerning the shrimp agreement with Brazil, the more so as I had the honor of heading the United States delegation which negotiated the Agreement. That delegation included lawyers from the Departments of State and Defense, technical experts from the Department of Commerce, and advisers from the shrimp industry.

The past two or three decades have been a period of rapidly intensifying use of the living resources of the sea. Certain of the developed industrial countries, particularly Japan and the Soviet Union, have greatly expanded their distant-water fishing fleets and have extended the intensive operations of these fleets to waters off the coasts of many other nations. At the same time, many of the developing coastal countries have conceived the ambition to share in the harvest of the resources lying off their shores, and some of them have achieved the capability to do so. During this period, the world production of fish and other products of living marine resources has risen steadily at a high rate. Unfortunately during this same period a number of important fishery resources have been overexploited and their productivity has been seriously impaired, in some cases apparently permanently.

Against this background of increasing competition for the protein resources of the ocean, there have been related developments in the law and politics of ocean fisheries, developments which in some cases have given rise to serious problems in the relations between nations. Many coastal countries, including the United States, have attempted to defend their special interests in the conservation and utilization of the fishery resources off their coasts by unilaterally claiming jurisdiction over fisheries in adjacent waters beyond the traditional 3-mile territorial sea. The breadth of these claims varies widely, however. The trend toward extensive claims has been particularly pronounced in Latin America, where, beginning with Chile and Peru in 1947, there have been successive assertions of fishery jurisdiction and full territorial seas to a distance of 200 nautical miles from shore. At the present time in South America only the countries of the north coast (Colombia, Venezuela, and the Guianas) are still adhering to a more conservative limit. In addition, five West African countries have made territorial sea or fisheries jurisdiction claims beyond 12 miles in the past year and a half.

These broad extensions of claimed jurisdiction in Latin America and in other regions of the world have given rise to many conflicts between the coastal countries and the nations with distant-water fishing fleets. In general the maritime nations have not accepted the broad jurisdictional claims of the coastal countries, not only because of the economic interests that would be directly affected by the coastal state's jurisdiction over fishing but because of a fear that recognition of that type of jurisdiction would lead to assertions of coastal state control over other types of activities and eventually to drastic restrictions on the exercise of traditional high seas freedoms. By and large, the maritime countries have been willing to try to resolve these problems by the negotiation of agreements intended to meet the conservation concerns of the coastal countries. They have also been willing, though generally somewhat less so, to try to accommodate the real or anticipated problems of coastal states with developing fisheries in having to compete with organized modern distant-water fleets. The coastal states that have made extended jurisdictional claims have, for the most part, been reluctant to conclude negotiated solutions, which they fear may compromise their national sovereignty.

International fishery disputes of this kind, even when the economic interests involved are relatively minor, can have serious repercussions on other, more weighty interests, simply because the highly sensitive issue of sovereignty is in contest. An example which come to mind is the recently renewed "cod war" between the United Kingdom and Iceland, which places two NATO allies in postures of conflict. An even more notorious example is the perennial "tuna war" between the United States and Ecuador and Peru, which in the past twenty years has resulted in the seizure of more than one hundred United States tuna clippers, and the payment by United States fishermen of nearly $4 million in fines and fees (eventually repaid by the United States Treasury under the Fishermen's Protective Act). Attempts to deal with this problem by legislation have resulted in various constraints on our ability to cooperate in economic development and defense activities with Ecuador and Peru, have made us the target of accusations of political and economic coercion, and have from time to time cast shadows over the future of other American interests in those countries. Although our numerous attempts to negotiate a settlement of that problem, commencing in 1953, have so far been unsuccessful, we are still continuing to seek a basis for negotiation, because we see no other satisfactory way out of the impasse in the near future.

Meanwhile, in the Seabeds Committee of the United Nations, we are engaged with most of the other nations of the world in preparations for a general conference on the international law of the sea, presently scheduled to be held in 1973. It is our hope that the conference will result in general worldwide agreement on the extent of coastal state jurisdiction over fisheries and other important questions of the law of the sea which are unsettled and controversial at the present time. Until such agreement is achieved, we continue to face the necessity of finding interim bilateral solutions to our foreign relations problems in this area.

In 1970 this problem in our relations with Latin America suddenly acquired a new dimension, when Brazil, the largest country of South America, and a country with which the U.S. has long enjoyed close and friendly relations, joined the regional trend toward extended jurisdiction in its most extreme form by claiming a territorial sea of 200 miles. It happened that there had been for about ten years a thriving shrimp fishery carried on by a large fleet of United States flag vessels, based on United States-owned shrimp processing plants in the Guianas, Trinidad and for a time in Barbados, and operating on the high seas along the shoulder of northeastern South America as far as the mouth of the Amazon. The processing and exporting industry based on this fishery represents a considerable investment of United States capital and an important source of local employment in Guyana, Surinam and French Guiana, and the annual value of the catch to the United States vessel operators is in the neighborhood of $30 million. The part of the fishing grounds which lies off Brazil is entirely within 200 miles of the coast, and thus in the territorial sea by Brazilian reckoning, and entirely beyond 12 miles from shore, and therefore on the free high seas according to the United States view.

In 1971 the Government of Brazil issued a fishery decree to regulate fishing within the claimed 200-mile territorial sea. The decree is severely exclusive as regards operations of non-Brazilian vessels, and the penalty provided for violations appeared to be incarceration rather than the monetary penalties for which the Fishermen's Protective Act had provided a remedy in the Pacific tuna fishery situation. Active patrolling of the fishing grounds by the Brazilian Navy began in the summer of 1971, and the stage seemed set for a "shrimp war" potentially even more damaging to our foreign relations than our troubles in the tuna industry. Our Congress began to look with an eye to reprisal at legislation affecting Brazil's interests.

Fortunately both Governments had from the beginning of the problem shown a willingness to get together to discuss its effects and possible solutions, and the Brazilian fishery decree itself contained the saving clause that any of its provisions could be set aside by international agreement. When delegations of the two Governments met at Brasilia in October 1971 to begin their search for a way of avoiding a confrontation over the issue, we were faced with two general problems. We had to find a formula that would not harm the judicial positions of the Governments on jurisdiction, which were of great importance to each of them, and which likewise would not weaken the negotiating position of either Government in the preparations for the 1973 law of the sea conference. Within these constraints, practical answers had to be found to the very real and present concerns of both sides in the shrimp fishery situation. From the United States point of view, it was important to maintain access on reasonable terms for our fishermen to a resource which they had developed and to protect indirectly the right of Americans to engage in other high seas fisheries.

A failure to protect this American economic interest would inevitably have domestic political consequences detrimental to our relations with Brazil and with Latin America generally. From the Brazilian point of view, the problem seemed to be one of ensuring that a resource of interest to the Brazilian fishing industry, which the Government of Brazil was strongly committed to develop, would not be overexploited and destroyed, and that the competition for the harvest from that resource would not be so overwhelmingly competitive that the fledging Brazilian shrimp industry could never get firmly on its feet.

The Agreement signed at Brasilia on May 9 of this year and which we are considering is the result of the joint search by the two Governments for a formula which would meet the needs described above. I believe that it satisfactorily protects the fishery interests of both countries in the particular situation of the shrimp fishery off northeastern Brazil and that it also successfully avoids prejudice, both in form and in fact, to the juridical positions of both Parties.

Although the Agreement is rather complex in organization, consisting in addition to the body of the Agreement of two Annexes, an Agreed Minute, and two exchanges of

diplomatic notes, its content can be summarized simply as follows: The preamble briefly sets forth the differing positions of the Parties on jurisdiction, notes their desire to find an interim solution without prejudice to those positions, and refers to their mutual interest in the conservation of the shrimp resources in the area of the Agreement. That interest is the basis for most of what follows, for this is essentially a conservation agreement. The reservation of juridical positions is made again specifically in Article 9 and at other appropriate points in the documents which make up the Agreement.

As a conservation agreement, the instrument identifies the species to be conserved, the area within which conservation measures are to apply, and, in the Annexes, the specific conservation measures which each country will apply to its fishermen. The area is defined so as to include all of the major grounds fished by United States vessels and in a way which does not coincide with jurisdictional limits as they would be drawn by either side. It will be noted that the conservation measures to be applied by the two Governments are of a different nature. The reason for this difference lies in the different state of development of the two countries' shrimp fisheries, the Brazilian shrimp fleet being in an incipient stage of development in which its foreseeable growth during the term of the agreement seems to pose no threat of overexploitation of the shrimp resource. The United States, which has the potential of introducing hundreds of additional trawlers to the fishery, undertakes to restrict the number of its vessels and to authorize only vessels of the traditional size and type to engage in the fishery. The United States also undertakes to authorize its vessels to fish in the area only during a specified open season.

As is appropriate in an agreement of this kind, the Parties agree to collect and exchange information on shrimp fishing and biological data on shrimp in the area, and specifically to have their fishermen keep operational logbooks according to an agreed form. The Agreement also provides for meetings between appropriate organizations of the two Governments to exchange scientific data and information on the shrimp fishery.

The provisions concerned with enforcement of the Agreement have received prominent treatment, for reasons which should be apparent. The enforcement function—including patrol, inspection, boarding and searching—is assigned to Brazil, for the reason that Brazil is the only Party which has suitable vessels and officials in the area at all times. In order to facilitate the execution of this function by Brazilian authorities, the United States undertakes to furnish pertinent information for the identification of United States vessels which have been authorized by the United States to fish in the area of the agreement and to have such vessels carry an agreed identification sign. If a duly authorized Brazilian enforcement officer finds a United States vessel in violation of the Agreement, he may seize and detain the vessel, in which case the vessel shall be delivered as soon as practicable to an authorized official of the United States at the nearest port or other mutually agreed place. The United States must inform the Government of Brazil of the disposition which it makes of any such case of a violation of the Agreement.

The Agreement provides that the United States shall pay Brazil the sum of $200,000 annually toward the costs of the enforcement functions which Brazil will perform with respect to United States vessels. In addition, in case of seizure and detention of a violator, there will be a special payment of $100 per day to defray the unusual expenses while the vessel is in Brazilian custody. It is expected that a major portion of this cost to the United States can be covered by license fees to be paid to the United States by the vessel operators, in the event that the Congress enacts legislation now being drafted to establish a licensing system for the United States high-seas shrimp fishery in the area of agreement.

In one of the diplomatic notes which form part of the Agreement, the United States undertakes to enlist the cooperation of the fishing industry in order to place certain provisions of the Agreement in operation on a voluntary basis pending ratification and the enactment of implementing legislation. This voluntary cooperation by the industry is already well under way. More than 170 shrimpboats have been issued provisional identification numbers for display, and their owners have furnished the identifying information called for by the Agreement for transmission to the Government of Brazil. An even more concrete indication of the industry's willingness to operate under the terms of the Agreement is seen in the fact that the operations of these vessels have posted substantial financial deposits in special accounts earmarked for payment of eventual United States license fees.

The Agreement is to enter into force on an agreed date after ratification by both Parties and is to remain in force until January 1, 1974, unless the Parties agree to extend it. This brief term bespeaks the interim nature of the Agreement that reflects the Parties' understanding of the fact, which is noted in the Preamble, the general international solutions to issues of maritime jurisdiction are being actively sought at the present time.

In the months since it was signed, with the voluntary cooperation of the shrimp fishing industry, the Agreement has already demonstrated beneficial effects. The fishermen are enjoying trouble-free access to their accustomed fishing grounds, and the jurisdictional issue has not disturbed relations between the United States and Brazil. Furthermore, in my estimation, the satisfactory resolution of this bilateral issue has contributed to an improved negotiating atmosphere in the preparations for the Law of the Sea Conference. I hope that the Committee will decide to recommend that the Senate advise and consent to the ratification of the Agreement, not only because of its demonstrated value for assisting our relations with Brazil without adversely affecting other important United States interests, but because I believe that this Agreement can serve as a model for similar international fishery problems between coastal and distant-water fishing nations elsewhere in the world.

I thank you for having given me the opportunity to testify on this Agreement. I will be glad to answer any questions.

TEXT OF RESOLUTION OF RATIFICATION

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the accession of the United States of America to the Agreement between the Government of the United States of America and the Government of the Federative Republic of Brazil concerning shrimp, together with an Agreed Minute and with a Related Exchange of Notes concerning compensation, signed at Brasilia on May 9, 1972; and a Related Exchange of Notes concerning interim undertakings (Executive P, 92d Cong., 2d sess).

STATEMENT BY THE HONORABLE DONALD L. KENNAN

Mr. Chairman: You will recall that in our March 29 presentation to this Subcommittee, I indicated a willingness on the part of my Delegation to consider several modifications to our original draft fisheries article. We have today submitted a revised fishery article which incorporates these modifications as another step in seeking a widely agreeable solution to the fisheries problems confronting the Subcommittee.

Our views on this vital and perhaps pivotal element of the negotiations before us have changed since we introduced our original draft one year ago. This change occurred as we listened to the statements of other representatives in this forum, participated in many frank consultations with other delegations, and diligently tried to accommodate our fisheries interests and those of other interested States.

We remain committed to the concept that both sound conservation and rational utilization must be linked directly to the biology and distribution of the living marine resources involved. Hence, our revised proposal not only continues to recognize, but indeed reemphasizes, the "species approach."

Our draft article of August 1971 relied heavily on international and regional organizations to implement the fishery regime we proposed. We continue to believe that such organizations will have a vital role in the future and our new article recognizes this role in both the conservation and utilization aspects of fisheries.

We have, however, also been persuaded by the compelling arguments, expressed so often in this Subcommittee, that the coastal state should have the right to regulate the fish stocks inhabiting the coastal waters off its shores as well as its anadromous resources. We also believe that inherent in this right of the coastal state would be a strong preference to the utilization of such stocks. Those are the particular resources upon which its coastal fishermen must rely for their livelihood and upon which its people rely for a substantial part of their nutritional requirements. Accordingly, our revised article would grant to the coastal state the authority necessary to regulate such stocks, to the limits of their range, as well as a right to reserve to itself all of the available catch its vessels are capable of harvesting. To assure that such authority is not misused, we further propose that the coastal state should have the obligation to notify, and consult with, other affected states prior to implementing any new regulatory measures.

With an ever increasing reliance on the sea to satisfy the world-wide demand for protein, a basic objective of any regime agreed upon in this forum must be to assure that all fish stocks are available for man's use. Therefore, a fundamental principle of our article is that of maximum utilization in which that portion of any stock which is not being utilized by local fishermen must be available to others. This provision will in no way prejudice the fishing interests of the coastal state, for it may reserve to its own use all of that particular resource it can catch; it simply insures that the living riches of the oceans will not be wasted.

The coastal State preference, though of highest priority, should be applied in a manner that takes account of the traditional fisheries of other nations and tries to minimize the immediate economic effect on them. In this regard, we have suggested that the particular formula for allocating the allowable catch between coastal state and traditional distant water fisheries should be negotiated within this Subcommmittee.

When neighboring states, including those that are land-locked or otherwise limited in their access to living marine resources, find it to their mutual benefit to enter into reciprocal regional arrangements in order to more equitably share in the harvest of coastal resources inhabiting the waters near their shores, we believe that they should have the right to do so. We have, therefore, proposed that there could be an allocation from that portion of the allowable catch re-

maining after provision for the coastal state and traditional fisheries, pursuant to such regional arrangements.

We remain firmly convinced that the highly migratory and truly oceanic species can only be properly regulated through international organizations because of their ocean-wide distribution and vast migrations, the temporary nature of their presence in the waters off any single state, and the well demonstrated economic fact that a viable fishery for such species must also be far ranging.

Our draft also recognizes the concern of many states that any fishery regime adopted must provide realistic enforcement procedures to assure that regulatory measures are complied with. In this regard, we propose, for those fisheries under coastal state jurisdiction, not only coastal state inspection and arrest, but trial and punishment of the offending vessel as well, if the flag state has not established procedures of its own requiring compliance with legitimate coastal state regulations. Our draft also incorporates enforcement procedures and regulatory provisions that would strengthen the effectiveness of international organizations.

We remain firm in our belief that any fishery regime should contain provisions for the peaceful settlement of disputes. Our article contains such a standard. On the other hand, this provision should not present an obstacle to the timely application of conservation measures—hence, we have also suggested that the conservation regulations promulgated by a coastal state should remain in force pending the outcome of any dispute settlement procedure.

Finally, Mr. Chairman, we recognize that the rational management of fisheries requires money and technical expertise. We have provided for a reasonable fee, to be charged those States which harvest a resource under regulation by a coastal State, to help defray those costs, and for a register of experts who would be available to assist the coastal State in formulating effective conservation programs.

In closing, Mr. Chairman, I respectully urge all delegations to study our proposal carefully, for we believe that it is a reasonable approach which accommodates the desires and needs of most states. My delegation is anxious to discuss the content of this draft and to that end we propose once more that a working group on fisheries be established immediately by this Subcommittee.

Thank you, Mr. Chairman.

UNITED STATES REVISED DRAFT FISHERIES ARTICLE

REGULATORY AUTHORITY

I. Authority to regulate the living resources of the high seas shall be determined by their biological characteristics and such authority shall be exercised so as to assure their conservation, maximum utilization and equitable allocation.

II. COASTAL AND ANADROMOUS LIVING RESOURCES

The coastal state shall regulate and have preferential rights to all coastal living resources off its coast beyond the territorial sea to the limits of their migratory range. The coastal state in whose fresh or estuarine waters anadromous resources (e.g., salmon) spawn shall have authority to regulate and have preferential rights to such resources beyond the territorial sea throughout their migratory range on the high seas (without regard to whether or not they are off the coast of said state).

A. The term "coastal resource" refers to all living resources off the coast of a coastal state except the highly migratory species listed in Annex A,* and anadromous resources.

B. The coastal state may annually reserve to its flag vessels, in accordance with this article, that portion of such coastal and anadromous resources as they can harvest.

C. Such coastal and anadromous resources which are located in or migrate through waters adjacent to more than one coastal state shall be regulated by agreement among such states.

III. HIGHLY MIGRATORY OCEANIC RESOURCES

The highly migratory oceanic resources listed in Annex A shall be regulated by appropriate international fishery organizations.

A. Any coastal state party, or other state party whose flag vessels harvest or intend to harvest a regulated resource, shall have an equal right to participate in such organizations.

B. No state party whose flag vessels harvest a regulated resource may refuse to cooperate with such organizations. Regulations of such organizations in accordance with this Article shall apply to all vessels fishing the regulated resources regardless of their nationality.

C. In the event the states concerned are unable or deem it unnecessary to establish an international organization the resources shall be regulated by agreement or consultation among such states.

CONSERVATION PRINCIPLES

IV. In order to assure the conservation of living marine resources, the coastal state or appropriate international organization shall apply the following principles:

A. Allowable catch and other conservation measures shall be established which are designed, on the basis of the best evidence available, to maintain or restore the maximum sustainable yield, taking into account relevant environmental and economic factors.

B. For this purpose scientific information, catch and effort statistics, and other relevant data shall be contributed and exchanged on a regular basis.

C. Conservation measures and their implementation shall not discriminate in form or fact against any fishermen. Conservation measures shall remain in force pending the settlement, in accordance with the relevant provisions of this Article, of any disagreement as to their validity.

UTILIZATION AND ALLOCATION

V. In order to assure the maximum utilization and equitable allocation of coastal and anadromous resources, the coastal state shall apply the following principles:

A. The coastal state may reserve to its flag vessels that poriton of the allowable annual catch they can harvest;

B. The coastal state shall provide access by other States, under reasonable conditions, to that portion of the resources not fully utilized by its vessels on the basis of the following priorities:

(1) states that have traditionally fished for a resource, subject to the conditions of sub-paragraph C;

(2) other states in the region, particularly landlocked states and other states with limited access to the resources, with whom joint or reciprocal arrangements have been made; and

(3) all states, without discrimination among them.

C. Whenever necessary to accommodate the allocations to the coastal states traditional fishing may be reduced, without discrimination among those states that have traditionally fished for a resource, in the following manner:

(Formula to be negotiated within Subcommittee II which takes into account the interests of traditional fishing states.) States whose fishermen harvest a resource under regulation by a coastal state may be required, without discrimination, to pay reasonable fees to defray their share of the cost of such regulation.

NOTIFICATION CONSULTATION

VI. The coastal state shall give to all affected states timely notice of any conservation, utilization and allocation regulations, prior to their implementation, and shall consult with other States concerned.

TECHNICAL ASSISTANCE

VII. An international register of independent fisheries experts shall be established and maintained by the Food and Agriculture Organization of the United Nations.* Any developing state party to this convention requiring assistance may select an appropriate number of such experts to serve as a fishery management advisory group to that state.

ENFORCEMENT

VIII. Action under this paragraph shall be taken in such a manner as to minimize interference with fishing and other activities in the marine environment.

A. Coastal state—the coastal state may inspect and arrest vessels for fishing in violation of its regulations. The coastal state may try and punish vessels for fishing in violation of its regulations, provided that where the state of nationality of a vessel has established procedures for the trial and punishment of violations of coastal state fishing regulations adopted in accordance with this article, an arrested vessel shall be delivered promptly to duly authorized officials of the state of nationality for trial and punishment, who shall notify the coastal state of the disposition of the case within six months.

B. International fisheries organization—Each state party to an international organization shall make it an offense for its flag vessels to violate the regulations adopted by such organization in accordance with this article. Officials authorized by the appropriate international organization, or of any State so authorized by the organization, may inspect and arrest vessels for violating the fishery regulations adopted by such organizations. An arrested vessel shall be promptly delivered to the duly authorized officials of the flag State. Only the flag State of the offending vessel shall have jurisdiction to try the case or impose any penalties regarding the violation of fishery regulations adopted by international organizations pursuant to this article. Such State has the responsibility of notifying the enforcing organization within a period of six months of the disposition of the case.

DISPUTES SETTLEMENT

IX. Any dispute which may arise between states under this article shall, at the request of any of the parties to the dispute, be submitted to a special commission of five members, unless the parties agree to seek a solution by another method of peaceful settlement, as provided for in Article 33 of the Charter of the United Nations. The commission shall proceed in accordance with the following provisions.

A. The members of the commission, one of whom shall be designated as chairman, shall be named by agreement between the states in dispute within two months of the request for settlement in accordance with the provisions of this article. Failing agreement they shall, upon request of any state party to the dispute, be named by the Secretary General of the United Nations, within a further two month period, in consultation with the states involved and with the President of the

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* Annex A not attached.

*The Subcommittee may wish, in accordance with paragraph 13 of General Assembly Resolution 2750 C (XXV), to invite the comments of the Director-General of the Food and Agriculture Organization of the United Nations on the ability of the Organization to assume such responsibilities.

International Court of Justice and the Director-General of the Food and Agriculture Organization of the United Nations, from amongst well-qualified persons being nationals of states not involved in the dispute and specializing in legal, administrative or scientific questions relating to fisheries, depending upon the nature of the dispute to be settled. Any vacancy arising after the original appointment shall be filled in the same manner as provided for the initial selection.

B. Any state party to proceedings under these articles shall have the right to name one of the nationals to sit with the special commission, with the right to participate fully in the proceedings on the same footing as a member of the commission but without the right to vote or to take part in the writing of the commission's decision.

C. The commission shall determine its own procedure, assuring each party to the proceedings a full opportunity to be heard and to present its case. It shall also determine how the costs and expenses shall be divided between the parties to the dispute failing agreement by the parties on this matter.

D. Pending the final award by the special commission, measures in dispute relating to conservation shall be applied; the commission may decide whether and to what extent other measures shall be applied pending its final award.

E. The special commission shall render its decision, which shall be binding upon the parties, within a period of five months from the time it is appointed unless it decides, in the case of necessity to extend the time for a period not exceeding two months.

F. The special commission shall, in reaching its decision, adhere to this article and to any agreements between the disputing parties implementing this article.

OTHER USES

X. The exploitation of the living resources shall be conducted with reasonable regard for other activities in the marine environment.

EXISTING CONVENTIONS

XI. The provisions of this article may be applied to fishery conventions and other international fishery agreements already in force.

RESOLUTION NO. 1—SUPPORT FOR THE UNITED STATES POSITION AT THE LAW OF THE SEA CONFERENCE FOR MANAGEMENT OF OCEAN FISHERIES, AND OTHER FISHERIES PROTECTION MEASURES

Whereas, the member States of the Pacific Marine Fisheries Commission have diverse fishery resources and accompanying management problems; and

Whereas, the fisheries include coastal, anadromous, and high seas fisheries; and

Whereas, use of these resources is important to the commercial, subsistence and recreational user groups; and

Whereas, the well-being of these fisheries stocks is important to the member States; and

Whereas, the Pacific Marine Fisheries Commission is aware of the total national and international problems in managing these fisheries; and

Whereas, the United States presented a proposal at the summer 1972 preparatory session of the Law of the Sea Conference in which a species approach to fisheries jurisdiction was advocated; and

Whereas, final action by the Law of the Sea Conference may be unduly delayed;

Now, therefore, be it resolved that the Pacific Marine Fisheries Commission endorse the species approach as proposed by the United States; and

Be it further resolved, that the Pacific Marine Fisheries Commission urges the United States government:

a. To continue its efforts to secure a successful conclusion to the Law of the Sea Conference;

b. To continue and increase its practice of coordination with industry in these proceedings;

c. To take on an urgency basis whatever steps are necessary, pending conclusion of the Law of the Sea Conference, to protect U.S. coastal fishery resources now being seriously damaged due to uncontrolled overfishing by foreign fleets, such steps should include, but not be limited to, full utilization of the 1958 Geneva Fisheries Convention, other conventions, bilateral agreements, and multilateral agreements.

Be it lastly resolved, that copies of this resolution be forwarded to the President of the United States, the Secretaries of State, Interior, Commerce, and Defense, to members of the House Merchant Marine and Fisheries Committee, to members of the Senate Committee on Commerce, to members of the Senate Committee on Foreign Affairs, and to the Governors of all coastal States of the United States.

THE PRESIDENCY—THE DANGER OF DEGENERATING INTO DICTATORSHIP

Mr. CRANSTON. Mr. President, those who tried to warn us back at the beginnings of the New Deal of the dangers of one-man rule that lay ahead on the path we were taking toward strong, centralized government may not have been so wrong.

It was perhaps unavoidable that we took that path. The economic disaster that had engulfed the Nation and the world 40 years ago was far beyond the poor powers of State and local governments to deal with. Only an awakened giant of a government, many felt, could take the giant steps that were called for. And all in good faith, and with only the very best and most altruistic of intentions, we proceeded to create the monster.

A Federal Government that had turned both muscular and activist almost overnight was a benevolent monster at first. With the help of a dedicated bureaucracy in Washington and with an outpouring of dollars from Washington, we wiped out breadlines, put people to work, put banks back in business, and business back on its feet.

But in addition to being proud of, or in some instances critical of, what our Government was doing, we see now that we should have been more mindful of what was happening to our Government itself.

Power—political and economic power—was becoming more and more concentrated in Washington. That was clear enough and it caused concern among some, who were promptly and scornfully labeled "States righters" or "rugged individualists."

But what counted far more for most of us was that "we were getting things done." And it was the very buildup of power in Washington that enabled us to put together the administrative and industrial machinery to fight hunger, poverty, disease and ignorance on a nationwide and worldwide scale. And we were pleased with our pragmatism.

Yet some of the very forces that were draining power from the peoples' representatives at State and community levels and pushing it toward Washington, were also draining power from the peoples' representatives in the congressional halls in Washington and pushing it into the hands of the President. Increased centralization of power in Washington seemed to lead inexorably to increased centralization of power in a single man in Washington.

This was not all planned. Innumerable acts of political omission as well as of commission at all levels of government helped create the situation.

The problems of mid-20th-century Americans soared in scope and complexity over the past 40 years. So did their aspirations. But State governments, dominated by rural interests and laissez faire ideologies, left unused—and sometimes misused—the powers they did have to at least partially solve those problems and help fulfill those aspirations.

Politics, like nature, abhors a vacuum. So power, neglected or abused at the local level, packed up and moved to Washington—where it found more congenial surroundings and was greeted with open arms.

In a parallel vein, a rural dominated Congress—made sluggish by seniority and disposed to act only on behalf of special interests when it acted at all—was also incapable of coping on its own with the economic crisis of the thirties and turned for action to the man of action: the President. And he, in the person of Franklin Delano Roosevelt, was a man of action, indeed. As were most of the men who followed him in office.

Action. That is the great promise—and the great peril—that the Presidency holds for a free society. The President alone can, when he wishes, act with speed and decisiveness, bringing both a respectful Congress and an admiring public along with him.

His is a single personality, a single ambition, and he is the only man—he likes to remind us—elected by all the people and thus possessed of an amorphous "mandate" which, he suggests, he alone is capable of interpreting.

He alone has at his disposal the vast resources of the Federal bureaucracy and the vast opportunities of the mass communications media. And, wearing the mantle of Washington, Jefferson, and Lincoln, he is armed with the mystique and the majesty of the Office of the Presidency.

He is, in a word, our leader.

Congress on the other hand is, like any democratically elected legislature in a large nation, an aggregate of several hundred distinct and often competing personalities, with distinct and often competing ambitions and constituencies. It thus must constantly seek consensus through compromise, concession and accommodation—our critics call it wheeling, dealing, arm-twisting and log rolling—if it is ever to get a majority of its members to vote for a controversial measure.

As a result Congress is characterized by discussion and debate, diversity and dissent, delay, and indecision.

An awe-inspiring Presidency becomes even more awesome when the incumbent dons the uniform of Commander in Chief of the Armed Forces.

There is nothing like a war to further the concentration of power in Washington, and in the President in particular. It does not have to be a hot war; a cold war will do as well.

Through hot wars and cold, our Presidential Commanders in Chief of the past 40 years have been on very active duty. And to the already heavy Presidential powerhouse they have added the magical concepts of "national emergency", "national defense" and "national security" to open up whole new areas of Presidential preeminence which for decades have gone virtually unchallenged.

Our latter-day Presidents have set up far-flung foreign and domestic intelligence networks to provide them with mountains of information, accurate and otherwise.

They have hidden that information—and a great deal more besides that they do not want to let out—behind a wall of secrecy to make sure that neither the public nor the Congress can get at it.

They have said to the public and the Congress: Without this information you can not make sound decisions, so you have simply got to trust us.

To one degree or another, each of our recent Presidents has tried to make this blind trust a point of patriotism, clouding the distinction between dissent and disloyalty.

And, with the possible exception of Dwight Eisenhower, each to one degree or another has sought supremacy over the Congress.

None more so than Richard Nixon—an aggressive practitioner of confrontation rather than conciliatory politics and a long-time believer that the people are somehow more secure when their Government keeps secrets from them.

Since Vietnam, secrecy seems to have become a way of life for people in the White House. First President Johnson and then President Nixon kept the truth about Indochina from the American people: The truth about "secret wars" in Laos financed by the CIA, of unauthorized bombings, of undercover and illegal political manipulations by American operatives.

Among the many bad habits our government picked up in Indochina is breaking the law, and lying about it.

Relations between the Congress and the President have been among the victims.

President Nixon does not accept Congress as an equal partner in the ordering of the Nation's priorities and in the conduct of the war—and the making of the peace—in Southeast Asia.

President Nixon has taken extraordinary steps to make funds available for the programs to which he seems to give highest priority: the war, the nuclear arms buildup, foreign aid—including aid to dictators—and foreign military bases—including many that are obsolete and provocative. To get funds for all this, President Nixon has impounded billions of dollars which Congress appropriated for various domestic programs—an act that the courts have ruled illegal in eight out of nine cases so far.

And he has dismantled without the consent of Congress agencies and programs created by Congress through the passage of laws which he is Constitutionally obligated to "faithfully execute."

Meanwhile, the inflation that his administration inherited and the high unemployment that his administration's policies did much to create have persisted and steadily worsened. And we now hear talk of a recession next year.

President Nixon's denigration of Congress has not been limited to the economic scene.

One of his recent Attorneys General claimed for the President the right to forbid any of the 2½ million Federal Government employees from testifying before Congress. Thus in one fell swoop, the administration sought to convert "executive privilege"—an old and fairly respectable concept when applied discriminately—into a new euphemism for "executive secrecy" and potential mass coverup.

The administration is currently trying to push through Congress an Official Secrets Act that would ring down an iron curtain of secrecy on a host of governmental activities that should not be kept from the public and whose disclosure would aid rather than endanger national security in a democratic society.

Through subpenas, court action, surveillance, wiretapping, veiled threats, and naked denunciations the Nixon administration has sought to intimidate the press and to suppress dissenters.

And, as the Senate Watergate investigation has already revealed, some men close to the President have consistently practiced deceit, duplicity, lawlessness, and the dirty tricks of the totalitarian state in a mindless lusting for power for its own sake and in utter contempt for and degradation of the American political process.

Watergate, though not inevitable as a consequence of the past 40 years, is nevertheless not an altogether surprising development.

It is true that some of the men around President Nixon introduced into the governmental equation an arrogant disrespect for law and constitutional procedure. And they deleted from the governmental equation the good faith and the good will toward the other coequal branches—comity, it is called—that lubricates the wheels of our particular system.

But the steady accretion of executive power over the years unquestionably invited abuse and corruption of the enormity of Watergate.

What can Congress do to reestablish a better balance?

The most obvious thing that Congress can do, it is already doing. Through the special committee headed by the incomparable SAM ERVIN, the Senate is conducting a fair, bipartisan investigation of the whole Watergate mess that promises to be thorough and exhaustive—some people are already using the word "exhausting."

The power of investigation and oversight is a not inconsequential weapon in the congressional arsenal. Public exposure may well be Congress secret weapon; the President cannot impound or veto a congressional investigation.

Congress also began—even before Watergate broke—to clean out some of its archaic procedural debris so as to more effectively and more credibly stand up to the President. Without any deliberate plan, Congress has, in fact, for the past year or so, begun to piece together what might be called a congressional bill of rights.

Congress has begun to streamline and modernize its operations and improve its professional staffing and technical information systems. The executive branch has 6,000 computers cranking out information; we have five.

Congress has reduced the effect of seniority on the committee system, especially in the House where it has been a particular problem. We still need to make committee membership more representative of the views of each House, especially conference committees where the details of so much legislation are finally hammered out.

Congress has already moved to curb Presidential refusal to provide a wide range of information to Congress on grounds of "Executive privilege" and to eliminate executive department misuse of the "classified" stamp to hide facts from the American people.

We have pending a number of proposals to stringently control campaign financing to remove the curse of "big money" from politics and to turn politics back to the people.

A number of committees—like the Banking Committee on which I serve—have opened up all their sessions to the press and the public. This practice, I am sure, will eventually be followed by all committees.

Congress is determined to do a better job of making sure that we get our money's worth for what is spent, that tax money goes for essential national needs, and that needs are met in the order of their real importance to the well-being of all our people. I have been among those in the vanguard of a move to establish a sounder, more careful congressional budgetary system under an annual spending ceiling.

Both Houses have already passed measures to make it absolutely clear that it is unlawful for the President, without congressional consent, to freeze or impound funds appropriated under our constitutional authority.

Proposals have also been made to prohibit the President from taking without our consent funds that we have appropriated for one purpose and using them for another purpose of his choosing.

Congress is searching for a better formula than the present revenue sharing program to reverse, where appropriate, the flow of money and power to Washington, and to return to cities and States those resources and responsibilities that they should more properly possess.

Finally, Congress will be considering legislation that forbids the President's stationing U.S. troops overseas or making military agreements with foreign nations, without our consent.

And each House has already passed its version of a War Powers Act that would limit the President's power to wage undeclared war to specified emergency situations of short duration.

Congress can, Congress must, reclaim the equal partnership that the Constitution envisioned and that the continuation of a free society demands.

Freedom is safe only where governmental power is diffused. No society will long remain free where governmental power remains overly concentrated in the hands of one man. Concentrated power tends to become the absolute power which, Lord Ashton warned us long ago, corrupts absolutely. Absolutely and inevitably.

That is why the Founding Fathers wisely separated governmental power, dividing it among three equal branches and designing each branch to be strong enough to thwart a ruthless abuse of power by either of the other. When one branch aggrandizes itself at the expense of another, it does so at the expense of the people's freedom, too.

The Presidency—by nature remote from the people, monolithic in structure and with a huge bureaucracy at its command—is the one branch most in danger of degenerating into dictatorship. Especially in these days of vast governmental controls over and interference in the lives of our citizens.

The Presidency must be a constant target of vigilance—by the Congress, the courts, the people, and by the occupant of the White House himself—lest it exceed Constitutional restraints.

There is far less danger of arbitrary use of power by the Congress which, in a very real sense, is the spiritual embodiment of representative democracy. The very pluralism and factionalism that are decried as weaknesses of Congress are also the sources of its strengths.

Congress, being far more accessible to the people than is the President, is capable of being more receptive to their demands, more understanding of their needs.

Congress is the mirror of a free people, reflecting the multitudinous divergencies and differences, the conflicting economic drives and social and political desires of 210 million individuals living in the most advanced, most complicated technological society the world has ever known.

And if, in the process of trying to distill and synthesize this political potpourri, the Congress sometimes seems overly argumentative or dilatory or indecisive or wishy-washy, it is—like it or not—a sign of democracy at work.

Congress is often accused of being too slow. It is. It should move faster than it does. But not too fast.

The democratic process—being a process, a way of doing things that is quite as important as what we are trying to get done—takes time. We must take time for deliberation and discussion if we are to limit the incidence of unnecessary or unwise or even harmful laws.

In any democracy deserving of the name, laws—even good laws—cannot be rammed down the people's throats.

Controversial laws, if they are to work, must be acceptable to, if not have the active support of, an overwhelming majority of the people. And consensus among 210 million people—and among the representatives of 210 million people—is sometimes painful to come by.

But consensus government—government of, by, and for the people—is well worth the effort.

WISCONSIN'S VOTERS SPEAK OUT ON PROXMIRE POLL

Mr. PROXMIRE. Mr. President, last month I sent a newsletter questionnaire to 100,000 of my constituents raising questions about Federal spending, campaign reform, and the administration's economic policies. The 5,000 answers I received represent a good cross section of Wisconsin and, thus, of the United States. The questionnaire was sent to farmers, workers, housewives, professionals, businessmen large and small. I'd like to share the results with my colleagues.

To summarize, the message came across loud and clear that Wisconsin's voters strongly support a cut in military spending, feel that the President's economic policies have been a failure, and want to see Congress dramatically reform our campaign spending laws.

The majority of those who answered the questionnaire said they would either cut back or hold the line on Federal spending.

However a near majority—47 percent of those answering—favored a boost in health care spending.

Seven out of every 10 Wisconsinites answering the poll opposed any increase in spending for the arts and humanities. Only 8 percent supported the Senate's recent decision to increase funding fivefold over the next 3 years.

Foreign aid continues at the bottom of the popularity list, with almost 80 percent of those answering favoring a cut.

Opposition to spending for national defense and space continues to rise. In January, when I sent out a similar questionnaire, 61.3 percent of those answering wanted to see defense spending cut. The latest returns show that 63.2 percent favor such a cut. For the first time a majority of those responding favor a cut in space spending, compared with 49.4 percent in January.

Almost three out of every four respondents rated the wage and price control program a failure. Over half would go further than the latest Nixon freeze by putting the lid on wages, rents and profits as well as prices. But the group was about equally divided on going back to phase two.

Nine of every 10 who answered supported campaign reform. Less than one in 20 opposed reform. A whopping majority—85 percent—felt that every dollar contributed to a campaign should be publicly reported. About the same percentage favored a ban on corporate contributions.

Roughly three-quarters of those who replied also backed a limitation on individual contributions, a prohibition on contributions by voluntary labor union organizations, and the outlawing of independent campaign committees. But the respondents turned thumbs down on public funding of campaigns by a 2 to 1 vote.

I ask unanimous consent that the exact questions and poll results be printed in the RECORD at this point.

There being no objection, the questions and poll results were ordered to be printed in the RECORD, as follows:

PROXMIRE POLL

CONTROLLING INFLATION

Should prices be frozen? 62.0 percent yes, 26.0 percent no, 12.0 percent undecided.

Should rents be frozen? 62.0 percent yes, 27.0 percent no, 11.0 undecided.

Should wages and salaries be frozen? 52.0 percent yes, 35.0 percent no, 13.0 undecided.

Should profits be frozen? 59.0 percent yes, 29.0 percent no, 12.0 percent undecided.

Should all controls be lifted so that the economy could be governed by the marketplace? 19.0 yes, 67.0 percent no, 14.0 percent undecided.

Should we return to Phase II with both wages and prices allowed to rise but within legally enforced guidelines? 44.0 yes, 43.0 percent no, 13.0 percent undecided.

Has the present Phase III price and wage control system been: 1.0 percent successful, 73.0 percent a failure, 22.0 percent partially successful, 4.0 percent undecided.

CAMPAIGN SPENDING REFORMS

Do you believe that national campaign financing laws should be reformed? 92.4 percent yes, 4.3 percent no, 3.3 percent undecided.

If your answer was Yes, how would you answer the following questions?

No person should be allowed to contribute more than $100 to any candidate. 69.0 percent yes, 16.0 percent no, 15.0 percent undecided.

Every dollar collected for a candidate should have to be reported publicly through a single campaign treasurer. 85.0 percent yes, 6.0 percent no, 9.0 percent undecided.

So-called independent campaign committees should be outlawed so that the candidate would be held responsible for his or her campaign financing. 79.0 percent yes, 11.5 percent no, 9.5 percent undecided.

Corporations, associations, and other profit-making organizations should be barred from making campaign contributions through the loopholes currently used. 86.0 percent yes, 6.0 percent no, 8.0 percent undecided.

Union members should be barred from contributing to candidates through voluntary organizations. 74.0 percent yes, 23.0 percent no, 3.0 percent undecided.

I would apply the previously mentioned restrictions to elections for: 88.0 percent President (and Vice President), 84.0 percent U.S. Representatives and U.S. Senate, 80.0 percent State Offices.

Would you favor prohibiting all campaign contributions and providing public funding of campaigns? 31.0 percent yes, 63.0 percent no, 6.0 percent undecided.

ARTS AND HUMANITIES

Recently, the Administration supported a very big incerase in spending for the Arts and Humanities. The increase was passed by the Senate. I offered an amendment to reduce the amount of increase.

Which of these four alternatives for Arts and Humanities spending would you favor?

The increase in spending from $80 million a year in 1973 to $400 million a year in 1976 actually passed by the Senate and supported by the Administration. 8.0 percent yes.

A proposed increase from $80 million per year in 1973 to $200 million per year in 1976. 23.0 percent yes.

No increase in Arts and Humanities between 1973 and 1976. 34.0 percent yes.

A reduction in spending for Arts and Humanities between now and 1976. 35.0 percent yes.

SPENDING—INCREASE OR CUT?

The President's budget calls for $268.7 billion for the current fiscal year. How, as a U.S. Senator, would you vote on the following proposed (or already approved) major spending levels?

Program	Fiscal 1974 spending (billions) proposed Nixon budget	Percent			
		Cut below level	Hold at level	Increase level	Undecided
1. National Defense	$87.3	63.2	31.4	3.0	2.4
2. Foreign Aid	8.6	78.0	19.0	1.0	2.0
3. Space	3.0	51.7	37.5	7.9	2.9
4. Farm (including feeding programs)	10.4	36.2	44.9	15.9	3.0
5. Public Works	3.3	15.3	59.2	21.2	4.3
6. Highways	5.7	23.3	57.7	14.2	4.8
7. Housing and Urban Development	4.7	22.3	45.2	30.0	2.5
8. Education	$6.5	15.0	47.4	36.0	1.6
9. Health	6.1	7.8	44.0	47.0	1.2
10. Social Security	49.0	8.9	52.7	35.0	3.4
11. Welfare	5.5	50.8	35.7	11.1	2.4
12. Veterans	11.7	13.8	61.4	21.3	3.5
13. Unemployment benefits	6.4	29.5	56.9	10.9	2.7

RESIGNATION OF KENNETH E. BELIEU

Mr. CURTIS. Mr. President, it is with since regret that I note the resignation of Kenneth E. BeLieu as Under Secretary of the Army on June 29, 1973. His comprehensive knowledge and vast experience in Government and the military will be sorely missed not only in the Army but in the Nation which it represents.

Ken BeLieu served his Nation with singular distinction and integrity as Under Secretary of the Army. His deep and abiding love for the Army was manifest in the wisdom and foresight he brought to bear on the enormously complex problems of the post-Vietnam era. He stood tall among great men. Ken BeLieu understood the Army because his is a rare genius for managing at the highest levels while never losing sight of the human qualities of the soldier.

America was indeed fortunate to have had Ken BeLieu as Under Secretary of the Army. His integrity, his strong leadership, and his indefatigable efforts in working for an Army of which our citizens can be proud and which can defend our Nation brands him as a great American. This Nation and our Army need more Ken BeLieu's. I know my colleagues join me in thanking him for his selfless service at a time of great need and extend best wishes to him and his family in the future.

I ask unanimous consent that a biographical sketch of Mr. BeLieu be printed in the RECORD.

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

BIOGRAPHY OF KENNETH E. BELIEU, UNDER SECRETARY OF THE ARMY

Kenneth E. BeLieu, Under Secretary of the Army, was born in Portland, Oregon, February 10, 1914. He attended Roosevelt High School in Portland ('33) and the University of Oregon ('37) at Eugene, Oregon and subsequently the Harvard Business School Advanced Management Program ('55).

Mr. BeLieu was sworn in as Under Secretary of the Army on 22 September 1971.

In 1940, after three years of business in Portland, he volunteered for active duty as a Second Lieutenant in the Infantry. By 1945, he had participated in the Normandy Landing and campaigns in France, the Battle of the Bulge, Germany and Czechoslovakia. He was awarded the Silver Star, the Legion of Merit, the Bronze Star, Purple Heart and Croix de Guerre.

Following World War II, he served in various assignments with the Army in the War Department and Department of the Army General Staff. In 1950, during the Korean Conflict, he lost his left leg below the knee as a result of wounds received in combat. Upon his discharge from the hospital he was assigned to the office of the Secretary of the Army where he served as Executive Officer to two Secretaries of the Army before his retirement as a Colonel in 1955.

From 1955 to 1960, BeLieu was a professional staff member of the Senate Armed Services Committee, the first Staff Director of the Senate Aeronautical and Space Sciences Committee and at the same time was Staff Director of the Preparedness Investigating Subcommittee of the Senate Armed Services Committee.

In February 1961, he was appointed Assistant Secretary of the Navy for Installations and Logistics. In February 1965, he was appointed Under Secretary of the Navy. While in the Navy Mr. BeLieu was awarded the Navy's Distinguished Public Service Award. He returned to private life in July of 1965.

During the period of July 1965 to January 1969, Mr. BeLieu held positions as Executive Vice President, President and Member of the Board of the Leisure World Foundation, Laguna Beach, California; Member, Defense Science Board; Member of the Board of Advisors, Ryan Aeronautical Corporation and Continental Motors; and Member, Technical Advisory Board, RCA.

On January 21, 1969 Mr. BeLieu was appointed by President Nixon as Deputy Assistant to the President for Congressional Relations, the position he held until he was appointed Under Secretary of the Army.

Mr. BeLieu and his family reside in Alexandria, Virginia.

EAMON DE VALERA: IRISH PATRIOT

Mr. BUCKLEY. Mr. President, the great Irish patriot, Eamon de Valera, retired this week as President of Ireland. At the time of his retirement he was, at age 90, the oldest head of state in the world. As he said his farewell to the political life of his country, which he has so obviously dominated and greatly enhanced for almost 60 years, he said:

I was once afraid I would not live to see Ireland united. I now think I will see it. I have always been loyal to the country and to the Irish language.

Thus, one of the most controversial and dynamic political leaders in Ireland's history bade farewell to public life. It is fitting that he should mention, in his last words as a public official, the three facts that have inspired his remarkable career: the need for a united Ireland; his unquenchable patriotism; and his lifelong love affair with the Gaelic language. It has been said of his oratorical gifts:

De Valera is marching . . . at the head of twenty thousand words.

He began his public career when the Irish people had little more than their gift for oratory to aid them in their long struggle for freedom. Now, at the time of his retirement, there is good if not overwhelming reason to hope that the country may be united. For the fact of Irish freedom and the promise of Irish unity, Eamon de Valera is to be praised.

I do not think it is necessary to emphasize that although "Dev," as he is popularly known, is an Irish patriot, he was born in New York City, at Lexington Avenue and Fifty-First Street on October 14, 1882.

In fact, during his arrest by the British after his courageous stand during the Easter Uprising in 1916, and after his release, when he was elected to the Parliament, he was still technically an American citizen.

De Valera came to Ireland as a small child, after the death of his father. The home rule bill had just been defeated by the British Parliament, so the young De Valera grew up in a land aflame with patriotic sentiment. After his graduation from Dublin Royal University he began to teach college mathematics—a subject which has proved to be as long beloved by De Valera as Gaelic. As one of the leaders in the Easter Week uprising, he held out longest against the superior force of the British. It was his American

citizenship and the protest against the killings of the Irish leaders by the British that saved De Valera's life.

"On his first trip back to America," the Washington Post has noted, "Eamon De Valera came alone—smuggled aboard an ocean liner after escaping from jail. He came as a propagandist for Irish freedom." He remained an eloquent spokesman for Irish freedom all his life.

Mr. President, I would be the last to say that Eamon De Valera's life and works have been without controversy. Indeed, it might be said that wherever he went, controversy was either there before him or not far behind. There are persons, equally devoted to Irish freedom, who disagree with some of his historical decisions. Yet, throughout his life runs the same theme, the same unswerving devotion to his country. He is, as I have said, a controversial figure. But there has never been a difference of opinion concerning one fact of his life: his love of Ireland.

I think that De Valera's life has meaning for all of us, even those who, through no fault of their own, cannot claim Irish ancestry. The son of a Spanish father and an Irish mother, born in New York City, raised in County Limerick, he has demonstrated that the love of freedom is universal, knowing no bounds of ancestry, nationality or birthplace. At a time when Ireland is once again plunged into bloodshed, it is good to know that this man, who can take the long view of history, is still hopeful that his dream of a united Ireland will be realized. You do not have to agree with all of De Valera's actions taken in support of what he has believed to be the best interests of Ireland to agree with him on basic principle: Ireland should be one. The Irish people because of, not despite, their differences, are strong and vigorous, and that strength and vigor can best be realized in a free, peaceful, prosperous united Ireland.

Mr. President, Ireland has given many martyrs to the cause of freedom, in that island and all over the world. Whatever history may say about Eamon de Valera, whatever differences he might have had with others who love freedom just as passionately as he does, whatever fate may decree concerning his hope for Irish unity, one unassailable truth remains: he is yet another in the great tradition of Irish patriots who have enobled their cause and benefited all mankind by their unparalleled devotion to freedom.

What better gift could be given to this great fighter in his twilight years than the gift of united Ireland? What divides the Irish people is accidental, peripheral, and momentary in the long view of history; what should unite them is imperishable, central and eternal. It is my hope that while Eamon de Valera still walks his beloved Irish soil, a movement toward a free and united Ireland will be consummated. As for this patriot, we already know his epitaph when the time comes for him to go home to God. The epitaph will be in stark, simple words in the ancient tongue he so loved all his life: Bhi gra mor aige do Eireann, [he had a great love for Ireland].

TECHNOLOGY WITH A CONSCIENCE

Mr. McINTYRE. Mr. President, an unfortunate byproduct of accelerating public awareness and concern over environmental pollution, depleted natural resources, and an apparent energy crisis of undetermined dimensions is growing disillusion and disenchantment with science and technology.

Not long ago, a resident of my State Mr. W. Alec Jordan, of Gilford, N.H., examined this development in a paper prepared for the American Institute of Chemists.

Mr. Jordan, who is vice chairman of the board of Manning, Selvage & Lee, Inc., delivered the paper as the recipient of an honor scroll award from the New York chapter of the American Institute of Chemists.

In his paper, Mr. Jordan contends:

We cannot hope to overcome the environmental problem by wishful thinking. Nor can we expect that people will revert to a worldwide life of peasantry.

But disaster can be headed off by the thoughtful application of technology—more technology, not less. "Technology with a conscience," as my friend Benjamin Phillips of Union Carbide terms it.

The highlight of Mr. Jordan's presentation builds upon that thought, for he proposes the establishment of a Technological Information Center which would communicate the breadth and depth of our scientific knowledge to those in Government, business, science and the community who can implement solutions to the major physical problems confronting our society.

Mr. President, though I do not necessarily agree with every one of Mr. Jordan's observations or conclusions, I believe that his analysis and his proposal deserve respectful attention and serious consideration.

I ask unanimous consent that the text of Mr. Jordan's paper—titled "New Horizons in Chemistry"—be printed in the RECORD.

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

NEW HORIZONS IN CHEMISTRY

A lot of nonsense—arrant and dangerous nonsense—about "crises" is being bruited about these days. And a great deal of this misinformation is seeping into the public mind, being believed, and warping influential opinions and attitudes.

That, in itself, can be catastrophically harmful to real progress—human and humane progress.

In addition, and what concerns me as much as anything else, is the derivative pervasiveness of an anti-science, anti-technology sentiment. In substantial measure, technology and industry are being blamed for all the dissatisfactions that afflict us.

This attitude, inflamed or exploited by political expediency, can result in a rash of actions and legislation, that can be illogical, ineffective, or downright calamitous.

In my judgment, it is our responsibility—as people knowledgeable in the sciences and disciplined to think in an orderly manner—to assess the realities of the problems, to distinguish between the true and the specious crises and to do our best to counter misinformation.

Let's consider for a few minutes how our present, and somewhat unnerving, global situation came about. Let's analyze the causes, and the true dimensions of, the three dominant "crises"—environmental, resource depletion and energy. Then I should like to propose some courses of action which, in my judgment, would defer or avert any overwhelming catastrophies.

Shakespeare said it succinctly and rather elegantly: the past is prologue. Somewhat less elegantly, we might say that the present grew out of the past and the future has its makings in the present.

If we study history, it is evident, as John Maynard Keynes said, that from earliest times to the eighteenth century, "there was no very great change in the standard of life of the average man living in the civilized center of the world." The Industrial Revolution, as we all know, changed that. Mankind, progressively—or perhaps I should say sequentially—learned how to fulfill more and more of its material needs. Thus began the dream of the abolition of scarcity. Subsistence was no longer the overwhelming problem; it was replaced by strivings to attain a "standard of living." Biology was replaced by sociology.

To skim over a couple of hundred years we might recall the technological euphoria that reached its vertex in 1964 with the formation of an AD Hoc Committee on the Triple Revolution. Then the Committee asserted, rather cheerily, that "Cybernation results in a system of almost unlimited productive capacity that requires progressively less labor." (Cybernetics and automation were the popularized glory words of the 1960s.)

This was something that we could believe—or wanted to believe. For, as an example, our nation had prospered for a long time under the Puritan ethic. We were ebulliently chauvinistic, believed in work and monotheistically in God.

We had come to revere technology—the vaunted American know-how. Some of that reverence was epitomized in the 1928 dictum of President Hoover: "A chicken in every pot, two cars in every garage." From technology, it was implied, were going to come new bounties—and happiness. (People feel constitutionally entitled to happiness; they ignore the fact that the phrasing our more realistic forefathers used was "the *pursuit* of happiness."

Well, by 1973 it hasn't worked out quite that way. Technology, in the public mind, has yielded some pretty unpleasant things—and not all that "promised" happiness.

Those two cars are often shoddily made and they pollute the air; nor are we sure of the wholesomeness of the chicken in the pot, or, indeed, the soup in the can.

Cybernation failed to fulfill its promise of abolishing drudgery, too. It turned out to be the social science fiction of the 1960s.

Consequently, from a period of hope, promise, and euphoria, we were plunged into a time of crises. The vision of utopia was suddenly displaced by the spectre of doomsday. The theme of endless plenty was replaced by sordid statistics of a fragile planet with its resources being rapidly depleted and the threat of mankind engulfed in soaring pollution.

The god of technology did not die—it was murdered by disillusionment and disenchantment. It's going to be hard to resuscitate—to rebuild confidence in technology.

(By the way, our studies, and others, reveal that many people do not understand and, therefore, distrust technology. However, they endorse "know-how"—which is essentially the same thing. Too, although people are negative toward science, they favor research. Their viewpoint is that research provides them with new things to

make their lives more pleasant. Most often they mention fibres and fabrics, automobile polishes, fertilizers. So much for semantics and word imagery.)

The solution of any problem requires thoughtful analysis of its cause—or causes. The real cause of pollution is world population—people—the mass of people and the fulfillment of their needs. World population, now about 3.6 billion, is growing at a rate of 2 percent a year. At that rate, it would double in 35 years.

Of late, of course, some reduction in growth rate—to about 1.8 percent—has been elected. But due to a complex number of factors, we cannot count on zero growth for some time to come. Therefore, we can be relatively certain of increasing environmental stresses from population growth per se.

Let's consider the Gross World Product—the goods produced to fulfill human needs.

In 1950 the GWP was about $1.25 trillion. In 1970 it was about $3 tillion. What is clear to all of us is that, in 1950, we were not conscious of any great, or rather, widespread, pollution. The addition of the second and third trillion changed that dramatically.

Right now the GWP is increasing at a 4 percent to 5 percent annual rate. On that basis, GWP would *double* by 1986. The consequences, not only of the fourth trillion, but of the *doubling* are obvious and ominous.

Those are a few fundamental facts and trends.

We cannot hope to overcome the environmental problem by wishful thinking. Nor can we expect that people will revert to a worldwide life of peasantry.

But disaster can be headed off by the thoughtful application of technology—more technology, not less. "Technology with a conscience," as my friend Benjamin Phillips of Union Carbide terms it.

Another catastrophe that will overwhelm us, according to a widely publicized study from the so-called Club of Rome, is complete depletion of our planet's resources. Their argument is that if current growth rates continue, mankind will run into a blank wall in 50 to 100 years. The argument is really basically simple and hardly needed the computerology that was included—although perhaps it may enhance credibility. (If I were to conjure up an Index of Credibility, I'd place oral statements on the low end of the scale, assertions in print a notch above that, and computer print-outs at the pinnacle. All of which could be an intriguing thesis for a student of psychology.)

The Club of Rome argument adds, to throttle all aspects of optimism, that if by some miracle we were to triumph over the resources shortage, pollution will nonetheless engulf us.

This neo-Malthusian argument is deficient in many respects—not just in details and methodology—but in concept. It ignores the fact that an imminent shortage in a resource results in vigorous efforts to find new sources, to improve the technology of mining, processing, manufacturing and use, and to increase the price. The increased price itself encourages better technology, broader exploration and the development of previously uneconomic sources. (Quite often, the eventual outcome is a decrease in the cost of the resource. That has been the experience in the 19th and 20th Centuries in many basic raw materials and electric power—in real terms.)

Nor is it sensible to overlook how innovations can influence availabilities. Aluminum can be used instead of copper; plastics can replace metals; shifts can be made from electricity to gas, from petroleum to coal, from filament to fluorescent lighting, and so on.

By such transmutations—largely based on technology—a resource shortage can be averted or deferred for such a long period of time that any problems of transition are not disruptive.

In fact, my friend Herman Kahn of the Hudson Institute—who is conducting a comprehensive study of "The Prospects for Mankind"—says that: "In many cases the resource reservoirs can be expected to be increased by factors of ten to a hundred—or even a thousand. The possibilities for augmentation, substitution or other actions to alleviate resource or pollution problems are enormous. Too, the signals for needed adjustment are quite sensitive rather than insensitive, and the adjustment itself is easier to make than is imagined by most of the neo-Malthusians."

On the basis of my own studies, but more importantly, as a result of my first-hand experience in the chemical industries, I agree wholeheartedly with Herman Kahn.

What I will concede, however, is that despite the faulted logic that underlies some of the doomsday prophecies, the worldwide publicity they have generated has served as an alert. By dramatizing a possible future problem, they may have been useful. For, as one of my professors drilled into me, the best way to solve a problem is to anticipate it.

I shall not analyze all the propaganda that is being disseminated about the energy crisis. We are confronted, without a doubt, with a serious—very serious—energy crisis. Unfortunately, much of what is being said is not overburdened with factuality, nor is it objective, or always devoid of guile.

If we put the three dominant problems—environment, resources and energy—into one package they can properly be labeled as technical.

I am convinced, absolutely convinced, that they are all technically soluble. Many of the solutions will derive, I am equally convinced, from chemical technology.

Consider, for instance, what has been accomplished by chemistry in recent—very recent—years. Then let's extrapolate.

If the history of the earth (4½ billion years) were compressed into one year, the entire history of mankind (450,000 years) would represent less than one hour. If the history of mankind were compressed into one year, the history of synthetic chemistry would represent only about an hour and three-quarters.

Putting it another way, chemistry is still new—young, vigorous and very young. In fact, it is only in recent hours—let us say the past 100 years—that its influence has really been felt.

For example, it was not long ago—indeed, well within the recollection of many of us here this evening—that man, just like his primitive ancestors, had to shear sheep to clothe himself, or wait a full year for a blob of fluff to ripen on a cotton plant, or tediously unwind the cocoon of a silkworm. Now, at our will, we can produce fibers by the ton as well as, of course, plastics, aluminum, fertilizers and medicinals which Nature did not bestow upon us.

We seldom pause to appreciate how titanic material progress has been. In part because we have become used to accomplishment; in part because we become jaded so rapidly to the routinization of the spectacular.

(How many of us watched all the moon shots?)

Here's a calendar that highlights what chemistry has done in its young life.

Chardonnet invented rayon in 1885; Baekeland invented phenolformaldehyde resins in 1907; polyvinyl chloride was introduced in 1930; Carothers' research yielded nylon in 1931; polyethylene and polypropylene are of much more recent vintage—the late 1940s and mid-1950s.

By the way, to emphasize recency, it was only a few years ago that we held a reception, in behalf of a client, right here in the Chemists' Club for Natta. It was here that he outlined, for the first time, his development of isotactic polymers to a group of technical editors.

If you want to consider one dimension of future possibilities—the new horizons of chemistry, if you will—just look at the polyamide nylon. Professor H. K. Livingstone has tabulated 172 regular, 18-chain polyamides that could be made. Of these, only some 35 have been synthesized. Two are of great commercial importance and perhaps another six are manufactured on a small scale. If one were to include irregular chains, copolymers, structures with more than 18 atoms in the SRU, chains with aromatic groups, side chains and so on, the possibilities are virtually infinite. The same applies, of course, to polyesters and other polymers.

Or look at resource and energy augmentation and environmental protection. My colleagues and I, in the past year alone, have been involved with processes to produce substitute natural gas, methanol as a non-polluting fuel, elimination of sulfur dioxide from stack emissions, pollution-free (silica) production of zirconia, a lower-energy, and pollution-free method to make aluminum from clays, a process to extract nickel from low-grade ores, noise control (sometimes referred to somewhat coyly as "earpollution"), and the use of oxygen to treat municipal wastes. This, to be sure, is a small sampling of what's going on. But it does reflect the surging progress of corrective technology.

And Don Othmer, here at the head table, told me of a strikingly innovative energy and food-producing project he is developing in the Caribbean. In addition, The Chemurgic Council, in which I happen to have a special interest, is actively promoting the more effective utilization of energy from the sun—probably the most overlooked and wasted resources we have.

Consequently, I cannot help but be disdainful of the prophets of doomsday. It is evident to me that, with reasonable planning, we have the capabilities to realize, rather than squander, our future.

But the conditioning phrase is "with reasonable planning." We cannot count on muddling through. The crucial element is reasonable planning by informed men—and men with both perspective and judgment.

Suppose we draft a scenario of the future. As a society becomes more complex, complex organizations—corporations—grow within it. (Some of the larger ones have many of the characteristics of the ancient City States—including corporate flags.) Both to function and survive, complex organizations must plan.

Governments have to plan—as they have begun to—to deal with such questions as transportation, renewal of cities, medical care, and so forth.

Therefore, we can anticipate that we are heading into a "planning society." (A trend which will, significanlty, develop worldwide. It is already evident that the leaders of major countries are men of remarkably similar tastes, culture, characteristics. The jet plane and TV are making our world truly one world.)

If, as seems probable, we will soon have global planning capabilities, and we also have the technical capabilities to cope with environment, resource and energy problems, in theory all we have to do to succeed is to make sure the decision-makers are well informed. (The assumption is, of course, that man is a rational animal. That is a premise I would find it difficult to defend. However, threatened by a commonality of danger, even recalcitrant humans become notably cooperative.)

Summing it up, the facts about cause and effect, actions and reactions, the consequences of imbalance, the pros and cons of various technologies, must be communicated to the decision-makers and also to the public. (There are no forces more powerful than public understanding and public opinion. Without public approbation—be it of neigh-

bors, customers or stockholders—corporations crumble and fail. And governments fall. Always. Public opinion forced President Johnson, then the most powerful man in the world, to renounce the Presidency. (The Washington term was "credibility gap", which is a euphemism for distrust.) Public opinion has also eroded President Nixon's power—perhaps irreparably.)

Technically we have much to be proud of—we have taken long, confident strides. In technology communications—public relations, if you will—we have much less to be proud of. We have shuffled along, haltingly.

Let me cite just a couple of examples:

I know nothing of the technical facts in the phosphates-in-detergent controversy. What I do know is that a year or two ago, 34 state, county and municipal legislatures banned phosphates. Of these, 24 have recently amended or repealed their legislation.

This suggests to me that not enough solid information was available to legislators initially, and perhaps still isn't. It is distressing to see, for instance, that the term "activist" is now applied almost exclusively within business and industry to those who are *against* something—negativists. We need—sorely need—more activists who are reasoned positivists.

A revision of the introspection and passivism that has characterized those who are trained in the sciences may well be in order. The times call for more extroversion and activism on our part. Flip-flopping in legislation, derived quite often from patchwork thinking—and there have been many, many such cases—just doesn't make any sense.

And consider this: Early this month, my colleagues and I decided we wanted to know what Washington leaders know about chemical technology and what opinions they have of technologists. So our research people interviewed a sampling of senators, congressmen and journalists.

What we found is that few had any real knowledge of, for instance, what a chemical engineer does. Nor could any recall being offered any informational help by any professional chemical organization. (This does *not* mean that no organizations have ever been helpful. There is, for instance, quite a turnover in Washington influentials. Moreover, ours was a spot sampling only—to obtain preliminary information.)

What was also impressively clear is that Federal legislators—and I'm sure this applies to states and communities—are eager to receive authoritative technical information from responsible people. In fact, our people reported that they "had a thirst" for such information.

We should undertake—with full sense of responsibility—to satisfy that thirst.

One of the best ways to do this at the Federal level is a plan suggested by Dr. Jesse Werner, Chairman and President, GAF Corporation. In his acceptance speech at the SCI Chemical Industry Medal Dinner last fall, Dr. Werner recommends the formation of a Technical Council to advise the President, Cabinet and Congress "on major matters with a scientific aspect and impact." The Council, composed of the chief executives of technology-based corporations, would be independent, politically and in all other ways, and could bring a sense of reality to the decision-making process. For, as Dr. Werner pointed out, it would make use of the talents of an experienced, pragmatic group who can also muster impressive corporate resources.

In my judgment, Dr. Werner's idea is a thoroughly constructive one. It merits the active support of the chemical/technical fraternity. I would sleep better at night if Dr. Werner's plan was launched here and then expanded—as rapidly as possible—on a global basis.

There are those, I'm sure, who will claim that adequate informational sources are now available in the form of the newly-formed Office of Technology Assessment, National Academy of Sciences, NSA, other government agencies and the various "think tanks." I would contend that one should neither hallow nor overrate the objectivity of the advice given to the government by organizations dependent on the government for sustenance.

I can hardly say it more politely. But if anyone in Washington is listening—and one does have that feeling these days that someone is—and wants to argue, I'm prepared.

Another development which impresses me is the enterprising and foresightful informational plan originated by the American Institute of Chemical Engineers. During the past year, the AICHE has assembled community leaders in a dozen cities to discuss the pros and cons of the energy crisis.

I am heartened, too, to hear that the American Chemical Society's Department of Chemistry and Public Affairs will publish two timely reports this summer—"Cleaning our Environment—The Chemical Basis for Action" and "Chemistry and the Economy." It is significant, too, that the American Institute of Chemists recently established its offices in Washington and, as Dr. Gilmont reported at the recent Houston meeting, is charting a public relations program.

What these chemical associations, among others, are doing is particularly laudable and can be fruitful.

But this still isn't enough—nearly enough—to do the total job that must be done.

Perhaps you will forgive me if I mention again an idea I proposed some three years ago. This is what I said then, at a CCDA meeting:

"This is what I would recommend: The establishment of a consortium—which we might call—just as a descriptive title—A World Chemical Industry Information Bureau.

"The Board of Directors—or Trustees—would be composed of representatives of each of the associations I have mentioned as well as others, such as CCDA, the AIC, and so forth. In addition, it would include representatives of groups such as the Society of Chemical Industry, Societe de Chimie Industrielle and Gesellschaft Deutscher Chemiken.

"It would not impinge upon the autonomy of the member associations; its sole function would be coordinative—through the concert of brains and manpower to develop well focused, effective, public information plans and procedures.

"I would propose, too, that the Board of Directors also include thoughtful people from the academic, financial and student communities, so that their important perspectives would be available and utilized.

"Do I expect such a consortium to bloom tomorrow? No. Projects of this nature take time to evolve. It's something to do with a law of physics—the law of inertia—which is a function of MR^2.

"I am convinced, however, absolutely convinced, that some day something of this sort will be done—will have to be done.

"At some time in the future a crisis will arise—or two or three crises in sequence—recognized crises. Then somebody will decide to jettison the antiquated bucket brigade approach and start a fire prevention organization.

"Inertia—and even parochialism—often yield in emergency situations . . . ."

"In the first phase—say six months—I would expect the consortium to generate an additional million positive chemical industry messages a week; thereafter, I would expect a message impact of at least—at least—a million a day.

"We would all benefit rather substantially by bringing the chemical industry message to the attention of many people—impressively, honestly, imaginatively . . . ."

Perhaps those crises—recognized crises—which I theorized might develop are now with us. Perhaps this is the time to get rolling.

That plan I had in mind then should now be updated. I'd like to see, for instance, a broader range of scientific-technical societies get together to establish the Technological Information Center, shall we say. A healthy start could be made by chemical organizations, then expanded to embrace other disciplines.

We would do well to recall the venerable Chinese ideograph for crisis. It's composed of two symbols. One is "Danger"; the other is "Opportunity."

Of course, we have an alternative. We can, if we choose, do nothing. That's what I call the "dawnism" philosophy—abounding faith that tomorrow there will be a golden dawn, all wrongs will be righted, happiness will prevail.

That's an approach I abhor. I hold that nothing ever happens—people make things happen. And we are the people who, by action or inaction, can do much to decide the shape of the future.

Ladies and gentlemen, I thank you.

HOWARD PHILLIPS

Mr. BUCKLEY. Mr. President, the Acting Director of OEO, Mr. Howard Phillips, will be leaving OEO at the end of this month. During his short and controversial tenure, Mr. Phillips presided over an historic shift in Government policy: the considered move away from a concentration of Federal bureaucratic authority in favor of a return of power and authority to the levels of Government, and to the elected officials most immediately accountable for the programs administered in the "war on poverty."

In a press release issued on June 26, Mr. Phillips revealed a profound understanding of the issues at hand—an understanding that made him uniquely suited for the task assigned him by the President. Mr. Phillips said in part:

Believing that social progress can be measured by the condition of individual liberty and opportunity, it has been our constant objective to advance policies which enhance regard for the rights of the individual and which strengthen the power of the individual to direct the course of his own life—not by empowering others to speak in his name, or to act in his behalf—but by directly extending the opportunity for choice to the individuals concerned.

Mr. President, I ask unanimous consent that the entire text of Mr. Phillips statement be printed in the RECORD.

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

STATEMENT OF HOWARD PHILLIPS

In accordance with the intention which I announced at the time of my appointment in January, it is my plan to leave OEO when the current fiscal year ends this Saturday, June 30.

During the period immediately following July 1, I expect to witness the completion of the actions we set in motion following the President's budget message of January 29: the transfer of programs and personnel to

other departments, the enactment of legislation which will lead to reform of the legal services program and will place OEO's economic development activities at the Department of Commerce, the completed reassignment of decision-making concerning community action to local elected officials, and the general discontinuation of OEO's operational activities.

Just as OEO itself came to symbolize the Great Society's unsuccessful and unwise reliance on centralized bureaucratic power, so shall our effort be recalled as an historic turning point toward the disaggregation of unaccountable bureaucratic authority, and its dispersal back to the people, from whom it derives.

According to law, OEO will be a statutory entity until the end of June, 1975. In order to carry out the residual requirements set forth under the statute, it was necessary that a name be sent to the Senate of a person to direct the agency's remaining phase-out activities.

In the wake of a recent court ruling restricting my authority, many cities are awaiting the release of special summer recreation funds which have been held up because of legal uncertainties.

It, therefore, is appropriate that there be no further delay in naming a Director-Designate, so as to reduce any possibility of harm to those cities whose financial conditions require an early release of funds.

I am pleased that Alvin Arnett, who has served with great ability as my first assistant, will assume responsibility for heading residual OEO. The former Executive Director of the Appalachian Regional Commission, and a past Executive Assistant to U.S. Senator J. Glenn Beall, Mr. Arnett is well qualified for his new role.

In preparing to leave, I wish to thank those employees of OEO, both temporary and career, who have acted with integrity to carry forward the President's reforms. Civil servants, whatever their personal ideological or political viewpoint, must be ever mindful of their duty to implement, rather than establish, Executive Branch policy.

Personally, I am most grateful for the opportunity which has been afforded me and proud of the skill and energy with which members of my staff have directed those matters over which they exercised control.

Believing that social progress can be measured by the condition of individual liberty and opportuntiy, it has been our contsant objective to advance policies which enhance regard for the rights of the individual and which strengthen the power of the individual to direct the course of his own life—not by empowering others to speak in his name, or to act in his behalf—but by directly extending the opportunity for choice to the individuals concerned.

It is for this reason that we have favored school tuition vouchers and it is why we have fought for client choice in legal services: to divest government of power and to return it to the people.

This is a revolutionary doctrine, wholly consistent with the vision of America's future which has been so brilliantly articulated by President Nixon. As he reminded us in 1971: ". . . No great movement goes in the same direction forever. Nations change, they adapt, or they slowly die. The time has now come in America to reverse the flow of power and resources from the states and communities to Washington, and start power and resources flowing back . . . to the people across America."

SMALL BUSINESS ADMINISTRATION TECHNOLOGY UTILIZATION PROGRAM

Mr. BIBLE. Mr. President, as chairman of the Senate Small Business Committee, I wish to report upon action taken by the committee of interest to Members of this body and others concerned with small business enterprise.

The committee by a committee resolution has requested Small Business Administrator Thomas S. Kleppe to continue his agency's technology utilization program and to discuss appropriate expansion of these activities with concerned executive and legislative authorities.

The committee resolution of June 28 has already been transmitted by letter, and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks, together with related correspondence and informational material.

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

(See exhibit 1.)

Mr. BIBLE. A similar request has been made by the members of the Subcommittee on Government Procurement and International Trade of the House Small Business Committee, in the form of a letter of June 11, following a hearing on the subject conducted by Chairman JAMES C. CORMAN, of California.

We hope and expect that these expressions on the part of committees of both Houses of Congress will encourage the Small Business Administration to fully develop the outstanding potential of this program in the future. The record of Representative CORMAN's hearings and of hearings and studies by our own committee over the past decade clearly establish the great merits of transferring more widely technology developed in the research of Federal departments and agencies—such as the Defense Department, NASA, and the Atomic Energy Commission—and paid for by all of our citizens. Smaller firms which are not awarded Government contracts or do not have engineering staffs have little if any access to this wealth of knowledge.

Last year with only six persons at SBA working to distribute this technology, the program placed technical information in the hands of about 18,000 small firms, and actually solved technical problems of about 2,000 of them. Since the total cost of these activities, including publications, came to no more than $250,000 per year, the cost for each success story is thus very small.

The benefits far exceed the costs: Each SBA dollar generates some $8.30 in new net profits and $2 to $4 in Federal taxes.

America's small firms need this technology to survive competitive and governmental pressures of the present and future. The Small Business Administration itself recently emphasized the paramount value of technology to small enterprise in the years ahead: [1]

> We are entering again an era in which emphasis will be on entrepreneurship. However, it will not be the entrepreneurship of a century ago, the ability of a single man to organize a business he himself could run, control, and embrace. . . . The businessman will have to learn to understand the dynamics of technology . . . and the dynamics of the market . . .

[1] Annual Report of the Small Business Administration, 1971, p. iii.

The SBA appropriation for fiscal years 1972 and 1973 provided for 10 professional field personnel as well as positions in the Washington headquarters for giving policy direction to this work, preparing and issuing of publications, and clerical support. The appropriation for fiscal year 1974 for the management assistance category exceeds that of fiscal year 1973. We, therefore, believe it is appropriate to reemphasize the mandate of section 9 of the Small Business Act (15 U.S.C. 638) and the expressed request of cognizant committees that this program be operated at the levels which Congress has envisioned.

One consequence of denying this service to small businesses of this country was cited in the June 5, 1973, testimony of the Navy Department as follows:

> Termination of (SBAs) Technology Utilization Program will cause the (Navy) Data Exchange Program to reconsider . . . and most probably to exclude the small business of the country. This is very unfortunate since they are the basic sources of quality and reliability of government procured hardware . . .

The committee considered such consequences undesirable and unacceptable. We have acted to request continuation of the SBA technology utilization program, and we hope and expect that the agencies will cooperate with Congress in this regard. We assure this body that we shall ask the Small Business Administration to account for its stewardship of this program in future years, and we will continue our efforts to advance in this area of vital importance to small business and the Nation.

EXHIBIT 1

RESOLUTION OF U.S. SENATE SELECT COMMITTEE ON SMALL BUSINESS, JUNE 28, 1973

Whereas the Small Business Act, in mandatory language, states the duty of the Small Business Administration is ". . . to assist small business concerns to obtain the benefits of reesarch and development under performed government contracts or at government expense"; and

Whereas the Small Business Administration is the only agency equipped to search for such technology across the entire range of government laboratories and agencies and to deliver it to individual small businesses; and

Whereas SBA technology utilization activities have been highly profitable and beneficial for both the government and the small business community, generating $8.30 of net profits and $2 to $4 in Federal taxes for each SBA dollar spent; and

Whereas the termination of this program would result in the waste of human and financial resources by both the Federal Government and small business and weaken the national economy: Now, therefore, be it

Resolved, That the Select Committee on Small Business of the United States Senate strongly favors continuation of the technology utilization activities of the Small Business Administration and recommends that the SBA discuss with the Office of Management and Budget and the Appropriations Committees of the House and Senate the continued existence and expansion of this worthwhile and financially sound program.

ALAN BIBLE,
Chairman.
JACOB K. JAVITS,
Ranking Minority Member.

LIST OF SIGNATURES
JAMES L. BUCKLEY,
Peter H. DOMINICK,
EDWARD J. GURNEY,
ROBERT J. DOLE,
JOHN SPARKMAN,
JAMES ABOUREZK,
J. BENNETT JOHNSTON,
THOMAS J. MCINTYRE,
WILLIAM D. HATHAWAY,
FLOYD K. HASKELL,
GAYLORD NELSON,
DICK CLARK,
J. GLENN BEALL, and
SAM NUNN.

U.S. SENATE
SMALL BUSINESS COMMITTEE,
June 21, 1973.

Hon. THOMAS S. KLEPPE,
Administrator, Small Business Administration, Washington, D.C.

DEAR MR. ADMINISTRATOR: May we respectfully urge your reconsideration of your decision to eliminate the Small Business Administration Technology Utilization Program for Fiscal Year 1974 and which was the subject of hearings before Rep. James Corman's Subcommittee of the House Small Business Committee on June 5, 1973.

To support this request, please be advised that this committee has been an active advocate of this program for a matter of some years. Our studies have shown that for every dollar spent in the SEA Technology Utilization Program recipient small businesses have generated $8.30 in net profits for small businesses and thus $2 to $4 in Federal taxes, to say nothing of state and local taxes, jobs, new and improved products.

The adoption of new technology may be a matter of life and death for many small businesses. For example, within the automobile and aerospace industries whole groups of subcontractors have been advised that they may be eliminated as suppliers unless they adopt the new technology of numerical control (computer operation of machinery). Requirements for cleaning up the environment, attempting to cope with crime, and competitive and cost pressures are among the factors compelling rapid technical change by smaller firms.

One source of the necessary technology is what has already been paid for by the taxpayers in connection with defense, space, atomic energy and other public research and development programs. Since World War II, perhaps $200 billion have been spent by the Federal Government for research and development in government laboratories and by private firms under government contract.

There is thus a considerable amount of knowledge "on the shelf" which small business has few, if any, opportunities of learning about, since the overwhelming majority do not participate in government contracts or have engineering staffs.

Therefore, the SBA Technology Utilization Program, in our opinion, fills an enormous need. It can go to any data bank for answers, and it can work with individual small firms on their particular problems. With only six men working in the program in Fiscal Year 1972, SBA nevertheless provided technical information to about 18,000 small businesses and actually solved pressing technology problems for about 2,000 of them. The estimated cost to SBA for the entire program was probably less than $250,000, or about $125 per success story.

In recognition of the merits of this activity, the Small Business Act states in mandatory language the duty of the Administrator: "to assist small business concerns to obtain the benefits of research and development performed under government contracts or at government expense."

It is thus our feeling that the law and the interests of small businesses and the nation call for the continuation of this program and its expansion in the future when appropriate.

We realize that government spending programs are being monitored closely, as they should be. But we also believe that to deprive the nation's small business community of an abbreviated Technology Utilization Program within your agency would not serve the nation's best interests.

For your further information, we enclose a copy of a statement submitted by the Committee Chairman before Rep. Corman's Subcommittee in support of this position.

We hope that you will give this matter every consideration and we would like to be advised about your conclusion.

Cordially,

ALAN BIBLE,
Chairman.
JACOB K. JAVITS,
Ranking Minority Member.

RETIREMENT OF CHARLES S. BREWTON

Mr. SPARKMAN, Mr. President, one of the great men who have assisted in developing and getting enacted into law much of the progressive legislation of the past 25 years, Charles S. Brewton, is retiring today. I cannot let this occasion pass without some brief comment on Charlie and his work, especially in the fields of health and education—particularly mental health.

Charlie was Senator Lister Hill's administrative assistant during the years when such legislation as the Hill-Burton Act and other landmark bills were enacted into law. Later he served on my staff for several years, leaving me to go down to the Executive Office of the President as Assistant Director of OEP, where he served during the Kennedy and Johnson administrations.

More recently, he has been general counsel for the Joint Committee on Defense Production.

Charlie is a fine public servant. I wanted to pay this tribute to him as he prepares to return to his native Alabama. I wish him and his wife, Jewell, all happiness in this new phase of their lives. I know that I am joined in this wish by all of you who have known him.

At this time, I send to the desk letters and telegrams, asking unanimous consent that they be printed as part of my remarks in the RECORD.

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

MONTGOMERY, ALA.,
June 26, 1973.

Mr. STEWART MCCLURE,
Public Welfare, Senate Committee on Labor and Public Welfare, New Senate Office Building, Capitol Hill, D.C.:

I regret to see Charlie Brewton leave his position but I fully understand the compelling reasons for his decision. He was closely associated with me as my administrative assistant for a number of years and he did so much to help me and with his fine mind and deep dedication rendered great service to our country. He is truly not only a great Alabamian but a great American. Please convey to him my congratulations for his historic services and my affectionate regards and all good wishes.

LISTER HILL.

U.S. SENATE,
Washington, D.C., June 29, 1973.

Hon. CHARLES S. BREWTON,
General Counsel, Joint Defense Production Committee, Washington, D.C.

DEAR CHARLIE: Congratulations to you on your retirement as General Counsel of the Joint Defense Production Committee.

You have been an outstanding public servant and I congratulate you on the many years of dedicated service you have rendered to our Nation.

I am happy to know that you will return to our home State of Alabama. I wish for you and your family many happy and rewarding years, and I know you will look back with a great deal of satisfaction to a job well done in service to your Country.

With every good wish, I am,

Sincerely yours,

JIM ALLEN.

U.S. SENATE,
Washington, D.C., June 28, 1973.

Mr. CHARLES S. BREWTON,
General Counsel, Joint Committee on Defense Production, Senate Office Annex, Washington, D.C.

DEAR CHARLIE: News regarding your forthcoming retirement has only just reached me, and I wish to add my warmest congratulations to the many other similar messages which I am sure you are receiving.

Having known you since you first came to the hill many years ago as one of Senator Hill's valued assistants, I feel that you are a personal friend. Your helpfulness to me and the members of my staff during that early period and also throughout the years following when you served as Director of the Office of Emergency planning, and more recently as General Counsel of the Joint Committee on Defense Production, has been greatly appreciated. I assure you.

Again, my warmest congratulations to you on a most successful and distinguished career, and my every good wish to you for full enjoyment of the productive years yet to come. May the future be enhanced with contentment and happiness for you and your family, and may you realize to the greatest extent the rewards of retirement which you so richly deserve by reason of your many years of dedicated service and outstanding achievement.

Sincerely,

JOHN L. MCCLELLAN.

U.S. SENATE,
Washington, D.C., June 29, 1973.

Mr. CHARLES BREWTON,
General Counsel, Joint Committee on Defense Production, Washington, D.C.

DEAR CHARLIE: Lola and I are sorry to hear you are joining the exodus from the Senate. I don't approve of it.

We will miss you—but wish for you and Jewell the best of everything.

Sincerely yours,

GEORGE D. AIKEN.

U.S. SENATE,
Washington, D.C., June 29, 1973.

DEAR CHARLIE: This is just a note to express to you my very best personal regards on this day. I know that many of your friends are gathered to say hello and I wish that I could be with them to help honor you. It has been a pleasure knowing you and enjoying your friendship and help over the years.

Best personal regards.

Sincerely,

WARREN G. MAGNUSON,
U.S. Senator.

U.S. SENATE,
Washington, D.C., June 28, 1973.

Mr. CHARLES S. BREWTON,
Office of Senator Sparkman,
U.S. Senate, Washington, D.C.

DEAR CHARLIE: For myself and my staff may I wish you the very best of success in the new directions you are taking.

John and his staff will miss you, I know, as will many of the Senators and their staff assistants who have had the pleasure of working with you over the years. You have performed an important service to a great Senator and to the Senate and your country. Congratulations, and again, best wishes.

Sincerely,

HUBERT H. HUMPHREY.

NEW YORK, N.Y.,
Washington, D.C., June 28, 1973.

CHARLES BREWTON,
Care of Stewart McClure, Senate Labor and Public Welfare Committee, New Senate Office Building, Capitol Hill, D.C.:

All my good wishes and gratitude for all the service you have given to our country.

MARY LASKER.

EQUAL CREDIT OPPORTUNITY ACT, S. 2101, TITLE III

Mr. BROCK. Mr. President, I want to take this opportunity to commend my colleagues in the Senate Banking Committee for having unanimously reported out of committee an amendment to S. 2101, the Truth in Lending Act Amendments of 1973. It incorporates the main features of legislation I proposed earlier this year as S. 1605, and has the following provisions:

First. Discrimination based on sex or marital status in connection with any consumer credit transaction is prohibited;

Second. Discrimination on account of sex or marital status in extensions of credit for commercial purposes is prohibited; and

Third. Civil liability provisions identical with those in the 1973 amendments are provided. The liability as reported out of committee has limits of not less than $100 or greater than $1,000 in any individual case, and in the case of a class action, the lesser of $100,000 or 1 percent of the reported worth of the creditor.

The hearings before the National Commission on Consumer Finance identified serious areas of discrimination against women, and the committee believes that this approach will provide sufficient deterrent against continuation of these discriminatory practices without imposing undue limitations on the credit industry. The amendment represents a well thought-out compromise.

We can no longer tolerate the continuation of the serious discrimination in granting of credit encountered by women in this country.

The committee expects S. 2101 will be considered by the full Senate shortly after it reconvenes July 10. I urge you to give serious consideration to this issue, and to support the amendment prohibiting discrimination when it comes up for a vote.

I request unanimous consent that the amendment be printed in the RECORD.

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

S. 2101, TITLE III—EQUAL CREDIT OPPORTUNITY

§ 301. Short title

This title may be cited as the "Equal Credit Opportunity Act".

§ 302. Discrimination

(a) Title I of the Truth in Lending Act (15 U.S.C. 1601–1665) is amended by adding at the end thereof a new chapter as follows:

CHAPTER 5—PROHIBITION OF DISCRIMINATION BASED ON SEX OR MARITAL STATUS

"Sec.
"181. Prohibited discrimination.
"182. Civil liability.

"§ 181. Prohibited discrimination

"It shall be unlawful for any creditor or card issuer to discriminate on account of sex or marital status against any individual with respect to the approval or denial of any extension of consumer credit or with respect to the terms thereof or with respect to the approval, denial, renewal, continuation, or revocation of any open end consumer credit account or with respect to the terms thereof. Section 104 of this title does not apply with respect to any transactions subject to this section.

"§ 182. Civil liability

"The provisions of section 130 of this title shall be applicable to any creditor or card issuer who violates section 181."

(b) The table of chapters of such title is amended by adding at the end thereof the following new item:

"5. Prohibition of discrimination based on sex or marital status---------- 181".

§ 303. Effective date

This title takes effect upon the expiration of sixty days after the date of its enactment.

WHEAT TO BANGLADESH

Mr. McGOVERN. Mr. President, I am pleased to be able to inform my colleagues that the United States will make wheat available on an urgent basis to the Peoples Republic of Bangladesh. A number of my fellow Senators have expressed concern this week over the possibility that a famine would develop in Bangladesh unless the United States moved immediately to begin providing pledged assistance.

The Department of State has just informed me officially that 100,000 tons of wheat are to be made available to Bangladesh as soon as possible. The Government of the People's Republic of Bangladesh has been told of this decision and will be able to begin procuring the wheat next week under a special fiscal 1973 grant. Shipment can begin about the middle of July.

The United States is also pledged to supply an additional 400,000 tons under grant and concessional terms before the end of the year. I believe the dangers of famine in Bangladesh are such that the United States should act to provide the additional grain within the next several months. Fortunately, a number of people in the executive branch are working hard on this important humanitarian effort. The Subcommittee on South Asian Affairs, of which I am chairman, of the Committee on Foreign Relations will be following closely the food situation in Bangladesh and U.S. efforts to provide grain.

According to the letter from the State Department, the executive branch decision at this point was—

Based on the exceptional urgency of the Bangladesh case and is in advance of decisions of the total commodity availability for USG concessional-financed programs in FY-1974. The United States will give urgent consideration to the shipment of additional wheat to Bangladesh.

The State Department believes, on the basis of the assessment of United Nations experts and their own officials in Dacca, that critical shortages can be avoided between now and the next major harvest, which begins in November, if grain pledged by the United States and other nations arrives on schedule. The Department notes "in that context, we are making every effort to meet our own pledge of assistance."

If we meet our own pledges this year, the United States will provide 700,000 tons of wheat under grant and concessional terms, including 200,000 tons provided earlier this year under grant terms. Other nations have pledged about 650,000 tons, and the Bangladesh Government, which has bought more than a million tons so far this year, will buy perhaps another 200,000 tons. Thus, Bangladesh will be getting 2,500,000 tons from outside to add to the approximately 9,500,000 tons of foodgrains available from internal production. All of this will provide only the bare necessities.

In the past few years, the people of Bangladesh have endured many privations. They are trying to move toward self-sufficiency.

At this point, however, they need our assistance, and I am glad we can provide that help.

Mr. President, I ask unanimous consent that the letter from the State Department be printed in the RECORD.

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

DEPARTMENT OF STATE,
Washington, D.C.

HON. GEORGE MCGOVERN,
Chairman, Subcommittee on South Asian Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your inquiry of June 22, 1973, concerning commitments by the United States Government to provide foodgrain to Bangladesh in 1973.

As you indicated in your inquiry, the United States Government has joined with other nations in assisting Bangladesh through a period of extreme economic hardship after the natural disaster of cyclone in 1970 and the man-made disaster of war in 1971. Rehabilitation of the economy was set back once again in 1972 by a severe drought that curtailed rice production. The United Nations, operating through an emergency organization, the U.N. Relief Operations, Dacca (UNROD), coordinated the international response to Bangladesh's food needs in 1972, and it agreed to remain on a reduced scale through 1973. Record imports of some 2.5 million tons of foodgrains were obtained in 1972, virtually all on grant or concessional terms. This constituted about 20 percent of

the total available in Bangladesh. At the end of the year a team of experts recruited by the U.N. forecast 1973 import needs at approximately the same level—2.5 million tons.

As 1973 began it was already clear that the worldwide grain situation was going to be much more difficult than in 1972. The Bangladesh Government was informed that there was no prospect of obtaining 2.5 million tons of foodgrains on grant or concessional sales terms, and it therefore undertook to procure more than a million tons on commercial terms. The United States Government pledged at a meeting of donor countries in Dacca on March 31-April 1 that it would try to provide 700,000 tons of wheat against the need, with the remaining deficit to be met by other donors. The United States Government had already shipped 200,000 tons of wheat in early 1973; thus the balance of our pledge was the 500,000 tons about which you have inquired.

Interagency agreement was obtained on June 28 to proceed immediately with procurement of 100,000 tons of wheat for Bangladesh. This decision is based on the exceptional urgency of the Bangladesh case and is in advance of decisions on total commodity availabilities for USG concessional-financed programs in FY–1974. The United States will give urgent consideration to the shipment of additional wheat to Bangladesh.

As you are well aware, demand for U.S. wheat is at unprecedented levels and U.S. domestic stocks have been substantially reduced. As a result, it has been necessary to set lower than anticipated limits on the amount of these commodities available under concessional USG financing.

It remains the assessment of the United Nations experts and our own officials on the spot in Dacca that critical shortages can be avoided between now and the next major harvest beginning in November if grain already pledged to Bangladesh by international suppliers arrives there on a timely basis. In that context we are making every effort to meet our own pledge of assistance.

Your interest in this matter is sincerely appreciated. As the preceding paragraphs should make clear, there are competing demands on a limited supply of foodgrain commodities. We continue to give high priority to our humanitarian interest in responding to the urgent needs of the Bengalee people during the period of scarcity before the next harvest.

If you wish additional information concerning this or any other matter, please do not hesitate to let me know.

Sincerely yours,

MARSHALL WRIGHT,
Assistant Secretary for Congressional Relations.

PROPOSED PENSION REFORM LEGISLATION

Mr. PERCY. Mr. President, now that the Senate Finance Committee has completed substantive hearings on proposed pension reform legislation, I am hopeful that the committee will soon report its recommendations to the full Senate.

Although pension reform legislation was reported from Committee during the 92d Congress, the full Senate has not had an opportunity to express its will in this area to date.

As a cosponsor and strong advocate of the pension reform proposals contained in S. 4, the Williams-Javits bill, I have found this delay particularly distressing. Last August, Elgin Industries, which had earlier acquired the old Elgin Watch Co. of Elgin, Ill., announced its intention to terminate the employee pension fund. To this day, Elgin's pensioners do not know what portion of their pension trust fund they will receive. Had S. 4 been enacted last year, this situation would not exist. This case could not present a more clear example of the necessity of approaching pension regulation as a labor, rather than an internal revenue service problem.

Where a plan which qualifies under existing tax law has been established, the employer is allowed to make tax deductible contributions to it. In addition, employee tax liability on pension benefits is deferred until such time as the benefits are received when he retires—normally a time when his tax bracket is much lower. Finally, the income, dividends, and capital gains accrued by the plan's trust fund are taxed to neither the fund nor the employer.

I do not quarrel with the tax breaks provided by Federal tax law. In instituting these advantages, the Congress intended to assist employers and employees in establishing pension trust funds to provide financial retirement security for the employees. The Elgin case, however, demonstrates that without adequate regulation and policing of such funds, tax law can be perverted to provide for a tax bonanza to the employer.

The old Elgin Watch Co. pension fund was created in 1918. From that time through last year, the employees contributed $13 million and the employer contributed $12 million. The company ceased making contributions in 1958 because the plan was overfunded. Last year, Elgin Industries moved to terminate the pension trust, purchase annuities for the pensioners and recoup, as a taxpayer-financed windfall, the remaining $12 million.

The potential results of this move could not demonstrate more cogently the total inadequacy of regulating pension funds through the Internal Revenue Code.

First, during the time the old Elgin Co. was making contributions to the fund it received a tax deduction for its contributions. Where surplus funds are returned to the employer upon a plan's termination, the employer is required to pay taxes on the surplus. In this case, however, it appears that because of recent operating losses, if Elgin Industries receives the surplus, it will receive it tax free.

Second, there is evidence that this plan was overfunded well prior to 1957, but that the IRS did not disallow continued tax deductible contributions to it.

Third, although the company made no contributions after 1958 because of the surplus, the fund was still allowed to accrue, tax free, the earnings on its investments. The pensioners are required to pay ordinary income taxes on that portion of their pensions that reflects employer contributions and the growth of the invested trust funds. Elgin Industries, if it receives this $12 million surplus, will not even have to pay taxes on the investment income from this fund.

Fourth, nearly $94,000 was taken from this taxpayer aided trust fund in 1971 to pay for the expenses of administering it.

Had the provisions of S. 4 been in effect during this time, the result would be far different. S. 4 establishes a separate Office of Pensions and Welfare Plan Administration within the Department of Labor and gives it the authority and the means necessary to enforce strict pension fund regulations.

These regulations include new fiduciary standards to prohibit conflicts of interest and misuse of assets by those administering pension trust funds; a requirement that a plan's annual financial report to the Secretary of Labor include an analysis by an independent accountant; a requirement that plan funds be treated as a trust exclusively for the employees and reasonable administrative expenses; and provision for broad remedies for the Secretary of Labor and plan beneficiaries in enforcing both Federal pension fund standards and specific pension fund contracts through Federal and State courts with nationwide service of process.

Finally, and of particular importance in the Elgin case, the bill requires that any surplus left in a terminated fund be equitably distributed to participants in accordance with their rate of contribution.

Mr. President, I cannot stress too highly the importance of full Senate action on this legislation. Its passage is vital not only to the 1,000 Elgin Watch Co. pensioners, but to millions of other workers throughout the country.

The plight of the Elgin pensioners is admittedly an unusual one in an area where the majority of problems are caused by underfunding. In several ways, however, it has presented an even stronger case for the need for pension reform. Not only are the Elgin pensioners in danger of being left with meager pensions for the rest of their lives, but Federal tax laws, which were enacted to assist such pensioners, have been manipulated to produce a tax deducted, tax free bonanza for an employer.

In light of the foregoing I wish to particularly commend Attorney General William Scott of Illinois who has filed suit in the Kane County circuit court on behalf of the Elgin pensioners who are Illinois residents, asking that a constructive trust of Elgin's Illinois assets be set up for the benefit of the pensioners.

I also commend Mr. Gene Devitt who has filed a class action suit on behalf of the pensioners in the U.S. district court in Chicago against Elgin Industries asking the court to order an increase in pensions on the basis that the company has been unjustly enriched.

ALL THE NEWS THAT'S FIT TO BROADCAST—EXCEPT CONSUMER NEWS

Mr. PERCY. Mr. President, in connection with my deep concern for con-

sumer protection, and my continuing desire for passage of legislation creating a Consumer Protection Agency, I point to a significant article in the publication, Media & Consumer.

This article is an excerpt taken from an excellent speech given by Mr. Arthur Rowse, a widely read and respected columnist, at Columbia University's second annual journalism conference. It clearly indicates that consumer oriented news has received an extremely low priority. Instead, news of crime, war, and disasters, and political pronouncements, dominate program time.

Consumer news of great magnitude—from a recall of 30,000 automobiles for collapsing wheels to the presence on the market of 3 million defective soda cans—receive little or no consideration.

Why does such a situation prevail? Mr. Rowse points to subtle pressures advertisers can use on the media to discourage stories concerning phosphate pollution, nutritional problems of snack food, tax loopholes for oil, auto safety problems, misleading advertising, and deceptive packaging. In addition, newscaster's conflicts of interest, fear of displeasing the administration in power, and simply entrenchment of the traditional form of programing has left the consumer at a distinct disadvantage.

I believe it is vital that fellow Senators be conscious of this lack of consumer news and the attendant lack of consumer awareness. Accordingly, I ask unanimous consent to have the excerpt entitled "Broadcasters and Consumer News: A Distressing Picture" printed in the RECORD.

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

BROADCASTERS AND CONSUMER NEWS: A DISTRESSING PICTURE

(By Arthur E. Rowse)

(The following is excerpted from a speech by Mr. Rowse at Columbia University's Second Annual Consumer Journalism Conference this past spring. Mr. Rowse syndicates a twice-weekly consumer column to newspapers and publishes *Consumer Newsweek*, a weekly consumer newsletter. He writes frequently on press performance.)

Consumer news has a long way to go before receiving the recognition it deserves on radio and television. Many important issues are ignored completely; others are treated in only a casual manner that fails to convey the true significance of events. Many consumer matters are so complex that they require extended treatment either on longer programs or on subsequent days of programming. Most radio and television news shows are essentially only glorified bulletin boards. They do not have the time to treat many subjects in a comprehensive fashion. There is also the need to make the news interesting through the use of devices and gimmicks. The documentary is an ideal format for reporting complex consumer issues. Yet it is rarely used for that purpose. A review of recent ones illustrates the point.

There was a documentary on Tricia Nixon and the White House but none on Peter Flanigan, the hidden operator downstairs. There was a series of programs about *The Search for the Nile* but none on the search for truth in life insurance sales presentations. Half-hour educational programs dwelled on the life of dolphins and sea otters but not on the unsinkable problems of health insurance and real estate closing costs. Presidential trips and space ventures are covered in boring detail, but there is no in-depth treatment of airport safety or the hazards of automobiles on earth. The networks have investigated the effects of earthquakes but not the effects of import quotas and business mergers on consumer prices and product quality. Other neglected topics of potentially great interest to consumers include pesticides, food additives, impure food, flammable clothing and numerous deceptive sales schemes.

On specific stories, television coverage is quite spotty. An examination of consumer coverage by the three network evening news shows during the past month of January confirms that view. Logs of the entire month, compiled by the Vanderbilt (University) Television News Archive, show that ABC offered only nine items of consumer interest. CBS presented only 10, and NBC aired 17. That is a total of 36 stories, an average of only 12 items a month per network during a time when each had available half-hour newscasts. Half of these 36 stories lasted only 20 seconds or less; only five consumed as many as three minutes or more. Six of the stories were carried by all three networks, totaling 18 of the 36 items. In terms of program time, all the stories amounted to only 2.7 percent of total non-commercial time on the news programs. NBC led with 18 minutes, followed by ABC and CBS with 10 minutes each. (These figures do not include items about drug abuse, pollution and the national economy.)

Stories carried by only one network included a government probe of power brakes in 40 million cars and a suit accusing Bayer, the American Medical Association and ABC television with falsely advertising aspirin. These stories were told in 10 seconds each on only one network, NBC. On the other hand, ABC devoted three minutes to a report by Jules Bergman about a National Heart-Lung Institute study of the cholesterol factor in heart disease and its relation to diet. No other network discussed this topic during the month.

Many other potentially strong news items of consumer interest were ignored completely by the TV networks. These included FTC Chairman Miles Kirkpatrick's suggestion to the Consumer Assembley that counter-ads for life insurance claims be required on prime-time television. No part of the two-day national consumer conference in Washington was mentioned by any network despite intensive grilling of Price Board chief C. Jackson Grayson and the appearance of other well-known figures at the affair.

Other developments ignored by all three networks during the month were the recall of 3 million cans of Coca Cola, Sprite and Fanta drinks; the recall of 30,000 General Motors cars for collapsing wheels; an FTC consent order requiring Procter & Gamble to stop claiming that foods cooked in Crisco are less greasy and lower in calories; a government report saying that 88,900 highway bridges were "critically deficient" in safety aspects: an estimate by Senator William Proxmire that credit life insurance overcharges amount to $454 million a year; FTC's naming of BP Oil Company as the first offender of a law banning unsolicited credit cards; a report by the Institute for Highway Safety alleging that rust, not sudden bumps, cause failure of Ford's steering control arms; a new series of crash tests by the Institute showing the flimsiness of six 1972 cars (available on movie film); and the recall of 200,000 soup bowls distributed by Campbell Soup Co. exceeding maximum levels for toxic lead and cadmium.

So much for consumer news in January. Consider the network handling, on the following month, of the largest recall in history. This involved nearly 7 million Chevrolets and Camaros with engine mounts so hazardous that they could cause the car to lurch forward without steering or braking control and without warning. A total of 6.7 million registered letters were sent out last Feb. 21 by General Motors. If you were in charge of network program production, how much time would you give to such a story? Both ABC and NBC devoted a full 20 seconds to the news. CBS used 30 seconds. And only one of the three, NBC, got the figures right. ABC said 1.3 million cars were involved; CBS said 6 million.

Why? Why do the rich, powerful television networks choose to ignore stories of such potentially great news interest, even when the pictorial possibilities are substantial? Why do the networks continue to fill large segments of program time with crime, tragedy and mayhem while passing over so much information of personal value to people? In view of how much the networks fail to report on both radio and television, how can they make such sweeping claims about their news coverage in promotional advertising? How can they leave out so much and say "that's the news" or "That's the way it is" on any day?

The reasons are many.

Perhaps the biggest is the power of commercial pressure, which manifests itself in two ways: The drive for constantly higher profits through stringent control of expenses and the fear of losing advertising because of unfavorable news stories. Despite fantastic profitability—exceeding 100 percent profit on depreciated investment in 1970—the networks treat the news as an unwelcome appendage. At every short-term dip in revenue, news budgets are slashed. Less than one-tenth of total revenue now goes to news operations, yet news is the networks' proudest product.

The networks hotly deny that commercial considerations have any influence on the way news is handled. Replying to a similar charge by FCC Commissioner Nicholas Johnson in 1969, CBS News President Richard Salant said: "In the 11 years I was a CBS corporate officer and in the six years that I have been president of CBS News, to my knowledge, there is no issue, no topic, no story which CBS News has ever been forbidden, or instructed, directly or indirectly, to cover or not to cover, by corporate management." What Salant said may be technically true, for no ambitious television executive could afford to be so crass as to issue such instructions. Pressure from advertisers works more subtly; it is understood so well that no one has to say a thing in order for it to effect coverage. It pervades many news organizations like osmosis.

To glimpse how network radio and television shape the news to please commercial interests, one need only compare the above mentioned list of neglected consumer stories to the list of top advertisers.

Procter & Gamble was the biggest television advertiser in 1970; General Motors was 13th in TV advertising and first in spot radio; Coca Cola was 18th in TV advertising; Ford was 14th in TV and third in spot radio; Campbell Soup was 33rd in TV ads and 41st in spot radio. From a distance, it is difficult to prove any direct link between the play given to any particular story and the amount of advertising revenue which might be affected by the story. But the pattern is quite consistent over the years: stories unfavorable to large advertisers tend to receive less visibility than their news value would indicate they deserve. Merely naming the principal products of the largest network advertisers suggests some of the most neglected news stories: phosphate pollution, nutritional problems of snack food, tax loopholes for oil,

auto safety problems, misleading advertising and deceptive packaging. Adding insult to injury are the frequent disruptions of newscasts by commercials extolling the virtues of products deeply enmeshed in public controversies.

Adding still further to the problems of presenting consumer news are conflicts of interest invoking newscasters such as Chet Huntley's blast against the meat inspection bill when, unknown to his audience, he had sizable holdings in the cattle industry. Then there are some newscasters and commentators who read commercials, such as Paul Harvey and his pitches for money-back life and health insurance. Not many newscasters have shown the courage—or innocence—of Jim Lange at WQWK–FM in State College, Pa., when he reported the names of local merchants, including some advertisers, who were in apparent violation of price control regulations. For his trouble, ads were dropped and Lange was fired. But, thanks to the public attention attracted to the case by Consumers Union, Lange was reinstated, and the station agreed to a code of ethics protecting him and other news employees.

At the network level, advertisers also swung their weight around, leaving unmistakable lessons for news employees. CBS lost the Bumble Bee tuna fish account allegedly because it reported the existence of a fish inspection bill on Capitol Hill. NBC lost some $1 million in Coca Cola advertising because of the company's displeasure about the documentary, Migrants. Even Public Television has yielded to pressures from commercial interests. Ralph Nader's first half-hour documentary on advertising was censored before it was shown. And the network "red-flagged" Banks and the Poor in order to allow affiliated stations to veto showing it because of complaints from banking interests raised even before the show was pre-screened. The broadcast medium least affected by commercial interests is National Public Radio, but even with more than 100 affiliates, its total audience remains less than 2 million, hardly a squeak in the cacophony of radio news.

Another impediment to presenting consumer news is the outmoded concept of news that prevails to a surprising degree in the mass media. Despite sweeping changes in social conditions and human attitudes, broadcasters continue to cling to news values that heavily emphasize crime, accidents, storms, tragedies, war, and political pronouncements. Like their colleagues in the print media, broadcasters have been slow to realize the increasingly utilitarian nature of news—its ability to help people with the daily problems of surviving and enjoying life. As these problems increase in size and complexity, people turn to the news media for helpful information. Despite hopeful signs that the news media are responding to these demands and interests, the old values continue to dominate the scene. Undoubtedly, much of the hostility that has built up against the news media stems from their failure to provide more relevant news.

Hampering consumer coverage further is the relatively small size of network news staffs. Despite grandiose claims of worldwide facilities, the networks average only six bureaus each to cover the entire United States (11 outside the U.S.) in addition to occasional help from owned and affiliated stations. Their total news personnel amount to less than one-tenth of those available to the two major wire services. The networks are so limited in camera crews that they can barely cover a half-dozen news stories a day because so many are assigned to non-news topics to provide features and filler material. The networks depend on the wire services to cover most of the daily events for them.

It is rare to see a network cover any story not already reported by a wire service. So if the wires miss a good story, the networks are also likely to miss it.

Another reason why the networks have not done more to cover consumer subjects has been their fear of displeasing the administration in power in Washington, regardless of political party. This fear reached a peak after Vice President Agnew fired his first fusillade for alleged bias. As a result, the networks have never really examined the important regulatory process which is supposed to protect consumers from economic cheats and unreasonable hazards. If the networks ever looked into the way Congress and the executive agencies operate, they would find gross incompetence, partisan manipulation, and widespread coddling of industries in exchange for political contributions and personal favors. The networks know about these potential stories, and they have the ability to do the job. They just don't have the courage or the commitment necessary.

Radio has done far better than television, though hampered by many of the same fears and pressures. It has far surpassed television with in-depth discussions and reports on consumer matters, but the average five-hourly newscast still offers little more than a mishmash of murder and mayhem between commercial distractions.

So what is the answer? Is there any way to free broadcast journalists from these inhibitions that prevent full coverage of vital public news? Beyond the obvious answers, such as applying more effort and increasing staffs, there are at least two voluntary steps the network could take.

One is to follow the advice of Fred Friendly, the former CBS News executive, who suggested that the networks pool coverage of routine events in order to free other crews for more important assignments, including consumer issues. Although this idea was met with immediate criticism, the fact is that the networks already pool coverage of Presidential trips and some other formal events. Unfortunately, the networks have used pooling mostly as an economic measure rather than as a means of expanding journalistic coverage. If the networks could somehow be encouraged to pool without cutting personnel, coverage of vital issues could be increased greatly.

A second suggestion is to get the three networks to agree openly not to allow any outside pressures to enter into their news judgments. Then no network could gain a competitive advantage by submitting to such pressures, and the public interest would be the winner. Such an agreement would not violate antitrust laws, for it would not be a conspiracy in restraint of trade but an open agreement to encourage the exchange of information essential to the public welfare. In the present atmosphere, the broadcaster who does the least to report controversial consumer news is likely to gain an edge in advertising revenue.

If the networks do not take such steps voluntarily, the alternative may be government action to force them to present a wider array of issues. The threat of such action is clearly visible in a reading of FCC decrees and court rulings. A neglected section of the Fairness Doctrine requires licensees to "give adequate coverage to public issues." The better known section of the doctrine says "coverage must be fair in that it accurately reflects . . . opposing views." Now the courts have said that the failure to report controversial issues, such as consumer matters, constitutes censorship in violation of the First Amendment. In a decision involving the Business Executives Move for Vietnam Peace, the court ruled that failure to air controversial issues (in this case, an advertisement) "flies in face of the First Amendment, whose central purpose is to protect and promote controversy . . . on public issues."

It may not be very long before some enterprising lawyer or citizens group examines broadcast coverage of consumer news in general and petitions the FCC and the courts for equal time in wholesale quantities. It is frightening to think that news operations have become as vulnerable as they have to government edict. Ideally, public needs for information would be left up to the broadcasters' own good judgment. But unless their record improves markedly, and very soon, the prospect of even greater government interference in radio and television news operations will continue to grow. And so will the criticism.

DR. JEROME H. JAFFE: COMMITMENT TO TREAT DRUG ABUSE PROBLEMS, AND A SPECIAL THANKS

Mr. PERCY. Mr. President, on June 17, 1973, Dr. Jerome H. Jaffe resigned from Government service after 2 years as Director of the Special Action Office for Drug Abuse Prevention.

Dr. Jaffe was appointed to this post by President Nixon on June 17, 1971.

During the year preceding his designation as Director of the Special Action Office, Dr. Jaffee chaired a special White House task force created by the President to assess the drug abuse problem in the United States and to make recommendations for a national campaign to combat it. He attained national prominence while serving as director of the drug abuse program of the department of mental health of the State of Illinois. As director, he pioneered innovative techniques for the treatment of heroin addiction, including the use of new substances to reduce the use of heroin and comprehensive, multimodality programs combining methadone maintenance and therapeutic community treatment approaches.

Dr. Jaffe came to the Special Action Office at a time when the Nation faced a frightening epidemic of drug abuse. Treatment was either not available or not adequate for thousands of addicts who wanted to end their dependence on drugs. Servicemen in Vietnam were known to be using drugs in unprecedented numbers and in dangerous situations. Little reliable information was available regarding the nature of the drug abuse epidemic or the effectiveness of various forms of treatment.

The Special Action Office immediately set about to meet these needs. At the end of 2 years, the confrontation is far from over, but under Dr. Jaffe's direction, much progress has been made. There is now substantial evidence of a decline in the use of some narcotic drugs, to wit:

Studies completed in 1972 point to a downturn in the rate of increase in new heroin addiction.

At the same time, reported narcotics deaths declined about 6 percent, on a nationwide average, between 1971 and 1972.

The latest FBI statistics indicate a decrease in nationwide crime statistics.

Local reports have been supportive of the evidence accumulated on a nation-

wide scale; for example, the routine urinalysis conducted on all arrestees sent to the District of Columbia jail showed a decline in positive tests from 31 percent in January 1972 to 12 percent in February 1973.

There has been evidence of a decline in the number of servicemen using drugs, and what is more important there is encouraging evidence that most veterans have not continued their use of drugs upon returning to the United States.

On other fronts, there has been a vast expansion and improvement in our national capacity to treat drug users. In June of 1971, there were 54 metropolitan areas with treatment programs directly supported with Federal funds. By March of 1973, there were 214 communities with major Federal programs. Some cities which once had thousands of addicts on waiting lists seeking treatment now have the capacity to treat all those who seek help, with no delay.

The Special Action Office has devoted a great deal of attention to providing technical assistance to treatment programs, helping them to upgrade their management capabilities, and encouraging the creation of single State agencies to coordinatae all drug abuse prevention activities in their States.

A drug abuse warning network has been created by the Department of Justice, in collaboration with the Special Action Office, to systematically collect and analyze information on drug deaths and drug-related illness, in an effort to determine both the types of drugs involved and their source.

Progress is being made in the development of narcotic antagonists which, when given to a patient, will completely block all the effects of the narcotic, including the euphoria.

Mr. President, 2 years ago this month I sponsored the legislation creating the Special Action Office for Drug Abuse Prevention. The measure won bipartisan, unanimous support in both Houses and was enacted with dispatch. Looking back over that period, I believe that the wisdom of our action has already been demonstrated. We are a long way from where we were 2 years ago, both in our knowledge about drug abuse and in our capacity to respond to the critical need for treatment and prevention. Every American owes a debt of gratitude to Dr. Jerome H. Jaffe for his outstanding leadership and determination in the fight to save present and future generations from the scourge of addiction.

I want to take this opportunity to salute Dr. Jaffe for the great contribution he has made and, I am sure, will continue to make. And I want to wish him and his dedicated wife, Faith, every success and happiness as he resumes his academic career.

SECURITIES FRAUDS: FINANCIAL COMMUNITY MUST CLEAN HOUSE

Mr. PERCY. Mr. President, I would like to dwell for a few minutes this morning on the use and misuse of stolen, lost, and counterfeit securities in perpetrating worldwide frauds, and in so doing perverting the international financial system.

It is no hushed secret that where big money gains are to be had with relative ease, organized criminal activity is close at hand. But what is astonishing to me is that in view of what may be as much as $50 billion worth of Government, State, municipal, and corporate securities missing or stolen, the financial community of this country and the financial community of the world have been woefully remiss in not cleaning house. Instead, some of the most respectable institutions that line Wall Street, Zurich, Geneva, Brussels, and other financial capitals have permitted encrusted procedures to cover over and envelop elementary reforms. And in the covering over, there has been a covering up of a monumental theft, mysterious disappearance, and counterfeiting of securities, compounded by their conversion and fraudulent use in an assortment of illegitimate schemes.

In my view, the purpose of the investigation now underway by the Senate Permanent Subcommittee on Investigations is not simply to single out one or several of the most notorious perpetrators of securities frauds and pretend that we have solved the problem. For to do that would be to treat a symptom of the disease without really getting to the source of the malady.

Instead, I call upon the leaders of the financial community in this country to pay close heed to revelations that will be made in subcommittee hearings—of sloppy procedures, inadequate security, outmoded handling of certificates, inadequate checking and cross-checking of securities, botched-up communications amongst financial institutions, unwitting associations with criminal elements, and sometimes even conscious and deliberate departures from acceptable standards of conduct—which altogether constitute a grievous indictment of the ability and willingness of the financial community to regulate itself.

The snail-paced response of the financial community to our hearings of 2 years ago is especially unfortunate in view of the large number of persons victimized each year as a result of compounded frauds which pyramid upward from a weighty base of stolen and counterfeit securities. And it is equally unfortunate that in permitting this, we in effect tolerate a kind of subsidy for organized criminal activity which makes the profits from dope pushing, gambling, and prostitution pale by comparison.

It is not enough for the brokerage community, for the banks, for the corporations and transfer agents, for the banknote companies and insurance firms, for the exchanges, for the municipalities, and for Government agencies to say that because this is the way we have done it in the past, and therefore this is the way we will do it now. For if—so far as securities handling, storing, and trading are concerned—if the past is prolog, then I fear we are in for a period of prolonged international financial instability for which we have only ourselves to blame.

It is time to put an end to the secret bank accounts that permit huge sums to be laundered and returned to the United States for use in fraudulent transactions.

It is time to call a halt to the cooperation by legitimate financial enterprises with untoward and illicit financial schemes.

It is time to say "enough" to both the deliberate and the unwitting activity of otherwise respectable financial insitutions both in the United States and abroad which permits specious and worthless paper, and ill-gotten paper, to be the basis for letters of credit and certificates of deposit, for bills of exchange, cashier drafts and mortgage loans, which are as contaminated with fraud as the paper on which they are based.

If, as a result of the subcommittee's investigation, the financial community still refuses to take definitive action to clean house, then as a legislator I intend to seek every avenue of redress through the legislative and regulatory process to see to it that corrective steps are taken—and taken soon. The financial community has every good reason to act now, deliberately, decisively, and with dispatch. It will benefit and the American public will benefit.

RECORD VOTES IN THE U.S. SENATE

Mr. DOMINICK. Mr. President, the time has come to reevaluate our need to call for a record vote on every issue. This year alone, up to just yesterday, we have had 242 record votes. Now I ask if this is to continue, or are we going to get down to the real business of determining the most important goals of this Nation?

We were elected to represent the people of this country and it has now come to the point where we are running off to the Senate floor for votes on minor items. We have record votes on every motion to recess or adjourn. We vote on every question, even though some would pass 90 to 0.

Our constituents expect us to work on committee and subcommittees, where legislation is molded, but even this has become a chore because we are continually interrupted with calls for record votes. However impressive our dash to the Senate floor may be, delegations from our States here to discuss their problems still expect—and rightly so—equal time. Often we travel to our home States to assist constituents on matters of vital concern—hurricanes, floods, droughts and so on. But when we do that, our constituents take a look at our voting records and wonder what in the world we are doing back home. The impression they get then is that we are off gallivanting and not tending to their business here in Washington.

After averaging 100 to 115 record votes a session during the modern era, the U.S. Senate in the last 15 years began casting a sharply increasing number of record votes. Over 300 were cast in 1964 and over 400 in 1970. In 1972, the U.S. Senate cast 532 votes of record, the highest total for one session in Senate history.

Occasional 19th-century Congresses cast prodigious numbers of votes. Yet that was an era when land grants, pension awards, every tariff change and appointment to office could—and frequently did—require a vote of the full Senate.

Matters which, in the 19th century, involved votes by the entire Senate now are handled as private bills. Today's Senate votes concern larger, more complex issues. Beginning roughly in the post-World War I years, advances in technology and science, accompanied with an inextricable role in the international field, have caused the work of the Senate to increase both as to quantity and diversity.

The effect of all this is that today each U.S. Senator is burdened with a workload unknown to colleagues of earlier decades. And the purely physical problems presented by vastly increased numbers of votes would seem to do battle with the desirability of a yea or nay vote on each matter before the Senate.

During my years in the Senate we have had 3,248 record votes—not including those during the first 6 months of the present session. The Senate average for the past 10 Congresses is 489 record votes, but just during the Congresses I have been in the Senate—the 88th through the 92d—the average number is close to 650.

Since 1952, nearly 30 percent of the total votes had "near agreement" voting in which 80 percent or more of the Senators present were in agreement. Just looking over the second session of the 92d Congress I found that nearly 50 record votes were taken on amendments in which 90 percent or more of my colleagues were in agreement.

I can assure you, Mr. President, that I am not making all this noise about the number of record votes cast simply because my own voting record is in jeopardy. I might note that even with my travels back to the State—only missing three weekends this entire year so far—I still have a voting average which hovers somewhere around 80 percent. And my voting record at its lowest was 71 percent in 1970 when I was chairman of the Senate Republican campaign committee and understandably doing a great deal of traveling. During last year, when the heat was on all Republicans, I still maintained a voting average of 82 percent. That was 2 percent more than the approximate percentage of votes cast by the "average" Senator.

What I am suggesting is that a great number of votes could be voice votes, thus allowing more time in committee, with constituents and on business trips without embarrassing the absent Members by ruining their voting records.

THE ENERGY CRISIS—"THE DANGER OF DOING NOTHING"

Mr. RIBICOFF. Mr. President, yesterday's New York Times carries a most perceptive and timely article by my good friend and colleague, Senator JACKSON. Senator JACKSON, who has provided the Senate outstanding leadership in both the energy crisis and the Middle East, correctly points out that the stability of this vital region and the continued flow of oil to the West is dependent on the strength of Israel and Iran.

It has been erroneously alleged that more pro-Arab policies by our Government would help insure our access to Middle East oil. Nothing could be more simplistic or further from the truth. Those profiting directly from marketing Arab oil or with animus toward Israel, who make this argument, overlook the fact that any threats to oil-rich Saudi Arabia and Kuwait do not come from Israel, but from elsewhere.

Senator JACKSON's analysis of this situation along with his arguments for the rapid development of alternative sources of energy deserve the serious consideration of all those seeking solutions to the current gasoline shortage and to the longer range problems.

I commend the distinguished Senator from Washington for this fine presentation, and ask unanimous consent that the text of his article be printed in the RECORD.

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

THE DANGER OF DOING NOTHING

(By Henry M. Jackson)

WASHINGTON.—With the deepening dependence of the United States on imported petroleum has come an increasing awareness of the risks to our national security and the stability of our national economy. The closing of gas stations around the country, the prospect of severe summer shortages, and the readying of plans to ration gasoline on a nationwide basis have brought home to the American people the sense of a problem without an easy solution.

Therefore, I suppose it was inevitable that we would soon hear the argument that the threat to the continued delivery of Middle Eastern oil arises from American support of Israel. Such an analysis, quite simple-mindedly in my view, attributes the chronic instability in the Middle East to the Arab-Israeli dispute.

The real situation is quite different. Middle Eastern energy sources would be insecure even if Israel didn't exist. For it is inter-Arab rivalry, and the opportunistic exploitation of it by the Soviet Union, which threatens to disrupt the normal flow of oil. After all, it is not Israel which threatens Kuwait and its substantial oil reserves; rather, recent Iraqi military activity may have as its objective control of that oil-rich sheikdom. It is not Israel which threatens Saudi Arabia—but Yemen to the south, Soviet-supported Iraq and Syria to the north, and Egypt to the west.

Wherever stability exists in the Middle East today, it is, in my view, largely the result of the strength and Western orientation of Israel on the Mediterranean and Iran on the Persian Gulf. These two countries, reliable friends of the United States, together with Saudi Arabia, have helped inhibit those radical Arab elements which pose a grave threat indeed to petroleum sources in the Persian Gulf. It is ironic that Saudi Arabia and the sheikdoms (which, along with Iran, will provide most of our imported oil in the years ahead) depend for regional stability on Israel's capacity to encourage an environment where moderate regimes in Lebanon and Jordan can survive and where Syria can be contained. Iran plays a similar and even more direct role in the Gulf itself.

Last November I traveled to Israel, Iran and Saudi Arabia. I was impressed with the remarkable extent to which their three separate fates are associated—how they constitute a paradoxical bloc of nations whose security, so important to the United States, unites them in a set of common interests. Between Israel and Iran, for example, there exists a quiet tie that reflects a common concern about the forces of instability in the region.

The relationship between Israel and Saudi Arabia is more complex. While neither Israelis nor Saudis are in a position to acknowledge common interests, they do share a common perspective on many problems. For instance, the pipeline which carries great quantities of Saudi oil to Western users passes through the Israeli-held Golan Heights and, over that portion of its length, it has functioned without major disruption. Moreover, the Saudis, a tempting target for any number of forces, would not last long without a stable Jordan, a more or less calm Egypt and a contained Syria and Iraq. The Saudis understand this very well.

Important as the Middle East may be to the future of the international energy economy, it is not the whole story. Even if we had assurances that the flow of oil from the Middle East would continue without interruption, we would still have to undertake the development of new sources of energy on an urgent basis. Indeed, I am persuaded that we can no longer temporize and continue to sit idly by as our dependence upon imported oil—whatever its source—continues to grow.

The United States, with 6 per cent of the world's population, presently uses over one-third of the world's energy. Other developed nations also consume disproportionate amounts of energy on a per capita basis. The developing countries will require more energy as they industrialize, and they are certainly entitled to their share of this finite resource. But oil supplies are limited. We cannot downplay energy research and development while the world drains the depletable reserves of the Middle East.

Moreover, alternative energy sources will restrain the cost of Middle East oil. Without alternatives, crude oil prices will certainly rise and, in a short time, gasoline retail prices could reach a dollar per gallon. The dollar holdings of a few Arab states may reach proportions that could enable them to dominate international economic conditions. By failing to act now to develop alternative sources of energy we are prolonging the period during which the supply and price of imported oil can be dictated by whoever might happen to control a handful of Persian Gulf nations.

This is why I have proposed a ten-year, $20-billion program to translate several promising technological developments into commercially viable sources of energy. We have already waited far too long to increase our options. We must abandon myopic indecision and make a determined start on alleviating this increasingly critical situation.

A GIANT STEP FORWARD IN DRUG LAW ENFORCEMENT

Mr. RIBICOFF. Mr. President, in just 2 days, on July 1, the Nation will take a giant step forward in the war against major drug traffickers with the establishment of a new superagency in the Department of Justice—the Drug Enforcement Administration.

The new DEA brings together under a unified command the Federal Government's four primary drug enforcement agencies, thereby putting an end to bureaucratic infighting and bitter feuding which have undermined our best efforts against the purveyors of the drug menace.

As chairman of the Senate Subcommittee on Reorganization, Research and International Organizations, I was able to play a leading role in the drafting and

Senate consideration of Reorganization Plan No. 2 of 1973, which created the Drug Enforcement Administration.

In large measure, the new DEA is the result of an intensive subcommittee investigation which uncovered a tragic situation involving Federal narcotics agents from rival agencies, especially the Customs Bureau and the Bureau of Narcotics and Dangerous Drugs—BNDD—who were expending almost as much energy fighting among themselves as tracking down major drug pushers. Furthermore, our investigation discovered that there was no role for the FBI in drug law enforcement despite clear indications of organized crime participation in the international and domestic trafficking of heroin and other dangerous drugs.

As a result of the subcommittee findings, the plan submitted to Congress provided the first formal role for the FBI in drug law enforcement by requiring the Attorney General to "assure maximum cooperation" between the DEA and the FBI. The President, in his message to Congress accompanying the plan, said:

I intend to see that the resources of the FBI are fully committed to assist in supporting the new Drug Enforcement Administration.

The plan also accepted the subcommittee recommendation for greater accountability by the DEA to Congress by requiring Senate confirmation of the Administrator and Deputy Administrator.

The transfer of the drug investigative functions of the Customs Bureau from the Treasury Department to the Justice Department, and their merger with the functions of BNDD, the Office of Drug Abuse Law Enforcement—ODALE—and the Office of National Narcotics Intelligence—ONNI—the reorganization plan will assure that the new DEA can develop an overall drug law enforcement strategy. Essential to this strategy will be the coordination of DEA functions with foreign police, as well as with State and local law enforcement authorities.

The subcommittee, in considering the plan and its impact on drug law enforcement, held nine hearings in as many cities and took testimony from 158 witnesses. A subcommittee report on the hearings—including recommendations on strengthening the operations, accountability, and responsiveness of the new DEA—will be submitted to the Senate in the next few weeks.

I can report now, however, that the plan won nearly unanimous endorsement of law enforcement officials at the Federal, State, and local levels. The testimony we heard from elected officials, drug treatment specialists, and the drug-abuse victims themselves stressed the need for the DEA to be alert to new, emerging patterns of drug abuse and to respond more swiftly to them than has been the case.

Our hearings detected a major trend toward "polydrug" use involving amphetamines, barbiturates, methadone, methaqualone, and cocaine in a variety of combinations—sometimes in combination with heroin. A major drug problem of today is emanating from legitimate pharmaceutical manufacturers in the form of billions of pills that get into the illicit traffic and often end up in our schools.

There is a strong need for the new superagency to combine the James Bondian work of tracking down international heroin smugglers with the less glamorous, but vital, pursuit of pill pushers and their suppliers.

Behind the cold statistics relating to drug use, arrests, and seizures, there are hundreds of thousands of personal tragedies relating to family disintegration and lives destroyed. In many cases these tragedies begin—and end—in our schools.

The subcommittee was particularly concerned with drug use and trafficking patterns in schools, and in the education and enforcement efforts being used to combat them. We have also explored how drug treatment programs, aimed largely at our young people, can be tied effectively into the criminal justice system. The key question here is how can law enforcement and the criminal justice system best be used, not only to curb supply of illicit drugs, but to make a permanent dent in the demand side of the equation as well.

In answering all of these questions, there must always be an effort to find the best ways to apply our vast Federal resources to our ever-changing, ever-growing local drug problems.

In this connection, I would like to draw the attention of the Senate to the statements of two witnesses from the Yale University School of Medicine who gave compelling and dramatic testimony on the depth of the drug crisis, especially among our young people. Dr. Herbert Kleber discussed the important relationship between drug law enforcement and drug treatment; Mrs. Rosalie Berberian, in a unique survey of drug-taking habits of high school and junior high school students, reported that illegal drugs were available to a large extent in the schools. Their testimony has national implications and covers many of the themes that the subcommittee was to hear during the course of the hearings.

Mr. President, I ask unanimous consent that the texts of the testimony of Dr. Kleber and Mrs. Berberian be printed in the RECORD.

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

STATEMENT BY DR. HERBERT D. KLEBER

Senators and Gentlemen: My name is Herbert D. Kleber and I am Director of the Drug Dependence Unit of the Connecticut Mental Health Center, a joint facility of the State of Connecticut Department of Mental Health and Yale University School of Medicine. I am also Associate Professor of Psychiatry at Yale University, Co-chairman of the Mayor's Task Force on Drugs in New Haven, and member of the Governor's Drug Advisory Council for the State of Connecticut. The Drug Dependence Unit has been in existence since 1968 under funding from the National Institute of Mental Health with matching funds from the State of Connecticut.

Our catchment area includes 18 towns with a population of over 500,000 and includes all economic strata. The unit operates as a multimodality comprehensive program to reach a variety of drug dependent individuals and offer them the treatment best suited to their particular needs. In addition, it is involved in a variety of educational and research activities.

Our treatment programs include Outreach, Screening and Evaluation, Methadone Maintenance, a long-term residential facility, short-term residential facilities for adolescents, day treatment programs, narcotic antagonists and outpatient treatment.

We are also involved in monitoring drug use in over 34 schools and in attempting to evaluate the relationship of such use to drug education programs. Our concern in all of our programs is not so much the drug the individual takes but the kind of person he is and what is necessary to make him a fully functioning and responsible member of society.

I have been asked to testify as to the relation of law enforcement to treatment in the drug dependence field. Let me start off by defining drug addiction as it was defined a number of years back by the Public Health Service. In that definition, it took three things to make a drug addict: an addicting drug, a susceptible individual and some mechanism for bringing the two of them together.

Law enforcement and treatment interrelate very closely on the latter two points. On the first point, the addicting drug, law enforcement agencies play the primary role in two areas. First, they are charged with cutting off supplies of drugs entering the country as well as intercepting it on a more local level. Second, they should work with health agencies on preventing or intercepting much earlier than is now the case the introduction of new drugs into our pharmacopoeia whose abuse potential is ill-defined and when discovered may outweigh any medicinal use for the drug.

I am particularly reminded in this latter context of the furor recently surrounding the drug, Methaqualone. This drug has become one of the most popular abused drugs among adolescents in both our city and suburban areas. Steps have recently been taken by the FDA and the BNDD to move it from a non-controlled status to that of a schedule 2 drug. I should simply like to point out that much of the problem that we are now experiencing with Methaqualone derived from the erroneous information given to physicians about its addictive qualities and the lack of control at the manufacturing and distributive levels which resulted from its not being in schedule 2 category. All this occurred in spite of the fact that foreign countries have had epidemics with Methaqualone before we even marketed it in this country.

As far as the current drug using scene is concerned, we are at this time seeing a confusing and mixed picture:

Our figures derived from individuals applying for treatment indicates a decline in the number of heroin addicts while at the same time there has been an increase in the use of sedatives and stimulant type drugs.

Use of so-called psychedelic drugs, such as LSD continues at a level lower than in preceding years but still markedly present.

We are observing an increasing number of so-called polydrug users who use a variety of drugs especially pills and who in addition to their multiple drug use appeared to have more in the way of psychological disturbances than many of the earlier drug addicts, who were characterized by characterological disturbances and a background of socioeconomic deprivation.

Cocaine has also become a very popular drug both in the inner cities and suburban areas.

Both alcohol and marijuana remain drugs that are used very frequently by inner city and suburban users.

This leads us into the second part of the definition, namely the susceptible individual. Stated another way, the question is raised, why do individuals use drugs?

Our experience indicates that there is no simple answer to that question. Some individuals get involved in drugs out of peer

pressure, others simply out of curiosity, a third group out of an attempt to handle certain psychological problems, and a fourth as a way of deadening the impact of certain oppressive and environmental conditions which include both economic deprivation or affluence with marked familial disturbances. Still others find the excitement of the drug scene and some of the peer recognition that it often brings the primary attraction.

One has to remember that the outlaw as a folk hero goes back many centuries in western thought, and that the game of cops and robbers is popular not only among children but among adults who enjoy it vicariously via television. Regardless of why the individual got involved in drugs, the key point to remember in terms of treatment and rehabilitation is that drugs are pleasurable. Few individuals in any sphere of life give up pleasures on their own unless there is pain or fear of pain greater than the pleasure provided.

In the drug abuse area the pain is less often derived from the drugs themselves and most often from the fear of or actuality of the legal punishment involved. In our program, for example, approximately 65 percent of the individuals who seek treatment do so with some sort of legal pressure. This includes: individuals who have been arrested but not yet come to trial, individuals who have been found guilty but not yet sentenced and individuals who are on probation or parole as a result of sentencing. Of the approximately one-third of our clients who do not have overt legal pressure, there is an unknown proportion who have covert legal pressure that they do not discuss, that is, the individual may find out that one or more of his associates in the drug scene have been arrested and he fears that he will shortly be arrested and thus seeks treatment so as to have that on his record in case he is arrested.

The chart I have here demonstrates another interesting corollary of the point I've been making, namely that as arrests for drug offenses decline there are simultaneously fewer individuals applying for treatment. It can of course be argued that the two phenomena are occurring simultaneously but are unrelated and simply reflect a decreased number of drug users and sellers to be arrested. While we do not have the evidence to totally disprove this, the material we do have, such as the work by Mrs. Berberian and her associates, and reports from our street staff about the large number of drug users still in the community suggest to us that the tapering off of arrests has been greater than the tapering off in drug use.

There is another important observation I should like to make about the deterrent effect of law enforcement on drug use. This observation arises both from my experience in working with drug addicts and from the results of findings such as Mrs. Berberian's reports. My observation would be as follows: That within limits, the certainty of punishment is more important than the length of it. If, as I discussed earlier, the fear of the legal penalty is a significant deterrent factor in drug abuse then it is clearly important what the individual belief system is concerning the likelihood or certainty of such penalty. This occurs at all levels in the chain.

If prior to ever using, the individual feels that there is little likelihood of ever getting arrested, then laws on the book concerning penalties are from his point of view a nondeterrent factor. If an individual is already using and sees few of his friends being arrested for use and sees drugs being bought and sold with impunity the same feeling would prevail. Also, if an individual who is using sees that his friends who are arrested manage to avoid either going to jail or being compelled to seek treatment, then again the fear of the legal penalty is not a deterrent.

To explore further the links between law enforcement and treatment, one has to look at what happens once the individual is arrested, especially if he is a narcotic addict. In many localities he is able to make bond relatively quickly and is back on the street with the same narcotic habit that needs to be satisfied.

Chances of his both committing further crimes and of getting arrested again are good.

I therefore urge the increased use of programs that set as a condition for bail for narcotic offenses that the individual get into a mandatory detoxification program. Detoxification is but the first step in the treatment chain. In our program we consider it more pre-treatment than actual treatment in fact. Of more importance is what happens after detoxification, does the individual get into a longer term program that holds out some promise of rehabilitation? Chances of him doing this are greater if he knows that this will be taken into consideration at the time of his trial or his sentencing. This can also be a good test of the individual's motivation to seek change.

I therefore favor an individual arrested on a narcotic offense being permitted either bail or let out on his personal recognition with going into detoxification a necessary condition of this. This requires some monitoring unit and in many localities the facilities for this by the criminal justice system are extremely inadequate.

The TASC (Treatment Alternate to Street Crime) proposal advocated by the Special Action Office for Drug Abuse Prevention is one way of bringing about the coordination of the necessary resources that would make such diversion a reality instead of hope.

Diversion, of course, implied more than just the individual getting into treatment post-arrest. There are other aspects of it, such as the individual having prosecution of his case deferred or at times eliminated if he does well for a stipulated period of time in the treatment regime. While this idea seems eminently practical from the clinician's point of view, it has been opposed by some law enforcement officials on the grounds that if the trial is postponed while the individual is given a chance at treatment, then it is much harder later to get a conviction because of the difficulty with witnesses and evidence.

I personally feel that this difficulty has been exaggerated and feel that studies should be carried out to determine whether indeed such delayed prosecution is sufficiently more difficult to render the pre-trial diversion a poor idea. A diversion project could be a useful incentive for individuals to get into treatment and thus would accomplish a number of societal aims. Not only would the cycle of addiction hopefully be broken but there would be a marked decrease in costs to the criminal justice system.

Where the diversion project is not carried out for one reason or another and the individual goes to trial and is found guilty or pleads guilty then the next key step is the pre-sentencing one. It is important at this stage for the court to have available an objective evaluation of the individual's status vis-a-vis drug dependence and an evaluation as to the type of treatment most suitable for him.

In New Haven, we are fortunate in that the major drug treatment programs are all grouped administratively under the Drug Dependence Unit which makes it possible to have a central screening and evaluation. Thus an individual can be evaluated for drug dependence by the Screening Unit and simultaneously receive a recommendation as to the type of treatment most suitable. This information is then conveyed to the court and is available to the judge at the time of sentencing.

In cities with a multiplicity of unrelated programs such screening and evaluation is more difficult to carry out and it may be more important for such screening functions to be related to the court. From a treatment point of view it is of course important that if an individual be sent into treatment that the one most appropriate for his needs be selected to insure the best chance for success.

I get very annoyed when an individual is committed to a state hospital for 90 days as a treatment alternative when that particular hospital may have inadequate programs. When the individual gets out of that program and relapses back to drugs the judge then feels comfortable in sending him to jail because treatment has been a failure. Very adequate community programs are available today and it is essential that they be utilized.

At the time of sentencing one alternative to the current system that has been tried in some places is the so-called drug court. In cities such as New York with numerous drug cases special courts that just handle drug problems have been set up. In other cities such as New Haven setting aside one day a week to hear drug cases has been tried. From the point of view of the treatment agencies such a program is eminently desirable because it enables programs to have their representatives in court without tying up personnel in numerous courts or all week. However, it is not at all clear whether this system has been as useful as its theory would suggest. There have been problems with the judicial system in organizing the calendar and the manpower to make such a program possible. In the New Haven area after being tried for a short period of time it was suspensed by the judicial system for reasons similar to those mentioned. I am not familiar enough with the experience in New York to know how successful the program has been there. However, the idea does seem to have enough merit that it ought to be given an adequate trial.

At the time to sentencing if the evaluation process has been carried out properly, *it is important that the judge have the option to let the individual go into treatment as opposed to prison.* If the judge is unable to take into account the evaluation that has been made because of the requirements for a mandatory minimum sentence then we may simply be perpetuating the addiction cycle by sending an individual to jail from whence he will merge and go back to drugs thereafter.

Our experience over the last decades where sentences for drug addiction kept getting higher and higher without deterring the use of drugs, by now should have convinced us that although threat of prison is an important element in the total control system for drug addiction, it cannot be relied upon as the only element.

Another problem that occurs around the time to sentencing is the delay factor. Very often 3 to 6 months or more may elapse between the time an individual is arrested and the time to sentencing. If during this time he gets into treatment and is doing well, the judge should take this into account in the sentencing procedure and consider even more the possibility of treatment as an alternative to prison. If he does not, the message will be very clear to the users still on the street. Why bother to get into treatment when you're going to jail anyway? Better to spend that time on the street enjoying the drug life to make up for the period of future incarceration.

Assuming that the judge does have the freedom to make treatment an alternative to prison it is imperative that two conditions be present:

First, the judge should stipulate the individual to treatment as opposed to simply putting him on probation and leaving it up to the probation officer to make the decision of treatment. Second, there needs to be a

very close working relationship between probation and the treatment programs to ensure that individuals who are stipulated to treatment and drop out are remanded to the criminal justice system as probation violators. We have seen too often in Connecticut what happens when these conditions are not carried out. According to the most recent report of the State Department of Probation there are over 800 individuals in the State who are on probation for narcotic offenses but not in any kind of treatment. Figures are harder to come by for the other class, that is, individuals who have started but dropped out, but if the experience in New Haven is any indication, there are a significant number of them. This is demoralizing to the treatment programs and to patients in the programs who are involved in the arduous task of rehabilitation while they see their fellow addicts remaining on the street using drugs with no penalty as well as to law enforcement officers who have apprehended addicted criminals.

Returning to the Public Health Service definition of drug addiction, the third part has to do with the mechanism for bringing the drug and the susceptible individual together. Many individuals in the drug field subscribe to the so-called contagion theory in which drug addiction is spread not by drug pushers getting individuals who have never used drugs to try them, but rather through contagion from the peer group. That is, the current user introduces friends, acquaintances, and at times siblings to drugs.

In my experience the contagion theory is an apt description of how drug use is spread to our area. If this is the case what then is the role of law enforcement in interrupting the cycle?

Clearly those police officials who feel the police should concentrate on sellers and not bother the street addict may be subscribing to human ideas, but will do little to interrupt the contagion network that spreads addiction. It is my firm conviction that unless the police continue their efforts to arrest the user as well as the seller there will be little change in the demand side of the drug equation. Even though this may violate our normal humanitarian and liberal instincts, it is a course of action that appears most consistent with our current knowledge about addiction.

Of course, such attention to the user must occur in a context in which treatment alternatives to incarceration are available; otherwise we will simply fill our jails with users who will be back on drugs when they get out. One important thing that the criminal justice system must keep in mind, although it seems to often forget it, is that jail is not going anywhere. When an individual who has been given treatment as an alternative to jail violates this condition he can always be sent then to jail.

In summary, let me emphasize some important points in this context of treatment and law enforcement. As long as society defines that there are classes of drugs that it does not want individuals to use on their own, it will need to have in existence a law enforcement network to enforce such prohibitions. We can assume that, just as in the past, there will always be some individuals who for either individual or social reasons will want to take such drugs. Our current treatment programs have the capability of working with many of these individuals to get them to cease taking illegal drugs and to live fruitful responsible lives.

The role of law enforcement in this context becomes then, how can it help those individuals get into treatment and remain in treatment? In the overall law enforcement picture, it is important from the standpoint of a humane, just society that the laws be consistent, that they reflect the degree of danger represented by the drug use, that they reflect the difference in danger between different drugs, and that they do not lose sight of the fact that in our need to protect society we must also help the individual already drug dependent.

Furthermore, we must also try and improve those individual and social situations that are most conducive to drug abuse. Otherwise, we are in the unenviable position of spending enormous sums of money to enforce our laws and treat the afflicted individual and little on preventing the occurrence of the disease in the first place.

In my presentation I have tried to highlight some of the areas in which the law enforcement and treatment situation affect each other and point out those areas that are in need of improvement. I appreciate the opportunity to bring this material to your attention.

STATEMENT PRESENTED TO THE SUBCOMMITTEE ON EXECUTIVE REORGANIZATION OF THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS BY ROSALIE M. BERBERIAN, M.P.H.

I shall be presenting some results from studies of junior and senior high school students which Yale's Center for Survey Research has been conducting over the past three years. In summarizing the results, two points can be made. First, *illegal drugs are available to school children to a large extent.* This is evidenced by the proportion of youngsters experimenting with them, as well as the even larger proportion indictaing that they know where to obtain them with reasonable safety. Knowledge of availability appears to be increasing.

Second, *there is an inverse relationship between extent of use and perceived harmfulness and expectations of legal penalties.* Thus, the more a person uses a drug, the less harmful he perceives it to be and the less likely he is to believe that its use is harmful or that he will be punished for such use. However, the kind of data presented today cannot answer the cause-and-effect aspects of that relationship since it is not possible to say which comes first; that is, does the perception that a substance is not harmful precede use and encourage use, or does use occur, followed by the perception that the substance is not harmful. These perceptions of harmfulness are *not* increasing over time as is drug experimentation, and for two substances (amphetamines and barbiturates) reports indidate that they are decreasing.

Before I present these findings in more detail, I should like to describe briefly the method used to gather the data.

We utilized random sample survey techniques to study students enrolled in the 7th through 12th grades of the public, private and religious schools in the Greater New Haven (Conn.) area which includes 12 cities and towns. The communities included are New Haven, North Haven, West Haven, East Haven, Woodbridge, Orange, Bethany, Hamden, Milford, Branford, Guilford and Madison. Four of these are cities, while the other 8 are suburban towns. Total population represented by this area is over 500,000 people. We studied virtually every senior high school in the area (20 in number), and a cross-section of junior high schools (18 in number) so that there is at least one public junior high school from each of the communities and a number of each type (public, private and religious). In each of the three survey years, about 4,500 students have taken part from school enrollments of approximately 32,500.

Based on our knowledge of youthful drug-taking behavior in general, we have every reason to believe that the findings from the New Haven area are fairly typical of other places, differing, if at all, in extent of use rather than in pattern of use, and especially typical of other areas within the state of Connecticut.

Our surveys were conducted in schools, in large group settings, utilizing self-administered questionnaires filled out anonymously. Our staff was present to supervise and administer surveys, with no school personnel present. We have promised individual schools and school districts that they would not be identified in any of our work or public reports, and so I shall be presenting findings from any one school or any one school district, but rather the results from the area as a whole.

More than 98% of the students who took part in the study fall within the age range 12 to 18 years (less than 1% are under 12 and less than 1% are over 18). Their average age is 15 years. They are about evenly divided between males and females. Approximately 10% are Blacks, 1% are Puerto Rican, 1% "Other" and 88% White.

Today, I would like to present to you some results of our studies which indicate the extent to which 8 illegal drugs have been tried by these students, as well as contrasts in some of their attitudes and perceptions regarding them. These data were gathered in academic year 1971–72 and will be compared to similar data gathered a year earlier during academic year 1970–71.

In addition, I have selected several questions from our survey questionnaire which have to do with issues generally regarded as deterrants to use or contributors to use. Deterrants, for example, include perceived harmfulness or punishment anticipated as a result of use. Contributors to use include issues related to ease of availability, such as having a substance offered or knowing where to get it with reasonable safety. I shall also be able to report to you whether or not any of the measures of use being reported appear to be increasing or decreasing with time, and whether or not the proportion of students perceiving the deterrants or contributors to use appear to be increasing or decreasing as use increases or decreases.

Table 1 shows the proportions of students who report use of eight substances—marijuana, hashish, amphetamines, barbiturates, LSD, mescaline, cocaine and heroin. We are presenting three different measures of use—ever used at least once, ever used more than 5 times, and current use. "Ever used" statistics are, of course, the most exaggerated statistics or rates that can be used. "Ever used more than 5 times" or "current use" tend to give a somewhat better picture of the extent to which use may be regarded as somewhat more than "experimentation."

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The plus or minus signs adjacent to various rates indicate a statistically significant increase or decrease, respectively, from one year prior. No plus or minus sign means no change. "Ever used" rates have increased for every substance except heroin, which did not change; "ever used more than 5 times" rates have increased for every substance except hashish and heroin, both of which remained the same, and "current use" rates have increased only for marijuana, while they have decreased for mescaline.

Now I should like to focus on issues of deterrents to use, as well as contributors to use. Most efforts toward drug abuse prevention have stressed the message that drugs are harmful. Additionally, our laws have been aimed at penalizing users, with severer penalties for sellers, and tightening up controls regarding the legal distribution of those substances which are regarded as having some legitimate use. If these approaches to prevention are valid, that is, if people will not use substances they know are harmful, or if people are deterred from engaging in activities defined as illegal, we can expect that they will not use these substances to the extent that harmfulness and negative legal sanctions are recognized.

Table 2 presents some statistics which help us examine such issues. Since marijuana is the drug most widely used one would expect that more students would perceive it as being less harmful or as resulting in less serious legal penalties as compared to other substances. We find that this is true.

Forty-one percent of all students, and 47% of those who have never tried the substance, report perceptions of serious legal consequences accompanying possession. In comparison, 85% of all students report expectations of serious legal consequences for possession of heroin. When we consider perceived harmfulness we find that 48% of students consider marijuana to be somewhat or very harmful, while among non-users of the substance, 68% perceive it to be somewhat or very harmful. Again, by way of contrast, we can note that 98% of all students consider heroin to be harmful.

These rates increase pretty much in the order expected in an inverse relationship to rates of use. This is, the higher the rate of use, the lower the rates of perceived harmfulness and legal penalties, and vice-versa. There are no statistically significant changes in the overall perception of legal penalties from one year to the next. However, perceptions of harmfulness do show changes in the direction of less harm for two substances: amphetamines and barbiturates. It is interesting to note that these two substances are one which have received greater official recognition recently as being very harmful, with tighter controls and restrictions being imposed on their use and distribution. This strikes us as a particularly important point, since we do know that these substances are quite dangerous. However, they are substances which adults and parents use extensively, and which are not viewed by the general public with as much concern, as other substances such as marijuana or heroin.

A crucial point I would like to make concerns the availability of these substances. This is related, although indirectly, to the legal deterrent issue in that one of the functions of law enforcement activities is to cut down on the availability of illegal and controlled drugs. One could view the issue of availability as indicative of the success or failure of such law enforcement activities. In the case of availability, we could again expect a relationship to extent of use, except that this time the relationship should be direct. That is, the higher the rate of use, the greater the availability. Turning to Table 3, we see that this relationship holds fairly true when we look at availability as demonstrated by responses to the question "has anyone ever offered to share (drug X) with you," and "do you know where to get (drug X) with reasonable safety." It is interesting to note that more students report that they know where to get a substance with reasonable safety than have actually had a substance offered to them to be shared. It is also interesting to note the large extent to which both questions are answered positively by non-users.

The large number of plusses present in this table indicate that availability, when measured this way, has increased from one year to the next.

I shall also present some data on alcohol and cigarette consumption to provide perspective. However, I am not going to present statistics on how many students have ever—in their lifetimes—tried these substances at least once, because most youngsters in our society sooner or later try them. In Table 4, we can see that for all students, keeping in mind that the age range is from 12 to 18 years and the average age is 15, 54% have used alcohol outside of their homes with their friends. The range of such use is from 25% in the seventh grade to 78% in the 12th. The plus symbol beside 54% indicates that this is a statistically significant increase over one year ago. Cigarette use on a regular basis is 31% for all students reporting, ranging from 16% to 46% from 7th to 12th grade, the minus symbol indicating a statistically significant drop in the rate from one year ago.

The drug of choice, by far, among junior and senior high school students is alcohol. These findings from our study agree with those from countless other studies conducted on similar age groups in all parts of the country and in other industrialized nations. The recent report of the National Commission on Marihuana and Drug Abuse also emphasized the widespread use of alcohol in this age group and the fact that alcohol rates lead all others. Considering the serious health and social consequences of alcohol abuse, its widespread use and popularity among this age group should give us cause for concern.

I shall not go into further detail on any of these or related issues. However, I shall be happy to answer any of your questions if I can.

TABLE 1.—PROPORTIONS OF STUDENTS REPORTING DRUG USE

[In percent]

	Ever used more than 5 times: All grades combined	Sign [1]	Ever used more than 5 times: Range: 7th grade to 12th grade	Ever used at least 1 time	Sign [1]	Current users ("I now use * * *")	Sign [1]
Marihuana	21.6	+	3.8–37.5	34.4	+	18.3	+
Hashish	12.3		1.4–25.3	22.0	+	11.6	
Amphetamines	5.5	+	.1–13.3	12.3	+	3.6	
Barbiturates	4.7	+	.2–10.0	11.2	+	3.6	
Mescaline	4.0	+	.1– 9.2	9.1	+	2.7	–
LSD	3.5	+	0 –10.7	8.8	+	2.3	
Cocaine	.9	+	.3– 2.7	3.8	+	.8	
Heroin	.5		0 – 2.1	1.9		.5	

[1] A plus sign in this column indicates a statistically significant increase from the last year. A minus sign in this column indicates a statistically significant decrease from the last year.

TABLE 2.—DETERRENTS TO DRUG USE

[In percent]

	Proportions of students perceiving some legal restriction on behavior or freedom if caught possessing drug [1]: Non-user	User (at least once)	All students	Sign [3]	Proportions of students considering regular use of the drug to be harmful to the mind [2]: Non-user	User (at least once)	All students	Sign [3]
Marihuana	47	28	41		68	16	48	
Hashish	56	27	49		85	22	68	
Amphetamines	60	48	59		96	77	93	–
Barbiturates	56	41	54		95	73	92	–
Mescaline	60	48	59		96	66	92	
LSD	77	63	76		99	93	97	
Cocaine	61	61	61		96	76	95	+
Heroin	85	77	85		99	78	98	

[1] If caught by police with the substance on them (possession): Be put on probation and have to go into treatment, or, go to jail (versus be let go; arrest but no court appearance, or, suspended sentence).

[2] Regular use of the substance is: Harmful, or, somewhat harmful (versus not harmful, or, good for you).

[3] See footnote [1] on table 1.

TABLE 3.—AVAILABILITY OF DRUGS

[In percent]

Drug	Proportions of students reporting some one offered drug to them to be shared at least once				Proportions of students reporting they know where to get the drug with reasonable safety.			
	Non-user	User (at least once)	All students	Sign [1]	Non-user	User (at least once)	All students	Sign [1]
Marihuana	33	99	56	+	49	95	64	+
Hashish	15	99	33	+	26	95	41	
Amphetamines	14	94	24	+	31	92	38	+
Barbiturates	13	93	22	+	30	93	37	+
Mescaline	11	96	11	+	22	93	28	+
LSD	15	97	22		25	93	31	+
Cocaine	7	97	11	+	18	83	20	
Heroin	8	91	9		18	78	19	+

[1] See footnote [1] on table 1.

TABLE 4.—PROPORTIONS OF STUDENTS REPORTING ALCOHOL AND CIGARETTE USE

[In percent]

	All students	Sign [1]	Range: 7th grade to 12th grade
Alcohol consumption: Wine, beer or liquor outside of the home with friends	53.9	+	24.7–78.4
Cigarette smoking: On a regular basis, now or in the past	30.5	—	16.3–46.0

[1] See footnote 1, table 1.

Source: Center for Survey Research, New Haven, Conn.

LAIRD SAYS NATION CANNOT AFFORD TO BE DISTRACTED FROM ISSUES

Mr. SCOTT of Pennsylvania. Mr. President, Melvin Laird, President Nixon's new domestic adviser, in a speech before the National Institute of Dental Research, has said eloquently and succinctly what we should all be saying and working to accomplish:

The American agenda of issues and problems and decisions and dreams and demands deserves our attention right now.

I ask unanimous consent that the Friday New York Times article reporting on Mr. Laird's speech be printed in the RECORD.

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

LAIRD SAYS NATION CANNOT AFFORD TO BE DISTRACTED FROM ISSUES

(By Nancy Hicks)

WASHINGTON, June 28.—The White House domestic adviser, Melvin R. Laird, said today that the country could not afford to let itself be distracted by Watergate and, in the process, neglect problems and challenges it faces.

Speaking at a luncheon meeting celebrating the 25th anniversary of the National Institute of Dental Research, and to newsmen afterward, Mr. Laird said, "The American agenda of issues and problems and decisions and dreams and demands deserves our attention right now."

The reference to Watergate was implied in and specified after the 25-minute speech which was devoted almost exclusively to summarizing the accomplishments of the Administration and urging support for it.

"When the American people gave President Nixon the most overwhelming vote of confidence in the history of this Republic, they were voting for the man's ideas as well as for the man himself," the former Secretary of Defense told the 150 dentists.

CITES "BREAKTHROUGHS"

"And I can say this afternoon that this Administration is as determined and dedicated as it ever has been to giving the American people the leadership they voted for last November and the leadership we believe they still want today," he said.

"It was the President's policy of keeping America strong and keeping American policy credible that led to the historic breakthroughs with China and Russia.

"We can hardly afford now to turn our backs on the policies that have brought us to this junction, if we are to prevent international turmoil from continuing to be a distraction from the pursuit of our domestic goals," he said.

Mr. Laird had accepted the luncheon engagement before he returned to the Administration as chief domestic adviser to the President on June 6. As a Representative from Wisconsin, Mr. Laird had sponsored legislation to expand the National Institutes of Health, of which the National Institute of Dental Research is a part.

"Gentlemen, I am delighted that you could all attend the 25th anniversary of the National Institute of Dental Research. I'm glad to see such a good turnout for the celebration," Mr. Laird said to reporters who waited to question him about Watergate after the speech at the Washington Hilton.

Asked when the President would answer reporters' questions generated from the Senate testimony of John W. Dean 3d, the former White House counsel, Mr. Laird replied:

"The idea that the President is not going to have a news conference to answer questions [arising from the Senate Watergate hearings] is in error.

"I would not think the President wants to be in a position in which he is responding to every single witness who appeared before the committee."

Mr. Laird said the President was waiting to see if the hearings would continue now or would be suspended for a short period. In any case, the White House "will go forward at our own time," he said.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

CONTINUING APPROPRIATIONS, 1974

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 261, House Joint Resolution 636.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 636) making continuing appropriations for the fiscal year 1974, and for other purposes.

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

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Appropriations, with amendments.

Mr. ROBERT C. BYRD. 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. McCLELLAN. 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. McCLELLAN. Mr. President, the Committee on Appropriations at its meeting on Thursday, June 28, 1973, approved the continuing resolution with amendments and ordered it reported to the Senate.

As Members are aware, the purpose of the continuing resolution is to enable the departments and agencies of the Federal Government to function, in the absence of new obligational authority for the upcoming fiscal year 1974 which commences on July 1.

This resolution contains an expiration date of September 30, 1973, to provide about 1 month after the return of the Senate from its August recess to finalize the remaining appropriation bills.

The resolution assumes passage by the House of 9 of the 13 regular annual appropriation bills for fiscal year 1974 by June 30.

It is expected that two bills will pass the Senate before July; that is, the Agriculture and the HUD, Space Science, Veterans bills.

Members are familiar with the terms of the resolution. They are explained in detail in the committee report.

On a rollcall vote of 9 to 8 in the committee, the Church-Case language, dealing not only with Cambodia and Laos but also with North and South Vietnam, was inserted into the continuing resolution.

The remaining amendments proposed by the committee are explained in the report.

Mr. President, this resolution is necessary to continue the functions of Government after June 30, 1973, and I urge its adoption.

Mr. YOUNG. Mr. President, this resolution is absolutely necessary in order to provide for funding the continuation of Government functions beyond June 1973, for programs for which appropriations

for fiscal year ending June 30 have not been enacted.

The resolution follows the basic form and concept of similar resolutions of past years. Without this resolution, every function of Government would go unfunded. With the stalemate existing now between the President and Congress, I think it is highly important that we pass this bill as soon as we can and get it to the President, who I understand will veto it. He will veto it, I understand, because of provisions in it affecting the bombing of Cambodia.

If we can get this bill passed today, it is possible that we could get another bill, if he vetoes this one, and consider it tomorrow. If not, we undoubtedly will have to go over until next week.

I think Congress has to share the responsibility, in large part, for the departments of the Government being properly funded beyond the July 1 date, on which all their funds will cease.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment to House Joint Resolution 636.

Mr. MANSFIELD. Mr. President, will the chairman state what the amendment is?

Mr. McCLELLAN. Mr. President, this amendment was added by the Committee on Appropriations to the House resolution. The committee recommends this additional language, which appears on page 1, lines 5 to 7. The words added are "and shall be made available for expenditure except as specifically provided by law."

The intent of this amendment is to try to induce the President to spend money Congress has appropriated. This is the basic thrust of the amendment.

The report states that this language has been added to the bill "to insure that all funds appropriated herein shall be obligated except as specifically provided by law." In other words, the report says:

> It is the intent of the committee that all funds be available for obligation except those for which a specific reservation has been made in this bill or those which may legally be withheld under the Anti-Deficiency Act or other statutory authority.

Mr. MANSFIELD. That is the so-called Bayh anti-impoundment amendment?

Mr. McCLELLAN. It is. As I have previously pointed out, it is to require the President to spend all money that is appropriated, except those amounts which are by law specifically restricted.

Mr. YOUNG. Mr. President, language similar to this was placed in the agriculture appropriation bill.

Mr. McCLELLAN. That is correct. It was included in the agriculture appropriation bill yesterday.

The PRESIDING OFFICER. The clerk will read the anti-impoundment amendment.

The legislative clerk read as follows:

> On page 1, at the end of line 5, insert "and shall be made available for expenditure except as specifically provided by law.".

Mr. McCLELLAN. Mr. President, I move the adoption of the first committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The first committee amendment was agreed to.

The PRESIDING OFFICER. The clerk will please state the second committee amendment.

The legislative clerk read as follows:

> On page 4, line 11, strike the figure and insert in lieu thereof "334."

Mr. McCLELLAN. Mr. President, the purpose of this amendment is to correct a printing error. It is not a substantive amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The legislative clerk read as follows:

> On page 8, at the end of line 5, insert "and title III–B";

Mr. McCLELLAN. On page 8, line 5, after the words "title 1", the committee has added the following language: "and title III–B." This amendment would allow the Office of Economic Opportunity to continue its migrant programs under the continuing resolution. These programs are currently operating at the $40 million level.

The administration had previously proposed to transfer these programs to manpower revenue sharing. The House deferred action on this proposal, so the Office of Economic Opportunity must, if these programs are to exist, continue to operate the program. I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The legislative clerk read as follows:

> On page 8, line 10, insert "and the Second Supplemental Appropriations Act, 1973:".

Mr. GRIFFIN. Mr. President, will the distinguished chairman explain the nature of the amendment?

Mr. McCLELLAN. Congress corrected this situation and activated the funds for vocational rehabilitation in the second supplemental bill.

If the above amendment is not agreed to, the resolution would allow only for basic grants to States totaling $560,000,000. With the amendment, States will receive $590 million, the amount set free by the second supplemental.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Alaska will state it.

Mr. STEVENS. Is the next amendment, I ask the chairman of the Committee on Appropriations, that which appears on page 10, identified as section 109?

The PRESIDING OFFICER. Sections 109 and 110.

Mr. STEVENS. I have at the desk an amendment which would apply to section 108, which I should like to call up before the Church-Case amendment is called up, if that would be in order.

The PRESIDING OFFICER. It would not be in order. The order of business is to dispose of the committee amendments before any amendments from the floor will be received.

The Senator could, if he so desired, file an amendment to a committee amendment, but an independent amendment is not in order.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. Mr. President, would it be possible through an agreement to get authority to take up the amendment pending to section 108 prior to section 109?

The PRESIDING OFFICER. By unanimous consent the order could be changed.

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

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

Mr. McCLELLAN. Mr. President, I yield to the distinguished Senator from Missouri (Mr. EAGLETON).

Mr. EAGLETON. Mr. President, I ask unanimous consent that a staff member, Bryan Atwood, have the privileges of the floor both today and tomorrow.

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

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The clerk will report the committee amendment.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. Is there a time limit on this joint resolution?

The PRESIDING OFFICER. There is no time limit, the Chair is advised.

Mr. STEVENS. Is there any way that the next committee amendment can be delayed or be taken up after the remarks of the Senator from New York?

The PRESIDING OFFICER. By unanimous consent, of course, that might be done.

Mr. STEVENS. It is my understanding that the Senator from New York has a colloquy or some matter he wishes to take up that does not involve either section 108 or 109. I ask unanimous consent that he be permitted to proceed and that we may delay discussion of section 108 or section 109, and the following section, 110, until the discussion of the Senator from New York and the Senator from Arkansas have occurred.

The PRESIDING OFFICER. Is there objection?

Mr. McCLELLAN. Mr. President, may I state my purpose in asking that the quorum call be dispensed with? It was to give the distinguished Senator from New York an opportunity to pursue this colloquy while Senators who are interested in the other aspects of the bill, section 108, 109, and 110, could be carrying on their separate discussions and arrive at some agreement, if they can do so.

Mr. GRIFFIN. Mr. President, if the chairman will permit me, however, the Chair was about to lay before the Senate the committee amendment and make it the pending business.

Mr. McCLELLAN. The amendment is the pending business.

Mr. GRIFFIN. I do not think it has been presented to the Senate yet.

The PRESIDING OFFICER. The Clerk has not reported it.

Mr. GRIFFIN. Mr. President, it would be the view of the Senator from Alaska, as well as the Senator from Michigan, that if by unanimous consent we could withhold making that the pending business and go ahead and listen to the Senator from New York, that would be the parliamentary situation we would like to have.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that we proceed with this colloquy, under the rules, without interfering with any other rights or privileges of Senators.

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

Mr. JAVITS. Mr. President, that is a marvelous way to resolve it.

Mr. President, I would like to refer to the statement in the committee report, on page 4, entitled "Anti-impoundment language." Though I recognize that the committee's anti-impoundment language has already been adopted, of course it is only part of the bill, and the bill has not yet been adopted. Therefore, I believe it is still open to colloquy and interpretation by the chairman of the committee.

Mr. President, I note the specific explanation of the committee of that so-called anti-impoundment language to be as follows:

> The committee has added this language to the bill to insure that all funds appropriated herein shall be obligated except as specifically provided by law.

So far so good. I quote again:

> It is the intent of the committee that all funds be available for obligation except those for which a specific reservation has been provided in this bill or those which may legally be withheld under the Anti-Deficiency Act or other specific statutory authority.

Mr. President, the words that trouble me are the words "other specific authority," and a case in point relates to an appropriation already made, which would be continued by this joint resolution, relating to the Neighborhood Youth Corps, about which we have had much debate, providing some $239 odd million, which the administration has refused to spend. Indeed, a court has now ordered it spent.

Be that as it may, this is the language which I want to be sure does not allow interpretation by the administration which would permit impoundment.

Let me make clear to my colleagues the provision of Anti-Deficiency Act which is referred to in the committee report, because the following relates to impoundment, or reserves, so-called:

> To provide for contingencies or effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such appropriation was made available.

My specific question to the most distinguished chairman of the Appropriations Committee is this: Do we or do we not include in the phrase in the report. "other specific statutory authority," bills of a general import, for example a debt ceiling bill or the Economic Stabilization Act? The President has invoked the idea of impoundment as based upon general authority, for example, to stabilize the economy of the country under the Economic Stabilization Act, or to maintain a given debt limit. We have not passed the debt limit bill yet, but of course, we have one on the books today and we will undoubtedly pass the pending one. I believe the committee intends the words "specific statutory authority," as contained in this report, to mean a particular reference to the particular appropriation under consideration by the President for impoundment?

As I have no idea of the whole range of statutes of the United States, there may be statutes in which we give the President, specifically, pinpointing it to a particular kind of appropriation, the right to expend or withhold appropriations.

It is that point on which we should be clear, certainly as to the intention of the Appropriations Committee.

Mr. McCLELLAN. Mr. President, it is my belief, and I think it was the intent of the Member who offered this amendment, and also that it was the consensus and the intent of the Appropriations Committee, that all funds be available for obligation except those for which a specific reservation has been provided in this bill or those which may legally be withheld under the Anti-Deficiency Act or other specific statutory authority.

We point out specifically the Anti-Deficiency Act, and then we say "or other specific statutory authority." This section will apply to all funds, unless some appropriation comes under one of these specific exceptions, where the power is granted by these separate acts to the President to withhold or to impound.

The whole purpose of this is to undertake and to require the President to spend all moneys that are presently appropriated and which this continuing resolution would carry forward to September 30.

It is impossible for me to cite all of the applicable statutes. If there is a specific statute granting specific power to the President to withhold funds then he may do so.

Mr. JAVITS. Mr. President, I think that is excellent. However, may I again emphasize the meaning of the word "specific" which relates to a statute which has reference to the particular appropriation which the President seeks to impound.

Mr. McCLELLAN. That is the language here, and that is the way I would interpret it. I believe that this is the interpretation that the Appropriations Committee had in mind. I believe that this is the interpretation that the Senate had in mind on the agricultural bill which was passed on yesterday. Unless some specific statute would authorize the President to withhold the funds, it was the intent of the Senate that this procedure be followed.

Mr. JAVITS. I thank my colleague very much. I think that is essential.

There is another matter on which I would like to inquire.

This relates to the level of expenditure for Labor, HEW items, when the current rate is the operative provision which is referred to on page 2 of the committee report. The report states:

> In reference to continuing projects and activities covered by the Department of Labor and Health, Education, and Welfare and Related Agencies Appropriation Act, financed under continuing resolution during fiscal year 1973 (P.L. 93-334), the proposed resolution defines "current rate" as that established by the continuing resolution which, in general, appropriated the amounts at a rate for operations equal to the lower of the rate passed by the House or the Senate in H.R. 15417, the first vetoed appropriation bill for the Department of Labor-Health, Education, and Welfare and Related Agencies, for fiscal year 1973.

The words "current rate" appear in this particular bill that we are considering today as it relates to the Department of Labor, Health, Education, and Welfare, at page 4, lines 6 through 13.

When called upon to explain this very provision in the continuing resolution, the chairman of the Appropriations Committee of the other body said the following, and I want to be sure that here our Appropriations Committee is undertaking the exact same interpretation. The Senator from Indiana (Mr. BAYH), who has been very active in this matter, has been called to the Chamber so that he may also comment if he feels further clarification of this colloquy is needed.

Representative MAHON said:

THE CURRENT RATE FOR PROGRAMS UNDER LABOR-HEW ACT

Mr. Speaker, we are familiar with the special technical words—shall I say, "words of art"—contained in the continuing resolution. The only changes in the continuing resolution now before us, as compared with previous years, pertain to programs under the Department of Labor, Health, Education, and

Welfare and Related Agencies Appropriation Act. With the passage through the House of the fiscal year 1974 Labor-HEW bill expected today, the going rate for operations will be the more restrictive of the House-passed rate and the current rate. The current rate is not considered to be the actual current level of operations. That level would not be indicative of the fiscal 1973 rate intended by Congress for those programs, because over a billion dollars of those funds have been impounded.

Therefore, for the purposes of the programs under the Labor-HEW Act, the "current rate" is defined as that established by the continuing resolution for fiscal 1973—which is much higher than the actual ongoing rate—namely, a rate of operations equal to the lower of the rate passed by the Senate or the House in H.R. 15417, the first vetoed bill.

May I point out to the chairman of the committee the importance of this arises out of the fact that the President has impounded money and refrained from spending money, as for example, health and education items. The actual spending has been lower than the level called for by the Congress.

As I understand the explanation of Representative MAHON, and if our Appropriations Committee espouses the same position, the rate of expenditure provided for in the act when the "current rate" is used is to be the lower of amounts passed by the House or Senate, in H.R. 15417, the first vetoed 1973 Labor, HEW appropriations bill, rather than the actual rate the administration has been spending at, because the actual rate reflects impoundments and failures to spend which we have challenged.

Mr. MCCLELLAN. Mr. President, my understanding is that there is no issue whatsoever between Representative MAHON's interpretation and that contained in the measure which the Senate has enacted. And it is so stated very specifically in the report. They defined it exactly as the Senator did in his interpretation of the report language. And the issue was not raised before the committee.

Mr. JAVITS. Mr. President, I thank the Senator very much.

Mr. FULBRIGHT. Mr. President, I wonder if I might comment on the situation we have in the matter in which the Senator from Alaska is interested.

I ask unanimous consent to take up out of order an amendment dealing with the continuing resolution on the foreign military and economic assistance.

I have presented it to the chairman, and I understand that there was considerable problem in the committee and it was overlooked in the committee. I understand that the chairman has no objection to presenting it for the consideration of the Senate. It would be very helpful if we could do it before we debate the Case-Church matter, which I anticipate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

Mr. FULBRIGHT. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 5, strike out lines 7 through 16 and insert in lieu thereof the following:

activities (other than those authorized by the Foreign Assistance Act of 1961, as amended, and the Foreign Military Sales Act, as amended), for which provision was made in section 108 of Public Law 92–571, as amended, and such amounts shall be available notwithstanding section 10 of Public Law 91–672 and section 655(c) of such Foreign Assistance Act of 1961;

On page 8, between lines 15 and 16, insert the following:

(f) Such amounts as may be necessary to continue to pay the salaries of personnel carrying out the Foreign Assistance Act of 1961, as amended, and the Foreign Military Sales Act, as amended, on the date of enactment of this joint resolution and essential expenses related thereto, and such amounts shall be available notwithstanding section 10 of Public Law 91–672 and section 655(c) of such Foreign Assistance Act of 1961. The provision of this subsection or subsection (b) of this section shall not be construed to provide appropriations to commence or continue any program, project, or activity under either such Act.

Mr. FULBRIGHT. Mr. President, this is a very simple propositon. This arises out of the fact that during the past year we have had no authorization whatsoever. There has been a continuing resolution for the entire year. There has been no appropriation, either. There has been a continuing resolution. There has neither been an appropriation bill in the usual form nor an authorization on the military assistance.

The purpose of the amendment is simply to say that through the life of this continuing resolution these two programs will receive all salaries and necessary expenses, but not authority for additional program obligation.

There is about $4.2 billion in the pipeline for that purpose, or something approximating that.

The reason for this amendment is that if we do not give Congress an opportunity to pass an authorization or appropriations bill, it will continue under the continuing resolution as it did last year. The Senate has already passed a military authorization bill and we are in the process of passing the economic. This has not been concluded. However, I do not anticipate any particular difficulty.

I do not think there should be a great problem. I would hope that this could be adopted simply so as to enable us to resume the traditional authorization and appropriation bills.

Mr. President, I ask unanimous consent that a complete statement of my position on this amendment be placed in the RECORD at this point.

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

STATEMENT ON CONTINUING RESOLUTION

I hope that the Senate will amend the continuing resolution to limit the funds for the foreign aid and military sales programs to salaries and necessary expenses.

The foreign aid program, economic and military, has been funded through a continuing resolution for the entire fiscal year. In the last year and a half the Senate has defeated two foreign aid authorization bills. A high controversial military aid authorization bill passed the Senate earlier this week by only a small margin. The Administration of course seeks to keep these programs going as usual, in spite of the fact that authorizing and appropriations bills were not passed for the 1973 fiscal year.

Traditionally, continuing resolutions have not been used to fund programs indefinitely when passage of regular authorizing legislation is so doubtful as has been the case with foreign aid for the last year. The use of continuing resolution authority to keep this controversial program alive when Congress would not fund it through the regular process has subverted normal legislative procedure and has undermined the role of both the Foreign Relations and the Appropriations Committees. The Executive Branch has gotten the money it wanted for a controversial program without being subjected to the restraints that Congress usually imposes through these bills. And the prospects for policy and funding-level disputes on foreign aid between Congress and the Executive Branch are even greater this year than in the past.

Once a new fiscal year is started and a continuing resolution is passed to keep the foreign aid programs going as usual, it will be very difficult to close the door to continued funding regardless of how much trouble the program encounters in the authorization and appropriations processes. The usual arguments will be made that "to cut the program off now will throw thousands of people out of their jobs," and so on.

The only way to make the Executive Branch bargain seriously on foreign aid bills is for Congress to refuse to allow any new program money in the continuing resolution for the Foreign Assistance Act and Military Sales Act programs, but allow only money for salaries and essential expenses. There is now $4.2 billion in the foreign aid pipeline and cutting off new program money will certainly not end the flow of foreign aid. And it would not effect military aid to South Vietnam or Laos, which is funded out of the Defense budget.

If the Executive Branch gets all of the money for foreign aid it wants through the continuing resolution, there will be no incentive for it to seek passage of authorizing and appropriations bills. It is quite possible that the end result of passing this continuing resolution as it is will be to extend the life of this costly program for another year by Congressional default. I hope the Senate will not open the door to that possibility.

Mr. YOUNG. Mr. President, what would be the expiration date of the amendment?

Mr. FULBRIGHT. It would simply mean that through the entire life of this continuing resolution, they would get salaries and necessary expenses.

Mr. YOUNG. Through the life of the continuing resolution?

Mr. FULBRIGHT. Through the life of this continuing resolution.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

Mr. STEVENS. Mr. President, we are attempting to contact the Senator from Texas to determine his attitude concerning this amendment, and I would suggest the absence of a quorum while we are awaiting his arrival.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. FULBRIGHT. Mr. President, I wonder if the Senator would allow the chairman to speak before we do that.

Mr. STEVENS. I withdraw my request for a quorum call.

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

THE ANSWER MUST BE NO

Mr. HUGHES. Mr. President, to me it is unthinkable that the Senate would authorize the continuation of the bombing in Cambodia for another 6 weeks—or even another 6 days.

This is not simply a matter of the will of the Congress versus the will of the President.

It is a dangerous, reckless lunge in the direction of continuing war rather than peace.

It is a deliberate, unconscionable wasting of more human lives in a futile cause.

Have we learned nothing from the lessons of the past few years in the prolongation of this abominable war?

A majority of the American people have signified in the public opinion polls that they want this bombing stopped—now.

A majority of both Houses of Congress have voted that they want this bombing stopped—now.

A majority of other civilized countries of the world and decent people everywhere want to see this bombing stopped—now.

Now to compromise a position firmly established is to enact another Gulf of Tonkin.

In the eyes of the people, we will, if we accept such a compromise, appear to be ratifying the inhumane destruction, the illegal extension of warfare, the never-ending nursing of corrupt, inept dictatorships and all the other horrors that have preceded in Vietnam, Cambodia and Laos.

Until now, the President had no congressional authority whatsoever for his military adventures in Cambodia. The Congress even wrote into law a denial of any U.S. commitment to the defense of Cambodia in spite of our provision of military aid.

Now we are at the start of the road to the very commitment we have previously opposed.

The proposed amendment would cut off funds, but only after six weeks of heavy bombing. And from past experience, how can we believe that the bombing would really end on August 15?

Right now we are bombing Cambodia each month at a rate roughly equal to that in any previous year. And yet the military situation has not improved; in fact, it is probably worse than when the Senate first passed restrictive legislation.

There is no evidence that the various Cambodian factions are any closer to an agreement. There is no evidence that bombing by itself can hasten negotiations.

After all, Cambodia is caught up in a civil war. There is the Lon Nol faction, huddled in Phnom Penh and unable for the past 18 months to make any military headway. And there are the pro-Sihanouk opposition groups and the anti-Sihanouk opposition groups. The North Vietnamese provide some logistical support, but only a few thousand combat soldiers.

Cambodia today is like South Vietnam in 1964. We must not make the same mistake again.

For 7 years we were asked to give the President more time. More bombing was always offered as the best way to spur negotiations to peace.

I reject that notion now, as I have in the past. Now is the time to say no.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. TOWER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

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

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 Indiana (Mr. HARTKE) and the Senator from Louisiana (Mr. JOHNSTON) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Iowa (Mr. CLARK) are absent on official business.

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

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) would vote "Yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from Idaho (Mr. MCCLURE) is absent on official business.

The Senator from Vermont (Mr. STAFFORD) is necessarily absent.

The Senator from Connecticut (Mr. WEICKER) is detained on official business.

The result was announced—yeas 48, nays 43, as follows:

[No. 258 Leg.]

YEAS—48

Abourezk	Gravel	Mondale
Allen	Hart	Montoya
Bayh	Haskell	Muskie
Bible	Hatfield	Nelson
Burdick	Hathaway	Nunn
Byrd, Harry F., Jr.	Helms	Pastore
	Hollings	Pell
Byrd, Robert C.	Huddleston	Proxmire
Cannon	Hughes	Randolph
Case	Humphrey	Ribicoff
Chiles	Inouye	Stevenson
Church	Kennedy	Symington
Cranston	Long	Talmadge
Eagleton	Mansfield	Tunney
Eastland	McClellan	Williams
Ervin	McGovern	
Fulbright	Metcalf	

NAYS—43

Aiken	Fannin	Pearson
Baker	Fong	Percy
Bartlett	Goldwater	Roth
Beall	Griffin	Saxbe
Bellmon	Gurney	Schweiker
Bennett	Hansen	Scott, Pa.
Bentsen	Hruska	Scott, Va.
Brock	Jackson	Sparkman
Brooke	Javits	Stevens
Buckley	Magnuson	Taft
Cook	Mathias	Thurmond
Curtis	McGee	Tower
Dole	McIntyre	Young
Domenici	Moss	
Dominick	Packwood	

NOT VOTING—9

Biden	Hartke	Stafford
Clark	Johnston	Stennis
Cotton	McClure	Weicker

So Mr. FULBRIGHT'S amendment was agreed to.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will report the next committee amendment.

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

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

RETIREMENT OF KENNETH E. BELIEU, UNDER SECRETARY OF THE ARMY

Mr. MCCLELLAN. Mr. President, I wish to address a few remarks concerning the retirement of Kenneth Belieu as Under Secretary of the Army. We truly owe a special tribute for the numerous contributions made by Secretary Belieu to the Nation.

Ken has had an outstanding record as a citizen-soldier. Through his untiring efforts, he has played a major role in the assistance of our Army's transition toward a peacetime posture. Throughout the many years I have known and worked with him, I can attest to his intense concern for the soldier, as well as his unceasing and dedicated devotion to the Army. He has, in my opinion, contributed as much as any man to enhance the relations between the Army, the Congress, and other governmental agencies. The greater the task—the graver the responsibility; Ken has always been capable of maintaining a personable and very human touch.

Mr. President, it was with regret that I learned of Secretary Belieu's retirement. His devoted service should not go unnoticed. I know that there are many here who share my feelings and for all of us here, I wish him every success in the years ahead.

Mr. President, I ask unanimous consent to have printed in the RECORD a brief biographical sketch of Kenneth E. BeLieu, Under Secretary of the Army.

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

BIOGRAPHY—KENNETH E. BELIEU, UNDER SECRETARY OF THE ARMY

Kenneth E. BeLieu, Under Secretary of the Army, was born in Portland, Oregon, February 10, 1914. He attended Roosevelt High School in Portland ('33) and the University of Oregon ('37) at Eugene, Oregon and subsequently the Harvard Business School Advanced Management Program ('55).

Mr. BeLieu was sworn in as Under Secretary of the Army on 22 September 1971.

In 1940, after three years of business in Portland, he volunteered for active duty as a Second Lieutenant in the Infantry. By 1945, he had participated in the Normandy Landing and campaigns in France, the Battle of the Bulge, Germany and Czechoslovakia. He was awarded the Silver Star, the Legion of Merit, the Bronze Star, Purple Heart and Croix de Guerre.

Following World War II, he served in various assignments with the Army in the War Department and Department of the Army General Staff. In 1950, during the Korean Conflict, he lost his left leg below the knee as a result of wounds received in combat. Upon his discharge from the hospital he was assigned to the office of the Secretary of the Army where he served as Executive Officer to two Secretaries of the Army before his retirement as a Colonel in 1955.

From 1955 to 1960, BeLieu was a professional staff member of the Senate Armed Services Committee, the first Staff Director of the Senate Aeronautical and Space Sciences Committee and at the same time was Staff Director of the Preparedness Investigating Subcommittee of the Senate Armed Services Committee.

In February 1961, he was appointed Assistant Secretary of the Navy for Installations and Logistics. In February 1965, he was appointed Under Secretary of the Navy. While in the Navy Mr. BeLieu was awarded the Navy's Distinguished Public Service Award. He returned to private life in July of 1965.

During the period of July 1965 to January 1969, Mr. BeLieu held positions as Executive Vice President, President and Member of the Board of the Leisure World Foundation, Laguna Beach, California; Member, Defense Science Board; Member of the Board of Advisors, Ryan Aeronautical Corporation and Continental Motors; and Member, Technical Advisory Board, RCA.

On January 21, 1969 Mr. BeLieu was appointed by President Nixon as Deputy Assistant to the President for Congressional Relations, the position he held until he was appointed Under Secretary of the Army.

Mr. BeLieu and his family reside in Alexandria, Virginia.

Mr. BIBLE. Mr. President, will the Senator yield, with the permission of the Senator from Florida, for an observation?

Mr. McCLELLAN. I yield.

Mr. BIBLE. Mr. President, I associate myself with the remarks of the Senator from Arkansas. I have had many, many personal contacts with Kenneth BeLieu over the years. He is a close personal friend. I have come to think of him as one of the most able public servants in all of government.

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

Mr. McCLELLAN. I yield.

Mr. ERVIN. I thank the Senator from Florida for permitting me to proceed.

Mr. President, I associate myself with the remarks of the distinguished Senator from Arkansas and the distinguished Senator from Nevada. Over the years I have had many contacts with Kenneth BeLieu and many opportunities to observe his work as a public official. He is truly a great American and truly a great public servant.

CONTINUING APPROPRIATIONS, 1974

The Senate continued with the consideration of the resolution (H.J. Res. 636) making continuing appropriations for the fiscal year 1974, and for other purposes.

CONTINUING RESOLUTIONS ERODE CONGRESSIONAL POWER

Mr. HATFIELD. Mr. President, the Congress continues its laudable efforts to regain its rightful constitutional prerogatives, efforts in which I have wholeheartedly joined, and which I will continue enthusiastically to support. The Congress has at last found the will to challenge the President's war in Southeast Asia, and we will continue to attach riders to any and all legislation that comes through the Senate until we succeed in stopping the illegal bombing.

In the Senate Watergate hearings, the committee is revealing to the public what the Congress has long known—that executive autocracy, far from fostering efficiency in Government, fosters instead a mentality that regards the Constitution itself as an annoying obstacle to the quest for greater power.

So there are signs that the Congress is no longer content to docilely bend to the wishes of the administration, and that is as it should be. But in one critical area the Congress is still failing itself and the American people. That critical area is appropriations and fiscal policy, perhaps the single most important power Congress holds.

Today we are considering a continuing resolution to fund Government programs until we get around to passing the necessary appropriations bills. The continuing resolution is necessary, and I shall vote for it, but it should be recognized for what it is—an emasculation of congressional power.

Continuing resolutions simply give Government agencies the same amount of money for the same programs authorized for the previous fiscal year. They do not reflect any new congressional review of programs, any new perception of national priorities. Foreign aid has been operating on a continuing resolution for 15 months. During that time there have been extensive hearings, and prolonged debate on foreign aid policy, which have contributed greatly to our understanding of the factors that should shape foreign aid programs in the post-Vietnam era. Yet all this discussion has been to no avail, for we have never been able to resolve the differences into an appropriations package, and have relied instead upon the lame answer of continuing resolutions.

In so doing, Congress abdicates its responsibility, and contributes to the erosion of its power over the Federal purse. If the Congress does not take the responsibility of setting national priorities, the Executive will, and its domination over the Congress will continue.

I do not mean to unduly criticize the Appropriations Committees for their failure to get appropriations bills before the Congress before the end of the fiscal year. As a member of the Senate Appropriations Committee, I well understand the frustrations of attempting to develop the Federal budget within a few short months. Nonetheless, we should all recognize that the appropriations process is in need of reform.

As an initial step, we need to change the fiscal year to conform with the calendar year. Senator MAGNUSON. has recommended this change in his Federal Appropriations Reform Act (S. 1648), and today I am joining him as a cosponsor of that legislation. This bill will give the Congress time to thoughtfully consider authorizing and appropriating legislation, rather than having to surrender to the last resort of continuing resolutions.

But we cannot argue that, since these reform efforts are proceeding, we can afford to remain content with flimsy "answers" to budgetary problems, such as continuing resolutions. Continuing resolutions are prime examples of the Congress' inadequacy to deal with tough political decisions, and lend credence to the claim that Congress is fiscally irresponsible. They are signs of weakness.

I do not contend that the answer lies in the formation of small, all-powerful budget committees to exercise total control of the budgetary process in the name of congressional responsibility and efficiency. That is not necessarily the alternative to our present situation.

But I do say that the Congress, no more than the Executive, can cover up its deficiencies with desperation measures. When we rely upon continuing resolutions to fund Government operations, we surrender our power of the purse. When we lose that power, we lose our credibility with the people, and our right to contest the present distortion of national priorities.

Mr. CHURCH. Mr. President, I ask unanimous consent that Thomas Dine, my committee staff assistant, be granted the privilege of the floor during the Senate consideration of the pending resolution in order to assist me.

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

Mr. CHILES. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The committee amendment is next in order.

Does the Senator ask unanimous consent to have his amendment called up?

Mr. CHILES. Mr. President, I ask unanimous consent that my amendment may be called up out of order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment of the Senator from Florida will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CHILES. Mr. President, I ask unanimous consent that further reading

of the amendment may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 8, between lines 2 and 3, insert the following: Notwithstanding the fourth clause of subsection (b) of this section, activities of the Department of Health, Education, and Welfare for assistance to refugees in the United States (Cuban program);

Mr. CHILES. Mr. President, this amendment is a language amendment to the continuing resolution. Under the provisions of the continuing resolution we would have to take the low figure of any bill that previously was passed by either House, or the budget request. This has to do with the Cuban refugee program that is presently in being.

Under the budget request, the administration proposes to set a phaseout time for the Cuban refugee program. The Committee on Appropriations of the Senate is presently working on this request. The bill has not come forward yet from Congress but the action of Congress probably will be different from the request of the administration.

To go forward with this matter, with the way it is phased will cause considerable cutbacks in the program in the State of Florida and in other States prior to the time Congress has an opportunity to work its will.

This language states that it will continue at the same funding level presently under existing law until we have a chance to work our will.

I hope the distinguished chairman accepts the amendment.

Mr. McCLELLAN. Mr. President, will the distinguished Senator from Florida point out the amount of the money involved. The difference between the budget request and what the present appropriation would be?

Mr. CHILES. I think in the first quarter the phase-out cut would be approximately $10 million.

Mr. McCLELLAN. What is the budget amount?

Mr. CHILES. With respect to the particular amount, we are talking about a reduction from $145 million to $90 million, under the budget request. Congress is going to work its will and determine the kind of phase-out we will have, and the period of the phase-out. This would mean, if we pass a continuing resolution without such language, that we would go in with the administration request, which is a simple request and would cost approximately $10 million reduction in the first quarter.

Mr. McCLELLAN. How long would it take to phase out the program?

Mr. CHILES. We are talking, generally, about a 5-year phase-out of the program. But it is the formulation of how we are going to phase it out. There was legislation on the floor of the Senate last year. There was a proposal to cut out the program entirely. By the overwhelming vote of 77 to 13, the Senate would not consider the concept of cutting the program.

Now we are talking about a phase-out of the program. I think Congress is going to work out something with respect to a phase-out. But we should not take the budget figure until Congress works its will.

Mr. McCLELLAN. There is only a small difference between what the Senator proposes and what is in the budget as it now stands. Is that fatal in any way to this program, or does it do great harm?

Mr. CHILES. It does great harm to the plans of the State of Florida in trying to determine whether they are going to have to take up this burden or when they have to take up the burden.

I think that if Congress is talking about doing something, or when it would take effect, if Congress is going to do it, or the priority we have in action on a particular request, you are immediately going to cause a cutback of the program, and that would do great harm to the State of Florida in trying to budget their taxes, because they will have to take up the slack of this program.

Mr. McCLELLAN. The continuing resolution continues until September 30. Of course, we could possibly extend it by another continuing resolution.

Mr. CHILES. As the distinguished chairman knows, we will not apply any great big figures if we are talking about a reduction of $1 million a month that is to be picked up by Florida.

Mr. McCLELLAN. The Senator would like a continuation of this program at the present level, to give his State the opportunity to prepare itself to meet the situation that is imminent, or that will likely occur, and they will not have to pick up the burden they now carry?

Mr. CHILES. The Senator is correct.

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

Mr. CHILES. I yield.

Mr. KENNEDY. I support the amendment of the Senator from Florida and hope that it will be accepted.

The Subcommittee on Refugees, which I serve as chairman, has had certain oversight responsibilities regarding Cuban refugees, and has this particular situation under continuing study.

I hope that the subcommittee as a whole will support the amendment of the Senator from Florida. I am also hopeful that this year and in the future we will be able to gain an insight from both the Senators from Florida as to how we can best handle this particular problem.

I think there is a general feeling within the Senate, and one which I have long felt, that there should be some kind of a phasing out of the program generally I understand this is also the administration's position. But I think the Senator from Florida is quite correct in recognizing that so far too little planning has gone into an equitable phasing out program.

I am hopeful that the Appropriations Committee will give it its consideration. I hope the Senator from Florida will assist us in trying to devise new directions that will not put an undue burden on the people of Florida, who have accepted so much responsibility, which is really a national responsibility, as President Johnson suggested in his statement welcoming additional refugees in 1965. Voluntary agencies have placed the Cuban refugees in other communities, and they have benefited from the program, as well. But the heaviest impact of the refugees has fallen on Florida.

Great issues have to be resolved in trying to insure that the people who have escaped in many instances, and who have been permitted to leave in others, are going to find new opportunities for new homes in this country.

I share the feeling of the Appropriations Committee that over a reasonable period of time we should be able to phase this program out, but for the immediate time, until the committee is able to give the problem the kind of consideration which it is so important to give to it, I would hope the amendment of the Senator from Florida would be accepted. I think, from the humanitarian standpoint, it is necessary. I hope the Senate will accept the amendment.

Mr. CHILES. I thank the Senator from Massachusetts for his remarks.

I yield to the Senator from North Dakota (Mr. YOUNG).

Mr. YOUNG. Mr. President, I would like to get the floor in my own right.

Mr. CHILES. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. YOUNG. Mr. President, this has been a necessary and worthy program which has been going on for 10 years or more. There comes a time when it should be phased out. Under the continuing resolution $90 million is available for it. The effect of the amendment of the Senator from Florida is to increase that amount to $145 million, or the same amount we have been putting into it for a long time. There comes a time when we have to phase it out.

I would certainly oppose the amendment. It was not offered in the committee. No hearings were had on it.

Mr. McCLELLAN. Mr. President, if the Senator will yield, I understood the Senator from Florida to say the increase was $10 million. Am I correct in that?

Mr. CHILES. Mr. President, I did not understand what the Senator from North Dakota said.

Mr. YOUNG. The effect of the amendment would be to raise the amount in the continuing resolution from $90 million to $145 million. There has been no hearing on it at all. I think there should be a hearing when we increase the appropriation by this amount.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

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

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

Mr. YOUNG. Mr. President, there is merit to the amendment proposed by the Senator from Florida. I do believe that we should have more time to study it.

However, I would be willing to ask unanimous consent that the order for the yeas and nays be vacated and that we have a voice vote.

Mr. McCLELLAN. Mr. President, if the Senator would yield, we could agree to take the amendment to conference. The amendment has to be worked out. If that is satisfactory, we would be willing to accept the amendment and take it to conference and see what we can do with the situation.

I am not enthusiastic for it. However, we do have problems that cannot be covered in the broad, general aspect of things. They have to be dealt with individually.

The Senator from Florida does have a problem in his State.

Mr. President, I would be perfectly willing to accept the amendment and take it to conference and see what we could do, if that is agreeable with the ranking minority member.

Mr. YOUNG. Mr. President, that is agreeable with me.

Mr. McCLELLAN. Mr. President, we would be willing to accept the amendment and take it to conference.

Mr. CHILES. Mr. President, I thank the distinguished Senator from Arkansas. I hope that by the time he gets to conference he has more enthusiasm for the amendment.

Mr. McCLELLAN. I hope that the Senator from Florida will furnish me some information that will arouse my enthusiasm.

The PRESIDING OFFICER. Is there objection to vacating the yeas and nays on the amendment? The Chair hears none, and it is so ordered.

The question is on agreeing to the amendment of the Senator from Florida (putting the question).

The amendment was agreed to.

Mr. CHURCH. Mr. President, I ask unanimous consent that the Senate consider an amendment I wish to offer on my own behalf and on behalf of the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.).

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. CHURCH) offers on behalf of himself and the Senator from Virginia (Mr. HARRY F. BYRD, JR.) the following amendment.

At the end of the bill insert a new section:

SEC.—. None of the funds herein or hereafter appropriated under this joint resolution or heretofore appropriated under any other Act may be expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam.

Mr. CHURCH. Mr. President, the purpose of the amendment is self-explanatory. It would affect any operation under this joint resolution or any previous appropriation; it would bar the use of such funds for the purpose of providing assistance of any kind to North Vietnam.

There may come a time when Congress will be asked to consider a program for economic aid in the reconstruction and rehabilitation of Indochina, including North Vietnam. As of now, however, that case has not been presented and no justification has been given. Congress at this point is groping for facts concerning either the nature of such program or what it would accomplish.

The elected representatives of the people should be sure that no program of this character is initiated in Indochina without a full and detailed presentation being made to Congress, and without a congressional decision as to whether such a program serves our national interests.

I oppose the United States becoming a kind of Santa Claus for Hanoi. It should not be the unilateral obligation of the American people either to rehabilitate or to reconstruct enemy territory. With this proposition I am certain that the overwhelming majority of the American people agree. As to my own State of Idaho, I have no doubt but that nearly all of the people agree.

This is not to say, Mr. President, that there are not a few of my own constituents who would disagree. I must count among them some who stood with me 6, 7, and 8 years ago in my opposition to the war and to the American part in it. I can understand how some of these people now feel, particularly those who believe very deeply not only that American intervention was a mistake, but that the widespread bombing of North Vietnam was morally indefensible. They see a kind of moral imperative now falling upon the American people to rebuild North Vietnam.

On the other hand, such an undertaking would only compound the error of our original intervention and glue us inescapably into the politics of the area for many, many years to come.

Mr. President, a constituent wrote to me earlier this year protesting my opposition to a unilateral American program designed to reconstruct and rehabilitate North Vietnam. Because her letter and my reply were pertinent to this issue, I should like to read into the RECORD the reply I wrote to her on February 15, 1973. The letter is addressed to Elaine Durbin, 801 East Boise Avenue, Boise, Idaho.

It reads as follows:

DEAR ELAINE: I can understand your confusion, if not your consternation, over the statement attributed to me in the *Statesman* to the effect that financing a reconstruction program in North Vietnam would "only compound the error" of our bombing.

You raise the question of our "moral imperative" to assist in the restoration of North Vietnam. I'm not so certain any more about the relationship between government policy and personal conscience. For the millions of Americans who deeply believed North Vietnam to have been the aggressor, the perpetrator of the war, and the reason for the loss of so many lives, and the destruction of so much property, is it morally right that they should be taxed, against their will, to pay for the reconstruction of the land of the enemy?

On the other hand, for those of us who believe that the United States mistakenly intervened in a Vietnamese civil war and brought great devastation upon all of Indochina in the process, are our consciences assuaged by tax money extracted from us to underwrite a reconstruction program? I should think that Americans who feel as you and I do about the war's tragedy could find our solace only through voluntary contributions to help rebuild hospitals and schools.

You see, I believe the American Government must get out of Indochina—lock, stock and barrel. But that is not the policy of the Nixon Administration. The policy is to stay in Indochina by other means. The policy is to bolster the Thieu regime, which Nixon recognizes as the sole, legitimate government in South Vietnam, with military, economic and financial assistance, which will keep us deeply involved in the politics of that country. The same thing is planned for Cambodia, Laos, and now—through the extension of government aid to Hanoi—for North Vietnam as well. Mr. Nixon hopes that the money we pay to the Hanoi government will keep it in line, thus holding the tenuous truce together for as long as he remains in the Presidency.

I can't be a party to this scheme. When the French secured a truce in 1954, they seized upon the occasion to withdraw from Indochina, and gave up any further effort to control the indigenous people over whom they had exercised colonial rule for more than eighty years. The French quit trying to run Indochina, either directly or indirectly, either with guns or with money. As a result, France enjoys greater good will in the region than any other Western power.

I am attaching two news releases. The first deals with my apprehensions over the "civilianization" of the same old, mistaken American policy in Indochina, together with the danger this entails of our renewed involvement in hostilities there, should fighting break out again. The second is a restatement of the reasons why I oppose a post-war foreign aid program borne primarily, if not solely, by the American Government.

That is my position, it was a mistake for us to go there to fight in the first place. And it will "compound the error" for us to stay there now that the fighting has been suspended.

Thank you for writing.

Sincerely,

FRANK CHURCH,
U.S. Senator.

Mr. President, together with the text of my letter, I ask unanimous consent that the enclosures to which I referred in the letter be printed at this point in the RECORD.

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

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

LET US HAVE NO ILLUSIONS ABOUT PEACE

(By Senator FRANK CHURCH)

We have fought the war with so many illusions; let us have no illusions about the peace.

The ceasefire, at long last, brings the second phase of the Vietnamese war to a close. It permits the withdrawal of our remaining armed forces and the welcome retrieval of American prisoners of war.

But it is no more than a truce, and it may last no longer than the earlier truce in 1954, when the French withdrew. A renewal of the fighting among the Vietnamese is probable, if not predictable, since none of the issues are resolved over which they fought for nearly a generation.

Nonetheless, by extricating our uniformed forces, we succeed in withdrawing the flag. Whatever happens in the future between contending Vietnamese, we will have left the battlefield. The eventual outcome need no longer be assessed in terms of an American "victory" or "defeat."

Presumably, we have now learned, as the French before us, that civil war in Asia is

not susceptible any more to suppression by a Western army. As America's first winner of the Medal of Honor in Vietnam, a two-tour veteran said recently about that country, "Things haven't really changed much . . . there."

Unfortunately, despite the lesson of the war, American policy hasn't really changed much either. Unlike the French, we have not seized the opportunity offered by the truce to get out of Indochina. Instead, the Executive Branch of the government is busily engaged in designing new ways to keep us involved.

We are told that ten thousand American civilian technicians and advisers, many under U.S. Defense Department contracts, will be recruited to stay on in South Vietnam, to work with Saigon's armed forces. Four American consulate generals will replace existing U.S. headquarters. A thousand AID personnel will remain to administer continuing assistance programs to bolster the Thieu regime.

Thus does "Vietnamization" give way to "civilianization" of our continuing role in Indochina, the same technique, by the way, that American Presidents have used to prosecute the war in Laos for so many years. So we come around full circle to the reinstatement of the same kind of elaborate support program which led to our original entrapment in the Vietnamese war.

The big question is this: If the fighting breaks out again, once our forces have left, and the Thieu regime falters under renewed attack, will the threat to the American technicians and advisers remaining in Vietnam be used as an excuse for our re-entry into the war? American aircraft, after all, will still be poised on offshore carriers and at bases in Thailand, ready to respond to the President's command.

Such a fateful decision must not again be left to the President and his generals alone, Congress must reassert its right to decide on war or peace, as the Constitution provides. In order to fortify that perogative against any further Presidential usurpation, it should be enacted, as a matter of law, that no funds can be spent for the purpose of resuming the war without the prior consent of Congress.

This much assurance we must insist upon. Having done all that one country can do for another, the future of South Vietnam must now be left to the Vietnamese. Whether they stand or fall is now up to them.

NEWS RELEASE FROM: FRANK CHURCH, U.S. SENATOR, IDAHO

WASHINGTON, February—Senator Frank Church said this week that he disagrees with President Nixon that foreign aid for the reconstruction of Indochina, including North Vietnam, should be borne primarily by the American Government.

"After all," Church said, "there are international agencies equipped to do this task: The World Bank, The Asian Development Bank, the United Nations and the many voluntary relief organizations. Individual Americans who wish to contribute to the rebuilding of schools and hospitals, or who wish to send food and clothing, are free to do so."

President Nixon has yet to send to Congress his request for money to finance a post-war reconstruction effort for Indochina, but he has mentioned, informally, a figure of around $7.5 billion over a five-year period, a substantial share of which would go to North Vietnam.

"If Congress makes the mistake of funding the assistance program that President Nixon requests," Church warned, "our government will remain directly and deeply involved in the political and economic affairs of Indochina, and thus much more likely to become ensnared in the war again should fighting be renewed."

"Whatever people who favored the war may think," Church continued, "I have no intention of saddling the American taxpayer with the reconstruction of North Vietnam. I would think that North Vietnam should look to China and Russia."

"As for the other countries," Church said, "we would do well to remember that their governments asked us to intervene in their behalf. We substituted an American army for that of the South Vietnamese when Saigon's forces were on the verge of collapse, and we fought a war for them at a heavy loss in American lives. Under these circumstances, I can see no reason why it should be our sole responsibility to assume the cost of reconstruction."

"Furthermore," said the Senator, "it strikes me that this is no time for us to be increasing foreign aid anywhere. This week the papers carried the news that President Nixon has again devalued the dollar—for the second time in 14 months. Erosion of international confidence in the dollar is the direct result of our extravagant spending abroad. It can only be rectified by the sharp curtailment of foreign spending."

Last year, said Church, the United States sent abroad $30 billion more than it took in.

"No country, however rich, can long sustain so great a financial hemorrhage.

"In view of the President's action in cutting back domestic sperding," concluded Church, "one would think that Congress would resist his requests to increase foreign spending. It is apparent, however, that the Administration intends to press very hard to obtain its new foreign assistance package for Indochina, including North Vietnam. Only the strongest outcry from the public stands any chance of prevailing against it."

Mr. CHURCH. Mr. President, when it comes to the question of a program for reconstructing and rehabilitating the devastated countries of the Indochina region, there is a broader base on which to build a viable program than any suggestion that responsibility lies primarily with the American people. That base is worldwide, and it consists of all those countries which have an interest in the need for reconstruction. It lies with all those individual citizens, whatever their nationality, who voluntarily want to contribute to such an effort. And there are, Mr. President, many existing organizations capable of carrying out their part of this task—the World Bank, the Asian Development Bank, the United Nations and its dependent agencies, and the hundreds of voluntary private relief organizations throughout the world. Individual Americans who wish to contribute to the rebuilding of schools and hospitals in North Vietnam, individual Americans who, as a matter of conscience, wish to send food and clothing, are free to do so. The channels are available; many private and religious relief organizations are already at work.

President Nixon has yet to send Congress his request for moneys to finance postwar reconstruction efforts for Indochina—to be borne principally by the American Government.

He has made his intention known to do this. He has mentioned informally a figure of around $7.5 billion over a 5-year period, a substantial share of which would go to North Vietnam. He has also sent his chief aid diplomat, USAID's Maurice Williams, to Paris for various meetings with the North Vietnamese over the past several months.

If Congress makes the mistake of funding the assistance program, the assistance program that the President requests, our Government will inevitably remain enmeshed in the politics, the economics, and the internal affairs of all of these governments in Indochina for the indefinite future. That will mean the continued civil warfare of the area, too.

Mr. STEVENS. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. STEVENS. Is clearing mines from the Hanoi harbor assistance directly or indirectly given on behalf of North Vietnam, I would ask the Senator?

Mr. CHURCH. The legislative record should make clear—and for this reason I am very glad the Senator raises the question—that this amendment would not, as I see it, impede the removal of mines. It has to do with the appropriation of money for the purpose of reconstruction and rehabilitation of North Vietnam itself.

Mr. STEVENS. If the Senator would permit me—I asked for a copy of his amendment and it reads:

None of the funds herein or hereafter appropriated under this joint resolution or heretofore appropriated under any other Act may be expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam.

I have some serious question about that, and have raised them in the past on previous amendments of this kind. Is assistance provided to the North Vietnamese to include helicopters, jeeps, gasoline, and so forth, for the use of our graves registration teams in North Vietnam? As I understand the agreement, the North Vietnamese must accompany the grave registration teams. We are providing the transportation, pursuant to the agreement, and the gasoline, and the vehicles. Is that assistance to North Vietnam or is it assistance for us? I would say that it is assistance to North Vietnam.

Mr. CHURCH. In answer to the able Senator from Alaska, it is our national purpose to discover the graves of those missing in action. It is to our advantage to see that that program is undertaken and fulfilled. It is of no aid and of no particular consequence to the Government of North Vietnam that these graves are identified and that the MIA's are accounted for. It is our goal and our interest. It is an American objective to see that this is done.

So I think that the statement I have already made, and would like to complete, will clearly delineate the purposes of this amendment, and should thus leave no confusion over the answers to such questions.

Mr. STEVENS. I did not mean to interrupt the Senator. If he wishes to finish his statement now, I will ask some questions later. Perhaps I should ask unanimous consent that these questions appear in the RECORD immediately following the completed statement of the Senator from Idaho, if he would like to do so.

I do have one other question, though.

Mr. CHURCH. I will be very glad to

oblige the Senator if he has another question.

Mr. STEVENS. I recall vividly seeing the North Vietnamese commanders being brought into a central place by American helicopters to pursue the problem of working out some of the difficulties under the peace agreement. We provided that transportation to them. That certainly was assistance to them, then. They could have walked. We wanted them there. I seriously question and I would ask the Senator if he does not question the reference in his amendment to "assistance of any kind"?

Mr. CHURCH. That language seems to present no difficulty. I cannot imagine any Member of Congress contending that this provision of law had been violated because we furnished a helicopter to bring the negotiators of North Vietnam to the table to discuss violations of the truce. That is part of the American objective, and not anything that relates to the reconstruction or the rehabilitation of North Vietnam.

Mr. STEVENS. I thank the distinguished and senior Senator from Idaho very much.

Mr. CHURCH. Therefore, I see no difficulty in the language here. The purpose and the intent are the same.

Mr. GRIFFIN. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield to the Senator from Michigan.

Mr. GRIFFIN. The Senator from Idaho indicated that the use of helicopters to bring in North Vietnamese negotiators would be carrying out the purposes of the United States.

I want to challenge that. Surely, the agreement reached at Paris was a mutual agreement, with obligations and purposes on both sides. Presumably such an agreement is in the interest of the North Vietnamese as well as it is in the interest of the United States. Surely there have been instances when the North Vietnamese have accused the other side of violations. To bring North Vietnamese to a meeting to negotiate concerning such complaints would surely be in the interest of the North Vietnamese. So, I do not think the answer of the Senator from Idaho is quite satisfactory in that regard.

Mr. CHURCH. Mr. President, I cannot help suggesting that the Senator is looking for a semantic trap that really does not exist here. The agreement reached in Paris is, indeed, a separate and neutral piece of parchment to which several nations have affixed their signatures and, presumably, it represents the common interests of those nations to see that its terms are carried out. But that agreement is not North Vietnamese. This amendment has to do with a unilateral extension of American money for the purpose of reconstructing or rehabilitating North Vietnam.

Mr. GRIFFIN. I will say to——

Mr. CHURCH. Now, any effort to implement the agreement relate to an objective quite different from the purpose and objective of this amendment. There really is no confusion on that score. If this amendment were enacted into law, there would not be any confusion.

Mr. GRIFFIN. I would say, with all due respect and deference, that I would be more assured if that kind of language were used in the pending amendment rather than the broad, sweeping language which purports to preclude assistance of any kind, directly or indirectly.

Mr. CHURCH. I appreciate the comments of the Senator from Michigan and especially his contribution in raising the question, along with that of the able Senator from Alaska. If there is any ambiguity here, or if there is any possible ground for confusion as to the scope and application of the proposed amendment, it has been cleared up by the colloquy that has taken place on the floor of the Senate today. That, as all Senators know, forms part of the legislative history of the amendment.

As I was saying, Mr. President, Congress would make a great mistake if it were to approve the funding of an assistance program, unilateral in character, that would glue us deeply and indefinitely in the politics and economics of these small countries. All of us know there is no assurance that the long civil conflict that has consumed the people of Vietnam for these many years, and now the people of Laos and Cambodia, is settled. There is no way for us to be certain that the war will not break out again in all its fury, next month or next year.

One thing is certain: If we stay there, with the large bureaucracy that is now planned, consisting of many thousands of American citizens, most of whom remain under contract with the Pentagon, to administer this kind of bilateral program in South Vietnam, in Cambodia, in Laos, and in North Vietnam, the likelihood is greatly enhanced that we will be ensnared in the war once more should the fighting be renewed.

Whatever the people who have favored this war may think, I have no intention of supporting an undertaking that would involve such a risk. I have no intention of saddling the taxpayers of this country with the price tag for reconstructing North Vietnam.

In more realistic terms, I would think that the North Vietnamese would look first to their wartime allies, Russia and China. It was these countries and the smaller Communist countries of Eastern Europe who for years supplied the North Vietnamese with the tools and the weapons of war. Is it so unreasonable now to expect the North Vietnamese to look to their wartime allies for the implements of peace? Or, is it not in the general interest, if a lasting peace is ever to be achieved in Indochina, to attempt to construct a rehabilitation program upon a base that is worldwide, that brings in all interested governments and individuals and private charitable organizations in a universal endeavor to rebuild these broken lands and to sustain them through the difficult transition period that lies ahead? I should think so. In that general endeavor, the United States, I am certain, would play its part. But the administration's planning and proposal that it is our primary responsibility to undertake to finance the reconstruction of enemy territory is one that I cannot support, I think Congress is unwilling to support, and the American people overwhelmingly oppose.

Whatever might be said on one side or the other in this issue, it must be clear to us all that this is no time for us to be increasing our foreign aid obligations anywhere. This week, as in every previous week these last few years, the newspapers carried the news that there is further erosion of international confidence in the American dollar. This decline is the direct result of our extravagant spending abroad. It can only be rectified by sharp curtailment of foreign spending, rather than adding still further to the cost of American foreign aid.

Last year alone, the United States sent abroad $30 billion more than it took in. I submit that no country, however rich, can long sustain a fiscal hemorrhage of such proportions.

So, whether one looks at this question from the standpoint of the narrower parameters of Indochina and the long and tragic war that has been fought there, or from the standpoint of the general economic situation confronting the United States today, the answer comes out the same: This amendment is in the public interest, and I hope it will find the favor of an overwhelming majority of the Senate and become a part of the continuing resolution that now is pending before the Senate. I urge my colleagues to adopt this amendment.

Mr. President, I yield at this time to the distinguished cosponsor of the amendment, the senior Senator from Virginia (Mr. HARRY F. BYRD, JR.).

Mr. HARRY F. BYRD, JR. Mr. President, the amendment offered today by the distinguished Senator from Idaho (Mr. CHURCH) and myself is similar to and virtually identical with the amendment offered by me and adopted by the Senate on April 5, 1973. The cosponsors of that amendment, amendment No. 76 to S. 929, were the Senator from Alabama (Mr. ALLEN), the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mr. BUCKLEY), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from New Jersey (Mr. CASE), the Senator from Idaho (Mr. CHURCH), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Georgia (Mr. NUNN), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from North Carolina (Mr. HELMS), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Florida (Mr. CHILES).

I think it highly desirable that the pending amendment, offered by the Senator from Idaho (Mr. CHURCH) and the Senator from Virginia, be adopted by the Senate today.

Mr. President, I offer a little background: Meetings have been going on in Paris for a week or so between negotiators on the part of the United States and negotiators on the part of North Vietnam, looking toward an agreement as to the amount of money the United States will give to North Vietnam.

Those negotiations are being carried on

with the executive branch of Government, as is proper. The legislative branch has nothing to do with the negotiations, as is proper.

But once those negotiations are concluded, then the proper procedure is for the Congress of the United States to consider whether or not to appropriate the funds to carry out any agreements.

Mr. President, it is important that the record show that the question of economic aid for North Vietnam was not a part of the cease-fire agreement signed on January 27.

To substantiate that statement, I again, as I did on April 4 and on April 5, invite the Senate's attention to this fact: On January 26, in a discussion with a number of Senators at the Capitol, Dr. Henry Kissinger stated that the United States, in signing the cease-fire agreements made no commitments for economic assistance to either North or South Vietnam. He said that a commitment for economic aid is not a part of the cease-fire agreement.

The negotiators did agree, he said, to give consideration in the future to helping the two countries, but, and this is important—

It was fully explained to both countries that any such proposal would have to go through the legislative procedures.

So no commitment was made in the name of Congress; no commitment could be made in the name of Congress.

Two very important points are involved in this question of taking tax funds, taking money out of the pockets of the wageearners of our Nation and turning that money over to North Vietnam. Two vitally important questions are involved: One, what obligations, if any, does the United States have to pour additional dollars into North Vietnam or Indochina; namely, Laos, Cambodia, North Vietnam, and South Vietnam; and, two, considering the deteriorating financial condition of the United States, where there is unabated deficit spending, a continuing rate of inflation, and the continued devaluation of the dollar, can the United States afford to embark upon a gigantic and costly new program such as the rebuilding of Indochina?

Although no price has yet been set, the cost over a period of years is bound to be tremendous. To get its foot in the door, the administration probably will move cautiously and not set the figure too high.

But once the principle is established for providing economic aid to Indochina, and specifically to North Vietnam, the cost will escalate, just as did the use of American troops, which started at a few thousand and ended with a total accumulative number of 2.5 million American soldiers.

We know through long years, long and suffering years, that Indochina is a quagmire for men and material. I submit if we begin to pour American dollars into that area, it will be a bottomless pit.

The amendment proposed by the Senator from Idaho (Mr. CHURCH) and me states as follows:

None of the funds herein or hereafter appropriated under this Act or heretofore appropriated under any other Act may be expended for the purpose of providing assistance of any kind, directly or indirectly to or on behalf of North Vietnam.

That is a clear-cut statement. It would prevent use of funds already appropriated; it would prevent the use of any funds appropriated under this act. Of course, what it does not do and what no law can do is to bind any future Congress. If any future Congress says the conditions have changed and a future Congress wants to change this legislation and appropriate, of course a future Congress can do so. But this would be a clear congressional statement that as of today Congress will not permit the spending of any tax funds for the economic aid of North Vietnam.

I submit, Mr. President, that it just is not logical for the United States to undertake a new foreign aid program on top of the $9 billion which the United States is now spending each year in foreign aid.

Those who favor economic aid to North Vietnam say that the case is similar to the end of World War II when the United States helped Germany, Japan, and Italy. Mr. President, there is no similarity whatsoever.

At the end of World War II the aggressive governments of Japan, Germany, and Italy were destroyed.

Those who brought on the war were eliminated from public office. Germany was crushed; she had no government. Japan was crushed; she had no government. Italy was crushed; she had no government.

Of course, the victors, the Allies, had an obligation to establish governments in those countries, and they did just that, and the United States helped tremendously to put those countries back on their feet.

But we do not have that situation in North Vietnam. North Vietnam today has the same aggressive, belligerent leadership it has had through the years. There is no difference in leadership in North Vietnam. As a matter of fact, North Vietnam proclaims that she has won the war. She does not regard herself as being vanquished. She said she won the war. So if we give foreign aid to North Vietnam we would, in effect, be paying reparations, reparations to a country at whose hands the United States has suffered 53,000 dead and more than 300,000 wounded. Would we not be trying to achieve peace by bribery?

What happens when the money runs out? As a matter of fact, the money, so far as the United States is concerned, has already run out.

In the fiscal year which will end tomorrow, the Federal funds deficit of our Government will be $30 billion. The interest on the national debt—just the interest—will cost the American taxpayers, in the fiscal year beginning Sunday, $27.5 billion. That is just the interest on the national debt. That is such a gigantic figure that it is difficult to comprehend.

But let me put it in perspective. Of every dollar of personal and corporate income tax paid into the Treasury by the hard-working men and women of our Nation, 17 cents goes for one purpose—to pay the interest on the national debt.

Yet at a time when we are running these huge Federal funds deficits—$30 billion this year, nearly $30 billion last year, nearly $30 billion the year before, with $19 billion projected for the next year—we are talking about going into a new giveaway program, a new foreign aid program for North Vietnam. To me, this is neither wise nor logical nor sound.

I think if the Senate approves this amendment today—and I hope it will—that will be another clear signal to the executive branch of our Government that the Congress is not going to approve taking money out of the pockets of the American wage earners and turning that money over to North Vietnam.

A clear message was sent to the executive branch on April 5, when the amendment which I presented to the gold revaluation bill was approved by a vote of 88 to 3.

I hope that this amendment today will be overwhelmingly approved. I know there are groups working in oppositon to it. I know the administration is opposed to it. But I think the people of the United States would favor this amendment.

I get about Virginia a good deal. Perhaps Virginia is not completely typical of the United States, but I get around Virginia a good deal. I make a speech in Virginia twice a week, and in every speech I have made since this bill first came up in January, I have brought this point out: Are the American people, through their Congress, going to take money out of the pockets of the hard-working people of our Nation and turn that money over to North Vietnam? And wherever I go through Virginia, I get a very strong reaction against doing that.

When I first presented an amendment similar to this on April 4, I thought it was very questionable whether we could win that fight. But the more one considers this matter, the more one considers the Government's financial situation, the more one considers what we would be doing if we tried to buy peace by bribery, the more apparent the logic of this amendment becomes. As I say, the vote on April 5 for an amendment similar to this was 88 to 3.

I yield to my distinguished colleague from Virginia.

Mr. SCOTT of Virginia. Mr. President, I appreciate the Senator's yielding. I wish to compliment him and associate myself with his remarks.

I, too, travel around Virginia, and I get the same response the senior Senator from Virginia has stated he receives. I believe that it is indicative of the feeling of the entire American people. They do not want us to reward an aggressor nation. To me, that is what we would be doing if we gave aid to North Vietnam.

There are nations of the world that are bandit or gangster nations which prey upon their neighbors. I agree with the distinguished senior Senator from Virginia that this situation is different from the conditions at the end of World War II, when we had complete submission and surrender by enemy nations with which we had been in conflict.

Without infringing further upon the Senator's time, I again compliment him upon the amendment and on the amend-

ment that he previously offered and which the Senate overwhelmingly adopted. I will join him in the hope that the Senate will do the same thing again.

Mr. HARRY F. BYRD, JR. I thank my distinguished colleague from Virginia. I appreciate his strong support. I am grateful for his words.

I think he has branded accurately the Government of North Vietnam as an aggressor nation. What he says is so correct. If we go into a program of economic aid to North Vietnam, then we would be rewarding aggression. We would be inviting other countries to take aggressive steps, because when the United States ceases to be involved militarily, then we will go to their aid financially and provide billions of dollars. I think that would be a great mistake. I know of no logical reason why this country should further impose on the taxpayers by even considering a program of economic aid to North Vietnam.

I am pleased to associate myself with the distinguished Senator from Idaho (Mr. CHURCH) in presenting the amendment to the Senate. I hope it will be the pleasure of the Senate to adopt it.

Mr. President, I wish to ask for the yeas and nays; but before doing so, I will need to suggest the absence of a quorum.

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. HARRY F. BYRD, JR. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HARRY F. BYRD, JR. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I have remarked about this subject before and am one of those who voted against the amendment the last time. I do not support aid to North Vietnam for reparations. On the other hand, I see no reason for us to tie the hands of the President and his representatives as they try to work out this very difficult situation that faces the country.

In my opinion, the concept involved is one of permitting the processes to work, permitting one of the items that can be discussed to be the amount of assistance, if any, even though it may not be aid, that could be given to the North Vietnamese.

I have serious questions about the amendment in the form now pending before the Senate today. I feel that there are a great many things we are interested in doing to assist North Vietnamese which are in our best interests. However, it is still assistance to North Vietnam. I refer to things such as cleaning the harbors of Hanoi. As a matter of fact, when they slowed down in one instance in their cooperation, we pulled off the mine sweepers and we stopped cleaning those harbors.

I think that proves categorically that it was of assistance to North Vietnam for us to clean those harbors.

I think it is of benefit to North Vietnam for us to provide helicopter transportation to the people who make up the North Vietnamese troop inspection force. I think it is of benefit to North Vietnam for us to provide helicopters to bring them down to Saigon for further talks in an effort to work out an agreement under the negotiations.

Certainly an amendment that says that we cannot use any funds under this act or heretofore provided under any other act for the purpose of providing any assistance directly or indirectly to or in behalf of North Vietnam is a very sweeping amendment that may bring about the destruction of the peace agreement we have already worked out.

People are worried about going further. I am worried about keeping the peace. And I do not see that we should be in a position of making this record at this time on foreign aid.

I probably voted against foreign aid of every kind more than the two sponsors of the pending amendment. However, that is not the point. The point really is, do we give the executive branch the ability to deal with a crisis or do we send them a message that no one can understand? I certainly could not understand this if I were a young colonel sitting over in Vietnam and saw this language. If someone said to me, "Get that man down here from south of the line in Vietnam, because I am told he is willing to work out arrangement so that they will not keep bombing South Vietnamese cities" and asked for a helicopter to go get him, I do not know what I would do.

I do not know what the Senator from Arizona would say. However, I would say, probably, "You cannot give any assistance to North Vietnam. You cannot have the helicopter."

Legislation of this type coming out of a body composed mostly of lawyers amazes me. Frankly, I intend to offer an amendment to make it the same as the amendment previously adopted by the Senator at the request of the Senator from Virginia. It was a very well written amendment. Even though I opposed it, it meant what it said. It said that no funds can be used for the purpose of providing assistance in the reconstruction of the Democratic Republic of North Vietnam.

I do not have that exact text before me. Perhaps the Senator from Virginia has.

Mr. HARRY F. BYRD, JR. Mr. President, perhaps I had better read the text into the RECORD. It says:

> No funds made available by the Congress to any department or agency of the government may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam unless specifically authorized hereafter by the Congress.

Mr. STEVENS. I was referring to the other amendment that reads "No funds can be used for the purpose of providing assistance in the reconstruction of the Democratic Republic of North Vietnam."

Mr. President, that is in the new supplemental appropriations bill. I was mistaken when I referred to the Senator from Virginia's prior amendment. However, that amendment still had the language added to it that said, "unless expressly authorized by law."

Mr. HARRY F. BYRD, JR. That is implicit in the pending amendment.

Mr. STEVENS. I would have been much happier if it were explicit in the pending amendment, I say to the Senator from Virginia.

The problem is again that we do not want to supply reparations. And I do not know of anybody in this body, in the other body, or in the executive branch that suggests specifically any type of aid or reparations to North Vietnam.

We have funds under this continuing resolution that deal with the Export-Import Bank. We have funds dealing with the international banks. Perhaps I do not understand the extent of the feelings of the Senator from Virginia or the Senator from Idaho. However, are we to say that we should not have Export-Import Bank assistance worked out to start a viable trade pattern between our country and North Vietnam?

That is what this amendment does to this continuing resolution.

There is no authorized North Vietnam aid. There are authorized programs which would be of great assistance to the President and his people in trying to work out a new relationship with North Vietnam. Are we not to have the export-import assistance? Could we establish an agreement whereby we could sell Fords out of Detroit, Mich., to the people in North Vietnam under export-import assistance?

Could we work out an understanding where people could work out an agreement with the Bank to buy equipment or to buy wheat?

Should we be in a position of putting an amendment in the continuing resolution that covers the whole spectrum of what should be appropriated by the Congress, that says no funds can be used directly or indirectly, or that the Export-Import Bank is prohibited from dealing with North Vietnam? Maybe Japan is working out a deal to sell some Hondas to North Vietnam. They are all over South Vietnam, and maybe it would improve the situation in Vietnam if they could work out some new trade relations between South Vietnam and North Vietnam.

However, this says that we cannot use any funds from the Government to assist anyone dealing with North Vietnam.

I thought we were trying to work out peace. Why not put in a declaration of war? That is what this is. It says that we cannot directly use American funds to work out any new relationship with North Vietnam if the amendment carries.

To me, this is not the thing for us to do. If the Senators want to do this, let them put it in original bills, and say it in a supplemental appropriations bill, that we cannot use funds for the reconstruction of North Vietnam.

I can understand that. That sends the message that we do not want to use our money for that purpose.

However, I cannot understand our saying that no funds under any program cannot be used to help anyone dealing with North Vietnam. That is what this says.

I wonder if the Senator from Virginia really means that we cannot work out a deal whereby the Japanese can sell Hondas to North Vietnam.

Mr. HARRY F. BYRD, JR. The Japanese can sell Hondas to North Vietnam, providing they do not use the American taxpayers' money to pay for it.

Mr. AIKEN. Mr. President, the Senator is debating the amendment offered by the Senator from Idaho and the Senator from Virginia?

Mr. STEVENS. The Senator is correct.

Mr. AIKEN. Mr. President, I wonder how we can bind the Congress in perpetuity on appropriations. I do not believe that we can enact legislation now to bind future Congresses on future appropriations bills.

Mr. STEVENS. Mr. President, I am grateful to the Senator for his comments. I am not advocating this. I am pointing out to the Senator from Virginia that if this is agreed to, we could not help even in terms of trying to work out new relationships through trade patterns. We could not use any Federal funds.

We could not have anyone dealing, as I understand it, with anything that would bring about a resumption of any normal relationships with North Vietnam, if this amendment passes on the continuing resolution. It is not the same as putting it on the gold bill. It is not the same as putting it on a supplemental appropriation bill. This covers the whole spectrum of government. I just do not believe it is the place to do it.

The Senator from Vermont is absolutely correct. I cannot understand why we have the words "or hereafter appropriated under this Act" in this bill. I do not know that we could hereafter appropriate any funds under this act, but it surely seems strange to me.

The real problem is the penchant for this Congress and the Senate to so tie the hands of the executive branch that no meaningful relationship can be worked out; and it is amazing to me that some of the people who opposed our involvement in the war, who supported those people who went into Hanoi and made representations that we would assist in reconstruction, are in fact the ones who are now involved in sending a message like this, that we will not be involved in any way in any meaningful relationships that are involved in a peaceful situation.

I do not believe in reconstructing North Vietnam by the use of Federal funds. I certainly do not. But, on the other hand, I do not believe in telling the administration that it cannot use any Federal funds in any way to assist, directly or indirectly, the Republic of North Vietnam, when I thought our goal was to work out a peaceful relationship.

We are, in fact, using Federal funds to deal with Russia; we are using Federal funds to deal with China; we are using Federal funds to deal with the Republic of East Germany. We are using Federal funds throughout the world in trying to assist in establishing trade patterns.

I thought that was one of the premises of this Government, that if we could restore normal trade relationships, perhaps following those relationships would come peaceful coexistence throughout the world.

But to put it on this bill, of all bills, absolutely ties the hands of the Federal Government in any way to use any funds to work out this peaceful relationship. I really do not understand it, particularly in the light of the fact that we must give them assistance if we are going to have them even come down to see us in Saigon.

Does the Senator from Arizona seek the floor?

Mr. GOLDWATER. Mr. President, I just wanted to ask a question of either the Senator from Alaska or the Senator from Virginia.

The language used is "for the purpose of providing assistance of any kind to or on behalf of North Vietnam." I have left out "directly or indirectly." I can understand what the Senator from Alaska is getting at, but I think the words "for or on behalf of North Vietnam" are probably the key words, because if we have to bring people from their government or their military to Saigon or any other place to discuss additional peace terms or what we can do about continued attacks on the North, I think that would be on behalf of South Vietnam and ourselves, and I see nothing to preclude the U.S. Government from doing that, and in no way would that be in violation, in my opinion, of this amendment. I would ask either Senator, particularly the Senator from Virginia, if I am correct.

Mr. HARRY F. BYRD, JR. The Senator from Arizona is absolutely correct, and that point was made clear by the Senator from Idaho in his presentation, that the acts contemplated by the Senator from Arizona would not be covered by this proposal, because they would be for the benefit of South Vietnam or the United States, and therefore would not be affected by it.

Mr. STEVENS. If I may ask the Senator from Arizona, as far as clearing mines from Hanoi Harbor is concerned, I do not see how that is in our behalf.

Mr. GOLDWATER. That has already been accomplished.

Mr. STEVENS. We do not have any further obligation to remove mines?

Mr. GOLDWATER. That, as I understand, was completed either yesterday or the day before, and all the minesweepers have been removed.

Mr. STEVENS. I see. Mr. President, I have an amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

After the word "assistance" strike all that follows and insert "in the reconstruction of the Democratic Republic of Vietnam (North Vietnam)."

Mr. HARRY F. BYRD, JR. 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. HARRY F. BYRD, JR. 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. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the names of the Senator from Indiana (Mr. HARTKE) and the Senator from South Carolina (Mr. HOLLINGS) be added as cosponsors of this amendment.

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

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. HARRY F. BYRD, JR. I yield.

Mr. TOWER. The Senator's amendment says "funds herein or hereafter appropriated." This is an appropriation bill, is it not?

Mr. HARRY F. BYRD, JR. "None of the funds herein or hereafter appropriated under this Act."

Mr. TOWER. Under this act, right. I do not see why the term "hereafter" is included, because this is an appropriation bill. This is an act of appropriation. There is no authorizing legislation in this bill, is there?

Mr. HARRY F. BYRD, JR. No. That is correct.

Mr. TOWER. It seems to me the term "hereafter" is redundant; or is it meant to include any other appropriation bill we might enact in the future?

Mr. HARRY F. BYRD, JR. We could not do that. There is no way in the world that this act can bind some subsequent Congress or any subsequent action by this Congress.

Mr. TOWER. Can bind a future Congress or even this Congress, for that matter.

Mr. HARRY F. BYRD, JR. Or even this Congress.

Mr. TOWER. In other words, the President might come to us next month and ask for authorization, and this would not bar us from authorizing the funds.

Mr. HARRY F. BYRD, JR. That is right. If he comes before Congress and makes a good case, that would not prevent Congress from passing another act.

Mr. President, I want to make clear that what this will do is prevent the use of any funds that have already been appropriated or any funds appropriated by this act, and that is as far as this act can go, or any other act, for that matter.

Mr. TOWER. That is the reason why I am curious about the word "hereafter."

Mr. HARRY F. BYRD, JR. Well, the amendment was drafted by the Senator from Idaho. That was the reason I put in the request for a quorum call, to get him here.

Mr. TOWER. In the meantime, let me ask another question. What would be the effect on this amendment, if adopted. if the political reunion of North Vietnam and South Vietnam were achieved? What would be the effect on it? Would that mean it would bar aid to South Vietnam because it had achieved political reunion with North Vietnam?

Mr. HARRY F. BYRD, JR. I do not foresee that coming about during the life of this appropriation bill.

Mr. TOWER. I do not foresee it, either, but nevertheless there is a provision in

the Paris Accords for a political settlement.

Mr. HARRY F. BYRD, JR. The Paris Accords were signed on January 27, and they have been violated so many times that none of us can count them.

Mr. TOWER. I understand, and I would agree that it is not likely, but what if it were to occur? That is something we apparently desire, because that would mean there would be no more fighting.

Mr. HARRY F. BYRD, JR. If the two Vietnams were united under the leadership of South Vietnam. This amendment, I think, would not apply.

Mr. TOWER. In other words, this applies to the political entity which is now North Vietnam?

Mr. HARRY F. BYRD, JR. That is correct.

Mr. TOWER. I think that is important to the legislative history and I thank the Senator from Virginia very much.

Mr. HARRY F. BYRD, JR. If the reunification took place under the leadership and under the Government of North Vietnam, then it would apply.

Mr. TOWER. I understand.

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HASKELL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I have a modification to my amendment to the Church-Byrd amendment which is now at the desk and I would ask that it be stated, so that everyone will know how it will read if the modification is agreed to.

The PRESIDING OFFICER. The modification will be stated.

The assistant legislative clerk read as follows:

After the word "assistance," insert the following: "In the reconstruction or rehabilitation of the Democratic Republic of Vietnam (North Vietnam)".

Mr. STEVENS. It is my understanding that I do have the prerogative of modifying my amendment; is that not correct?

The PRESIDING OFFICER. Yes, the Senator has that right.

Mr. STEVENS. Then I modify my amendment accordingly.

The PRESIDING OFFICER. The amendment of the Senator from Alaska is so modified.

Mr. STEVENS. Mr. President, I would ask the Senator from Idaho (Mr. CHURCH) if it is agreeable to him to accept my amendment.

Mr. CHURCH. The amendment offered by the Senator from Alaska is acceptable. I think it clarifies and makes more definite the purpose we seek to achieve in the original language. I am joined in that by the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.).

Mr. HARRY F. BYRD, JR. Yes.

Mr. STEVENS. Mr. President, I am ready for the vote on the amendment. I am not going to ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Alaska (Mr. STEVENS.).

The amendment, as modified, was agreed to.

Mr. CHURCH. Mr. President, I ask for the yeas and nays on my amendment, as modified by the amendment of the Senator from Alaska.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. GRIFFIN. Mr. President, I send to the desk an amendment to the amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end therefor, immediately before the period, insert, "unless approved by Congress."

Mr. GRIFFIN. Mr. President, I think there is general and genuine agreement in the Congress and, I might say, an agreement in which the administration has acceeded, that none of the funds heretofore appropriated are to be used for the reconstruction or rehabilitation of North Vietnam, at least without the approval of Congress.

The amendment offered by the Senator from Idaho reads that:

None of the funds herein or hereafter appropriated.

I think it is unfortunate to attempt to indicate what the Congress will, or will not do hereafter.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from Michigan yield at that point?

Mr. GRIFFIN. I yield.

Mr. HARRY F. BYRD, JR. The Senator from Michigan did not read it in context, if I may say so. It reads, "None of the funds herein or hereafter appropriated under this act." Under this act.

Mr. GRIFFIN. Perhaps the Senator from Virginia can enlighten me but I do not understand, since this is an appropriation bill, how it would be possible to appropriate funds hereafter "under this act."

Mr. HARRY F. BYRD, JR. This is a continuing resolution that we are dealing with.

Mr. GRIFFIN. Mr. President, unfortunately there seems to be some confusion, and I suggest that the language could be interpreted as a declaration of policy as to the future. I do not think such a policy declaration concerning funds appropriated in the future would be wise. What we should do, I believe, it to make clear that we do not intend that any of the funds that have been appropriated or are being appropriated by this legislation shall be used to reconstruct North Vietnam, unless hereafter approved by Congress.

Mr. HARRY F. BYRD, JR. That is correct.

Mr. CHURCH. Will the Senator from Michigan yield at that point?

Mr GRIFFIN. I yield.

Mr. CHURCH. The Senator's amendment simply seeks to make explicit what is already implicit. I have no objection to that. I would think it would be also acceptable to the senior Senator from Virginia.

Mr. HARRY F. BYRD, JR. I have no objection to it. As a matter of fact, that is the wording of an amendment which I presented on April 5.

Mr. GRIFFIN. Mr. President, I understand that by reason of adoption of the amendment offered by the Senator from Alaska, my amendment as offered is not in order, and that I shall have to present it in a slightly different form.

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

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

Mr. GRIFFIN. Mr. President, I modify my amendment as follows: Instead of adding language at the end of the section, I propose that at the beginning of the section, before the first word, which is "none," these words be inserted: "unless specifically authorized hereafter by Congress."

The PRESIDING OFFICER. The amendment is so modified.

Mr. GRIFFIN. Mr. President, I believe this modification will circumvent a technical parliamentary problem, and I understand that it also meets with the approval of the sponsors of the principal amendment.

Mr. HARRY F. BYRD, JR. Mr. President, will the clerk read the amendment of the Senator from Idaho as it now appears?

Mr. GRIFFIN. As it would be amended.

The PRESIDING OFFICER. The clerk will so read.

The assistant legislative clerk read as follows:

Unless specifically hereafter authorized by Congress, none of the funds herein or hereafter appropriated under this act or hereafter appropriated under any other act may be expended for the purpose of providing assistance in the reconstruction or rehabilitation of the Democratic Republic of Vietnam, (North Vietnam).

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Michigan.

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Idaho, as amended.

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 Delaware (Mr. BIDEN) and the Senator from Iowa (Mr. CLARK) are absent on official business.

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

I further announce that, if present and

voting, the Senator from Iowa (Mr. CLARK) and the Senator from Delaware (Mr. BIDEN) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from Vermont (Mr. STAFFORD) is necessarily absent.

The Senator from Idaho (Mr. MCCLURE) is absent on official business.

The Senator from Tennessee (Mr. BAKER) is detained on official business.

The result was announced—yeas 93, nays 0, as follows:

[No. 259 Leg.]

YEAS—93

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

NAYS—0

NOT VOTING—7

Baker	Cotton	Stafford
Biden	McClure	Stennis
Clark		

So Mr. CHURCH'S amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question recurs on the last committee amendment.

Mr. GRIFFIN. 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.

Mr. MANSFIELD. Mr. President, I made a statement on April 5, 1973, at which time the Byrd amendment covering the same subject matter as the amendment just passed was under consideration, and I ask unanimous consent that it be printed in the RECORD.

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

STATEMENT BY SENATOR MANSFIELD

Mr. President, I shall support the pending amendment, because it is in line with the statement made by Dr. Henry Kissinger when he met with a group of Senators in this building after his return in January, I believe, and it is in line with statements made by the President of the United States, to wit, that before any action was taken, the administration would present to Congress any proposal which had been tentatively agreed to or which was under the most serious consideration at that time.

But, Mr. President, in accepting or rejecting the amendment, we will not dispose of the question of aid to North Vietnam or, indeed, to all of Indochina. That question will arise and arise again in the Senate until it is faced on the merits of the issue. That is as it should be; and that is as it will be. So, I want to set forth my position at this time on the substance of the question.

I have already expressed my full support of the President's negotiating effort which has brought about a tentative cease-fire in Vietnam and Laos, a withdrawal of U.S. Forces from Vietnam, and the return of the prisoners of war. As an essential of the success of those negotiations, the President asked for an investment in peace. A part of that investment, as he made clear, is in the form of aid in the reconstruction of the war's havoc throughout Indochina.

There are those who are against that aid, who would find fault with the President's proposal. There is, in particular, a reluctance to go along with his proposal to provide postwar assistance to North Vietnam. It is an understandable reluctance. Feelings run strong now, as they did with regard to Germany and Japan at the end of World War II and as they do at the end of every war. Feelings aside, the fact remains, Mr. President, that we paid a terrible price, in a futile effort to fight this war to an end: 303,000 Americans wounded in combat, almost 46,000 Americans killed in combat, 10,300 Americans dead as a result of nonhostile action, overall 360,000 American casualties, including more than 25,000 paraplegics, quadriplegics, or disassembled men as they have been called. The monetary cost? We have spent between $130 and $140 billion to date; the eventual full cost may be expected to go to $450 billion and to saddle the people of this Nation with debts well into the next century. Moreover, what of the divisions produced by the war at home? The drug infestation? The inflation? The dwindling value of the dollar? The decline in respect for our political institutions?

Those are some of the costs attributable to the war, and if we can bear them, it seems to me, Mr. President, that we can and should bear part of the more nominal and constructive costs of healing the wounds of Indochina. There, too, in all parts of that war-torn area, the suffering has been real and overwhelming: Hundreds of thousands of men, women and children killed and maimed; vast areas of forest and croplands reduced to deserts; thousands of cities, towns and hamlets leveled; millions made homeless.

Peace is healing. Peace is the putting aside of anger. Peace is reconstructing and building. So on February 27, I expressed the hope and desire to cooperate with the President of the United States in his efforts to embark on a decade of peace, the first step of which would be the negotiated end of the war in Indochina. I indicated at that time that I would support his proposals for peace even though they involved postwar aid to all of Indochina. I offered that support, however, subject to various criteria which I was then trying to delineate in my own mind. One of those criteria, Mr. President, is now clear to me and it is best that it be set forth at this time.

I am inclined to support the President's position on Indochina, provided, in the first place, that a cease-fire is, in fact, reasonably operative throughout Indochina and we are militarily out of that situation lock, stock, and barrel. It is with regret, therefore, that I note that such is not the situation today. Where is the peace? Where is the disengagement? How can we speak of rebuilding when B–52 bombers, day after day, are still making some of the heaviest bombing runs of the war? When we continue to face the prospect of more casualties, more POW's and more MIA's?

Where is this transpiring, Mr. President? In Cambodia, of all places. Cambodia, never was more than vaguely peripheral to the conflict in Vietnam and only by a great stretch of reason could it be connected with the withdrawal of U.S. forces from Vietnam. The ill-fated excursion across the Cambodian borders 3 years ago had no discernible effect on the outcome of the conflict other than to add greatly to our costs and casualties and saddle us with still another dependent government. Cambodia's internal political situation never was and is not now remotely connected with any reasonable interest of the people of the United States.

Yet, here we are at this late date digging ourselves deeper into another tragic military involvement, inflicting one more vast compass of devastation on one more hapless land, in support of one more irrelevant government, in one more obscure region of Indochina. In my judgment, to continue to pursue this vein is to cast into doubt all that has been achieved by way of negotiation in Vietnam.

So, Mr. President, I reiterate my inclination to support the President's position, which is a valid one in my judgment, as a measure of decency, as a share of our responsibility for developing international peace, and as a contribution to the healing of the wounds of a terrible war. But I cannot and I will not vote for funds for reconstruction in North Vietnam or South Vietnam or wherever in Indochina if we continue to put out great sums to pay for continual bombing runs over Cambodia which risk the ruin of more American lives. Unless this last-gasp practice ends forthwith, the war in Indochina will not be ended. In the circumstances, I can see little point in supporting any aid program for any part of Indochina.

Mr. STEVENS. Mr. President, I would like to serve notice that unless the Republic of South Korea changes it current pattern of actions, I propose to seek enactment of legislation to cease providing any economic assistance whatsoever to the Korean Government and, as a second step, I intend to introduce an amendment to the Department of Defense appropriation bill which would require immediate withdrawal of all American military forces from the Republic of Korea.

In explaining my intention to introduce these amendments, I wish to submit that the Korean Government continues to resist accepting responsibility for and to assure the enforcement of the United States-Republic of Korea fisheries agreement of cooperation, and it does not recognize violations that have occurred repeatedly.

Again and again I have brought to the attention of this body, incident after incident of violation of our treaty agreements. On June 17, another violation was reported. According to the U.S. Coast Guard, the Korean Hae Yeon fleet, consisting of what appeared to be a freezer-carrier, the *Hae Yeon 27*, and four pair trawlers, the *Hae Yeon 61, 52, 62,* and *51* were fishing within the International North Pacific Fisheries Convention abstention line in an area north of Cape Sarichef in the Aleutians, which are a part of my State.

In a sworn statement by the master of the U.S. fishing vessel, *Nordic Fury*, he indicated that the *Hae Yeon 62* had

run through the U.S. vessel's crab pot gear, resulting in the loss of 30 pots; and that moreover, the *Nordic Fury* had come upon the *Hae Yeon 62* fishing a salmon gillnet.

According to the National Oceanic and Atmospheric Administration—NOAA—the United States and Korea have an agreement similar to the Japanese treaty, and I am informed that American fishermen are prohibited from gillnetting on the high seas. Under these agreements, the North Koreans are also prohibited from gillnetting on the high seas.

Upon investigating the initial report, a U.S. Coast Guard cutter had come across and retrieved a 2,000-foot gillnet and a 6,000-foot gillnet, both of 5-inch mesh and of the same type of material as has been used by Korean vessels in past years.

I have pointed out that these are monofilament nets. They are small mesh. When they are cut loose from these foreign vessels, they are marauding death nets that will catch a school of salmon, hold them until all the salmon have died and have decayed, and then they move across that ocean and kill more salmon.

Subsequently, the Coast Guard cutter had sought and obtained permission to board the *Hae Yeon 27* and had observed no salmon or gillnet on board. They had obviously cut loose their nets.

Attempts to board in similar fashion the four trawlers were unsuccessful; the Korean trawlers had refused to answer various signals from the cutter and had taken evasive action.

Referring to the National Marine Fisheries Report on Foreign Fishing Off U.S. Coasts dated April 1973, I find that a total of 336 foreign vessels were operating in Alaskan waters at that time, which is more than one-half of the total of 645 foreign fishing boats reported off all of the coasts of the United States.

A recent article in the Christian Science Monitor dated June 26, 1973, points out once again that the U.S. fishing fleet is waging a losing battle against the greatest of odds. Lack of governmental financial backing, inadequate surveillance of gross violations of limited fishing agreements, indifference on the part of Congress to recognize the necessity for giving the industry proper attention, and a total lack of a national policy in dealing firmly with member nations has placed our country in the precarious position of a rapid depletion and foreseeable endangering of a food source that may take years to replenish. The question is not if, but when are we going to awaken to this national emergency.

Mr. President, I bring these facts to the Senate's attention to point out once again the need for immediate and positive action to safeguard our fishing industry and to provide the steps, whereby, we can rebuild the fishery and our fishing fleet for a productive, economic future.

Mr. President, once before this happened and once before I offered an amendment to cut off all aid to Korea. They removed their fishing fleets from Alaskan waters and said they would not do that again. As a matter of fact, they signed an agreement of cooperation. But this year they have done exactly the same thing; only this time the degree of violation is much more serious, and the evasion tactics of their foreign trawlers indicate to us that they knew they were violating their own agreements.

I feel there is no way we can possibly deal with the Koreans except by a show of force. I do not see any reason why we should be providing ground troops in Korea to protect them or to provide military assistance in order for them to protect themselves, and then have them send their fishing fleets into Alaskan waters and have them refuse to accept the signals of our Coast Guard and to violate the agreements they have entered into, which would give us some assurance of protecting our salmon runs and salmon industry.

I think the time has come to show that we are serious. I am hopeful we will receive support in the Senate for the proposition that if they are big enough to fail to heed the lights and signals of the Coast Guard when they are in our waters, then they are big enough to defend themselves. It is high time for Korea to get the message that we are not going to let them destroy the anadromous fish that find their home in Alaska and that spend a great portion of their adult lives on the high seas in the North Pacific.

I cannot think of anything that makes me more furious than the knowledge that there are fishermen who are willing to cut loose monofilament fish nets, 6,000 feet long, and leave them in the ocean where they continue to maraud and destroy the very food chain they seek to bring back to their own people, for the sole reason of escaping detection of the violation of the agreements they have entered into. Unless Korea takes the job of policing its own people, I think it is time for us to leave the job of being policemen for Korea, and I think it is time for us to stop giving them economic assistance.

Mr. President, I ask unanimous consent that the article I mentioned, from the Christian Science Monitor, written by Stewart Dill, be placed in the RECORD following my remarks.

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

MODERN FLEETS OVERWHELM U.S. EFFORTS: SOVIET POSE BIG FISHING THREAT

(By Stewart Dill)

BOSTON.—The smoked flounder fillet that Ivan's mother served last night for dinner in their Moscow apartment probably was caught only a few miles off the New England coast.

But it is only a minuscule portion of the millions of tons of seafood that the Soviet Union catches every year in fishing grounds which once were exclusively American.

More than half of the Atlantic foreign fishing fleet—which numbers nearly 800 ships and flies the flags of 17 nations—are Soviet vessels.

Perennial agricultural problems and repeated crop failures in Russia have forced that nation to turn from the pastures to the ocean in order to supply its 240 million consumers with protein.

(According to the National Marine Fisheries Service, the average Russian consumed 33 pounds of fish last year, while the average American ate only 12 pounds.)

Consequently, the Russian government has made no bones about building up its fishing fleet over the past decade. As a result today the Soviets have the largest and most technically advanced fleet in the world.

Like many of the European vessels fishing in the northwestern Atlantic, the Soviet trawlers are fully equipped with cleaning, filleting, and canning machinery. The fishing vessels are escorted by an entourage of support vessels including fuel tankers, seagoing tugs, inspection ship, and special ships used to shuttle fresh crews and supplies as well as the already processed fish meal, oil, and fillets between the vessels and their home states.

INDUSTRY SUPPORTED

The genesis of the Russian fishing fleet came after the passing of Stalin in 1953 when the government decided to actively support the industry in its next five-year plan. The Russians collected samples of the most advanced Western stern trawlers, copied the designs, and began to mass produce the models in their own factories.

Today the Soviets spend more than $900 million every year on their fishing industry and about 75 percent of that expenditure goes into the construction of their 5,000 vessel fishing fleet.

"In these days of high prices, the successful fisherman is not one with a line over the side of the boat whistling his day away. He has to be a small businessman if he wants to make it at all," says Capt. John Dykstra, who has fished for the last 25 years out of Pt. Judith, R.I.—one of the few prospering New England fishing ports.

But the American fisherman is being squeezed out by Europeans who are taking advantage of mass purchasing, lower labor costs, and, most importantly as U.S. fishermen see it, heavy government subsidies.

The American fishing fleet is considerably smaller. Foreign ships range up to 650 ft., carry over 100 crew members, and stay out three or four months while catching and processing on board up to 75 tons of fish a day.

U.S. fishermen say the large-scale method of "pulse fishing" used by the Russians and other Europeans is largely unadaptable to the traditions of the American fishing industry.

Every Russian vessel is manned by at least one technical gear master and a fishing master, who are responsible for locating—with the aid of highly sophisticated sonar devices—the substantial schools of fish.

SCHOOLS DEPLETED

When the school is discovered, dozens of trawlers descend upon it and fish until the supply is depleted, dumping their catch into the "mother ship" for immediate processing and packing.

The Soviet vessels which range as large as 10 times their American counterparts, are able to drag larger nets at much higher speeds and thus multiply their catch rates over their American competitors.

Before the Russians came down from Newfoundland in 1960, Boston fishermen were hauling in 50,000 tons of haddock annually. This year's domestic catch is expected to be less than 6,000 tons.

Though American fishermen operate on a daily and sometimes one-week basis, the Russians stay out for months at a time. And this is the primary reason why the U.S. would have a difficult time trying to mirror Russian fishing practices.

In fact, according to an official of the National Marine Fisheries Service, just such an attempt was made back in 1966. Congress authorized $10 million to purchase two high-seas stern trawlers in order to experiment with the European style of long-term fishing.

U.S CREW BALKED

The project failed when the American fishing crew on board discovered it was unable to

withstand long periods of high-seas fishing and finally mutinied off the coast of Iceland. The crew was flown back to the U.S. and that was the last attempt made to copy the Europeans.

For the average Russian on the other hand, a long period of time on the high seas is not only lucrative but glamorous.

Soviet fishermen are paid more than twice the salary of the average Russian factory worker and if the fleet exceeds its state-regulated quota, the fisherman brings home even more rubles in his pocket.

On board the 650 ft. mother ships—often referred to as "floating hotels"—the crews live in luxury compared with their humble dwellings back in the Baltic fishing villages.

FINE ACCOMMODATIONS

The 100 crew members are housed in two-man state rooms. Hot meals are served every four hours in dining rooms complete with thick carpeting, flowing draperies, and the finest china place settings.

When the crew members are not hauling in their nets or filleting fish in the hold, they may be exercising on the ship's basketball or volleyball court. Or relaxing at a game of ping-pong or bumper pool. Or just simply watching a afterdinner movie.

The dozen women on board to prepare meals and keep the living quarters in shape also seem to make the life of a high-seas fisherman more palatable.

Furthermore, in a country where tourism is severely restricted, the 200,000 Russian high-seas fishermen, who return home with gifts from all parts of the world, become a sort of national hero.

Mr. STEVENS. 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.

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 o'clock tomorrow morning.

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

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, with the understanding that the recess not extend beyond the hour of 3:45 p.m. today.

The motion was agreed to; and at 3:17 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 3:35 when called to order by the Presiding Officer (Mr. STEVENS).

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from Maine (Mr. MUSKIE) and the Senator from West Virginia (Mr. RANDOLPH) may conduct a colloquy and yield to other Senators in connection with that colloquy, with the understanding that at such time as the manager of the continuing resolution or any Senator with an amendment thereto or the majority leader or the minority leader or their designees may have the right to the floor at any time they wish to continue action on the continuing resolution.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from Maine (Mr. MUSKIE) may be allowed to speak for not to exceed 20 minutes, the time to be equally divided.

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

Mr. MUSKIE. Mr. President, I ask unanimous consent that Leon Billings and Barry Meyer, of the committee staff, may have the privilege of the floor during this colloquy.

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

THE 1970 CLEAN AIR ACT

Mr. MUSKIE. Mr. President, for some months Members of Congress have been overwhelmed with communications regarding the implications of the 1970 Clean Air Act. Most of those communications have dealt with the specific issue of the standards which were established for 1975 and 1976 model automobiles.

More recently interest has been generated by the transportation control strategies proposed by the Environmental Protection Agency for a number of large urban areas to achieve health protective air quality standards by 1975–77.

The auto industry has conducted a national campaign in the Executive branch, in the Congress and at the local level, to change the requirements of the Clean Air Act. They have claimed that we ask too much—that they cannot deliver. The Clean Air Act has been attacked as the cause of the energy crisis. Questions have been raised as to whether the air quality plans required by that Act will disrupt the social and economic fabric of many urban communities. Other questions have been directed to the nondegradation requirements of the Clean Air Act. Will they prohibit the construction of any new coal-fired powerplants and stop the development of coal gasification facilities or the construction of new oil refineries, or block economic development and growth?

Last year the Subcommittee on Air and Water Pollution held 12 days of hearings on the implications of that act and this year the subcommittee has already completed 12 days of hearings on auto emission questions. We will hold more hearings exploring such questions as I have described.

Mr. President, the Clean Air Act was an important legislative achievement and it has been a significant success. Former Environmental Protection Agency Administrator, William D. Ruckelshaus, put it this way:

. . . let me say a word in defense of the Clean Air Act of 1970. This Act has been much maligned by its early opponents and more lately by some of its supporters. The Act is not perfect—no act is—but it is working.

On January 12, 1971, one month after the formation of the Environmental Protection Agency, standing in this same room and speaking to the Press Club about the 1967 Clean Air Amendments, I pointed out:

"This means that now, in 1971, not one grain of dust, not one liter of gaseous pollution has yet been removed from the atmosphere of this nation as a direct result of the 1967 Air legislation."

This is simply not true of the 1970 amendments. As a direct and positive result of the passage of these strengthening amendments, we have achieved dramatic reductions in automobile emissions. When this is coupled with stationary source control the air in the country will continue to improve at a remarkable pace.

We have begun to see positive results from this legislation. While air may not be getting visibly cleaner, patterns of action have been set in motion which will inevitably result in cleaner, more healthful air.

And what of the auto emission question? In 1970, when the Clean Air Act was enacted, the auto industry claimed that there was no way that it could develop the technology to meet the deadline set in that act. And yet, on June 3 of this year, Acting Administrator of the Environmental Protection Agency, Robert Fri, made the following statement in a letter to myself and Senator Buckley of New York:

As regards technology assessment, I think it is now clear that it is technologically feasible to meet the statutory emission standards for carbon monoxide and hydrocarbons.

This is a significant success. Even though the auto industry has gained an extra year in which to perfect the technology to meet the 1975 standards—the Nation is 4 years ahead of the timetable the industry had agreed to in late 1969.

The issue of oxides of nitrogen is still an open question. The auto industry claims that the standards established in the law for that pollutant cannot be met in 1976 or in 1977. But, Mr. President, it made the same claim regarding hydrocarbons and carbon monoxide last year and again this year and yet the Administrator of the Environmental Protection Agency is satisfied that technology exists today. In any event, Mr. President, I am sure that we can achieve today, effectively, efficiently and economically, a much higher degree of control of oxides of nitrogen than we might have been able to achieve without the Clean Air Act.

Nevertheless, the Subcommittee on Air and Water Pollution is not satisfied with the achievements of that law, and the Congress cannot afford to be. The Clean

Air Act of 1970 was a novel approach to legislation. Scientific and technical judgments were the basis for enactment of the law. The law—not regulations—set the emission standards and the deadlines. The Congress utilized the best technical and scientific evidence available in order to make a set of judgments regarding clean air designed to protect the public health at the earliest possible date.

The data bearing upon those judgments is, of course, the product of ongoing research and study. As new information is developed the Congress has a responsibility to continue to evaluate the assumptions on which the Clean Air Act was based and to consider modifications reflecting in those assumptions.

In order to fulfill this obligation, the Subcommittee on Air and Water Pollution has initiated contact with the National Academy of Sciences to obtain an evaluation of the health standards for auto-related pollutants. Not only will the Academy be asked to determine the validity of the present standards, but also to comment on the degree to which the margin of safety associated with those standards is reasonable and to identify for the subcommittee those portions of the population which will be protected by achievement of those standards. The academy will be asked to identify areas of uncertainty and indicate research goals.

I ask unanimous consent to include in the RECORD at this point a joint letter from Senators BUCKLEY, RANDOLPH, BAKER, and myself in which we seek a short term National Academy of Sciences review of the air quality data, as well as a longer-term study of the health effects of auto-related pollutants.

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

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

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C., June 27, 1973.

Dr. PHILIP HANDLER,
President, National Academy of Sciences, Washington, D.C.

DEAR DR. HANDLER: As you know, the Clean Air Act Amendments of 1970 mandated specific emission standards for automobiles which were based on the effect of hydrocarbons, carbon monoxide and nitrogen oxides on human health. Other air quality regulations (for stationary sources and other pollutants) were also to be derived from the cause/effect relationships of contaminants in the ambient atmosphere to human health and welfare.

The Subcommittee on Air and Water Pollution of the Senate Public Works Committee (which has jurisdiction over the Clean Air Act in the Senate) recognizes that there is a continuously developing body of evidence on health effects of these pollutants. We would appreciate the assistance of the National Academy of Sciences in obtaining an objective evaluation and review of current data on health effects of those pollutants which are related to emissions from automobiles.

Particularly, the Academy could be of assistance in identifying basic issues regarding health effects information; evaluating available information on these particular pollutants; and synthesizing a coherent systematic presentation of the air quality problem including such questions as:

1. What data base exists for present health-related ambient air quality standards? Is it adequate? What areas would be receiving study and analysis? To what extent are other than human health data a reasonable basis for extrapolating human health effects? Are present health standards supported by existing data—does new data support the existing standards? Please evaluate the relationship of new data to those standards. To what extent do the "margins of safety" built into existing standards represent a reasonable measure of protection against scientific unknowns?

2. Are the existing standards based on the health of normal, healthy adults or on the health of susceptible groups within the population? Which is a reasonable basis? Can population segments which are considered susceptible to the referred-to pollutants be identified within the population of any given area? What proportion of the population in major urban areas are within susceptible group categories?

3. Are the standards based on "threshold levels" plus a margin of safety or are they established at levels which will protect public health with a margin of safety? Are there assumed to be "threshold" effects levels for NO_x, CO and oxidants? What is the best information available as to any "threshold" levels of the referred-to pollutants? What is a reasonable margin of safety below those "threshold" levels?

4. What improvement in air quality has actually occurred as a result of auto emission controls to date? Is there conclusive monitoring data to quantify any change in ambient concentrations of these pollutants? What improvement in ambient air quality will result from meeting present and anticipated emission standards? Can we quantify this improvement in advance of application of controls?

5. What groups within the population will still be subjected to health hazards in 1985–86 (assuming statutory standards are met? Are changed?) How are these groups characterized (socio-economic level, unusual sensitivity to pollutants, old, young, ill, geographical location, seasonal exposure, etc.)? What is the most appropriate means of expressing ambient air quality standards to reflect human health effects (number of exposures, frequency, duration, pollutant concentration)? Can you identify the uncertainties in setting health effect standards for nitrogen oxides, carbon monoxide, and oxidants (confidence limits, standard deviation, errors in analyses, margin of safety concept)?

6. What information is available about synergism or antagonism in the set of air pollutants found in cities?

7. What proportion of total health hazard to the city dweller comes from air pollution? From automobile emissions? What is the proportion of total health hazard from urban air pollution which is due to these pollutants in the amounts which they are emitted from automobiles?

8. What are the limitations (to predictive judgments on alternative pollution control strategies) which are dictated by the probabilistic nature of science, the complexity of environmental health relationships, the variability among persons, and the vagaries of human nature?

We realize that these questions are complex and, in some cases, controversial. However, the Subcommittee needs a synthesis of the best information available prior to consideration of any amendments to the Clean Air Act.

Additionally, the Subcommittee would hope to arrange for a long term evaluation of these and other related issues concurrent with this initial review.

We would hope that you could meet with the Subcommittee on Air and Water Pollution on July 10 at 3:00 p.m., to discuss the role of the Academy in this important endeavor.

Sincerely,

EDMUND S. MUSKIE,
Subcommittee on Air and Water Pollution.
JENNINGS RANDOLPH,
Chairman, Committee on Public Works.
JAMES L. BUCKLEY,
HOWARD H. BAKER, JR.,

Mr. MUSKIE. Mr. President, the Subcommittee on Air and Water Pollution also is reviewing in detail the information available on the technological ability of the auto industry, foreign and domestic, to meet the standards established in the law. We are in the process of identifying the areas in which more information is needed. An evaluation of the subcommittee's hearings this year, data developed in EPA's hearings and from other sources will be completed late in July.

Finally, Mr. President, the subcommittee has instructed the staff to investigate—in detail—the proposed urban transportation control strategies to implement health level air standards, to determine the extent to which legislation may be needed to achieve the goals set in the Clean Air Act with minimal, social, and economic disruption.

These studies are essential to a thorough evaluation of the implications of the Clean Air Act. And, during this period, the Clean Air Act has safety valves to provide assurance against any immediate disruption during this period of study and analysis. Most of the requirements of the act are not applicable until June 1, 1975. Controversial or potentially disruptive control requirements need not apply prior to June 1, 1977. Transportation controls, while proposed, will not be promulgated until mid-August and need not be fully implemented until 1975 or 1977.

The auto industry has already indicated its intention to meet the interim standards set by the Environmental Protection Agency for 1975 models. Therefore, there does not appear to be an immediate crisis facing that industry. And, the Acting Administrator of the Environmental Protection Agency has indicated that the technology is available to meet the hydrocarbon and carbon monoxide standard which now are required for 1976 models.

As to the oxides of nitrogen question, the law provides an administrative mechanism for immediate relief. The auto industry has applied for an extension deadline as the law permits, and hearings on the application began this week. A decision on the extension request for NO_x must be reached by the Administrator by the end of July.

If the technology is found not to be available as the industry contends, that grace period will provide more opportunity for research and development and also more opportunity for Congress to review the bases of the law.

Also, Mr. President, the Environmental Protection Agency has initiated a review of the ambient air quality basis for the statutory auto emission standards for oxides of nitrogen. That review, together with public comment and analysis will

be submitted to the Congress around the first of September.

The National Academy of Sciences health effects review should be available to the Congress at the end of September.

The Subcommittee on Air and Water Pollution will hold extensive Washington field hearings on transportation controls in September and hearings will be held, as possible, on the question of nondegradation.

We should, Mr. President, be prepared to report details on our investigations to the Senate by mid-October, including an identification of any needed amendments to the law.

Mr. President, when the Congress passed the Clean Air Act of 1970, Senator John Sherman Cooper described it as "the most significant domestic legislation of the decade."

Mr. RANDOLPH. Mr. President, as chairman of the Senate Committee on Public Works, just a few moments ago I reported from the committee a resolution, accompanied by a report, which would provide funds for a vital study of health effects under the air pollution control legislation.

Mr. President, I ask unanimous consent that that resolution be printed at this point in the RECORD.

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

S. RES. 135

Resolution authorizing supplemental expenditures by the Committee on Public Works for inquiries and investigations.

Resolved, That section 2 of Senate Resolution 21, 93d Congress, agreed to February 22, 1973, is amended by striking out "$625,000" and "$9,000" and inserting in lieu thereof "$940,000" and "309,000", respectively.

Mr. RANDOLPH. Mr. President, I ask unanimous consent to have printed in the RECORD the report which accompanied the resolution.

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

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

AIR QUALITY STANDARDS STUDY AUTHORIZATION

(Report to accompany S. Res. 135)

The Committee on Public Works reports an original resolution (S. Res. —) authorizing supplemental expenditures by the Committee on Public Works for inquiries and investigations, having considered the same, reports favorably thereon with an amendment and recommends that the joint resolution do pass.

PURPOSE

The purpose of the supplemental request reported from the Commitee on Public Works is to provide funds for a contract with the National Academy of Sciences—National Research Council, to provide the Senate and the Congress with an objective analysis and evaluation of health-related ambient air quality standards for those pollutants associated with auto emissions. The Academy would be asked to provide the Committee on Public Works with both a short term 90-day evaluation of existing data and a long term 12 to 15 months study and analysis of health effects data. These two reports would establish key issues relative to ambient air quality standards, present the latest and most authoritative information on health effects, and provide the Congress with a coherent systematic analysis of existing air quality standards. The Committee is particularly concerned that the Congress receives answers to the following kinds of questions:

1. What data base exists for present health-related ambient air quality standards? Is it adequate? To what extent are data on effects other than on human health a reasonable basis for extrapolating human health effects. Are present health standards supported by existing data and does new data support the existing standards? To what extent do the "margins of safety" built into existing standards represent a reasonable measure of protection against scientific unknowns?

2. Are the existing standards based on the health of normal, healthy adults or on the health of susceptible groups within the population and which is a more reasonable basis? Can population segments which are considered susceptible to such pollutants be identified within the population of any given area? What proportion of the population in major urban areas are within susceptible group categories?

3. Are the standards based on "threshold levels" plus a margin of safety or are they established at levels which will protect public health with a margin of safety? Are there assumed to be "threshold" effects levels for NO_x, CO and oxidants? What is the best information available as to any "threshold" levels of the referred-to-pollutants? What is a reasonable margin of safety below those "threshold" levels?

4. What improvement in air quality has actually occurred as a result of auto emission controls to date? Is there conclusive monitoring data to quantify any change in ambient concentrations of these pollutants? What improvement in ambient air quality will result from meeting present and anticipated emission standards? Can we quantify this improvement in advance of application of controls?

5. What groups within the population will still be subjected to health hazards in 1985–86 (assuming either that statutory standards are met or are changed?). How are these groups characterized (socio-economic level, unusual sensitivity to pollutants, age, illness, geographical location, seasonal exposure, etc)? What is the most appropriate means of expressing ambient air quality standards to reflect human health effects (number of exposures, frequency, duration, pollutant concentration)? Can the uncertainties in setting heatlh effect standards for nitrogen oxides, carbon monoxide and oxidants be identified?

6. What information is available about synergism or antagonism in the automotive-related air pollutants found in cities?

7. What proportion of total health hazard to the city dweller comes from air pollution? From automobile emissions? What is the proportion of total health hazard from urban air pollution which is due to these pollutants in the amounts which they are emitted from automobiles?

8. What are the limitations (to predictive judgments on alternative pollution control strategies) which are dictated by the probabilistic nature of science, the complexity of environmental health relationships, the variability among persons, and the vagaries of human nature?

EXPLANATION OF COMMITTEE REQUEST

On April 18, the Administrator of the Environmental Protection Agency announced his decision regarding the auto industry's request for a one year extension to meet the standards established in the Clean Air Act for emissions of carbon monoxide and hydrocarbons from automobiles. That decision and the controversy surrounding it led to an in-depth examination of the implications of auto emission requirements by the Subcommittee on Air and Water Pollution of the Senate Committee on Public Works.

In testimony before the Subcommittee, then Environmental Protection Agency Administrator William D. Ruckelshaus, called into question ambient air quality standards. measurement techniques and automobile emission standards related to oxides of nitrogen. Significant public controversy has also been generated regarding the validity of ambient standards related to other auto-related pollutants. These issues and the associated controversy rose subsequent to the initial Committee request for funding under Senate Resolution 21. The Committee could not at that time anticipate the need for an independent analysis because the questions which must be answered have arisen subsequently. The Committee on Public Works has initiated a full scale evaluaton of the implications of the Clean Air Act in which the study which would be funded under this resolution is an essential element. The reports of the National Academy of Sciences investigation due in October of this year and late next year should provide the Congress with a useful basis for any necessary modifications in the Clean Air Act.

This supplemental funding resolution includes $300,000 for contracting this study with the National Academy of Sciences, in addition to $15,000 in supplemental investigations funding for the Committee for travel and agency personnel reimbursement in connection with this study.

The Committee recommends that the Committee on Rules and Administration give favorable consideration to this resolution as early as possible, so that it may be reported to the Senate for early action.

Mr. RANDOLPH. Mr. President, this examination, I am sure the able chairman of our Subcommittee on Air and Water Pollution would agree, is essential so that the committee can judge whether any modifications of the 1970 act may be necessary.

The resolution arises from a discussion within the committee and is subscribed to by all of its members.

It has the cosponsorship of Senators MUSKIE, BENTSEN, BAKER, BUCKLEY, STAFFORD, and DOMENICI, as well as myself.

Mr. President, I have listened with intense interest to the comments of the able chairman of the Subcommittee on Air and Water Pollution, the Senator from Maine (Mr. MUSKIE). I have served with him on the Public Works Committee for over 14 years.

During that time we have participated in the development, under his leadership, of all of the control legislation for air, water, solid waste, and noise pollution which has been presented before the Senate and the Congress.

We have agreed, as the Senator knows, more than we have disagreed. But there have been times when disagreement has taken place.

On the subject of discussion today—and it is a very important discussion—the 1970 Clean Air Act and what it has done and can continue to do, we have some differences of opinion which I think should be raised. Then the colloquy here today would indicate some of the matters that are of concern, from different viewpoints.

I most heartily and actively seek the reevaluation of the technological and scientific base on which we legislated in 1970. I believe such a review is abso-

lutely essential to our ability to recommend responsive legislation to the Senate. I also believe that we have made rather remarkable, well reasoned strides with the Clean Air Act of 1970.

But, Mr. President, I do not believe that it has proven an unequalified success. I doubt if that could be said for any piece of legislation that has been enacted. While there is no question in my mind, and I think very frankly no question in the mind of any person who has studied the problem, the technology, exists to control hydrocarbons and carbon monoxide to the requirements of the statute, I am not satisfied that the catalytic converter technology likely to be used is the kind that we should force into use without further consideration on the part of our committee members and on the part of the Senate.

The accomplishments of the 1970 act in accelerating the development of pollution control technology for automobiles is important, and very, very important. I am not sure that this technology is the most effective, efficient, and economical means by which we can achieve this result. The automobile companies—and they have been mentioned today by our subcommittee chairman—have raised questions as to whether we should require the installation of catalysts within the time specified by the 1970 act.

The act was based on an evaluation, Mr. President, of the scientific and technological information available to us at that time, but it is obvious that we need an impartial and professional evaluation of that information for more recent developments which have come with progress that is being made.

I think such an evaluation, Mr. President, is essential to a determination of whether the act as it presently exists should go forward. During this period we must consider whether we can accomplish the objectives in the legislation over a somewhat longer time frame, but accomplish them more effectively in the end, protecting the public health and conserving—of course a major item today—essential energy supplies.

The membership of the Committee on Public Works, Mr. President, has changed significantly since 1970. Of the 14 members of the committee, eight either were not in Congress or not in the Senate, and only five were members of the committee—five only, of the 14 now on the committee—when the legislation was developed.

One Senator was then serving on another committee.

An evaluation of the act must also take place through these new eyes, these new minds, these new approaches of those who are now active members of the committee.

I hope we will move expeditiously with our commitment and that the results of our evaluation will be to the benefit of the people of the United States.

The Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), and all the members of our committee are joined in that wish.

We need now to look at the problems of public health. I think we should also look at the problems of a strong economy, as strong as we can make it.

In all other respects, I subscribe—I underscore this—to the whole spirit of the statement of the Senator from Maine (Mr. MUSKIE). I think it is important for us to recognize, once again, as I am happy to do today, the leadership and the dedication which he has given to this subject matter. I think it is important, also, to use this further opportunity, which I now do, to express to him appreciation for the leadership that I know he is going to demonstrate in the tomorrows as we undertake this program.

We are going to have the very active cooperation of the Senator from Tennessee (Mr. BAKER), the ranking minority member of the committee; and the Senator from New York (Mr. BUCKLEY), the ranking minority member of the subcommittee who is in the Chamber today. These Senators have already provided valuable contributions as we considered matters of the protection of the public health.

I add to the list I have mentioned the services also of Senators JOSEPH MONTOYA, MIKE GRAVEL, LLOYD BENTSEN, QUENTIN BURDICK, DICK CLARK, JOSEPH BIDEN, ROBERT STAFFORD, WILLIAM SCOTT, and JAMES A. MCCLURE, and also Senator PETE DOMENICI, who is in the Chamber at this time. They are the persons who undertook this job, hopefully under the adoption of the resolution and its probable approval by the Committee on Rules and Administration.

I think it is important for me to say, in closing, that the people of the United States will look to the Congress for a well-reasoned evaluation, in the year 1973, of the act passed in 1970.

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

Mr. RANDOLPH. I am happy to yield.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that each of the two Senators may nave an additional 5 minutes.

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

Mr. MUSKIE. I thank the distinguished majority whip.

I again express my appreciation to the distinguished chairman of the Committee on Rules and Administration for the consideration and leadership which he has given on the Committee on Public Works in this and in other areas of responsibility that are his. I think that the committee has developed, under his leadership, distinct progress in the creative approaches to this and other problems, and has developed a consensus across party lines. I take this opportunity to compliment him.

Mr. President, at this point I observe that my distingiushed counterpart on the subcommittee, the ranking minority member, the Senator from New York (Mr. BUCKLEY) is in the Chamber. I now yield to him.

Mr. BUCKLEY. Mr. President, it was not very good fortune to be a Member of this body at the time the Clean Air Act was enacted. I would like to have been involved with it from its inception; and I want to take this occasion to express my profound admiration for the leadership of my friend from Maine, Mr. MUSKIE, in promulgating this really important legislation.

The distinguished chairman of the Subcommittee on Air and Water Pollution has outlined the very ambitious program adopted earlier today for review of the Clean Air Act Amendments of 1970. It reflects the commitment by every member of the subcommittee to undertake at once an orderly reexamination of the basic data on which the legislation was structured in the light of the new knowledge that has been developed over the course of the 2½ years; and to assess its future impact in the light of the experience we have gained in its implementation.

The Clean Air Act has proven its effectiveness. Its enactment just two and a half years ago has already resulted in substantial progress toward clean air. We have witnessed improvements in our institutional capacities, an expansion of our analytical and technical expertise, and to a significant degree, a revolution in public attitude.

But as is always the case with pioneering legislation on the ambitious scale of the Clean Air Act, it is impossible at the outset to anticipate with any precision exactly what its total impact will be. This has been paricularly true of this legislation because too little scientific data on the impact on human health of various air pollutants was available at the time of its enactment. Nor was it possible to predict the nature, or effectiveness, or the direct and indirect costs of the technology that would have to be developed in order to meet statutory air quality goals.

These problems were anticipated at the time the Clean Air Act was enacted. It was understood that as new information was developed, and as the impact of the act could be more clearly determined, a review of its provisions would be in order. This is what we now propose to do with all responsible speed.

I emphasize these points because some might try to read into the reexamination that is now being launched a retreat from the overall objectives of the Clean Air Act. This is emphatically not the case. The members of the subcommittee are simply discharging their continuing oversight responsibilities with full knowledge of the extraordinary importance of this legislation as it effects not only the quality of the air and the health of our people, but also as it impacts on the use of scarce energy resources and on the costs to be absorbed by the American economy in achieving our goals.

One of the things that struck me about much of the testimony presented during the course of our extensive hearings was its essentially adversary nature. This, of course, is inevitable in the light of the pervasive impact of the Clean Air Act and of the conflicting interests involved. It is also understandable because of the inherent value judgments that are necessarily focused on any appraisal of the standards that have been adopted.

One unfortunate aspect, however, is

that it gives rise to a danger that any recommendations for modifications which the subcommittee may ultimately make might be attacked on the one hand as environmentalist intransigence or, on the other, as a knuckling under to pressures exerted by the automobile or petroleum industries.

It is for this reason that I believe the independent, objective assessment of pertinent scientific data we will be receiving from the National Academy of Sciences is so very important. The Academy's announcement will not only enable members of the subcommittee and of the Congress to thread their way through often conflicting claims as to the exact health effects of various pollutants and as to the direct and indirect costs of their control; but most importantly, the judgment and recommendations of the Academy should go a long way toward satisfying the public at large that prudent judgment will in fact have been exercised by the Congress in its review of existing legislation affecting air quality. The American public is just now beginning to perceive that the achievement of long term goals of environmental quality inevitably involve substantial costs. It is vitally important that they be satisfied that those costs are fully justified.

As a result of the extensive information that the subcommittee has been accumulating in recent months, we are beginning to have a far better grasp of the possible extent of these costs; direct costs to the consumer that will be reflected in higher prices for new automobiles, and the costs to be incurred in implementing transportation control strategies. We are also very conscious of the actual and potential impact of the technology that has been developed to meet the goals as implemented by this act on our energy problems.

Mr. President, I want to assure Members of the Senate that these highly important aspects of the clean air legislation are clearly understood by members of the subcommittee. We fully understand the need to take into the most careful consideration the total effects of existing statutes and regulations on every aspect of American life, economic as well as environmental.

It is precisely because of our urgent concern for all these factors that we are undertaking so strenuous a schedule of hearings on transportation control strategies for urban areas and on the implications of the "nondegradation" decision recently upheld by the Supreme Court, in addition to requesting the National Academy of Sciences to review and analyze existing information supporting the present standards and identifying areas of possible weakness. This is why we have directed the staff to synthesize the considerable hearing record compiled to date on the technological feasibility of achieving statutory auto emission deadlines, and to indicate policy options reflecting possible adjustments in those standards and deadlines.

Most importantly, we have set a deadline for ourselves of mid-October at which time the subcommittee should be able to present to the Congress thoughtful recommendations for whatever statutory modifications may be indicated as necessary to further the objectives of the Clean Air Act in a manner consistent with the overall interests of our society.

Mr. President, the task that we have set for ourselves is as important as it is complex. We are confronted with competing interests as to which prudential judgments must be made. We must seek the best possible synthesis between the claims of man, the biological animal, whose physical health depends on the quality of his environment, and man, the economic animal, whose material well-being depends on his manufacturing activities and his utilization of natural resources. To this end, Mr. President, I believe the subcommittee must examine all the data already accrued and to be developed with an absolutely open mind. We must not only seek the most accurate scientific evaluation of the open emission and ambient air standards that have been set, but we need also to freely reexamine the rates at which we move toward our ultimate objectives. We must also determine whether we are now at a stage where we must consider providing greater flexibility in coming to grips with unique conditions such as those that exist in the Los Angeles Basin.

There are conflicting interests and conflicting claims of major importance, Mr. President, that must be reconciled. I am confident that they can and will be reconciled without turning back the clock either on our new understanding of environmental imperatives or on the economic progress required to meet the needs of our people.

Mr. President, I take pride in working with the distinguished Senator from Maine, and with other members of the subcommittee, on this most important matter.

Mr. President, it is incumbent on all of us to keep an open mind and seek that reconciliation among our health, environmental, and economic needs which will assure that we will continue to aproach or even achieve our goal in a manner in which the American people will remain confident of the prudence with which Congress has acted.

Mr. President, at this time I am happy to yield to the distinguished Senator from New Mexico (Mr. DOMENICI).

Mr. DOMENICI. Mr. President, I am one of the new members of the very important committee referred to by its distinguished chairman from West Virginia. As such, I want to associate myself with the remarks that have been made by the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New York (Mr. BUCKLEY). As a new member, let me make one or two points, if I may.

First, it is obvious to me that for years past, some competent, qualified, and concerned legislators put a very good law on the statute books of the United States to try to clean the air of this land, and to try to attack that aspect of the components of the automobile. I do agree that much has been done to take from the environment that which the automobile in its form of 10 or 15 years ago was contributing and was about to engulf us all and ruin this great land.

However, as I listened to the various witnesses tell us about the standards we now have and the time we imposed for them, one thing stuck in my mind.

It was this: What if we are wrong?

From what I have heard, there is sufficient conflict both as to the adequacy of the standards and the time that we have imposed for those to comply with. By adequacy, I mean whether we are imposing too much on the technology of America for that which we will get out of it.

I do not know the answer, but I want to say to those in the Senate and those in the country who are concerned, that I at least know that we must reevaluate, both the standards and the time for our great American technology to meet the standards. And, we must do so quickly.

For now, if we are wrong, it is the American people who will suffer in another way, not from the dirty air, because we are cleaning it up, but from the arbitrary imposition of time, which will result in tremendous costs, from the arbitrary imposition on America of the tremendous use of its energy, and from the arbitrary imposition of our technology to lock itself in to catalytic kinds of mechanisms.

I believe there is a chance that we will thwart further advancement of alternative sources of energy for the automobile unless the standards are realistic and we reevaluate them quickly.

So it is with enthusiasm that I support the position of the committee today, that it will seek the assistance and guidance of that very distinguished body of scientists, the National Academy of Sciences.

We will ask them to help us reevaluate quickly and objectively, and we will get back to the Senate and the people of this country with some findings that should permit us to determine the answer to the question: Are we wrong, or are we right?

I do not think we should hold any pride of authorship, and I do not think that anyone will. Clean air, the pocketbooks of the American people, its economy and energy needs, are all bundled into this. All of us are committed to doing what is best and what is right without conflicting with the needs of this great country.

As the testimony proceeded in the hearings, without question the National Academy of Sciences was said to be by all who testified the appropriate entity in this great land to look into this matter for us. Because of that, I was pleased to inquire the other day, at one of the meetings we had with them, whether they would be able to do it, justice or not. I am pleased to say that they will undertake this short-term study and give us some answers—not positive, but answers from which we may begin, in order to answer the question: What if we are wrong?

Mr. RANDOLPH. Mr. President, I think the comments of the Senator from Maine (Mr. MUSKIE), the Senator from New York (Mr. BUCKLEY), the Senator from New Mexico (Mr. DOMENICI) and myself are but the expression of the 14

members of the Committee on Public Works reflecting, I think, the commitment of all the Senators in this body.

We shall not approach this reevaluation in any cavalier manner. We shall commit ourselves to one of the most important reevaluations of a statute that has ever been placed on the books, a statute that has been stimulating in its effect but now, at this point, with the problems affecting America, we need to look more carefully into what has been done and to see if there need to be any changes in connection with the problems which have arisen. We do not look backward. We look to the immediate future with the job at hand.

Several Senators addressed the Chair.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Colorado (Mr. DOMINICK) may now be recognized for not to exceed 5 minutes. He spoke to me earlier today and I assured him that I would do my best to arrange some time for him to speak. After he completes his statement, I would ask unanimous consent that the distinguished Senator from Indiana (Mr. HARTKE) then be recognized, because he wishes to speak on the continuing resolution.

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

GOVERNOR LOVE, OF COLORADO, APPOINTED DIRECTOR OF THE ENERGY POLICY OFFICE

Mr. DOMINICK. Mr. President, it is with a deep sense of pride and pleasure that I announced to the Senate that I have received word of President Nixon's appointment of Gov. John Love of Colorado as Director of the Energy Policy Office in the executive branch. I have known Governor Love for some 15 years, and have been closely associated with him during his 10 years as Governor of my State. I can think of no more capable man or a more appropriate choice for this very challenging assignment.

John Love was elected Governor in 1962 on a platform of fiscal responsibility and a pledge to reduce taxes and upgrade the quality of government at the State and local level—principles which I share, and I am sure most of us here do. He has been reelected twice, in 1966 and 1970; and in the course of his 10 years of service to Colorado, he has lived up to his campaign promises with unfailing courage and conviction. Taxes were reduced soon after he came into office; and over the course of his years in the Governor's Mansion, he substantially increased the State's contribution to local school districts to enhance the quality of education for Colorado's young people, while retaining a small surplus in the budget for emergency purposes.

I might interpolate that being able to do that in these days of ever greater demands for governmental services is really an extraordinary achievement.

In recent months, sensing the immediate difficulties associated with petroleum shortages, Governor Love established an energy task force and assigned his Lieutenant Governor to chair this important group. Their goal will be to identify and quickly deal with fuel shortages and related matters which could prove detrimental to harvest operations and tourism in the State this summer and to provide planning guidance to avoid gas and oil shortages this fall and winter which could result in school and industry shutdowns, such as those experienced last year. I have been working very closely with the Governor and his energy task force and has been able to obtain direct assistance from the Energy Policy Committee at the Federal level to insure that allocation formulas will not ignore certain circumstances of individual operations in our State which could cause serious problems in the months ahead.

Governor Love is most kneely aware of the delicate balance that must be achieved between developing new energy resources and protecting the quality of life and environment in States such as our own. He has been directly involved in seeking the compromises necessary to take advantage of the rich deposits of minerals which lie below the ground in Colorado while seeking to avoid the scourage of unreclaimed land.

I am also pleased, Mr. President, that the White House has given us an indication of the positive steps they are planning to come to grips with our national energy problems in a timely fashion. Governor Love will head the Energy Policy Office in the Executive Office of the President. It is my understanding that this office will replace the current Special Committee on Energy and will expand on the role of the National Energy Office which has heretofore helped guide administration energy policies. In his new capacity, Governor Love will serve as Assistant to the President for Energy and as such will be the President's principle energy adviser. He will be charged with identifying the major energy problems facing the country, seeking the various alternatives available to us and making specific recommendations to the President in a most important area of Federal policymaking. In addition, Governor Love will have the responsibility for monitoring the implimentation of all energy policies for the administration.

It is also my understanding that the President is proposing legislation which would establish a new cabinet-level department, the Department of Energy and Natural Resources, consisting of functions transferred from the Department of Interior and several other agencies. He is also proposing the establishment of a new independent agency, the Energy Research and Development Administration, to focus on all Federal research and development activities; and he is suggesting other changes involving the Atomic Energy Commission and other Federal energy regulatory agencies.

Mr. President, I am delighted that the Governor of Colorado, John Love, has been selected to play a major role in this positive program to deal with a problem which I consider perhaps the most crucial facing this Nation—and for what matter the world—over the next quarter century. Governor Love has served his State well and deserves a vote of thanks for all he has done there. Now he comes to Washington to take on an equally difficult assignment, and I am confident that he will demonstrate once again his vigor, administrative ability and zeal for challenging assignments which has characterized my good friend John Love for as long as I can remember. I welcome him and his charming wife, Ann, to Washington and wish him every success in his new assignment. I congratulate the President on this excellent selection and I urge each of my colleagues to extend to John Love their cooperation in areas where we can be of help in developing the long term and short range solutions necessary for a meaningful national energy policy.

Mr. President, I ask unanimous consent that the biographical sketch of Governor Love of Colorado from Who's Who in American Politics be printed at this point in the RECORD.

There being no objection, the biographical sketch ordered to be printed in the RECORD, as follows:

GOVERNOR JOHN A. LOVE

LOVE, JOHN ARTHUR, Gov., Colo. b. Gibson City, Ill., 11/29/16; s. Arthur C. Love and Mildred Shaver L.; m. 10/23/42 to Ann Daniels; c. Dan, Andy and Becky. Educ.: Univ. of Denver, B.A., 38 and Law Sch, LL.B, 41; Omicron Delta Kappa; Sigma Phi Epsilon. Hon. LL.D., Colo. Col, Colo. Sch. Mines and Univ. Denver. Polit. & Govt. Pos: Pres, El Paso Co. Young Rep, Colo, 47–48; former mem, Colo. Rep. Cent. Comt. and El Paso Co. Rep. Exec. Comt; chmn, Nat. Gov. Comt. State Planning; former mem. Rep. Coord. Coun; Gov, Colo, 62–; chmn, Rep. Gov. Conf, 66; chmn, Nat. Gov. Conf, 69–70. Bus. & Prof. Pos: Attorney, Love, Cole & Murphy, 42–62. Mil. Serv: Lt, Navy, 41–42, serv. with Black Cat Sq, S.Pac; Distinguished Flying Cross; Air Medal with clusters. Mem: Colo. and Am. Bar Asns; Rep. Gov. Asn; Coun. of State Govt. (exec. comt); Mason; pres, Colo. Springs C. of C, 54; Rotary; Am. Legion. Selected Colo. Man of the Year, United Press Int. for 3 years. Rel: Congregational. Mailing Add: 136 Capitol Bldg, Denver, Colo. 80203.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 1636) to amend the International Economic Policy Act of 1972, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 9055) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes, in which it requested the concurrence of the Senate.

LEAVE OF ABSENCE

Mr. JAVITS. Mr. President, I ask unanimous consent that I may be excused from presence in the Senate tonight and tomorrow because of official business in London.

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

AMENDMENT OF TITLES 10 AND 37 OF THE UNITED STATES CODE—CONFERENCE REPORT

Mr. HARRY F. BYRD, JR. Mr. President, I submit a report of the committee of conference on H.R. 8537, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HELMS). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate ot the bill (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, 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, which reads as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (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, 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:

On page 6 of the Senate engrossed amendment, strike out titles III and IV, and insert in lieu thereof the following:

"SEC. 206. This Act shall become effective July 1. 1973."

And the Senate agree to the same.

STUART SYMINGTON,
HARRY F. BYRD, JR.,
HAROLD E. HUGHES,
JOHN TOWER,
WILLIAM L. SCOTT,
Managers on the Part of the Senate.
SAMUEL S. STRATTON,
F. EDWARD HÉBERT,
BILL NICHOLS,
WILLIAM G. BRAY,
JOHN E. HUNT,
Managers on the Part of the House.

Mr. HARRY F. BYRD, JR. Mr. President, because the laws relating to this expired last night, I ask unanimous consent that the printing requirement under the rule be waived.

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

Mr. HARRY F. BYRD, JR. Mr. President, I move that the Senate agree to the conference report.

The motion was agreed to.

CONTINUING APPROPRIATIONS, 1974

The Senate continued with the consideration of the resolution (H.J. Res. 636) making continuing appropriations for the fiscal year 1974, and for other purposes.

Mr. HARTKE. Mr. President, I am shocked and dismayed by the report that the Committee on Foreign Relations has voted to allow the bombing of Cambodia to continue until August 15.

The death rattle of America is being heard today in the Capitol of the United States. The committee amendment is coming to the floor of the Senate in a few minutes, and I will gladly yield the floor to permit it to be presented.

This is another Gulf of Tonkin resolution. There may be no deception this time, but the precipitate action is there.

I thought Congress had spoken clearly this session. I thought we said the President has to make up his mind whether he wants to stop the bombing or stop this country. Veto or no veto, Congress must redress the overwhelming power of the Executive.

Now the Congress seems to have capitulated. I am sad. The Congress of the United States is abandoning its mandate as an equal branch of the Government.

I hear people talking about the resurgence of Congress, restoring the balance of power, yet I have never seen such capitulation in my life. Elected officials who have had dedicated records of being on the side of humanity appear willing to surrender their principles with hardly a whimper.

The old adage of the Bible is true: The sins of the fathers and the mothers will be visited upon the children unto the fourth and fifth generation.

The young people of this country spoke out time and time again. Finally their message got through to the older people, and finally to the Congress.

We adopted a resolution the Eagleton amendment. We put it in every bill. We said we were going to meet the President head on. Now the Committee on Foreign Relations agrees to this tragic delay with only two dissents, that of the majority leader and the Senator from Maine. I compliment Senator MANSFIELD and Senator MUSKIE for their willingness and dedication to stand for peace. I wish I could say the same about the other members of the Foreign Relations Committee, each of whom I hold in the highest respect. Nevertheless, I cannot understand their action.

Mr. President, I am unwilling to have Congress commit suicide. I know that everyone in this body is aware of my long record against the war. My active opposition to the war dates from 1963. I disagreed with my own President about it. God bless his soul, he is no longer with us. I have said repeatedly that I would not criticize the Nixon administration if it brought the war to an end, and it did. But the President could have done it much sooner—some 20,000 lives sooner.

It is not just American lives that are involved; it is all of humanity. Those bombs are killing people every minute. It is not a matter of dollars and appropriations; it is a matter of killing people. It is outright murder. I repeat, it is outright murder. I do not want my finger to pull the trigger on those bombs. I do not want my children to bear the guilt of Vietnam. Other Senators may put their fingers on the trigger. I will not.

Yesterday we stood fast. We agreed that the Cambodian resolution offered by the distinguished Senator from Missouri would stay in the debt limit bill. My understanding was that the House would keep it in the bill. I understand the President threatened to veto it. I understood we were willing to accept that veto. I understood that we would have a confrontation and that we were not going to compromise with death. That is just the point. We must confront the President with the fact that this country has had enough of killing and suffering.

A long time ago, in late 1967, when I wrote about the American crisis in Vietnam, I stated:

I believe that the people of the world will be better served by the virtues of the American example than by the employment of American military power. I believe that we cannot violate the pledges for the peaceful settlement of international disputes contained in the United Nations Charter and then demand that others live according to that international "rule by law."

The gracious bounty of America deserves to be employed in building a better way of life for our people at home and for all of the peoples of the world. We will not be able to fulfill the promise of American life while America's precious human and material resources are being wasted in a land war in Vietnam. Other well-meaning American leaders have told us before that winning just this *one* war will make the world safe for freedom and democracy. We know that war and killing cannot help us to realize our constructive goals. We must work toward these ends slowly and painfully. We know that we will be able to achieve the lofty promise of America only in peace.

I said:

You never can justify immorality, even if it is national or international policy—in the self-interest or the national interest.

I repeated at that time this statement:

In a major foreign policy speech at The American University on June 10, 1963 President Kennedy returned to this theme. "I believe that we must reexamine our own attitude [toward world peace]—as individuals and as a nation—for our attitude is as essential as theirs. . . . Every thoughtful citizen who despairs of war and wishes to bring peace, should begin by looking inward—by examining his own attitude toward the possibilities of peace."

When President Kennedy asked us to look at ourselves, he did not deny the hostility and the malevolence of the other side.

Mr. President, I am talking about morality and credibility. These are subjects of discussion everywhere today. I said at that time, and this is the heart of my speech:

To sum up: even more damaging than the credibility gap is what might be called America's "morality gap" in Vietnam. A nation cannot furnish moral leadership while performing immoral acts. This is at the heart of my objection to what we are doing in Vietnam—it is basically immoral. Supposed political expediency can never justify clear-cut immorality whether in national or international politics. It may appear to succeed in the short term, but it carries the seeds of self-destruction.

But it is even more immoral now in Cambodia. We bomb in the name of expediency and that is the only excuse for the August 15 delay from the Committee on Foreign Relations today.

Mr. President, the chairman of the Committee on Foreign Relations (Mr. FULBRIGHT) has likewise been a dedicated

foe of this war. I am waiting to see how he explains this sudden turn of events in the Committee on Foreign Relations. I never thought I would be at odds with him since the Gulf of Tonkin resolution was presented. This is the same precipitous type action as was taken when we surrendered complete authority to the President, with only vague assurances.

Senator FULBRIGHT said at that time:

> The measure of our falling short [of American ideals] is the measure of the patriot's duty of dissent. The massive nature of the suffering in Vietnam has called forth an equally massive outpouring of agony by those who care for America.
>
> If we are going to bring American practice up to American ideals, we must speak out.

But I would add to Senator FULBRIGHT'S statement that our speaking out is not so much an act of dissent as it is an act of affirmation. The truth is that we are consistently upholding certain commitments and policies.

Mr. President, the issue is not parliamentary procedure, it is not dollars, it is not getting along with the President. The issue is simply death, death in every aspect—death with the cold hand of America pulling the trigger on innocent people.

There is no question that others are guilty, but we should not measure ourselves by the guilt of others. That is like saying that you should murder someone because someone else has murdered. That is no excuse, especially for a country like America. I thought we had put that attitude aside.

With respect to those who really feel this country may now be sinking to its death, those who feel that we may have reached our peak and are on our way down, if we approve of the action taken today in the Committee on Foreign Relations and if the Cambodian bombing is continued for another 45 days; if that authority is continued, then the Watergate hearings and all the other hearings might as well be dismissed because there is not enough credibility left in this body to really support any continued confidence by the American people.

It took a long time for the American people to accept the fact that they had been mislead about the war. Basically the American people believe in peace. Basically the American people believe in life. They do not want to put their stamp of approval on war and death. It is our responsibility in the Senate to end the bombing. The Constitution is very clear. It says that only Congress can declare war. In the past we in Congress said that the war was underway—that we could not stop it once it was underway. We have been too quick with excuses, mostly excusing our own consciences when we did not reassert the right to have control over whether or not America should be engaged in military action.

The time for excuses has long since passed. We have determined in this body and in the other body that the Eagleton amendment should be law. We have made it very clear to the President that we want the bombing stopped. The identical resolution and amendment was passed by both bodies. Now, we must question whether or not this Congress has the courage to stand up by its own commitments or whether this Congress is going to be intimidated by political blackmail.

Mr. President, I do not know who is going home on July 4th for a holiday, but it is a sad state of affairs when the Declaration of Independence is going to be celebrated in a few days and we have a declaration of capitulation from Congress—a declaration, which really is a declaration of war. That is what it amounts to. Any Senator who votes for the Foreign Relations Committee proposal will be declaring war on Cambodia until August. Make no mistake. That is what it is. The proposal adopted by the Foreign Relations Committee is a declaration of war, and I am willing to stay here during all this holiday—I do not need a vacation—while we decide whether we have the courage to stop the bombing and the killing once and for all. I want to stay here until we make sure the President of the United States is the servant of the people, and not the new dictator of imperial America.

TO GIVE AND TO TAKE AWAY

Mr. JAVITS. Mr. President, I speak with particular reference to the third proviso in section 101(a)(4) of the continuing resolution now before us, House Joint Resolution 636. This proviso stipulates that no State will receive less under title I–A of the Elementary and Secondary Education Act than it received during fiscal year 1972. A total appropriation of some $1.5 billion is involved. The reason for this provision, which also appears in the Labor-HEW fiscal year 1974 appropriation bill, H.R. 8877, which passed the House on June 26, is to forestall a diminution in title I funds received by a State because of use of the 1970 census in counting eligible students instead of the 1960 census. The authorizing legislation, the Elementary and Secondary Education Act, requires use of the latest census figures.

This proviso was proposed to prevent, as the House report on H.R. 8877 states, "a drastic redistribution and possible reductions of as much as 50 percent in some State allotments." At this late date in the appropriation process, when school budgets are already in place for the new school year which begins in September, I do not believe anyone here would want seriously to dislocate local budgetary processes. But while this provision does not do that, it does an injustice to the concept of concentration of funds on the disadvantaged which has been a part of the enactment of ESEA since 1965. And, given the nature of the "grandfather" concept, it threatens to change the direction of ESEA, for grandfathering breeds more grandfathering, as all of us here know.

This past year, distribution of funds through the States to the local schools has been on the basis of the 1960 census. Thus, schools are receiving funds based on a count of children almost all of whom are no longer attending public school, for if a child were 5 years of age in 1960 he would be 18 today in 1973 and probably be out of school—as a matter of fact, title I, ESEA, provides only for the counting of children aged 5 to 17. As a matter of fact, it is a fair assumption that many of the youngsters counted in 1960—then aged 10 to 17, for example—have now married, moved out of the area of the school they attended, and even have children of their own. However, under this proviso, if their own children are eligible as disadvantaged, they could well not receive title I assistance because that money is going to another State based on the 1960 count of the parent. Thus, for example, if an individual counted as disadvantaged and living in South Carolina in 1960 had subsequently married, and moved with his wife and child to New York, California, Pennsylvania, or any one of some 25 other States, and his child was also eligible to be counted as disadvantaged, under this proviso funds would go to South Carolina where the parent resided in 1960, rather than to the State where the child resided in 1970 and still resides. This is visiting the nonsin of the parent upon the child.

But this hold-harmless provision, designed to protect school budgets from drastic reductions, will not even do that. Let us take, for example, a school district in one of the States where local educational agency boundaries and county boundaries are coterminus. Should such a district suffer a 50-percent loss of eligible students due to the change from 1960 to 1970 census—the type of loss referred to in the House report——then, despite the hold-harmless provision which refers only to States, that local school district would lose title I funds and the other school districts throughout the State would gain title I funds. This, according to the Office of Education, applies in States advantaged by the hold-harmless provision as well as in States disadvantaged by it. It also applies in States where local school districts are not coterminus with county lines, except inasmuch as computations would be affected by population changes in other parts of the county. Consequently, the hold-harmless provision, which applies only to States and not to local educational agencies—that is, local school boards—cannot avoid a heavy local budget impact.

Now, as to individual States. Some States, as the 1970 census reveals, have proportionately more eligible disadvantaged children than they had in 1960; some States have less. The States with more eligible children, logically require—and are entitled under the Elementary and Secondary Education Act—more funds to educate them; the States with less require less funds. Because of this hold-harmless provision in the Labor-HEW appropriation bill passed by the House, 28 States will have to give away allocated moneys to bring 22 States up to their fiscal year 1972 level. But for the hold-harmless provision in H.R. 8877, my own State of New York would, in fiscal year 1974, receives $54,680,111 more in fiscal year 1974—thus, the disadvantaged children of New York State would lose more than $54 million in title I funds to which the law otherwise entitles them. Other States also would lose—for example, Indiana, $3,866,327; Maine, $1,068,315; Michigan, $12,678,798; New Hampshire, $503,115; Rhode Island, $1,-

210,361; Utah, $1,001,394; and Washington, $3,631,496.

Do I here argue against inclusion of the hold-harmless provision in the fiscal year 1974 Labor-HEW Appropriation bill and in the continuing resolution now before us? No, I do not. I am sympathetic to the situation faced by some States confronted with a drastic reduction in title I funds because of population changes revealed by the 1970 census. They require some cushion. What I argue here is that some modification must be made in the hold-harmless provision so that States are cushioned against precipitous reductions in title I funds but also, so that States with increased numbers of disadvantaged children might receive additional title I funds reflecting to some degree that increase. This could be done by a phasing mechanism of 80 percent hold harmless, for example.

It is my intention to seek just such a change in the fiscal year 1974 Labor-HEW appropriation bill, a measure which provides $1.81 billion for title I, ESEA, and to which the figures to which I have alluded apply. I do not believe it appropriate to seek to amend the bill now before us, as the continuing resolution holds title I–A funding at a level of some $1.5 billion, the fiscal year 1973 level, and, hopefully, the continuing resolution will be applicable for only a brief interim before enactment of the fiscal year 1974 Labor-HEW appropriation bill.

This, it seems to me is a most reasonable approach. It is fair. The provision for hold harmless contained in the appropriation bill is neither reasonable nor fair.

Mr. President, I ask unanimous consent that there be included at this point in my remarks a chart utilizing data provided by the U.S. Office of Education indicating how the States are affected by the hold-harmless provision in the fiscal year 1974 Labor-HEW appropriations bill approved by the House and now pending before the Senate Committee on Appropriations.

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

State	Fiscal year 1974 ESEA I, part A estimated allotments with 1972 floor	Fiscal year 1974 ESEA I, part A estimated allotments without 1972 floor	Loss or gain under hold harmless	Percent of formula allotment with fiscal year 1972 floor
Alabama	$42,202,992	$22,685,091	+19,517,901	186.04
Alaska	4,108,676	4,745,528	−636,852	86.58
Arizona	11,523,805	13,047,637	−1,523,832	88.32
Arkansas	26,470,169	13,383,963	+13,086,200	197.78
California	151,796,957	183,335,748	−31,538,791	88.80
Colorado	14,061,868	16,598,162	+2,536,294	84.72
Connecticut	17,099,599	20,457,938	−3,358,339	83.58
Delaware	3,649,464	4,212,224	−562,760	86.64
Florida	39,837,839	40,721,904	−884,065	97.83
Georgia	42,188,006	32,050,692	+10,137,314	139.63
Hawaii	4,636,313	5,594,705	−958,392	82.87
Idaho	3,977,755	4,307,637	−329,882	92.34
Illinois	82,549,907	100,027,048	−17,477,141	82.53
Indiana	20,487,387	24,353,714	−3,866,327	84.12
Iowa	16,645,654	12,594,561	+4,051,093	132.17
Kansas	12,478,897	11,930,161	+548,736	104.60
Kentucky	38,302,224	23,014,304	+15,287,920	166.43
Louisiana	37,989,922	31,943,897	+6,046,025	118.93
Maine	6,549,274	7,617,589	−1,068,315	85.98
Maryland	24,621,223	29,564,565	−4,943,342	83.28
Massachusetts	33,505,700	40,254,091	−6,748,391	83.24
Michigan	65,576,522	78,255,320	−12,678,798	83.80
Minnesota	23,183,881	22,160,878	+1,023,003	104.66
Mississippi	44,154,990	22,829,237	+21,325,753	193.41
Missouri	28,547,584	24,025,663	+4,521,921	118.82
Montana	4,379,638	4,425,127	−45,489	98.97
Nebraska	$8,461,135	$7,789,028	+672,107	108.63
Nevada	1,666,084	1,950,597	−284,513	85.41
New Hampshire	2,801,095	3,304,210	−503,115	84.77
New Jersey	60,773,155	73,044,917	−12,271,762	83.20
New Mexico	11,203,896	10,614,276	+589,620	105.56
New York	255,282,719	309,962,830	−54,680,111	82.36
North Carolina	61,621,074	35,255,652	+26,365,422	174.78
North Dakota	5,447,877	4,140,123	+1,307,754	131.59
Ohio	51,107,359	61,063,079	−9,955,720	83.70
Oklahoma	20,300,817	17,010,041	+3,290,776	119.35
Oregon	12,858,310	15,009,650	−2,151,340	85.67
Pennsylvania	74,563,599	88,482,429	−13,918,830	84.27
Rhode Island	6,041,948	7,252,309	−1,210,361	83.31
South Carolina	37,107,533	18,991,562	+18,115,971	195.39
South Dakota	6,870,494	4,632,141	+2,238,353	148.32
Tennessee	38,712,613	20,021,999	+18,690,611	193.35
Texas	93,439,492	81,923,055	+11,516,437	114.05
Utah	5,302,785	6,304,179	−1,001,374	84.12
Vermont	3,014,806	3,268,002	−253,196	92.25
Virginia	37,084,416	29,347,081	+7,737,335	126.36
Washington	19,676,262	23,307,758	−3,631,496	84.42
West Virginia	21,681,593	12,118,337	+9,563,256	178.92
Wisconsin	19,931,228	23,752,279	−3,821,051	83.91
Wyoming	1,821,060	1,891,064	−7,004	101.59
District of Columbia	13,478,984	16,197,598	−2,718,614	83.22

The PRESIDING OFFICER. What is the will of the Senate?

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

The PRESIDING OFFICER (Mr. DOMENICI). 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.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS UNTIL MIDNIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to file reports until midnight tonight.

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

AUTHORIZATION FOR COMMITTEES ON COMMERCE AND LABOR AND PUBLIC WELFARE TO FILE REPORTS ON FRIDAY, JULY 6, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committees on Commerce and Labor and Public Welfare may be authorized to file reports on Friday, July 6, between the hours of 10 a.m. and 3 p.m.

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 second assistant legislative clerk proceeded to call the roll.

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

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

EXTENSION OF LAWS RELATING TO PAYMENT OF INTEREST

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 128.

The PRESIDING OFFICER (Mr. HELMS) laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 128) to provide for an extension of certain laws relating to the payment of interest on time and savings deposits, which was in lines 5 and 6, strike out "December 1, 1974" and insert "August 1, 1973".

Mr. ROBERT C. BYRD. Mr. President, I have been asked by the distinguished Senator from Alabama (Mr. SPARKMAN) to move that the amendment of the House be agreed to. I have cleared this also with the Senator from Texas (Mr. TOWER).

Mr. TOWER. Mr. President, I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk proceeded to call the roll.

The second assistant legislative clerk will call the role.

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

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

Mr. FULBRIGHT. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The Sen-

ate will please be in order so the Senator can be heard.

Mr. FULBRIGHT. Mr. President, I offer an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 10, strike Sec. 109 and insert in lieu thereof the following:

"SEC. 109. Notwithstanding any other provision of law, on or after August 15, 1973, no funds herein, heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia."

Mr. FULBRIGHT. Mr. President, I hope we may have order.

The PRESIDING OFFICER. The Senate will be in order, please.

Mr. FULBRIGHT. Mr. President, this is a very important statement dealing with a subject which this body has been concerned with for more than 10 years now. I hope I may have the attention of the Senate.

Mr. President, the Committee on Foreign Relations has today agreed, by a vote of 15 to 2, to a committee amendment to be offered to the pending continuing resolution. This amendment would prohibit the continuation of hostilities by U.S. forces anywhere in Indochina—and I emphasize anywhere in Indochina—after August 15, 1973.

The amendment, which will be offered as a substitute to sections 108 and 109 of the continuing resolution reads as follows:

Notwithstanding any other provision of law, on or after August 15, 1973, no funds herein heretofore, or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia.

The present amendment is, in essence, the result of an accommodation of the views of the committee and the White House following a meeting this morning. The committee is gratified that this compromise was promptly agreed upon and as a result, it now appears that the executive and legislative branches will, at last, act in a coordinate manner to bring to a close this tragic episode in our Nation's history.

The committee's decision to submit this amendment to the Senate for its consideration followed extensive discussion in the course of which a number of understandings were reached with regard to the interpretation. Among these were the following:

The acceptance of an August 15 cutoff date should in no way be intepreted as recognition by the committee of the President's authority to engage U.S. forces in hostilities until that date. The view of most members of the committee has been and continues to be that the President does not have such authority in the absence of specific congressional approval.

While a majority of the committee strongly preferred an immediate cutoff of bombing in Cambodia it was recognized that an effort to insist upon an immediate cessation of hostilities in the face of strong objection from the President might precipiate a serious confrontation between the two branches of Government which would result in severe hardships for many. The committee felt that it had a solemn responsibility to do all within its power to avoid such a confrontation, provided a compromise could be found which would reaffirm the proper constitutional role of the Congress with regard to the warmaking power and which would specify a date certain for a total end to the involvement of the United States in the war in Indochina.

It was clearly understood by all those supporting the amendment that its effect would be to preclude after August 15 any resumption of hostilities by U.S. forces without the express approval of both Houses of Congress.

The committee offers this amendment assuming that the interval between now and August 15 will not be the occasion for an escalation of U.S. bombing in Cambodia or for its resumption anywhere else in Indochina unless provoked. As expressed by one member of the committee's view on this matter is that "under this authority all efforts should be made consistent with the limited military objectives involved, to minimize damage to civilian life and property."

The committee's expectation in this matter has been communicated to the White House and assurances have been received in return that these guidelines are acceptable. In reaching agreement upon the terms of this amendment, both the executive branch and the committee receded in part from positions which had been strongly held over a number of years. More important than any of these concessions, however, is the fact that the war will end, that a proper consistitutional balance will have been restored, and that a new era of national unity and positive accomplishment will now be possible.

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

Mr. FULBRIGHT. I yield to the distinguished minority leader.

Mr. SCOTT of Pennsylvania. Mr. President, the distinguished chairman of the committee has correctly stated the agreement in committee, of course. His statement reflects the views of a majority of the committee, and in many respects reflects the views of nearly everyone on the committee. There are some statements made, of course, where there have been disagreements within the committee, but I agree with what the distinguished chairman has said, and it is essential that some concessions be made on the part of the executive and on the part of the legislative branch; and we have met sincerely in an effort to achieve an end to the hostilities in Indochina.

I have undertaken, as the distinguished chairman has noted, to secure assurances that there would be no escalation in the bombing during this intervening period, that great care would be taken to avoid damage to civilian persons and property. That point was raised by several Members. We have received that assurance from the White House. I have revealed to the committee the persons with whom I have discussed it.

I think we all approach this with a feeling of immense relief, a relief so great as not to be quantified even in ordinary language. The distinguished chairman knows I have already made statements regarding my view that we ought to find a way to end the bombing in Cambodia not later than tomorrow night, midnight. I have had this personal agony that we have all shared in the Senate.

It is my view that we have arrived at a solution which ought to be gladly accepted by the Congress and by the Executive because I think it is in the interest of the Nation, although I know there are those in the Executive who feel that the negotiation stance has been hampered—and I suppose it has. And there are those who feel—and I can understand their feeling—that this continues the right, at least, to continue the bombing until August 15.

However, had the constitutional crisis evolved and the vetoes continued, consequences would have flowed far beyond the contention here. Moreover, had the executive prevailed over that period of time, because of the understandable desire of Congress that the other functions of government continue, the right of the Executive to continue the bombing indefinitely would have been made possible, at least, through lack of effective action by the Congress.

Therefore, for those who would be tempted to say—and I can understand it—that this does continue the right to do things which are distasteful to them in the extreme until the 15th of August, they should be reminded that the right would have continued for a much longer time had the Executive prevailed.

So I think we made a good decision when we consider that there were many points of view. Some of the points of view the chairman read were not agreements that, under other circumstances, I would have been a party to. I think all of us together have really wrought as well as we could considering the complexity of the problems and the necessity for the finding of an immediate solution, if we possibly could, and I congratulate the chairman.

Mr. FULBRIGHT. Mr. President, I congratulate the distinguished minority leader for his words. I should like to raise one question. I do not recognize the constitutional right or power of the Executive to continue bombing. Many of us do not believe he has a constitutional right to do this in Cambodia. But that does not answer the question. What we are seeking is a practical end to the war in Vietnam.

I appreciate very much what the Senator from Pennsylvania said. All of us can express reservations. I would much prefer, as others do, that the bombing stop now. I wish it had been stopped 5 years ago. But we were involved in it.

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

Mr. FULBRIGHT. I yield to the distingiushed Senator from New York, who has contributed a great deal to the reaching of this agreement.

Mr. JAVITS. Mr. President, I do not think any of us approach this settlement with anything but heavy hearts.

Mr. FULBRIGHT. Mr. President, may we have order? The noise it too great.

The PRESIDING OFFICER (Mr. HUGHES). The Chair will withhold any further debate until there is order. Senators who wish to conduct discussions should go to the cloakroom.

The Senator from New York may proceed.

Mr. JAVITS. I do not think that any of us approach this agreement with anything but heavy hearts. The agreement was not reached lightly. But we felt, in the Committee on Foreign Relations, that whatever good could come from this opportunity would be good for the country.

The Senator from Pennsylvania (Mr. SCOTT) spoke of his personal agony. I feel it very keenly. Every single life in Cambodia is as precious to me as one in the U.S.A. That is as it should be. If I felt that one single life could be saved by extending the original Church-Case amendment, I would stand fast. But I feel that lives will be spent far beyond the date we have fixed if that is our position. In addition, we will engender a domestic unconstitutional confrontation.

Even the present atmosphere which we have in our country would only be made worse than it is today.

But I desire to ask the chairman with respect to the legislative purpose with which we approved this amendment. Is it our understanding that we have asked the executive to support us in the action which we now recommend for August 15, 1973, with no ifs, ands, or buts, or anything else, and that that will mark the end, after so many years, of any kind of military action in, over, or off the shores of Indochina, and that no action of this kind will come thereafter except if Congress so orders?

Mr. FULBRIGHT. That is my understanding. It is not only my understanding, but I have been informed by the Senator from Pennsylvania (Mr. SCOTT) that it is also the Executive's understanding.

Mr. JAVITS. I have another question. Perhaps the Senator from Pennsylania can be more helpul in this. If the amendment is agreed to and the President signs the bill, that is law. It is not an agreement which we have agreed to quietly with the President. It is not a private understanding or simply something that the White House has communicated to us. Is it not our construction of the law as it is on the books of the United States?

Mr. FULBRIGHT. It is; and there is no money available to take any of the actions the Senator has so well described.

Mr. JAVITS. I thank the Senator.

I should like to say, before I take my seat, that in the long fight that Senator FULBRIGHT and Senator CASE have made—and I know we will not forget the McGovern-Hatfield amendment, which touched this off, and which is behind it—we will nevertheless consider this as the successful culmination of the long struggle in which we have all engaged and to which we have given so much.

Mr. SCOTT of Pennsylvania. Mr. President, because my name was mentioned by both Senators, may I be recognized briefly?

Mr. FULBRIGHT. Mr. President, I promised to yield to several other Senators.

Mr. MANSFIELD. Mr. President, I have been seeking recognition, and I would like to be recognized.

SEVERAL SENATORS. Regular order.

Mr. FULBRIGHT. Mr. President, I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER (Mr. HUGHES). Regular order had been called for. The Senator can only yield for a question.

Mr. FULBRIGHT. Mr. President, I yield for a question.

Mr. SCOTT of Pennsylvania. Mr. President, the question I have in mind, if I may phrase it correctly, is that the Senator from Arkansas recognizes, I am sure, that I have done my level best to represent the views of the White House as presented to me, and as I have evolved them as a lawyer with 50 years standing as to the meaning of words, I am sure the Senator would also agree that I do not undertake to say that I know what the future will hold. I do say that the law, if it is enacted in these words, seems to me to accomplish the purpose which he and the Senator from New York have expressed; namely, to bring an end to the war. And the Senator will agree that is a good question.

Mr. FULBRIGHT. The Senator is correct, and that is my understanding. The proposition was whether we were going to continue to bomb Cambodia. As much as we deplore the bombing there, when it was offered to stop it all completely and no legal possibility of resumption without further action by the Congress, this appealed to me as an all-encompassing end to the war.

Mr. SCOTT of Pennsylvania. Aside from my personal views, I acted as a conduit from the White House, reporting to the Senate what I was told.

Mr. FULBRIGHT. The Senator is correct. And the statement, as it would refer to the assurances, without it being cleared by the Senator from Pennsylvania with the White House, does not mean that these guidelines are acceptable to the White House, I do not know how much further one can go to get word from the executive branch.

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

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

The PRESIDING OFFICER. Regular order has been called for. The Senator can only ask a question.

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

Mr. FULBRIGHT. Mr. President, I yield to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I want to ask the chairman to make very clear one point. In the closing of his opening statement he said that one of the things the committee was concerned about is the hardship this would cause to certain Americans if this continuing resolution were vetoed. While that may be a secondary factor, is not the chairman's real purpose in offering this substitute amendment today that he believes it was the best and the surest way to bring an end of American military operations throughout Indochina?

Mr. FULBRIGHT. I say to the Senator that was my best judgment and that of the committee. It actually achieves what the Senator from South Dakota together with the Senator from Oregon tried to do with the McGovern-Hatfield resolution offered some time ago. This is the current version of that effort. With all the options and alternatives we had and in view of the assurances we received from the White House through the Senator from Pennsylvania, this seems to me to be the most effective thing we could do.

Mr. McGOVERN. Mr. President, in other words, it is a tactical effort to get the best possible veto-proof solution.

Mr. FULBRIGHT. The Senator is correct. It brings about the end sooner than any alternative we could think of. We have already seen what happened to the earlier effort, which involved only the bombing of Cambodia.

Mr. McGOVERN. Other Senators are of the view that the best approach to the problem is an immediate cutoff, even though it would hurt some deeply.

Is there anything in the substitute proposal the Senator now proposes, if it carries, that would prevent any Senator from offering an amendment immediately, on the next bill, to cut off all funds, and to offer it on every bill that comes up, to bring about an immediate cutting off of funds. Could we not use both approaches? Is it not possible for the Senate this afternoon to adopt the August 15 terminal date for all military operations, and on the very next bill on which it is appropriate to offer language calling for the immediate termination of military operations in Indochina?

Mr. FULBRIGHT. The Senator is quite right. We tested that approach and the House failed to override the veto.

Mr. McGOVERN. This does not preclude that approach.

Mr. FULBRIGHT. It does not preclude that approach, but one has to look at the change in the House.

Mr. McGOVERN. I just want the Senate to know that this is the approach I am going to take. I am going to support this compromise approach as being only one way.

The PRESIDING OFFICER. The Senator can only yield for a question. The Senator has made his point.

Mr. EAGLETON. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. EAGLETON. Mr. President, the word "preclude" has been used by three Senators so far. I want to inquire as to what this resolution includes. What does it prevent within the next 45 days? Does it permit continued bombing between now and August 15?

Mr. FULBRIGHT. As I have said, I do

not regard him as having the right to do this. He has the power to do it. And unless we have something like this, the only sanction we have here is to impeach him. And I do not think that is practical. I do not recommend it. I know of no other alternative.

Mr. EAGLETON. In the light of the legislative history, meaning the statement of former Secretary of Defense Richardson that we will continue the bombing unless the funds are cut off, will we with the adoption of this resolution permit the bombing of Cambodia for the next 45 days? That is the question I pose to the Senator from Arkansas.

Mr. FULBRIGHT. Until August 15.

Mr. EAGLETON. Would it permit the bombing of Laos?

Mr. FULBRIGHT. It would not prevent it.

Mr. EAGLETON. Would it permit the bombing of North and South Vietnam until August 15?

Mr. FULBRIGHT. I do not think it is legal or constitutional. But whether it is right to do it or not, he has done it. He has the power to do it because under our system there is not any easy way to stop him.

I do not want my statement to be taken to mean that I approve of it or think that it is constitutional or legal for him to do it. He can do it. He has done it. Do I make myself clear?

Mr. EAGLETON. In a way yes, and in a way no. If we adopt this resolution, the President will continue to bomb Cambodia. That means quite simply that we will sanction it, does it not?

Mr. FULBRIGHT. We do not sanction it. It does not mean that we approve of the bombing. This is the best way to stop it. I have never approved of it. And I do not wish my answer to indicate that I approve of the bombing, because I do not.

Mr. EAGLETON. But the President will exercise a power to bomb in Indochina within the next 45 days, is that correct? A power that will now be sanctioned by our action?

Mr. FULBRIGHT. The President has the power to do a lot of things of which I do not approve.

Mr. EAGLETON. He will exercise that power, and whether he exercises that power wisely, we know that within the next 45 days he will exercise a right to bomb Cambodia—a right given him by the Congress of the United States.

Mr. FULBRIGHT. I do not consider that he has the right to do it. But because we are unable to muster the votes, this is a compromise that would stop it. This is the time we have had a majority of both Houses take any action to prohibit bombing.

Mr. EAGLETON. But he would now have the power by our action. Would he also have the power to bomb Laos?

Mr. FULBRIGHT. As he viewed it, yes. And he would exercise the power.

Mr. EAGLETON. He would have the power as he viewed it to bomb North Vietnam and South Vietnam.

Mr. FULBRIGHT. The Senator is correct.

Mr. EAGLETON. Under this resolution then—and the conversations have been carried on between the President and the Senator from Pennsylvania and have been reported to us by the Senator from Pennsylvania—he would have the power for 45 days to bomb in Indochina.

Mr. FULBRIGHT. He already has that power. Let me emphasize what I have said.

Mr. EAGLETON. Did the Senator say that he has that power?

Mr. CHURCH. Not as to the ground forces.

Mr. FULBRIGHT. Well, he has the power. As long as the military forces will follow his orders, he can do these things. That does not mean he has this authority under the constitution and laws. But this is what I emphasize: The acceptance of an August 15 cutoff date should in no way be interpreted as recognition by the committee of the President's authority to engage United States forces in hostilities until that date.

After I prepared this statement the distinguished Senator from Pennsylvania went to a great deal of trouble to clear it in detail with the White House. I have received his assurance that this is a firm understanding with the President.

I was speaking, I thought, for the committee, in saying that we do not recognize the President's authority to continue the bombing. But that is different from the power to do it.

This has always been the trouble we have had in putting sanctions on the President. This has always been the trouble, and will continue to be, unless Presidents have respect for the views of Congress.

I believe we have assurance that this will not be vetoed, and it will be the law as a cutoff date.

Mr. EAGLETON. Recognizing the power as the President has used it, and as President Johnson used it back in August 1964 we give him 45 more days of power to continue the bombing in Laos, Cambodia, and North Vietnam, to use as he sees fit. I deem that delegation of power to be the second coming of the Gulf of Tonkin Resolution.

Mr. FULBRIGHT. It is already the law, and has been for some time, that he cannot take ground troops into Laos and Cambodia. That was the Church-Cooper amendment, I believe. That is already the law, and this does not disturb that.

I do not think this compromise will give him any right or authority he does not already have. I do not think he has the authority.

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

Mr. FULBRIGHT. I yield.

Mr. CASE. Is it not the Senator's understanding that the adoption of this resolution would add not one bit to the President's authority in regard to bombing in Southeast Asia between now and August 15?

Mr. FULBRIGHT. It is certainly my understanding that it does not give him any authority whatsoever. I do not believe he has any authority.

Mr. CASE. I agree.

Mr. FULBRIGHT. But he has the power, as long as the military forces will obey his commands.

Mr. CASE. And as long as we cannot get two-thirds of both Houses to override a veto; is that not correct?

The PRESIDING OFFICER. The Senate will be in order.

Mr. CASE. Is that not correct?

Mr. FULBRIGHT. That is my understanding.

Mr. CASE. And is this not the best way, in the judgment of the chairman, to get the quickest ending we possibly can get through any action we can take on hostilities in South Vietnam?

Mr. FULBRIGHT. In the absence of the capacity to override the veto, it is my opinion it is the quickest way.

Several Senators addressed the Chair.

Mr. FULBRIGHT. I yield to the distinguished Senator from Vermont.

Mr. AIKEN. Mr. President, the Senator from New Jersey has almost asked my question, which was this: If this amendment is not approved, under the authority which the President claims he has, can he not continue the bombing not only until August 15, but to September 1, October 1, December 1, even into next year? But under the agreement, under the understanding which the members of the Committee on Foreign Relations and others have had with the administration, there is virtual agreement to completely stop all military hostilities in Indochina not later than the 15th of August, or hopefully much earlier?

Mr. FULBRIGHT. I would hope very much it would be much earlier, that is correct.

The PRESIDING OFFICER. The Senate will be in order. If Senators wish to conduct conversations, they should carry them on in the cloakroom.

The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, it grieves me very much to differ with my colleagues in the Foreign Relations Committee and in the Senate. However, I must make my views known, and I must say that what we will be considering shortly is not an accommodation with the Chief Executive of this country, but a capitulation and an abdication of the constitutional powers of the Senate.

May I point out, Mr. President, that under the Constitution, the Congress shall have the power to lay taxes, to declare war, and to do certain other things.

The PRESIDING OFFICER. Will the Senator from Montana withhold for a moment? The Chair apologizes to the Senator, but other Senators are not extending him the courtesy of attention. The Chair has repeatedly asked that Senators remain at attention.

The Senator may proceed.

Mr. MANSFIELD. The warmaking power is that of Congress exclusively, and the war in Cambodia does not have a shred of validity attached to it. It is illegal, it is unconstitutional, it is immoral.

Why should we be afraid of a confrontation with the executive branch of this Government? Why do we have to cave in so as to avoid the possibility of being unable to override a veto? Why can we not face up to our responsibilities under the Constitution? Why can we not do what we can to see that the reasons why we remained in Vietnam—to bring about the withdrawal of all U.S. military per-

sonnel and the release of all U.S. prisoners of war—are not repeated in Cambodia?

There are American prisoners of war in Cambodia because of this bombing, now in its 113th day. There are men who have been killed in Cambodia, and there will be more in the weeks and the months ahead. We have dropped, in bomb tonnage in Cambodia in the past 5 months, over 200,000 tons of bombs, on a poor, hapless people living in a nation where the majority of the inhabitants desire nothing more than to be let alone.

In the preceding 3 years, we, the United States, dropped 175,000 tons of bombs on Cambodia—as I say, on a poor, hapless people who asked only to be left alone to determine their own destiny. We are upholding a puppet government, and we are doing it on a basis of the bombs we drop. We are not allowing the Cambodians to get together among themselves to determine their own future. What we are doing, if we approve this substitute, is agreeing to the policy of this administration past, now, and in the future, at least until August 15. I cannot in good conscience accede to the diminution of the constitutional power of Congress. That has been happening in this institution since the days of Franklin Delano Roosevelt. We have voluntarily allowed the administrations, since that time, to take over constitutional responsibilities which are ours and should be ours alone.

No wonder people wonder at what we are about. No wonder we do not enjoy the regard which we should accrue to Members of this, the most deliberative legislative body in the world.

I wonder when we are going to face up to our responsibilities—veto or not—and take our chances, stay in session if need be, and do what we can to express the will of the American people.

After all, we do have the responsibilities which I mention. We certainly should have learned since the first American casualty in Indochina was announced on January 1, 1961, what that terrible misadventure, that tragedy, has cost us.

Do we realize that in all of Indochina up to a few weeks ago, we have dropped a total of 6.6 million tons of bombs?

Do we recollect that, as of the end of World War II, in both the Pacific and European theaters, we dropped a total of 3.2 million tons of bombs?

In this insignificant part of the world, an area in which we have never had any vital interest, an area which would have been better left alone, we have dropped 3.3 million more tons of bombs than we dropped on all our enemies during all of World War II?

The cost has been high for us, and the cost has been high for the Indochinese people as well.

Where is this peace with honor which we have heard about time and time and time again over the past several months?

I guess it is still a will of the wisp. I would place no credence in a resolution or a substitute of this kind because, the Lord only knows what will happen in the meantime, and the Lord only knows what the Congress will do. Maybe, come August 15, there will be a request for another extension and other arguments will be advanced.

The time to act on this is now—veto or no veto.

Mr. President, section 108 of the continuing resolution—the Eagleton amendment—has already been approved by the House of Representatives. It has already been approved unanimously by the Committee on Appropriations. The language is not in dispute. It is not in doubt. It would end the bombing. It would make impossible the capture of additional American flyers. It would make impossible the collection again of American hostages—a lesson learned with the lives, the limbs, and the blood of Americans spilled throughout South Vietnam.

Three months ago we welcomed home those prisoners. Their captivity has ended and they are back with us.

The issue before the Senate, therefore, is whether we are to lock this Nation again inextricably into a conflict in Southeast Asia. The issue is whether, once more, we will have to risk the lives of Americans in order to bring back the POW's—the pawns used to guarantee this Nation's involvement.

The issue is whether we are to endorse this bombing, this war, this policy that again opens the door to the confinement of American hostages—either for a day, 15 days, 45 days, or whatever.

Be it for a day, 10 days, a month, 2 months, or 2 years, if the Senate approves the bombing and the war, no date printed on a piece of paper will serve to get us out. Most assuredly, as American POW's again emerge in Southeast Asia, this Nation undoubtedly will remain there. To preclude that event and prevent this ever-deepending enmeshment, section 108—the Eagleton amendment—of the continuing resolution should be adopted unaltered and intact.

Section 109 of the continuing resolution—the Case-Church amendment—should also be adopted as is and unaltered, if we are to assure that the cancer of today's bombing in Cambodia does not spread elsewhere in Indochina.

I hope and pray that the Senate does not alter or amend either provision.

The bombing must stop—not next month, not on August 15, but now.

In my judgment, the bombing will stop if we will live up to our responsibilities and continue to maintain our support of the Eagleton amendment and the Case-Church amendment.

The time to do it is not 45 days from now—the time to do it is now.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. HUGHES). The Chair recognizes the Senator from Oregon (Mr. HATFIELD).

Mr. HATFIELD. Mr. President, I rise at this time, with great reluctance, to differ with the very distinguished chairman of the Committee on Foreign Relations and those other distinguished Members who have worked on this particular compromise.

I should like to point out that the code word going around the Halls of Congress today and yesterday has been the word "compromise." That is what we have heard in the Halls of Congress and on this floor, the word "compromise."

There are times and there are issues when one can never compromise.

One does not compromise about the constitutional responsibilities of this body.

One does not compromise about law.

One does not compromise about the slaughter of innocents. It may be only a procedural technicality whether our bombs stop falling now, or 45 days from now. But it is a matter of life and death for those on whom those bombs will fall.

I cannot understand what the administration expects to gain by communicating to the world that we will bomb for 45 more days, and only 45 more days. If the bombing of Indochina since the peace agreement has been totally unconstitutional up until now, as many of my colleagues have expressed, and as I also believe, then Congress is now approving and affirming an action that totally emasculates the power and the constitutional role of Congress. In effect, Congress would be ratifying a past and future action that we have judged to be illegal, unconstitutional, and immoral.

We have no commitment to Cambodia. Congress has said specifically, in Public Law 91–652, passed on January 5, 1971, and amendments to the Foreign Assistance Act passed into law on February 7, 1972, that we have no commitment to the Government of Cambodia. Yet this administration, in violation of these words and this law of Congress, continues to bomb in Cambodia.

Why are we, then, to have any kind of credence that whatever we write into a compromise today that might be signed by the administration will be observed by this administration, any more than they have observed or failed to observe Public Law 91–652?

Mr. President, the administration's actions have constituted a commitment to Cambodia, any way we look at it, contrary to the will of Congress and an act signed into law by the President. By approving that bombing in any way, shape, or form, we become collaborators in an action that is contrary to the law and will of Congress, at least as we stated the will of Congress last week.

There are some issues over which compromise means a total contradiction of past beliefs and principles, and this is one such occasion. Therefore, I will not support it.

Mr. KENNEDY. Mr. President, I oppose any compromise to set any further date as a cutoff for America's bombing of Indochina. I urge the Senate to insist that the bill we pass must end the bombing now—not tomorrow, not next week, not next month, but now, on the very day this long-awaited end-the-bombing bill becomes a law.

Day after day, week after week, month after month, millions of innocent men and women and children of Cambodia have endured the brutal onslaught of death and destruction rained down on their homes and villages and countryside by America's B–52's and America's fighter bombers.

Now at last, this week in Congress, the

Members of the Senate and the House have closed ranks against the war. With a strong and clear majority voice, we have spoken our demand that the President must stop the killing. Surely, we cannot yield so soon in our common newfound resolve to end the war.

The compromise we are asked to ratify by the President will go down in infamy in American history. How can Congress possibly accept this cruel and calculated pact, a pact in which Members of the Senate and the House are asked to ratify the unconscionable and unconstitutional warmaking of the President in recent weeks. What he is asking us—neither more nor less—is amnesty for the slaughter of the past, and a license for 6 more weeks of slaughter in Cambodia.

Let us make no mistake about the principle now at stake. For years, going back beyond the beginning of this adminstration, many of us who vote today have sought to end the war. At first, the ranks were small—no more than one or two, a decade ago. And then, as the war went on and as thousands of young Americans kept on dying for a cause we could not understand, the numbers began to grow. And then at last, this year, after all our troops and all our prisoners had come home, our numbers finally reached a majority in both the Senate and the House to say the war must end.

How, today, so close to victory after we have stood so strong so firm so long, can we give our great goal away? How can we yield to the President, and give him our authority and blessing to bomb and kill for 6 more weeks?

If we accept this compromise, then we dishonor the cause for peace for which we have worked so long. If we yield now, then the Cambodian blood that is shed between now and August 15 will be on the hands of the Senate of the United States, and none of us should have to bear that stain.

And it is all so futile. The compromise has no justification in logic, let alone morality. If the President cannot achieve a cease-fire today in Cambodia, he will not be able to do so 45 days from now. If those who are fighting the Cambodian civil war have survived the 100 days of relentless American bombing since the Paris peace agreement was signed this year, they can survive another 45 days as well, but at a cost in life and blood that America has no right to ask.

In sum, the only purpose of the compromise proposed today is to save some shred of the President's tattered prestige. But think of the price we are asking the people of Cambodia to pay. The price is 6 more weeks of killing, 6 more weeks of bloodshed, 6 more weeks of our scorched earth policy in Cambodia, 6 more weeks of America's destruction of helpless peoples half a world away.

I say, the Senate must not yield. We must stand firm for an immediate end to the bombing, and reject this immoral pact. How can any of us vote today to approve 6 more weeks of ravaging a tiny lovely country named Cambodia?

One final word. A few days ago, I received a letter from an American Air Force captain in Guam. He had written me before, and he wrote again, praising Congress for our growing success against the war, and urging us to carry on our work. He writes:

> DEAR SENATOR KENNEDY: I have just received your letter of June 6 with copies of the May 31 Congressional Record. It was encouraging to read the Record and see that the majority of the Senate understands the problem we are faced with in Cambodia. I have allowed some of my fellow officers to read the excerpts you sent me and they too felt that finally the Senate was doing something.
>
> Our combined request is that the matter be carried out to execution and not left to die in Committee. We all realize that the processes of government take time, but every day of delay means tons more bombs dropped and more people dead or dying.
>
> You have our full support.
>
> Respectfully,
>
> ——— ———.

That is the view of our men in action. How can the Senate do less?

Mr. BAYH. Mr. President, I strongly oppose this so-called compromise on the cutoff date for bombing in Indochina. It is not a compromise—it is one more abdication by Congress of its constitutional responsibilities. It gives the President exactly what he has asked for as regards the date for the cutoff, and in doing so it puts Congress' seal of approval on any military action he may choose to take in Indochina till August 15.

Perhaps the sponsors of this "compromise" have in all good conscience persuaded themselves otherwise. I, personally, cannot ignore implications of this action that is being urged upon us. Mr. President, we know full well what interpretation the administration—and the world—will place upon Congress' retreat in the face of Executive pressure. Our retreat will be seen as a blank check to Mr. Nixon for pursuit of his war policies. And we know from long and bitter experience what use he is likely to make of that grant. I do not intend to vote for another Gulf of Tonkins.

There is another point to be made in this connection. By setting August 15 rather than June 30 as a cutoff date for U.S. military action in Cambodia and Laos, we do nothing more than prolong the killing. It provides no incentive to Cambodian and Laotian insurgents to stop fighting. It tells them only to hold on for another 6 weeks. Whatever dire consequences the administration sees as resulting from an immediate bombing halt will follow just as surely in late August as in early July. I repeat, Mr. President: It does nothing more than to prolong the killing—and to increase the likelihood of still more American casualties—American dead, wounded and POW's.

In adopting the Eagleton and the Case-Church amendments, the Congress was at long last expressing the clear will of an overwhelming majority of the people we represent. If we back down now we shall be guilty not only of abdicating our constitutional responsibilities but of turning our backs on those to whom we owe our deepest allegiance, our constituents.

I, for one, do not intend to assume that burden of guilt. And I urge my colleagues to consider that we cannot—as the designers of this false compromise urge—purchase a title to "responsibility" by repudiating the will of our constituents and the imperatives of our Constitution.

Mr. BAKER. Mr. President, I want to commend the distinguished chairman of the Foreign Relations Committee and the ranking minority Member for what I consider to be a fair and equitable solution to the question of further U.S. involvement in Indochina.

Although I supported the President's policy in that part of the world up through the signing of the cease-fire agreements in Paris last January, I am convinced that we gain little from our continued involvement and for that reason I am willing to support a funding cutoff. However, in view of the fact that its looks possible to negotiate a cease-fire in Cambodia, to add to those already in existence throughout the rest of Indochina, I am particularly pleased that the distinguished chairman has agreed to the date certain of August 15. If, by that time, no agreement has been reached, funds for continued involvement will run out and the U.S. presence in that part of the world will come to an end.

However, as that presence ends, let no one contend that we have failed to honor our commitments for the President will have done all in his power to bring peace to Southeast Asia and by-and-large, he has done an excellent job of it. What is required now, is a willingness on the part of the leaders in Hanoi to accept our peaceful intentions and to try for once to achieve politically what they have tried and failed for so long to achieve militarily. It would certainly be a welcome sign and it would truly initiate the global generation of peace for which the President has worked so hard.

Mr. STEVENSON. Mr. President, for 8 years I have opposed U.S. involvement in the Indochinese War. For 8 years, in and outside the Senate, I have supported every effort to cut off funds for the continuation of U.S. involvement in that war. Each such effort contained a deadline for funding U.S. military efforts in Indochina, and each failed. Now for the first time I have a chance to support a deadline which will not fail.

By approving this amendment to the Senate does not condone for 1 minute more the illegal and immoral bombing of Cambodia. What the Senate can say now, and at last with finality, is that U.S. involvement will end no later than August 15. The Congress would not sanction the war. It would end U.S. involvement in the war, and upon terms which preserve its constitutional authority. The President has finally relented.

And the Congress now has no alternative. There is no other way. The House will not override the President's veto. We can stay here until doomsday passing one bill after another to cut off the funds—and all to no avail. The Congress can defeat this amendment—and accommodate the President with a confrontation which will divert public attention from his difficulties. It can bring the functions of the Government to a halt—and prolong the war. Or upon principles many of us have supported for 8

long years we can now finally end U.S. involvement in this abominable conflict.

Mr. President, to conclude this comment on an ignoble, yet reassuring, note, if the Congress approves this amendment U.S. military activity cannot end later than August 15. It probably will end sooner. President Nixon is not likely to wait until August 15 and then ignominiously and abruptly terminate military activity. He will, having relented, now seek a way out and at the earliest possible date. I am for giving him this last chance to end this horror upon our land and theirs—no later than August 15.

Mr. McINTYRE. Mr. President, I will vote to support the pending amendment.

This is a terribly difficult vote for me to cast. I have stood firmly for ending the war in Southeast Asia and for ending the bombing in Cambodia.

There has been no constitutional basis for the bombing.

The people of this Nation want it stopped.

The mail from my constituents has been nearly unanimous in calling for an end to this bombing.

Yet our Nation faces many—so many crucial problems today.

We have the tragedy of Watergate.

Our prices have gone beyond the point where millions of Americans can balance their budget.

Our trade with the rest of the world is still a desperate problem.

We face an energy crisis which will tax our every capability to meet.

Can we add to that the possibility of further tearing our Nation apart by possibly bringing our Federal Government to a virtual standstill, delaying social security checks, halting grants to States and localities, and causing extreme uncertainty and heartache among our people.

By adopting this amendment we will have, for the first time and agreement by the administration that a day certain has been established for removing ourselves from the terrible war in Southeast Asia. This is not a minor accomplishment.

I must say, however, that I want it clearly known that my vote is not a vote putting the stamp of approval on the bombing—it is not a vote that in any way declares the constitutionality of what has been done in Cambodia or what may occur in the next 45 days.

I am supporting this amendment as the only possible way out of a nearly impossible situation.

Mr. CHURCH addressed the Chair.

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

The PRESIDING OFFICER (Mr. HART). The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, it is most distressing to differ with a Senator I regard so highly as the distinguished Senator from Massachusetts (Mr. KENNEDY) or with our honored majority leader, Mr. MANSFIELD, who has fought against this war in Cambodia and in Vietnam for so long, with such determination and conviction, or with the distinguished senior Senator from Oregon (Mr. HATFIELD).

But, Mr. President, I also find it somewhat repugnant that there should be an inference in this debate that those of us who support the provision recommended by the Committee on Foreign Relations are somehow relegated to the ranks of the impure, while those who oppose it somehow stand on the side of conscience.

I have a conscience, too. I do not wish to belabor the fact, but Members of the Senate know that I have opposed this war as long as any other Member of this body, and I have worked as hard as I know how, through the Congress, to bring this war to an end.

So I do not have to be reminded that the war in Cambodia is an abomination. It does not have to be emphasized, insofar as I am concerned, that it is an unconstitutional exercise in Presidential power. I do not need reminding about the havoc our part has wrought to the societies of Indochina and of North America.

If there were any way tonight that I could, by opposing this resolution, bring the war to an immediate end, I would oppose it. If there were a way I could save the life of a single child, or of a young bride, or an old man in Cambodia tonight, by voting against this resolution, I would vote against it.

I say to the Senate, however, that I cannot follow the argument made by our distinguished majority leader or by the Senator from Massachusetts or by the Senator from Oregon. They have said that if this proposition is accepted, the Senate is somehow giving its blessing to an unconstitutional war, to an illegal war, to an immoral war, to an idiotic war.

Now, that is a novel argument. For this is not the first time that a deadline has been placed in an amendment to end the war. I cannot remember, over the past several years, any proposal to end the war that did not have a deadline. Certainly, the McGovern-Hatfield proposal contained a deadline, and it was said then that it was immoral to support it, since our involvement in Vietnam was unconstitutional in that it had not been ratified by Congress.

I was sponsor of two amendments directed toward limiting our involvement in this war, amendments that carried and became law historically known as the Cooper-Church amendments. They contained deadlines, but it was never said that we endorsed the war, because of the deadline.

I worked for the Mansfield amendments. But it was never suggested, at any time during those debates, that because there were deadlines contained in the Mansfield amendments, it was immoral to support them.

This is not a contest of conscience, in which the side of the pure stands arrayed against the impure. This is a stark and simple matter of how we bring this awful war to an end.

Those who argue against this resolution have no way to bring this tragic war to an end—not tonight, not next week, not by the end of the summer, or by the end of the year. The bombing will go on, and the young, the old, the sick, and the innocent will die—in larger numbers and for a longer period of time than if we adopt this proposal tonight.

In all 8 years I have opposed this war, there has been one thing that has always been plain, and that is that Congress would never write into law a provision terminating our part in the war, without the signature of the President. Is there a man here who can convincingly argue that we shall secure the President's signature on any proposal to cut off funds now? The President has already vetoed that proposition. And the House came nowhere near overriding the veto? Do Senators think that by sending the President the same proposition again he will suddenly cave in, that he will not veto the next bill, and the next and the next? In fact, he has said to Members he will veto more. How long do we wait for a two-thirds vote in each House to materialize? How long will the war go on?

We may dispute indefinitely the President's exercise of authority, but we cannot stop the war without his signature, unless we override his veto, for which there is no prospect in sight.

So I have no troubles of conscience in urging this proposition on the Senate. I do not think it will live in infamy. Indeed, it will be celebrated as a statutory action finally joining together the legislative and executive branches to end American participation in a war I have hated and opposed for nearly a decade. I wish to God there had been a way to end it sooner. But I am not going to slam shut the door on this, our first real opportunity.

Least of all would I regard this proposition as a "cave-in" by Congress. That does not coincide with the facts at all. We have already passed one amendment that I supported, sponsored by the Senator from Missouri (Mr. EAGLETON). Would that we could have enacted it into law with the President's signature, but Mr. Nixon vetoed that proposition, which called for an immediate cutoff of funds. Wishing for it cannot get it without the President's actual consent.

The Eagleton amendment, remember, called for a partial cutoff; only as to Cambodia and Laos. I do not criticize it, but that is all it related to. Now, we have had some experience with partial cutoffs, and it has been uniformly bad.

Congress cut off funds for sending combat troops into Laos, so the President sent them into Cambodia, instead. We then cut off funds for sending combat troops and military advisers into Cambodia, so we now have the bombs. Never have we seen a complete cutoff of funds for all military activity on the land, from the sea, and in the air that encompasses every part of Indochina.

It is no cave-in when Congress insists upon a complete cutoff covering every part of Indochina, covering every country involved in these protracted hostilities.

Do Senators think the President wanted that? He fought against it, and his representatives fought against it. They said it could not be, but we have secured it tonight, a complete cutoff, in exchange for the deadline date.

I would prefer an immediate cutoff, but the President's signature is needed if we are to achieve any cutoff at all. Do we choose, instead, a futile debate, flouting our impotence, and allowing this

war in Cambodia to continue indefinitely? Do not think prestige comes to Congress because of its impotence. Do not think we will be remembered because of the purity of our principles.

We have a chance now, after all these years, to do what I thought the opponents of this war always wanted to do, namely to cut off funds and force an end to our part in the war. That was the principle of the McGovern-Hatfield amendment, the Mansfield amendments, the Cooper-Church and Case-Church amendments. Now comes the chance to do it for all of Indochina and bring peace at last.

There is not a man who opposes this measure who can offer us another way, let alone a better way, to do it. So I will, with good conscience, vote for the resolution.

Mr. HASKELL, Mr. MOSS, and Mr. EAGLETON addressed the Chair.

The PRESIDING OFFICER. May the Chair first explain that I am advised we are operating under the rule, and the Chair is directed to recognize the Senator who first addressed the Chair. That is not always easy to determine. I hope there is understanding. The Senator from Colorado is recognized.

Mr. HASKELL. Mr. President, I would like to put this in a slightly different context than it has been put before.

I have for many, many years admired the Senator from Arkansas, and I admire him greatly for his courage over the years in doing what I thought was right and in following his conscience.

I think his conclusion at this time, his intellectual conclusion is wrong and I wish to give my reasons, at least in my opinion, why he has come to the wrong conclusion.

Let us examine what has happened. We have first the President going to war. One does not need to be a constitutional lawyer to know that violates the Constitution. We have, second, a President of the United States cutting off programs by the eupthemism of impoundment—failing, as the Constitution says he will, to carry out the laws of the United States. That is a second unconstitutional act, and the lower courts have so held.

We have the President seeking reorganization of the Government in certain aspects without the action of Congress. That has been held unconstitutional in the lower courts.

Next, we have the President at one time through one of its spokesman making a ridiculous claim of executive privilege which, again, obviously was unconstitutional.

We have had, in my opinion, I say to the Senate, a deliberate avoidance of and an attempt to subvert the Constitution of the United States. Where does that take us? In my own personal opinion, this is the time to draw the line. This is the time when the confrontation has got to come to a head. We have before us a bill which will bring that confrontation. I am not saying that on one side are all the angels or that on the other side are all the devils. I am saying that, as a matter of logic, this is the time to stand up for the Constitution. I am saying that the way to do it is to stick with the Eagleton amendment and the Case amendment, or to change the proposal of the Senator from Arkansas so as to strike August 30 and insert June 30.

I think we are fooling ourselves. To depend upon a law that we put on the books being carried out, if it suits the purpose of the man who is the man to carry it out, I submit will lead to a very intellectual argument about the date of August 15.

So just from a reasoned viewpoint in support of a document that has made our country a great country, although I think this is a hard decision. I think the thing to do is to vote against a man whom I greatly admire, the distinguished Senator from Arkansas.

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

Mr. HASKELL. I yield.

Mr FULBRIGHT. I, of course, have the greatest respect for the Senator from Colorado. I think he has great understanding of this matter.

I should like to ask him to consider an alternative. First, I may say that a number of Senators who have spoken here have begun their disagreement with this kind of proposal very recently. A short time ago—a matter of months—they were willing to vote for a 6-month cutoff. This proposal is for 45 days, as the Senator knows.

This is the end of the fiscal year. It is true that we can precipitate clashes and cut off funds for the operation of the Government. But then which position will the country support? The position of Congress or the position of the Executive? From our point of view, of course, I have no doubt what I would do. It would be Congress.

It is true that in some areas we have not been doing well. But I think we have been doing well in many of the areas we have been speaking of. I am very anxious to avoid making a mistake which would turn us around as representatives of the country and in the interests of the people of the country.

I agree that in this area we can legitimately differ. I have the greatest respect for the majority leader's position, as I do for that of the Senator from Colorado. But what we are confronted with is a fact of life.

I disapprove of the war just as much as anyone else. If we had not had a veto, I would not support this proposal. But I have some reason to feel that the President will veto the bill again. From his point of view, he is in a very difficult political situation today on account of things the Senator has mentioned, especially the hearings in the Senate committee, such that he probably would welcome a confrontation. If the results should fall upon the employees of the Government, the disruption that would result from this would be a diversion from what is now going on in the committee under the able chairmanship of the distinguished Senator from North Carolina (Mr. ERVIN).

These are difficult accommodations to weigh when we come down to the question of what is the way to assure an early end to the war. I would have liked to have the 1st of August or, as the Senator said, June 30. For all practical purposes, June 30 is an immediate cutoff. But, after all, we are not theoreticians; we are talking about constitutional law. Does the Senator have any practical reason to think that if we followed his course, we could override a veto? No one has convinced me that that would succeed. What makes the Senator believe that we can bring this war to a close sooner than August 15?

Mr. HASKELL. First, I agree with the judgmental factor. As to whether the President will veto, probably the Senator is correct. Whether the House would fail to override, as I recall there was a 27-vote margin the last time. But I come back and say to the distinguished Senator from Arkansas that in view of this accumulation of violence, in view of what, at least in my opinion, could have led us to tighten this formula, there has to be a time when I think a line has to be drawn. I think, in my judgment, that this is the time to do it.

I am very much concerned as to whether—and this is judgment again—it would be interpreted by the President as weakness. I am concerned as to whether on August 10, if things have not gone the way the President would like them to go, some excuse will be manufactured. I think the chances are even. I think that if the President feels that things are not going the way he wants them to go, an excuse will be manufactured.

Mr. FULBRIGHT. An excuse to do what?

Mr. HASKELL. To continue the war and continue the bombing.

Mr. FULBRIGHT. No resolution would be effective if the President is determined to resume the bombing.

Mr. HASKELL. I am sure that a legalistic basis could be devised on which to circumvent this legislation, if they say what was desirable on August 10. I think we have at this time to impose the will of Congress in an area in which I think everyone agrees is within the area of Congress.

Mr. FULBRIGHT. If the President is going to violate the date we have in the resolution, why would he not violate the provisions of the Eagleton amendment, if he is going to disregard the law which he has accepted? That is what the Senator is saying.

I do not understand it any better. We all voted—not all of us, but I did—for the Eagleton amendment, which was vetoed. Suppose the President had accepted it. It would only have been an inhibition on Cambodia and Laos. He could continue to wage war in all of Vietnam, which is, after all, where all this trouble was precipitated.

Mr. HASKELL. I would agree with the Senator from Arkansas that the Senator from Arkansas' amendment would be far better. If the Senator from Arkansas had said June 30, I would certainly have supported it.

But in response to the Senator's question: If the President will find a way, and if he wants to find a way around it on August 10, why would he not find a way around it now? That is a very good question.

But this is a question I would like answered, and this is the question that it seems to me is for the long-run benefit of the country to have.

Mr. FULBRIGHT. Mr. President, I thought we answered it as far as immediately is concerned. If anyone could think of a good reason to change the date to June 30, I would change my mind. I do not think it would be effective, as demonstrated by what has already happened.

It is only 45 days as against 6 months. Several resolutions we have voted for in the past in an attempt to achieve the same result were not able to be passed in the House. I thank the Senator, and I appreciate his attitude.

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

Mr. FULBRIGHT. I yield to the Senator from Missouri.

Mr. EAGLETON. Mr. President, I would like to address a brief commentary to the eloquent remarks espoused by the distinguished Senator from Idaho. He is a gifted articulate and persuasive orator, and indeed he has devoted much of his time and energy for the past 7 or 8 years in the Senate trying to bring the horrible Indochina war to an end.

I say to the Senator and to any other Senators sharing the same beliefs, that no one here considers the motives of those who sponsored this amendment to be sinister, corrupt, or immoral. The debate here is on a matter of philosophy. And no one has questioned the capabilities or the integrity of any of those who espouse the Fulbright proposal, erroneous as I deem it, personally, to be.

Some mention was made by the Senator from Idaho of previous resolutions that had deadlines—the McGovern-Hatfield and the Cooper-Church. Yes, there have been previous end-the-war resolutions and end-the-war bills and end-the-war amendments that had established deadlines for the cut-off.

However, there is a big difference between now and the time that some of those were offered several years ago. That was a time when there were half a million American combat troops on the ground in South Vietnam. And the alleged excuse for the troops being there at all, after the Gulf of Tonkin joint resolution was repealed, was that the President was protecting those troops—and that he needed time to draw down the troops—and that he wanted, as some have expressed it to avoid a Dunkirk-type situation.

Some of those measures had 90 days and some had 6 months. And most of them were contingent on the release of our POW's. Yes, there were time limitations based upon the circumstances and the conditions we found ourselves in in Southeast Asia in those years. However, this is the year 1973. Today the President cannot claim that he has an inherent power to protect American forces.

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

Mr. EAGLETON. I will be glad to yield in a moment.

This is a year in which we no longer have American combat troops on the ground in Southeast Asia, thank God, and the last vestiges of our military involvement in that quadrant of the world is that relentless and senseless bombing of Cambodia.

So, the facts and the conditions are vastly different now than they were before. And our vote today should consider those changed circumstances.

Mr. CHURCH. Mr. President, I appreciate very much that times have changed. I have felt that our involvement, at least from the time of the repeal of the Gulf of Tonkin resolution was unconstitutional. Was it ever suggested before that by voting for a deadline, we were legitamizing the war or were somehow accepting its validity? I never remember that argument being used until tonight. It was never used in connection with any of the other amendments that had a deadline.

The issue of the validity and unconstitutionality of the war was the same then as now.

It is a new and novel argument now.

Mr. EAGLETON. It is not new or novel. The alleged premise by President Nixon, once the Gulf of Tonkin joint resolution was repealed, for the continued presence of American troops in Southeast Asia was to maintain the peace, and to protect the troops in preparation for withdrawal. That justification was terminated on March 28, 1973, when the last American left Indochina.

I say alleged because I disagree with that previous claim of power. Once the Gulf of Tonkin resolution was repealed, there was not one whit of constitutional or statutory authority for the President to keep American troops in Southeast Asia. Nonetheless, the President argued that he was protecting Americans, and a majority in both Houses saw fit to support him.

Over the years, as the Senator from Arkansas pointed out, he proved that he had the power to sustain his position.

The reason we put in a time-certain limitation during those periods was to work out an arrangement so that the troops would be safe and would not have to flee from the beaches.

But the situation we find ourselves in tonight is a much different matter. Tonight we are confronted with the prospect that it will all begin again—this time with our sanction.

The Senator from Idaho made a very articulate statement and said that the President would not be cowed—when he vetoed the previous bill. We passed a bill the other day that had a fund cutoff for Cambodia. He vetoed it. He said he did not like it, that it was nasty, or that Congress should not do that.

Instead of the Senator saying that the President will not be cowed, we must ask ourselves whether we will be cowed. Because the President shows guts, determination, doggedness, et cetera, are we then to shrink, or to shirk or to hide?

Because the President says that he will use the veto, do we become whiplashed into conforming to his desire?

Maybe the President will not be cowed. However, we are apparently not going to test him. To use one of L. B. J.'s phrases, we will cut and run first.

We are going home next week for the Fourth of July recess. We will have fireworks, either here or in our home State, and we will rain tons and tons of bombs on Indochina as our Independence Day gift to the Cambodians.

We are the ones being cowed. Make no mistake about that. We are caving in when we think of a veto. We run and give him his way.

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

Mr. EAGLETON. I yield.

Mr. PASTORE. Mr. President, I fully subscribe wholeheartedly to everything the distinguished Senator from Missouri has said. Those of us who have supported his amendment time and time again, if we go along with this compromise, will go along with it tongue in cheek and with a very, very heavy heart.

The question has now become a rather realistic and pragmatic one. The question here now, in view of the fact that the House has refused to override the President's veto, is where do we go from here? Do we bring an end to this immoral conflict as of August 15, or do we go on having an indefinite period?

That is the question that we have to decide here tonight. To me, this is going to be a very hard choice to make. I know how the Senator from Missouri feels about this. And no one can question or challenge the arguments he is making, because if it is immoral to kill after August 15, surely it is immoral to kill now. But the question is if we can stop this immorality after August 15, rather than to have it go on for God knows how long, is it not better to go about it in a realistic and practical way and say, "For goodness gracious, let us bring this to an end."

That is the question that confronts us. It is not a question of who is cowed by whom or who is retreating from whom.

We have a very hard and delicate question to decide here.

I can see it both ways, to tell the Senator the truth. I think it was wrong for the President of the United States to veto the bill we sent to him. I think that the bill we sent to him was not a rebuke to the Presidency. It was really a partnership on the part of Congress and a willingness to share the responsibility of bringing this conflict to an end.

The President saw fit to veto that bill and he sent it back to the House where they would have the first chance to override the veto. They sustained the President's action.

Now, in view of that, what do we do? What do we do? Do we go along, just passing these amendments time and time again, having them vetoed by the President, and have this conflict and this immorality go on indefinitely, or do we say to ourselves, "God help us, and God forgive our sins, that we permit this conflict up to August 15?"

I say this is going to be an act of contrition for everyone in this Chamber who votes for this compromise, but, short of voting for the compromise, what is the alternative? The alternative is that the President will go on indefinitely unless we tie up the mechanism of government, and each alternative is really bad.

But that is the choice we have here this evening, and I am sorry to say that

I for once in my life have to abandon a strongly held conviction in order to bring about, in the best way I can, the choice between two evils.

This is no longer a question of right or wrong. The question here tonight is, Of the two evils, which is the lesser one? That is what we will vote on.

Mr. MOSS. Mr. President, will the Senator yield for a question?

Mr. EAGLETON. I yield briefly for a question.

Mr. MOSS. I wanted to ask the Senator, if we should pass the bill with the Eagleton amendment on it, and it passes both Houses—it has already passed the House of Representatives—and is sent to the President, and he vetoes it, is that the responsibility of the Senate or is it the responsibility of the President, that he stops the whole Government from operating?

Mr. EAGLETON. The President of the United States exercises the power of veto. He is the one who decides whether the Government is going to come to a screeching halt. We will send him a continuing resolution that permits every agency in the Government to be funded and to function. The President makes his decision. If he says, "I have got to keep bombing those people 45 days more and that is more precious to me than that the Government continue to function," the choice is his.

Mr. MOSS. We bomb with honor until August 15, and after that it becomes murder; is that right?

Mr. EAGLETON. Well, that is the contention of the Senator from Rhode Island. He says this is an act of contrition. I do not know what we are about to commit here tonight, whether it is a venial sin or a mortal sin.

What is 45 days worth to us? We will be on vacation part of that time, so maybe we will not care.

What is 45 days worth to the Cambodians? I have been there only once. It is a very pleasant place, or used to be.

We have rained down, in the last 6 months over Cambodia, more bombs in tonnage than in the previous 3 years over Vietnam. In 45 more days, we can create even more havoc, if that be our desire.

Mr. President, it has been said that the legislative process is the art of the possible—that in fashioning any piece of legislation compromises or accommodations must be made. For much of the legislative process this rule would apply.

But the continued bombing of Cambodia is not an issue that yields to compromise. Congress cannot sanction an unconstitutional and illegal endeavor for "just a little while." There is no way of being just a little bit unconstitutional, or just a little bit illegal.

The Secretary of State asked the Foreign Relations Committee the other day for continued power to conduct combat activities in Cambodia and Laos. We are not being asked to give new authority, we are being asked to sanction the President's claim that he does not require our authorization. In effect, Congress would be retroactively ratifying all the illegal bombing in Cambodia that has occurred to date, and would be giving its blessing, however reluctantly, to the continuation of the bombing for an additional period of time.

In referring to the gray area which separates the war powers of Congress and the President, Prof. Alexander Bickel stated that, in the absence of a war powers statute, our only legal benchmark is the "constitution of practice." And if we enshrine the current claim of broad powers under the Commander in Chief clause by authorizing continued combat activities in Indochina, we will present future Presidents with a legal carte blanche to wage unilateral and unauthorized war.

We have created a legend around the tough, lonely decisions that are made by the one man who occupies the oval office. But today each of us is faced with a decision that could mean life or death for American pilots or Cambodian citizens. Each of us must agonize over the burden of our own office—we must agonize over the great responsibility assigned to the legislative branch by the Constitution.

Earlier this week a dangerous new element was introduced into the Cambodian situation—an element which greatly increases the risk of our continued involvement. Russian surface-to-air missiles are now being used against American aircraft in Cambodia.

Our decisionmaking burden is therefore greater today. Will we vote to risk the lives of our pilots for a cause which even the administration has difficulty defining? And will we risk the possibility that one of those pilots flying over Cambodia will become the first POW of the Cambodian war?

If that happens, we can forget about terminating our involvement on August 15 or any other "compromise" date. If that happens, you can be sure that we will be asked to extend the administration's authority—we will be asked to give our negotiators the leverage they require to obtain the release of our POW's. And we will find ourselves locked in the deadly embrace of yet another war—this time in Cambodia.

Mr. President, it is our duty to appropriate funds so that the Government can operate. And by passing vital appropriations bills prior to the end of the fiscal year we are performing that duty. But it is also our solemn duty to decide how, when and where our Nation goes to war. And by attaching a cutoff amendment to these bills, we perform our duty according to our own sense of it.

But the President has a duty as well—a duty to carry out the laws as enacted by Congress. And he has a duty to assure that the Government of the United States continues to operate into the next fiscal year. If he chooses to reject the appropriations we provide him for that purpose, then he must accept the full responsibility for the consequences of that action.

We should not be bludgeoned into giving legitimacy to President Nixon's illegal Cambodian war. Under our Constitution, the decision to go to war belongs to Congress. By a series of record votes, Congress has expressed its will—that there be no more American involvement in a Cambodian war.

The President has never sought congressional authority to engage in a war in Cambodia. Yet he now seeks our backdoor sanction by a false compromise. Congress should not be intimidated into doing indirectly what it would never do directly.

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

Mr. EAGLETON. I yield to the Senator from Minnesota.

Mr. MONDALE. As I have listened to this debate, it seems to revolve around the question of how Congress can effectively end the war. The Senator from Idaho makes a very strong argument that even though he would like to end the war tonight, and would have wished to have ended it 8 years ago, he sees no prospect of passing the Eagleton amendment over the veto of the President. His position is that overriding the President's veto is really the only remedy that Congress possesses.

But it is not the case that there is another important remedy that we do control, which does not require the vote of two-thirds of the Congress; namely, the withholding of the resources that the President needs to continue this war if he refuses to comply with the wishes of Congress. Is it not at this very moment that the request for an increase in the debt ceiling is pending before Congress?

If the President refuses to sign the Eagleton amendment, and if we cannot override his veto, we have another remedy that we can clearly succeed in; namely, we can refuse to increase the debt ceiling which will, regrettably, bring the American Government to a halt. But I think that is a small price to pay to end this tragic war immediately. It is a viable remedy, however regrettable, and it is one that we can succeed in if a majority of Congress wishes immediately to end that war.

Is my analysis correct to the Senator from Missouri?

Mr. EAGLETON. I would say that the analysis of the Senator from Minnesota is correct. But I would add one addendum, that the continuing resolution itself is an equally viable vehicle to achieve the same results which the Senator from Minnesota desires—to wit, the immediate termination of the bombing in Cambodia.

What it boils down to is this: The bill is on the President's desk as the continuing resolution. He must stare out his window and he must decide—one man alone—is 45 more days of bombing Cambodia more precious to him than continuing the functioning of the U.S. Government?

That is what is involved in the debt ceiling bill and the continuing resolution. That is what the President must face when the money runs out.

He has decided with respect to an earlier bill, the supplemental appropriation, that the bombing was worth more than the money in that bill. So he has made his decision there.

I should like to see him make his decision with regard to whether bringing the Government to a halt, is good, logical governmental wisdom, whether it was possible to bring the Government to a

halt so that he could bomb in Cambodia for 45 more days.

I have disagreed with President Nixon on many things, but I believe that when he considers those two things on balance, he would sit there and say, "No, I will not bring the Government to a halt. It is better for the Government to function than to gain a few more days to bomb in Cambodia."

Mr. MONDALE. There is no doubt that Congress possesses a majority for the Eagleton amendment. We have already clearly demonstrated that. If the question is whether we possess the power to end the war immediately, the answer is "yes." It does not rest on our capacity to override a veto, as has been suggested here, but on the capacity, by mustering only a majority, to refuse to adopt the continuing resolution or to increase the debt ceiling, either or both. If we do either, the President must accede to our request because he will not have the resources to proceed with the war; is that not correct?

Mr. EAGLETON. That is correct.

Mr. MONDALE. I thank the Senator from Missouri very much.

Mr. PASTORE. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. I yield.

Mr. PASTORE. Mr. President, I am afraid that what we are doing is simplifying the unsimplifiable.

We say we can bring the Government to a halt. May I remind all Senators that we have thousands and thousands of paraplegics and veterans of Vietnam who cannot even light their own cigarettes, and who have to be pushed by a nurse.

If we do not pay the nurse and the nurse does not report to work, what is that paraplegic going to do?

This is serious business. If anyone has agonized over this compromise, it has been the Senator from Rhode Island. Yes, if we could accomplish our purpose, I would say, "Let us stand pat." But if we do not accomplish the purpose, there are thousands and thousands of veterans in our hospitals lying in bed who cannot take care of themselves.

If we bring that to a halt, what have we done?

The best appeal I say is, "All right, Mr. President, we will give you August 15, but in the name of commonsense, in the name of God, do not bomb until August 15th." Let us make that admonition to him.

But let us not stop the mechanisms of government, because if we do, the injury and the irreparable harm will be untold, and it will remain on our souls. Because, what are we going to say to those boys in the hospital? How are the nurses and the other staff people going to be paid if we bring government to a halt?

Oh, yes, if we could stop the Defense Department, I would vote for it tomorrow. But what about sewers, water, education, and health—are we going to stop all of that?

Is that not the challenge here tonight?

These are serious questions.

I repeat, Senator EAGLETON, you are absolutely right. I do not question you one bit. But they have forced us into a corner. We are into a corner. The decision we have to make tonight is not a decision on what is right or what is wrong, but a decision on what is the best course to follow as between two evils—and I am suggesting that the lesser of the two evils is to compromise.

Mr. EAGLETON. Mr. President, may I respond to the distinguished Senator from Rhode Island (Mr. PASTORE) by saying that we have let ourselves be forced into this corner. After one veto, we have taken a "powder." We have forfeited our role within our system.

No one is talking about bringing the Government to a screeching halt. In the colloquy between the Senator from Minnesota (Mr. MONDALE) and myself, I responded to him that I did not think that that would occur because, in all rationality, when the President is faced with a choice as between bombs in Cambodia and the functioning of the Government, he would choose the latter. I fully believe that.

We are the ones who are taking the premature "powder." We are the ones that have to pay the penalty for it in terms of our own judgment.

Mr. MOSS. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. I yield.

Mr. MOSS. I was going to ask the Senator from Missouri what was he responding to. The Senator from Rhode Island, who many of us recognize is perhaps the most eloquent and persuasive of all Senators in this body, continually made reference to the fact that we were going to bring the Government to a screeching halt, that we would be hurting the paraplegics, that we would be stopping the functioning of the hospitals, and all the rest.

Well, Mr. President, we are not going to do any such thing.

We passed the provisions for money to go ahead, so if it goes out of the Congress, all of it goes ahead. If it is stopped, it will be stopped by one man down at the White House, and then we must decide how to add up to it. But I do not believe for 1 minute that the President of the United States would permit all of this Government to come to a halt simply because he wanted to drop some more bombs on Cambodia.

Mr. EAGLETON. I absolutely agree with the Senator from Utah. The President of the United States has a great deal more commonsense and a great deal more wisdom than to see the total stoppage of this Government because he wanted a few more days of bombing in Cambodia.

Several Senators addressed the Chair.

Mr. EAGLETON. Mr. President, I yield to the Senator from California (Mr. CRANSTON), and then I will yield to the Senator from Indiana (Mr. HARTKE).

Mr. CRANSTON. The Senator said, in response to the Senator from Minnesota (Mr. MONDALE), that we have the capacity to stop the war now if we pass the continuing resolution that was vetoed, and if we pass the debt limit bill that was vetoed because of the anti-Cambodia bombing provision on it, that that would stop it now. I question the Senator's response that that would stop the bombing and I would like him to explain how it would stop the bombing, because there is in the pipeline so much money that we have already appropriated for military matters, defense, this that and the other thing, that the bombing could go on and on and on for an indefinite period of time while we were passing any bills favoring stopping the war now, and necessary vetoes that would come along, and sending the bills back to us. That is why I have taken my stand with the Senator from Arkansas, unhappily, and reluctantly. But I do not believe that we have the capacity to stop it now. Together we have the capacity to stop that war on August 15.

Mr. EAGLETON. Mr. President, first of all it is my presumption—I will never be able to test it, because we have apparently decided to cave in early in the game here—but if we had stayed and persisted in our efforts, expressed twice on the floor of the Senate already, and also on the floor of the House—with this cutoff placed before the President on the final day when he must decide between cutting the nurses or closing the hospitals it is my position and belief that the President would sign that continuing resolution and the bombing would be terminated after that point, because the language in any of these amendments talks about money appropriated or heretofore appropriated. The pipeline would be covered by that all-inclusive language.

Mr. CRANSTON. However, if that judgment is wrong and the President vetoes, he will have the capacity to go on bombing while we hassle with him, because of the money already in the pipeline which is available for that purpose.

Mr. EAGLETON. We run to the point where the continuing resolution would affect him, so far as the bombing policy is concerned, as it would any other department of government, foreign or domestic, in the sense that he could not pay the pilots flying the bombing runs. The Secretary of Defense has already testified that the language of the Eagleton amendment would stop the bombing.

Mr. HARTKE. Mr. President, I would say in regard to the debt limit that it expires on June 30. The Secretary of the Treasury says that they will not have any more money at least until after July 10. That means that on July 11, if we stop paying the veterans' hospitals—and I am chairman of the Veterans' Affairs Committee and I believe that the veterans ofthis country are willing to go ahead and take their side on the side of people, Congress, to go ahead and bring this war to an end, if that is what is necessary. But the fact is that you cannot pay the bombers or the veterans, either one. You cannot pay anybody. If you stick to your guns, with the Eagleton amendment, there is no question that on July 11 the President will not have any money to pay anybody, including the bombers. That is the point. That is the point the Senator from Missouri is making so eloquently. He is doing a good job.

Mr. EAGLETON. I thank the Senator from Indiana.

Mr. HARTKE. I do not know where these assurances came from. I do not know whether the President talked to the chairman of the Committee on Foreign Relations. Has he talked to Senator ERVIN yet?

I should like the attention of the chairman of the Foreign Relations Committee, to ask him where he got the assurances that August 15 was going to be the termination date.

Mr. FULBRIGHT. I assume the Senator was not here. The assurances came from the White House, by way of the minority leader.

Mr. HARTKE. From the general counsel?

Mr. FULBRIGHT. From the President of the United States?

Mr. HARTKE. Did the President communicate it directly or through Mr. Laird?

Mr. FULBRIGHT. It is my information that he communicated directly with the minority leader, who was here a moment ago, and I assume it was before the Senator came in.

Mr. HARTKE. Perhaps when we come back on August 15, we will find out that somebody said that somebody said that somebody said the President said.

I should like to refer the Senator from Missouri to certain dates, and I read from a publication of the Foreign Relations Committee relating to Southeast Asia.

May 5—President Nixon meets with congressional committees to explain U.S. involvement in Cambodia. He assures them that American troops would be withdrawn from Cambodia in 3 to 6 weeks.

That was May 5, 1970. Is that the same type of assurance we have for August 15?

May 13—Secretary Rogers makes his first detailed public remarks on the operations in Cambodia. He says: "This is not an escalation. . . . It is not an attempt to win a military victory." . . . Mr. Rogers says that the bombing of Cambodian enemy bases and supply routes and the patrolling of international waters could be continued after the President's deadline. He states, "We don't intend to become involved militarily in support of any Cambodian Government. . . . I am talking about United States troops, or air support." . . . He emphasizes that the United States would not become "militarily involved" to defend the Cambodian Government.

On May 26, 1970, after the Cooper-Church amendment was adopted—and I am sorry the distinguished Senator from Idaho is not here:

The Senate votes 82–11 to amend the preamble to the Cooper-Church amendment to prohibit assistance to Cambodia. In order to meet the objections of the White House, the sponsors revise the preamble to emphasize that the amendment is being offered "in concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1."

I have just one more quotation:

May 28—In a statement before the Hammarskjold Forum of the Association of the Bar of the City of New York, John Stevenson, Legal Adviser to the Department of State, outlines the legal basis of the United States and South Vietnamese operations in Cambodia. He states that the "current actions in Cambodia should be viewed as part of the President's effort to withdraw United States forces from combat in Southeast Asia."

I know that there have been statements since that.

When we come back on August 15, we will have a statement from Secretary—I was going to say Secretary Kissinger—from Mr. Kissinger such as he made before the election: "Give me 5 more days and I'll have it cleared up." Right after the election, 30 more days.

Does the Senator from Missouri think that on August 15 we will be back here arguing the same matter?

Mr. EAGLETON. I am somewhat suspicious, as are the Senator from Indiana and the Senator from Colorado (Mr. HASKELL), that somewhere between now and August 15, unforeseen circumstances are going to develop that will require some kind of prolongation of American participation in Southeast Asia. Either it will be of a military type or perhaps the type where we are at a very delicate phase of negotiation. Secret negotiations will be going on somewhere, and we will be told that we are at a "delicate stage" where "if you can just give us a few more tons of bombs, we think we can move a little at the negotiating table." I would not be at all surprised if something like that came along.

The whole litany of Indochina, as the Senator pointed out in his quotations, has been replete with many pious assurances, all totally unfulfilled.

Mr. HARTKE. The Senator reminds me of a Biblical quotation:

When Pilate saw that he could prevail nothing, but *that* rather a tumult was made, he took water, and washed *his* hands before the multitude, saying, I am innocent of the blood of this just person: see ye *to it*.

Mr. McGOVERN. Mr. President, first, let me say that I can appreciate, as I think all Members of the Senate can, both the moral and the political dilemma we are in with regard to the question now pending. It is my belief that every Member on this floor, at least those who have participated in the debate thus far, is struggling to find the most practical way to bring the war to an end at the earliest possible time.

It is not really a question of principle at all. It is a question of which strategy will achieve the result we seek, and that is to put an end to the bombing in Cambodia and Laos and to avoid the possibility of involvement in a military operation in North and South Vietnam.

So far as I am concerned, as one who has been involved in this effort for a number of years, it is the happiest day of my life that the administration has finally agreed to a terminal date on all American military operations everywhere in Indochina. Perhaps some Members of the Senate had expected more of the administration than that. Frankly, I had not. I had a rather pessimistic view of what we were confronted with in dealing with the present administration and their policy in Indochina.

I could only feel a note of great satisfaction that, at long last, the administration had finally capitulated on an issue that some of us have been pressing in the Senate for a great many years. They finally agreed that a date certain would be acceptable to them and would be signed into law, so that as of August 15—on or before August 15—no more American military involvement will take place anywhere in Indochina. Not only does that terminate the bombing in Cambodia and in Laos, but also, it forecloses the possibility of American military operations in North or South Vietnam.

It goes without saying that I have regretted every day of this war for as many years as I can remember, and I wish it were possible for us to make the Eagleton amendment stick tonight in terminating military operations in Cambodia and Laos. We tried that approach. It led to a veto. Now we have an opportunity to take an action that would become law, that would become the law of the land, that would terminate all military operations on or before August 15. That is a great victory. It is not a capitulation for the Senate at all. It is the culmination of years of effort on the part of Members of this body to achieve something that heretofore we could not get passed in Congress, to say nothing of approval by the President of the United States.

But there is one other point I want to make here this evening. The Senator from Rhode Island (Mr. PASTORE) spoke so eloquently about the dilemma he feels, and I think all of us feel, about making a choice between these two approaches: whether we go along with the suggestion of the Senator from Missouri (Mr. EAGLETON), which he made so well, but taking a chance on another veto, and I am almost certain it will draw a veto, or whether we take the approach recommended by the Senator from Arkansas (Mr. FULBRIGHT) and go for the date certain of August 15.

I would like to suggest to the Senate that we can do both. We can approve the compromise proposal suggested by the Committee on Foreign Relations and add it to this bill. It is pending before the Senate now as an amendment to the continuing resolution. We have assurance that that bill will then be signed into law by the President. There is nothing in that action that precludes the Senator from Missouri (Mr. EAGLETON), or the Senator from Idaho (Mr. CHURCH), or the Senator from New Jersey (Mr. CASE) on their amendments or any other Senator from offering an amendment to immediately terminate American military operations, and to attach that amendment to the debt ceiling bill or any other bill from here on out. This is the approach I personally intend to take. I am going to back the substitute amendment by the Senator from Arkansas (Mr. FULBRIGHT) as something I know we can pass through the Congress of the United States and that I know the President will sign. Once that is done, whether it is the debt ceiling bill coming out of conference or any other measure that comes before the Senate, I intend to support any move that is offered by the Senators especially interested in this proposal and if no one elects to offer it, I will offer it myself in the language of the so-called Case-Church amendment as

an amendment on some other piece of legislation.

I understand the Eagleton amendment is already attached to the debt ceiling bill which is now in conference. Let us leave it there. If the conference removes that measure we can reject the conference report and still have the alternate route. In that way we have the best of both worlds. We have the Fulbright proposal calling for the end of all American military operations in Indochina on or before August 15, with the assurance the President will sign it, and we also have another vehicle on the debt ceiling or some other appropriation bill—the Church-Case amendment or the Eagleton amendment, or both—which will call for immediate termination of American military operations in Indochina.

Mr. President, that is the course I intend to follow.

Mr. HUMPHREY. Mr. President, the hour is late, yet, I must speak my mind on this critical situation. I am a member of the Committee on Foreign Relations and I voted for the amendment of the Senator from Arknasas. I did not do so because I thought it the best of all worlds; I did so because I thought it offered a way to end American military involvement in all areas of Indochina for once and for all. I want peace, not an argument with the President.

Ever since I returned to the Senate the cry from this body has been to end the war. Tonight we can do it, as the distinguished Senator from Idaho and others have said, we have time after time voted on or passed in the Senate resolution after resolution and amendment after amendment setting a time certain for American withdrawal from Vietnam; a time certain for the ending all hostilities by American forces.

I recognize the sincerity and legitimacy of the arguments that have been made by those who oppose the amendment. In terms of debate, this has been the Senate's finest hour. The speeches of my colleagues have been both eloquent and persuasive. Yet, we surely recall that most of our resolutions in the past related to a date of withdrawal of American forces. We never looked upon such dateline as approval of the war, but rather as a way to end it. To be sure, the time has come for us to face the facts. We know the President of the United States is a stubborn man. I did not vote to put him in the White House. Yet we all know that the President has unique powers under the Constitution, and one of them is the veto. In order to override that veto, we must have at least two-thirds of the Members of both Houses. This we know is not easy. No matter how much we bluster, orate, demand, or pontificate, the fact is we do not have the votes to end this war without some agreement with the man in the White House.

The Senator from South Dakota made the telling argument tonight. He said he is happy tonight because at long last an objective which he has worked for, and many others in this body have worked for, has come to fruition, namely, a time and date certain to end American involvement in any type military action in all of Indochina—North Vietnam, South Vietnam, Laos, and Cambodia—and that that date has been agreed upon and will be a fact of the law.

I compliment the distinguished Senator from South Dakota for his perseverance and willingness to stand and fight through the years. If any man in this body has the right to be happy, it is the Senator from South Dakota. He has reached an hour of victory for him and for this country. The victory of peace—the end of American involvement in this tragic war.

Let me say to my distinguished colleagues that I have been looking over the language of amendments we have passed here in other days. The first Eagleton amendment was passed on May 31 and it provided for the ending of all American military action in Cambodia and Laos "On the date of enactment." That does not mean that just because we pass it here it is enacted or if they pass the bill in the other body it is enacted. As Senators know, when we pass a bill here or an amendment that has within it a provision making its effectiveness, the date of enactment, it may be months before it is enacted. It has to go through the long legislative process. So let us pretend to be too pure of heart. We know that it takes time—and often a great deal of time to enact a law.

When we said "date of enactment" we did not mean this afternoon. When we pass something here it may be a week, 10 days, 10 months, 2 years before it becomes law. But we satisfy ourselves by saying we voted to end the hostilities on the date of enactment and yet tonight, some feel we have capitulated to the President when we have a definitive date.

What do we have in the Fulbright amendment? Not "date of enactment." We say, "August 15, 1973." We have a bill the President will sign and it will end the war on August 15. I wish we could end the war tonight, but I know it will not. I know we cannot and I know that the role of a compromiser is never one that people like or applaud. But, there are times that in order to serve the greater purpose you have to compromise. When that compromise can accomplish your goal—and in this instance—the end of American military action in Indochina, then the greater purpose has been and is being served.

The distinguished Senator from Rhode Island has said this was a night of contrition. It is almost a night of confession. Oh yes, I know we can be hard nosed. There can be a test of will. We can play Russian roulette, or whatever one may call it. But what we need is not a test of will in this body, but a test of judgment. That is what is needed, a test of judgment. We have had the test of will. We can have another and to no avail. It will make dramatic news. It might take Watergate off the front page. We can bring this country to a grinding halt and have everything happen that the Senator from Rhode Island said and more.

If Senators think that is going to make us popular or the President popular, I submit they are wrong. It will make us both look like we do not know what we are doing. It will demonstrate our obstinacy, not our sagacity. The task of government is to govern. The duty of the legislature is the art of the possible. A man as great as Abraham Lincoln thought that was all right.

I believe this agreement is what is possible. So I have no hesitation in supporting it. My strong feelings about the immorality of this bombing, its illegality, its unconstitutionality, its ineffectiveness, are only exceeded by my conviction that it is incredibly stupid.

But we are confronted by a fact of life in this amendment. This President is not resigning; he has not been impeached. He is there; he is the Commander in Chief. We are faced with the facts of life, the realities of politics; and we are politicians, not philosophers. We are here to help govern a country, not merely to prove a point, or confront a President.

We are not teaching school; we are trying to run a government. The time is at hand to face up to the realities and do our best.

Thank God we have Senators of great moral principle—but what greater morality is there than the achievement of peace. This is what this amendment will do.

This is not an easy decision. It is a difficult and tearful decision. But it has to be made. So I am going to vote for the amendment with a heavy heart, but also knowing with the Senator from South Dakota that there is happiness in this decision. The Senator who ran for President has achieved, tonight, a victory that he wanted to achieve had he been elected President. We have waited a long time. I compliment those who have had the courage and the astuteness to come to grips with the problem.

We are doing the right thing. We must not fail at this critical hour to seize the opportunity that is ours—the opportunity to declare for once and for all an end to U.S. military activities in all of Indochina.

Mr. HOLLINGS. Mr. President, we have reached an impasse. A clear majority of both Houses favor an immediate cessation of U.S. military forces' participation in Cambodia but the President insists with a veto and we do not have the votes in the House to override the veto. We can stand on the principle for which I believe very strongly or we can make an important compromise to get the President and the Congress together on Southeast Asia for the first time.

The principle, of course, is constitutional. There is no constitutional authority for the President to bomb in Cambodia. He has not come to the Congress and presented a request. He only pursues it as an element of Nixon strategy to get a better agreement out of the North Vietnamese. I rather believe in the Nixon doctrine which the President stated on November 15, 1971 as follows: "Cambodia is the Nixon Doctrine in its purest form." This means economic and military aid but no American personnel. I do not believe a better agreement is worth the life of a single American. We have done the best we can do. We have "Viet-

namized" Vietnam. President Thieu says that he did not want America bombing in South Vietnam where the major and more serious violations of the agreement are occurring and there is no treaty for Cambodia. And Cambodia not being a part of the agreement, I do not think this country should engage in one-man military strategy. I would be willing to sit here until you-know-what freezes over. I am willing to hold up the Government salaries if this is what the President's action requires. But I am afraid what we would be asking is only 6 weeks of chaos whereby we can agree today and not only attain the principle but to me secure the most important attainment and that is to get the country, the Congress and the President all working together. I am hard-headed and I do not like to yield but I think this is in the best interests of the country so I will vote for the amendment.

Mr. MUSKIE. Mr. President, like other Senators who have spoken this afternoon, I have already had the opportunity to vote on this proposal—the amendment offered by Senators FULBRIGHT and AIKEN—in the Committee on Foreign Relations. I voted against it.

I think the nature of this debate is such that we ought not to presume to lecture one another. The nature of the decision on this vote is such that the best I can hope to do—that each of us can hope to do—is to make a judgment in conscience. And it is obvious from the debate that has taken place already that I will be in disagreement with some of my distinguished colleagues on this vote.

I take the floor primarily to explain why I voted "No" this afternoon.

First, I suppose that what concerns me most of all takes me back 9 years. For almost all of that time, I have had deep regrets about a vote I cast in the Senate, a vote that helped to launch a war. I have had no real chance to express these regrets. What we then set in motion—in passing the Tonkin Gulf resolution—became a calamity for our Nation, which we must all regret.

But what is now going on in Cambodia has never had any basis in the action taken by this body or by Congress. I have never cast a vote that could be interpreted as a vote for a war in Cambodia. All the justifications that have been made by Presidents previously for the war in Vietnam have been wiped off the books by the events and agreements that have been referred to as a cease-fire, reached last January. That ended all justification for any hostilities, even by the terms of this administration's policy, as we have been reminded by some of the quotations read into the record by the distinguished Senator from Indiana (Mr. HARTKE).

So I was faced with a vote this afternoon, in the Foreign Relations Committee, on a so-called compromise agreement. If I voted "aye," for the first time I would be giving my approval to what is going on in Cambodia, with consequences as unpredictable, in a sense, as the consequences which flowed from that vote 9 years ago.

It may well be that all of the assurances that have been given and received by members of the Foreign Relations Committee, and by other Members of the Senate, may indicate a change in heart and in policy in the White House which will mean that August 15 will, indeed, see the end of our involvement in all of Indochina. But having been burned once, I cannot bring myself to feel sure that there will be no events in Indochina that might not lead us again to continuing our involvement.

It has been the nature of our involvement in Indochina that when we have applied pressure to slow down the war or to stop it at one point, it has erupted in another. So, however remote the possibility of a continuation of the war might be, I could not bring myself to help to open up even a small door to the continuation by giving my approval to what is going on in Cambodia.

And it would be giving way, for the first time, to what is going on now in Cambodia, by permitting the war there to continue with our express authorization. For the Fulbright-Allen amendment would give legitimacy to whatever bombing will take place between now and August 15, however agonizing or destructive it may be, and regardless of whether it may trigger some unpredictable reaction from other powers.

This amendment gives our blessing to this war for the first time. But I could not give mine.

Second, we are told we are buying, by condoning the war for 45 more days, a commitment to end military involvement in the rest of Indochina. But what combat activities by American forces are going on in North Vietnam and South Vietnam at the present time? I am not aware of any. We have been told that was all ended in January. Since the cease-fire, the violence has taken place at the hands of the North Vietnamese, the South Vietnamese, and the Vietcong. But American military forces are not engaged at the present time in military activities in South Vietnam or North Vietnam.

So what would we buy? We would buy something we were sold in January. Unless the President has something in mind for North and South Vietnam which he has not disclosed, we are not buying anything more than we thought we were buying earlier this year.

My third consideration is a constitutional one. We have a system of government with three coequal departments. Whenever there is tension and conflict between two branches over their constitutional powers, the foundations of government are naturally going to shake.

When the President, and we in Congress, are at odds about our respective constitutional roles, should we timidly ask him to return what is ours and expect him to give it back without a fight?

It is in the nature of such tensions and such conflicts that we have to stand up and he has to stand up, until somehow something gives.

I agree with my distinguished friend, the Senator from Missouri, that we have not tried hard enough.

When we first voted for his amendment to cease hostilities in Cambodia immediately, we had no assurance what results it would produce. But we knew that it was an opportunity—for the first time in many, many years—for us to throw down the challenge at the feet of the President. And he vetoed it.

We lost the override by 35 votes. But he lost the vote; 240 House Members against only 175, voted against the President and voted to override the veto. We lacked only 35 votes, which could be gained by a change in the votes of only 18 House Members. The assumption that those votes would not change as the end of the fiscal year approached, I think, is a premature assumption. So I guess my reasons can be summed up in this way:

First, I could not bring myself to cast a vote legitimatizing our involvement in Cambodia.

Second, I do not think we are buying anything with this so-called compromise by agreeing to the August 15 date for ending the war in Cambodia, and in the rest of Indochina.

And third, I believe we should stand firm in our assertion of the constitutional responsibility of Congress.

It has been suggested this afternoon that we can vote for the Fulbright amendment, and then try to attach the Eagleton proposal to some other measure. But the vote on this amendment tonight is the end of the fight. If this proposal passes, there is no chance for the Eagleton amendment to get serious consideration on the floor of the House or the Senate.

Mr. President, I wish to conclude by referring to the proposition laid down by the distinguished Senator from Colorado (Mr. HASKELL).

We have been involved all year long in conflicts with the President on constitutional issues. I have been struggling with some of them in particular—executive privilege, impoundment—trying to find a handle that would force the conflict to a point of decision. And we have not really found the proper handle for resolving those conflicts.

Now he has an appropriate handle for resolving a critical constitutional conflict. If we agree to this false compromise, if I read the mind of the man in the White House correctly, he will interpret our action backing down. He will conclude that he won.

All one had to do was to see the joy on the faces of some of the President's supporters this afternoon, to know that they thought they had won something for the President.

I think they have. But not with my help.

Mr. MATHIAS. Mr. President, the dilemma that the Senate faces tonight has been described in various ways by different Senators. In a sense, it is a dilemma which is forced upon us, because most of us have said that we want to see a stop in the bombing. Some have said we should stop the bombing now; others have said we are willing to agree to tomorrow, the next day, or some other day or 6 weeks thereafter.

Mr. President, I think it is worth exploring for a moment or two why we are in this dilemma. It certainly is not the case that we do not have the power to say, "Stop the bombing tonight."

The situation really seems to be that we do not really think we have the power to stop the bombing tonight. Perhaps more important, we do not feel that we have the power to say, "Stop the bombing tonight."

We do not seem to be willing to bear the burden of the responsibility for exercising the power that is entrusted to us.

The congressional power of war and peace that has been entrusted to us by the Constitution, I think, is weakened by this failure on our part to act now to stop the bombing. It is weakened by our failure to recognize its strength, because that constitutional power is only as strong as our will to employ it. I think that we ought to examine for a minute the results of a delay to the end of the bombing that is suggested by the substitute proposal.

Mr. President, to ask for, to authorize, or to direct the endangering of human life in a noble cause is the destiny of even the most enlightened leaders in moments of national danger or national tragedy. But can this war in Cambodia be described as a noble cause? It is not even national policy in either the United States or in Cambodia.

The bombing has been condemned by a majority of the U.S. Senate. And yet, what we contemplate tonight is more death and more destruction until the 15th of August. Each day, that the bombing drags on, we are exposed to a danger to which we need not be exposed.

Who in this Senate can tell what accident of war might mire us down again in Indochina?

Certainly, when I voted for the Gulf of Tonkin joint resolution as a Member of the other body, I had no concept of the consequences that might flow from that action. And I do not forget that we went into Cambodia for just 2 months, more than 3 years ago, in order to shorten the war in Vietnam.

I submit, Mr. President, that that chronology speaks for itself. And whether we vote that we want to see the bombing stopped now or in August, the probable turn of events in Cambodia is going to be the restoration of Prince Sihanouk and the ouster of the government we helped to install to succeed him.

When we talk about the practicality of this compromise, I have to ask, is that result worth the continued exposure to risk that it involves?

The course of compromise is advocated on the ground of practicality, and very powerful arguments have been made by many respected and distinguished Members of the Senate. I know that the Senate wants to prevail by affirmative legislation in some way, and that there is a feeling that half a loaf may be better than none.

Mr. SYMINGTON. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MATHIAS. But, Mr. President, when that half a loaf is bought at the price of further denigration and weakening of the terms of the Constitution itself, then I believe the price for half a loaf is too high.

We can compromise and we remind ourselves that politics is the art of compromise. But, Mr. President, what we do tonight, the moral issue of the war will remain. The constitutional issue will remain. And I submit that neither of those concerns should be compromised in expediency; therefore, I intend to vote against the substitute.

Mr. SYMINGTON. Mr. President, will the able Senator yield?

Mr. MATHIAS. I am happy to yield to the distinguished Senator from Missouri.

Mr. SYMINGTON. Is it not true, as has been represented on the Senate floor tonight, that after we obtain the date of August 15 as the stopping of all Indochina military action from air, sea, or land, on the next bill that comes before the Senate, an amendment can be introduced to stop the Cambodian bombing immediately?

Mr. MATHIAS. Anything can be introduced as long as the Clerk's desk is open.

Mr. SYMINGTON. Will the able Senator yield for another question?

Mr. MATHIAS. Certainly.

Mr. SYMINGTON. Does the Senator believe that if we reject this amendment, one approved by the chairman of the Foreign Relations Committee, the Senator who has led this fight for many years just about before anybody else in this body, who stands high on this issue, and whom I opposed when he first opposed this war, does the Senator believe that any other amendment will pass without a veto by the President of the United States?

Mr. MATHIAS. I have heard the Senator from Missouri speak very forcefully in the past that there is one way to bring this question of the war to decision—a way that does not involve the concurrence of the Executive or even the concurrence of the other body in Congress: That way is simply not to pass a money bill in the Senate.

We are at that point tonight. We are at the point where we can say, "We will only pass a money bill which contemplates a limitation of the exposure to the risks that are involved in a continuing active war in Cambodia by immediate cessation of bombing."

I think that is the decision we are making, whether we are going to undertake the course of action which is available to us in our own discretion.

I have the highest respect for the judgment of the distinguished chairman of the Committee on Foreign Relations as well as for the Senator from Missouri. I am not trying to be contentious, and I am not trying to give him anything other than my own view, and the grounds upon which I intend to act.

Mr. SYMINGTON. Mr. President, if the Senator will yield further, there is no one in this body for whom I have greater respect than the distinguished Senator from Maryland. What I cannot understand, however, is, if we obtain this August 15 date tonight, what is to prevent anyone from working for an earlier date to end this Cambodian tragic bombing, or any other military activity in Indochina, on the next bill that comes before the Senate? There was some question whether the administration would take this proposed amendment. Now we know they will. Frankly, I am at a loss to understand why we do not take the compromise, and then proceed immediately to propose anything with respect to Cambodia considered proper.

I have a problem, because of the position of my distinguished colleague, a great Senator who has led the fight to stop bombing in Cambodia. I would support any additional amendment to carry out his thinking, but cannot see why, if we can make this progress up to the point of August 15, at which time we stop all military action, not only in Cambodia, but also in Laos and North Vietnam and South Vietnam, we do not take this now and then immediately to any other amendment any Senator would like to make. Let us recognize that probably we can pass what those people who think it important to stop this war at a date certain sincerely desire. If we do not pass it, because of the necessity to have both Houses approve any additional amendment, we may have reached out so far to grab the last cherry that we find we have broken the branch.

I thank my able friend from Maryland for yielding to me.

Mr. MATHIAS. Mr. President, I can only say in response that there are many times when you would lige to have the best of both worlds. As the Senator envisions the possibilities, I think that is what he is speaking for.

Iam fearful that if we go down this road, as a practical political reality, the alternative that he speaks for will not be available. Since the Senator had the benefit of a Maryland upbringing, he has often heard the phrase, "You can't have your cake and eat it, too."

I think if we compromise tonight, we will have had the cake, and will look a long time before we see it replaced on the plate.

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

Mr. MATHIAS. I yield to the distinguished Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I am a little late for the debate, and I have not heard all the speeches, but let me talk in favor of this particular amendment with somewhat mixed feelings that others have of regret and anxiety, or anxiousness, you might say, to jump at this opportunity, because in essence that is what it appears to me to be.

To begin with, I helped the distinguished Senator from Missouri write the Eagleton amendment. I sat right with him in the Appropriations Committee, and the Senator will remember we reworded it and made sure we could tie it down in every way, to make it certain that we meant business.

I sat on the conference committee, and we all sat there, with the House of Representatives, steadfast for the Eagleton amendment. And on yesterday, when the distinguished chairman of the Ways and Means Committee of the House of Representatives, GEORGE MAHON, came over to this side talking, we told him that we were not going to give. In fact, I kiddingly referred to the majority leader, and said, "Let us get Jim Allen and put that Eagleton amendment on the Senate menu, on everything we possibly can get it on, to make clear that we do not

want to slip sidewise into another Gulf of Tonkin."

I had no idea at that particular time that the President of the United States would agree to end the war at any time. I could not agree with his strategy. I have been to Cambodia with a group of other Senators in January. I know just as surely as anyone that the bombing there is not only unconstitutional, it is unwise and it is not working. We have been bombing for 115 days in a row and we have not advanced 1 kilometer. We continue to lose. Yet when we come back and we try to exercise what power we have, we have got to realize that we are 1 in a group of 100 or, if we want to look at the Congress concurrently, then we are 1 in a group of 535. We do not have the votes on the House side. That is our dilemma.

When I come in here tonight and hear talk about who is cornered, who is right, who is going to stop the Government, who will be responisble, how we can do it, now is the time to stand up, and when the distinguished Senator from Maine says that he has had to live with this mistake, that he is living with this regret in his heart and he does not want to make the same mistake again, I do not think that is what the issue is.

I think that what is really the issue is, this is the first time, this year, 1973, and almost the first time since President Nixon came to office in 1969, that we have ever had the chance for Congress and the President to get together. I think we shall not let that opportunity pass.

This country is in one heck of a fix. Our ox is in the ditch. The Senator from Missouri was about to speak, which he can do most eloquently and most expertly, as to the dilemma the economy is in.

Well, I know that my tomato farmers are having to plow under part of their crop, and not pick the other part, so they are losing millions of dollars. The same is true with our poultry farmers.

The President, with respect to the Watergate affair, there is no confidence there. There is no confidence, really, in Congress, or in Government. The market is down.

I walked in today at the Policy Committee and was told that, yes, the President of the United States would agree to a cutoff date to end the war. I said, "You have got to be kidding." They said, no, that the minority leader, Mr. SCOTT, had talked with the President and he had agreed to end it, not just in Cambodia—the Eagleton amendment—but in all of Southeast Asia.

Heavens above, if we could go off here for the Fourth of July recess and all join on that one thing—yes, as a matter of principle—we would have lost 6 weeks, but I do not see anyone gaining that 6 weeks, I say to the Senator from Rhode Island (Mr. PASTORE), because the other alternative is to stop the Government entirely through the middle of July, come back, and all the headlines will say, "The President will not give"—"Congress will not give."

Mr. President, I have been through one of these "principle" fights before. I never forgot the one immediately after the May 17, 1954, decision let me say to the distinguished Senator from Alabama (Mr. ALLEN). We lost. There was not going to be any more second-class citizenship. The Supreme Court had found the separate but equal system unconstitutional. So we got together, a few of the Governors down in the South, and we approached the NAACP. We said, "How are we going to implement this thing?" They said, "How do you suggest?" So the suggestion was made at that particular time that what we should do is to integrate the first grade the first year, the second year the first and the second grade, and the third year the first, second, and the third grades, and in 12 years, we would have voluntary integration, all implemented with deliberate speed, in an orderly and acceptable fashion.

Well, the NAACP got principled. They said, "You cannot give us our constitutional rights in installments. This is a matter of principle. The Supreme Court has ruled. You have got to do it immediately." So they had their way. So we in America burned everyone. We assassinated. We pitch-forked them. We buried them in the soil bank in Mississippi. We gigged them with electric sticks. We tried to force integration. Now after 20 years we have still less integration under that principle.

So the problem is, how do we best advance the principle we believe in? If we take the Senator from Missouri's and the Senator from Maine's way, we get nowhere. We rest on that principle. Government is the art of the possible. It is the art of compromise. They say, "We advance the principles that we believe in." No one doubts, for example, the sincerity of the distinguished Senator from Maine, but he is not going to be snookered. And, do not worry about President Nixon getting us into another war. He is not going to do anything unpopular. That fellow is a pretty good political animal and he has been trying to make sure that the South Vietnamese can last out the remainder of his 4-year term. That is what is on his mind [laughter]. That is why he has been bombing, playing for time. He will bomb as long as he can; but now he quit, with this particular language, and he has said that he agrees with us.

Over on the House side, with MAHON, he helped draw up this language. We will have leadership with the opposition over there, with our crowd that wants to end this unconstitutional process, so that if we put this in, we can get two-thirds of the House, perhaps. We have got the President's word. If he breeches his word, then we can get two-thirds.

We have got the 6 weeks. This way we can save billions of dollars. When we vote for this, brother, we have saved $2 billion to $4 billion. Wait till the appropriation bill comes back and we will clean out Thailand where that headquarters is, I say to the distinguished acting chairman of the Armed Services and we can save some dollars. This is the most saving economical measure I have seen here on the floor of the U.S. Senate this year to help balance the budget.

Everyone is running around with principle. If we really believe in principle, let us join in doing something. But no one seems to approach it that way. All of a sudden, we start talking of the Constitution. It has been unconstitutional from the word "go." But, all of a sudden, we have got a constitutional principle. I think that this is a glorious opportunity for hawk and dove, for Republican and Democrat, for House Member and Senate Member, for the President, the Congress, and the people to get together, to begin working together.

Lord knows, I say to Senator FULBRIGHT, you used to irk me. When I came here as a freshman Senator, the Senator from Arkansas would stand in the well and declare that the war was immoral, illegal, and unnecessary. I would have to write some mother or widow about five or six times a week in South Carolina that the war was moral, was legal, and was necessary. It became tougher and tougher to write those letters.

Let me tell you, Mr. President, here and now, that this is a happy evening for me, because we can get the House together, the Senate together, and the President together, and face the issue that the President has cloaked himself in with that Commander in Chief wraparound which he has put on himself. But we will divest him of that Commander in Chief role and get him in on our legislative and governmental level, as the Senator from Minnesota (Mr. HUMPHREY) says, and begin to govern. I have no doubt that we can then receive the favor of the public mind as to what our domestic policy really is. Only when this has been ascertained and we can get him from behind that Commander in Chief cloak and get out of the Southeast Asia war. In the 6 weeks period, we can get rid of it. This is a magnificent opportunity. It is absolutely necessary that we do it, because this country really needs it, and we should be jumping at it.

I have got to make a July 4 address next week, and I want to be able to tell them that we finally got the President, the Senate, and the House of Representatives together, something we have not done for 10 years. I would like to tell them that we have finally got the President, the Senate, and the House to come together on the main issue, to confront the war, and to end it. Then we can really have one of our freedom celebrations.

Mr. SYMINGTON. Mr. President, the able Senator from South Carolina (Mr. HOLLINGS) has just eloquently expressed my thinking. I commend him for his talk.

What I have to say is brief. Now we have a chance, even if a few days later than many of us hoped for, to end this war, not only in Cambodia but in Laos and in South Vietnam; therefore, also in North Vietnam.

If there are some who might be characterized as superhawks and they join with Members of this body who do not think this is a proper solution because it is not soon enough, those who want an immediate decision now, if they defeat this amendment, passed in the Foreign Relations Committee with only two negative votes, and they later introduced,

and then vetoed, and later the veto is sustained in the House, we are back where we started.

What I would present to my colleagues is the fact that, after this amendment is adopted, and in the interest of the young people of this country who actually do the fighting, I pray to the Almighty tonight that, if adopted, and my distinguished colleague submits an amendment to stop the bombing of Cambodia immediately, I will be glad to vote for it.

But when we have tonight a chance, after week after week, month after month, and year after year, to stop this war, not only the air war against Cambodia, but the land, sea, and air war against all Indochina, in the interest of those who actually fight it, and in the interest of the economy of the United States, as was so well presented by the Senator from South Carolina—we should take this first practical and definite step, the first ever presented to the Senate with an agreement from the administration to end this war.

Mr. DOLE and Mr. ALLEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, when I came to the U.S. Senate, some 543,000 American troops were in Vietnam. I supported, on every occasion, the President of the United States as he sought to bring this war to a close. I never once voted for any measure to end the war on a certain date. I felt that as long as we had forces in South Vietnam, as long as we had prisoners of war in the hands of the North Vietnamese, no time limit should be set on ending the war.

The President did an outstanding job in bringing the war in Vietnam to a close and I am proud that I followed his leadership. But I felt that after all our troops had been withdrawn, after all our prisoners of war had been returned, that was the time to end our participation in the war in Southeast Asia. It was not the time to start bombing in Cambodia. So I have felt that the bombing in Cambodia should stop, and I feel that it very definitely should be brought to an end.

But I certainly endorse the position taken tonight by the distinguished Senator from Arkansas (Mr. FULBRIGHT), the distinguished Senator from Idaho (Mr. CHURCH), the distinguished Senator from South Dakota (Mr. MCGOVERN), the distinguished Senator from Missouri (Mr. SYMINGTON), and the distinguished Senator from Minnesota (Mr. HUMPHREY) on this amendment. I have not always agreed with these colleagues in matters coming before the Senate, certainly not as regards the war in South Vietnam. But the issue we are confronted with tonight is not whether the bombing or whether our participation in the Southeast Asian war will be brought to a close tonight or on August 15. If that were the issue, it would be quite simple. Almost everyone in the Senate would be in favor of seeing the bombing and our participation in the war in Southeast Asia brought to a close tonight. But that is not the issue.

The issue is whether the war will be brought to a close on August 15 or whether it will continue. There is no assurance whatever that by voting against this amendment, the position of ending the war now will win out. The amendment is not a grant of authority. It is a limitation on authority, and it will bring this war to a very definite halt. Certainly, I believe that is what 90 percent of the Members of the Senate want to see. We will have something definite in this amendment. As the distinguished Senator from South Carolina (Mr. HOLLINGS) said, we will have an agreement with the House and we will have an agreement with the President on this vital issue.

We say that we want the President to cooperate with Congress. It seems to me that this is mighty fine cooperation, and I think that this is a sure way to see a definite end brought to the war. It will be something that has a definite date set for the end of hostilities, something we can depend upon, something that is sure.

What is the other course? Vote against the amendment; the bombing continues; the Government is well nigh brought to a halt. If this were a bill dealing solely with this one issue, that might be one thing. Those who want to stand out for ending the war on the passage and approval of the bill, rather than a definite date, could go that route. But this is a rider than has been attached to a continuing appropriation resolution, providing for carrying on the Government of the United States.

The suggestion has been made to get this date and try for an earlier date on other legislation. I do not go along with that approach. This would seem to me to be something in the nature of a covenant with the President and the Congress—the President allowing Congress to participate in the decisionmaking, to have a part in the exercise of the Presidential power of waging war and bringing it to a close.

While I favor the amendment, I would not be in favor of tacking a later amendment on another piece of legislation seeking to halt the President's power to continue with the military activities in Southeast Asia at an earlier date. That would be a breach of trust on our part.

This is the first time that we will have had the opportunity, and it seems almost certain we will accept this amendment, to very definitely bring this war to a close, something for which all citizens throughout the country will applaud Congress and the President. I believe we have a wonderful opportunity here to cooperate with the President to see that this war is brought to a close.

I commend Members of the Senate who have taken the lead in the effort to bring the war in Vietnam to a close, and yet have had the statesmanship, the qualities of statesmanship that would cause them to stand on this floor and speak in behalf of this agreeing on this date, some 6 weeks distant, when they would much prefer to see an immediate end brought to the war. I commend these gentlemen with whom I have not always agreed for the lead they are taking in respect to this amendment.

Mr. DOLE. Mr. President, I shall take only a few minutes.

The distinguished Senator from Missouri has raised a point about which I have given some thought. I was complimenting the distinguished senior Senator from Missouri. I do not want to be classed as a super hawk. I have some difficulty with the amendment, but I understand the importance of it, and I rise simply to say a kind word for President Nixon. I hope that is not ruled out of order.

But it seems to me that over the past several years in this body, and the other body, and across the country, we have been engaged almost constantly in a debate about how to achieve peace in Southeast Asia. I believe that through the efforts, yes, of Congress and the President, President Nixon, that this has for the most part been achieved. We have had our differences in Congress, and we have had our differences in the Senate, but all during that time Americans were coming home, the casualty rates were going down, and it culminated in total withdrawal of American forces in Southeast Asia, the return of American prisoners of war, and for all practical purposes, except for that last link, the forging of peace in Southeast Asia.

Certainly, I believe that President Nixon deserves great credit, and I know that today in this forum or perhaps any forum, it might be popular to give the President a gig. It seems to me that without the leadership of President Nixon we would not be talking about any date in Southeast Asia and we would not be talking about any date in Cambodia. As I said 2 weeks ago, I still have my concern about America's missing in action. I have great respect for the distinguished senior Senator from Missouri and perhaps by accepting this compromise there will be some verification and accounting for America's missing in action, whether they are in Cambodia, Laos, North Vietnam, or South Vietnam.

It seems to me or at least it seemed to me that if we took that flexibility from the Commander in Chief, whoever it might be, we were, in effect, saying to the enemy that there is no need to account for those missing in action. But it appears again, in a spirit of compromise, that in the partnership, if you will, Mr. President, on behalf of the President of the United States and the Congress of the United States, the President said, in effect, that in an effort to satisfy Congress, in an effort to demonstrate the partnership we need in America at this time, he agrees and consents to the compromise hammered out by the distinguished Senator from Arkansas (Mr. FULBRIGHT) and the distinguished minority leader, and others.

I guess it was 3 years ago in June the last time I agreed with the Senator from Arkansas. I may have since on other matters, but with respect to this I recall it was the Gulf of Tonkin resolution. The Senator from Kansas was new in this body and he did not realize that he

should not be offering amendments that someone else wanted to offer.

I recall that I sprang to my feet, in a moment of—terror—and offered to repeal the Gulf of Tonkin Resolution. Lo and behold, it was repealed by a vote of 50 or 60 to 11. I remember the Senator from Arkansas voted "no."

He said that stealing a man's—not that word—but taking a man's amendment is like taking a man's cow. I know it was the month of June, because that was national dairy month. As I recall my response to the Senator from Arkansas it was that I would never take a man's cow during national dairy month, but in any event——

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

Mr. DOLE. I yield.

Mr. MATHIAS. Mr. President, I wish to compliment the Senator on his excellent memory. I also have a very clear recollection of that episode. I would say that he recounted it with absolute veracity.

Mr. DOLE. Well, I have been visiting with John Dean. [Laughter.]

In any event, as I recall the facts, it was a very great evening, because then I think we really demonstrated we did not need the Gulf of Tonkin resolution. We were not about to escalate more in Southeast Asia. We were on the way home.

I have great respect for the Senator from Arkansas, so when he offered to repeal the Gulf of Tonkin resolution, I voted for his proposal to show what kind of fellow I am—that was later.

Mr. STEVENS. At that point in time. [Laughter.]

Mr. DOLE. I cannot recall. I cannot tell one hotel—I mean one amendment from another. [Laughter.]

In any event, tonight we are on the threshold of something and I would guess a compromise, certainly. I think there will be some immediate credit to pass out if the amendment is adopted. But I would only caution, and I intend to vote for the compromise to demonstrate my good intention and good faith and that I concur in many of the arguments made, I think we must accept some responsibility when we vote for the compromise. If the time comes next week, next month, 6 months from now, when something happens in Southeast Asia, which might have been prevented by giving the Commander in Chief some flexibility, we must accept some responsibility and I am certain we will not all do that. We will find some way to fault the President, to fault the Commander in Chief.

I think since there has been this demonstration of cooperation and since I support the President of the United States in this effort and because I believe in his pursuit of peace, and I believe it was achieved, and I believe it very strongly, I am pleased to join with my distinguished colleagues, the Senator from Arkansas and the distinguished senior Senator from Vermont in supporting an amendment that does for the first time bring together the executive branch and the legislative branch in an expression and in a demonstration that we want it to end.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. DOLE. I yield.

Mr. FULBRIGHT. Mr. President, I would like to say that I appreciate what the Senator said. I think he kindly recalled the incident he did about the Gulf of Tonkin Resolution. I might say it was a purely procedural matter that caused that.

But I remember, and this is interesting, that it was just 9 years ago that the Gulf of Tonkin Resolution was first passed. It has taken 9 years, and in a sense, joining in the idea that this is not just the President's fault, because I felt very strongly, just as strongly about his predecessor; who was a Democrat, as this one—it was not partisan.

Mr. DOLE. I was not here earlier when the Senator was speaking.

Mr. FULBRIGHT. I wanted to say that for the RECORD. I was here and did speak for the Gulf of Tonkin Resolution passage, as well as its repeal, but I will not go into that. I appreciate very much the Senator from Kansas recalling some of that history.

I certainly join the Senator. I am happy that we are on this issue together with the executive branch and with the other body.

Mr. DOLE. I did not mean to suggest that the distinguished Senator had been critical.

Mr. FULBRIGHT. I know he did not. I merely wanted to say this for the RECORD.

Mr. MATHIAS. Mr. President, I ask unanimous consent that Mr. William Miller of my staff be granted the privilege of the floor.

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

Mr. STEVENS. Mr. President, I shall be brief. I should like to get to a vote on this matter. I am sure that every Senator would.

When I started this proposal this morning, with the question concerning section 108 and how we could get to it—that is, the Eagleton amendment—I did so as a sponsor of the Eagleton amendment and as one who has voted for it before, and will probably vote for it again.

I just want to remind Senators that we are talking about a continuing resolution, and the reason we have been able now to work out a compromise on this section is that everyone realizes that there would be a complete hiatus in government if the Eagleton amendment stayed in the bill and the President vetoed it. I see no reason to have that clash between an immovable object and irresistable force when the people who are going to get hurt are those who vitally depend on it in every segment of the Government.

I expressed those views in the Appropriations Committee, and I expressed them here this morning. I congratulate the Senator from Arkansas and the other Senators who worked out this compromise.

I remember once before, when the Senator from Kentucky (Mr. COOK) and I tried to work out a compromise—the so-called Cook-Stevens amendment—we were unable to do so.

We have a compromise here. This is the first time since I came to the Senate that we have brought together opposing factions and have a basis for a spirit of cooperation with the President.

I happen to agree with what the Senator from Kansas (Mr. DOLE) has said. I think the President is due a great deal of credit for having brought about the withdrawal of our troops. We have relative peace in South Vietnam, and I think we should withdraw completely from Cambodia. I support the idea that we ought to get out of Cambodia. But the important thing is that we have had a long delay here. The majority leader and the majority assistant leader have been very patient with us as we have tried to solve this appropriations problem so that we could effect a compromise. I hope to support it, and I hope the rest of the Senate will do so. We have a historic opportunity to go down in history in a situation where the President has sent word that he would concur in this amendment, and we now have—all of us who have been on opposing sides—an opportunity for unanimous support for the amendment.

I am very much disturbed that there are Senators who are unwilling now to vote for an amendment that sets a 45-day period, when the amendment that the Senator from Kentucky (Mr. COOK) and I had an amendment that provided a 9-month time period and missed passage by this body by only one vote. It seems to me that the crisis is just as bad now, and the people of the country would like us to bind up our wounds. This is an effective way to solve the problem.

Mr. President, I rose primarily to make a parliamentary inquiry, to make certain that my understanding is correct. I wish to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. Do I correctly understand that the amendment before the Senate now is a substitute for section 109 as it appears, the so-called Case-Church amendment from the committee?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Do I also understand correctly that following the vote on this amendment, the Senate will proceed to consider the last committee amendment; that in order to effect this compromise, it will be necessary to consider the measure we had before us earlier this morning to strike section 108? Section 108 will remain in the bill if my amendment is not considered so as to take it out?

The PRESIDING OFFICER. Unless section 108 is stricken by the amendment, it would remain in the bill.

Mr. STEVENS. I wanted to make certain that this amendment to section 108 will not be in order after the vote on the last committee amendment.

The PRESIDING OFFICER. That is correct. The last committee amendment deals only with section 109.

Mr. ABOUREZK. Mr. President, the Senator from Alaska mentioned that the President "sent word." I am sorry I missed that part of the debate. Did the

President say he would voluntarily stop the bombing on August 15?

Mr. STEVENS. As the Senator from Alaska understands—and he has been here all day—the President has sent word that he would sign this measure if the amendment were modified as presented by the Committee on Foreign Relations. I would hope to be corrected if I am mistaken, but that is my understanding, and, as such, to me it means that as a result of subsequent negotiations with Dr. Kissinger and the President, and by agreement with the American people, there would be a delay. I am willing to accept that, and that is the basis of my blessing.

Mr. ABOUREZK. I have seen no public statement by the President as to whether or not he would sign the bill with the August 15 deadline, or whether or not he would voluntarily stop the bombing on his own on August 15.

What concerns me, in this new spirit of cooperation that everybody has been talking in the last few minutes, is that we might have a long time before another chance comes. The only other opportunity we will ever have to stop the bombing in Cambodia, it seems to me, if I might address myself to the question of this particular legislation—that is, the one piece that is vetoproof, immune from veto—there may not be another opportunity that will come around until July 1 of next year.

Mr. STEVENS. I do not believe anything is veto proof. I think the situation sets up a compromise between the President and Congress. If it failed, there would literally be chaos throughout the whole sector of the Federal Government and in all divisions of the Federal Government.

This resolution is not sought to be passed for the benefit of the Executive; we are seeking to pass it for our convenience.

We have a very dedicated chairman of the Committee on Appropriations. I have never before seen such close attention paid to details on an appropriation bill. We need this additional time.

The resolution is for our convenience.

I raised the question in committee, Why should we challenge the Executive for our convenience? It is for our convenience to live up to and review every single bill which involves the appropriations process.

So far as the question about the President is concerned, I cannot say. I am one of those who are willing to rely in good faith on the word that was brought to us by our leaders.

They are relying in good faith on the word brought to them by the President. I hope that the Senate will join me in relying on it. I think it is high time that we start trusting somebody.

Mr. ABOUREZK. Mr. President, I would agree with the Senator from Alaska except that I think we are dealing in a very important area. I think the Senator understands how important it is.

I wonder if in his concern for the slowdown or stopping of Government operations, the Senator has not overlooked the fact that we have a right to override the veto. If everything comes to a halt, certainly this body, as well as the House of Representatives, could vote to override the veto if the measure were to be vetoed.

Mr. STEVENS. Mr. President, we delayed here today to find out what the other body would do with a similar proposition. We were told that the other body had made its decision to accept this kind of compromise. On that basis I am prepared to assist those who want to accept this compromise here, in spite of the fact that I have voted for all of these amendments to end the war. And I join with other Senators in saying that this is the first time I can foresee an agreement that can be binding and that we can live with and have a meeting of the minds of the Executive and the Congress.

I congratulate my good friend, the Senator from Idaho (Mr. CHURCH) and the Senator from Arkansas (Mr. FULBRIGHT) for the remarks they have made. I think that they have laid a basis for trying to eliminate the trouble existing between many of us now for many months.

Mr. ABOUREZK. Mr. President, if I might say to the Senator from Alaska, it does not seem to me to be imperative that we vote on the amendment tonight. Would it be possible to delay the vote until tomorrow, until we have had public word from the President that he is willing to stop on August 15? I pose this question to the distinguished chairman of the Foreign Relations Committee, as to whether he would be willing to agree to that kind of a delay.

Mr. NELSON. Mr. President, I was very happy to yield to my distinguished friend, the Senator from South Dakota, but I did not realize that the dialog would be so prolonged.

I wonder if I might make my very brief remarks and then the Senators might carry out their dialog after I have retired to the cloakroom to read the newspaper.

Mr. ABOUREZK. Mr. President, I must say to the Senator from Wisconsin that if his remarks are as brief as mine, I do not think I ought to yield to him.

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. ABOUREZK. I yield to the Senator from Wisconsin.

Mr. NELSON. No, I yield for a brief colloquy to the Senator.

Do I understand I have the floor?

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. NELSON. Mr. President, I will be very brief. I cannot add anything to the arguments that have been made.

Mr. President, I have not talked very much about Vietnam for some time because I did not think there was anything new to say against the war.

However, first, I commend the distinguished Senator from Idaho (Mr. CHURCH) for the eloquence with which he articulated his arguments on behalf of the resolution.

Also I commend the Senator from Arkansas (Mr. FULBRIGHT) and those associated with him who drafted this resolution.

I have voted for every end-the-war resolution that has been introduced and brought to the Senate floor in the past 7 years. I have voted for every end-the-bombing resolution that has been brought to the floor in the past 7 years. And, Mr. President, 7 years and 53 days ago, on May 6, 1965, I voted against President Johnson's request for an appropriation to commence a ground war in Vietnam.

There were three votes against the President's request 7 years ago. One was by former Senator Wayne Morse of Oregon. One was by former Senator Gruening of Alaska. The other was mine.

At that time I commented on where we were going in a very brief speech. I said, among other things:

> Mr. President, thus, at a time in history when the Senate should be vindicating its historic reputation as the greatest deliberative body in the world we are stumbling over each other to see who can say "yea" the quickest and the loudest. I regret it, and I think some day we shall all regret it.
>
> Thus, reluctantly, I express my opposition to our procedure here by voting "nay." The support in the Congress for this measure is clearly overwhelming. Obviously you need my vote less than I need my conscience.

Mr. President, on that day, 7 years and 53 days ago, this body and the other body, the day previously, voted the appropriations to start the ground war in Vietnam. It was the most disastrous catastrophe that this country has ever been involved in save possibly the Civil War.

My conscience does not trouble me in voting for this resolution. As I said previously I have voted for all of them, and after I had voted against that appropriation years ago along with Senator Morse and Senator Gruening, 1 year later I voted against a supplemental appropriation to support an illegal escalation of the war by President Johnson.

And on that vote there were two Senators voted against it—Senator Morse and myself. Senator Gruening was in Alaska at that time.

A year after that, I voted against the next supplemental appropriation when the President again illegally and deceitfully fooled the people of this country and escalated the war again by some $12 billion and came back to the Congress and asked for appropriations to support the expansion of the war. On rollcall, there were three votes against the supplemental appropriations bill—Senator Morse, Senator Gruening, and mine.

This is an historic event. I am happy that we have finally arrived here. It is time that we brought this horror to an end. This resolution is not a compromise resolution. This resolution represents a total, unequivocal collapse on the part of this administration from a position which they have stubbornly and foolishly adhered to for the past 4 years, as President Johnson did in previous years.

This is a face-saving resolution. There is no logic or rationale as to why we can quit bombing on August 15 but cannot quit bombing today. The only reason for that is to save this administration's face. Mr. President, they have so little face left that I think we ought to be charitable and let them save what little face they have left.

I am not going to quibble about it. Anything to end this horror, I am for. I am voting for this amendment. I am voting as I have for 7 years, against all appropriations to continue this war and all resolutions to end it.

Furthermore I intend to vote for the Eagleton amendment.

Mr. President, I conclude by remarking on what a terrible, tragic irony we have seen span through this whole tragedy. I remember the arguments 7 years ago when we were told that if we do not stop the Communists in Vietnam, we are going to have China in Hawaii and next we will have them in San Francisco.

Well, Mr. President, they were right. The Chinese arrived 35 days ago, and Brezhnev last week. So, we fought for 10 years to keep them from coming here. We lost 50,000 lives, 300,000 wounded, spent $120 billion and suffered the disillusionment and vision of this Nation along with the loss of confidence and disillusionment of a whole generation of youth and older folks, too. I hope this will be a lesson to Congress and that we will not again delegate by default or otherwise powers that belong by the Constitution to this body. And it does not only apply, as we are all well aware, to making war without our consent. It applies to the impoundment of funds that are appropriated after due deliberation for social programs; it applies to executive privilege; it applies to our default in permitting the executive branch to exercise police powers of surveillance, wiretaping, the bugging of people all over this country with the consent of the executive branch, by the military intelligence, the FBI, the CIA, and all the other agencies exercising such authority. That is another power that we had better bring back to Congress. And I would hope, if there is anything we have learned, it is that we had better keep our powers here, and we had better exercise them, if we are going to save this Republic.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. FULBRIGHT. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas. On this question——

Mr. HARTKE. Mr. President, I sought recognition before the rollcall began.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

STOP THE MASSACRE OF THE INNOCENTS

Mr. HARTKE. Mr. President, I would prefer that we not vote tonight. I would prefer to put this over. But I suppose the overwhelming sentiment is to go on home to the luxury of sleep, while the bombers keep on bombing, because I think the Senate of the United States is in danger. It is in danger of losing its credibility. It is in danger of losing its historic function. It is in danger of losing its rights under the Constitution.

More than that, Members of this body who have suffered so long to hold against the wars in Vietnam and Southeast Asia, are in danger. They are in danger of countenancing what they have opposed.

I say we must oppose this war, now as never before. We have a very clear opportunity. We, the Senate of the United States, can for the first time in two decades vote on the question of war.

We can vote to stop it on June 30. Or we can vote to continue it to August 15. We are faced with a clear choice. We cannot move to wash our hands, this time.

We vote to make war, or we vote to mandate the peace.

This is a nation judged internally and externally by moral imperatives. We stand before the whole world today troubled by moral turpitude. Every man in this Chamber who has raised his voice against this war, can vote that choice tonight. He cannot place responsibility anywhere else, tonight.

Campaigns are now over. Tonight is the time, we stand on the record. History will recall how we voted; not what we said on the campaign trail.

I say, the machinery of this Government ought to be brought to a grinding halt before we vote for war in Southeast Asia. We have a clear choice: A bombing halt by June 30; or by August 15.

Therefore, I say, let us give to the world an example of the American system of government. We claim a balance of powers, let us demonstrate it, for once!

We hear of the will of the people. For God's sake, let us exercise and stand fast on the will of the Congress.

I think it is a mark of fate, traced over the last two decades, that the two great issues of our time are joined in two places over two dates; and there is no escape for us.

I am proud to array myself with the distinguished Senator from Montana, my great friend and colleague, my party's leader in this body; the Honorable MIKE MANSFIELD, and with my distinguished colleague from Maine, the Honorable EDMUND MUSKIE. I cannot for the life of me understand the capitulations throughout the rest of the Foreign Relations Committee, for whose members I have the greatest respect.

I urge my distinguished friends in this Chamber, refrain from our first declaration of war since Pearl Harbor. Vote peace. Stand fast.

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

Mr. HARTKE. I am glad to yield to the Senator from South Dakota.

Mr. ABOUREZK. I just wonder if the distinguished minority leader is in the Chamber. I am given to understand, just to clarify this point, that the minority leader did not talk directly with the President. I am given to understand that he talked with Mr. Laird, one of his assistants, and that Mr. Laird confirmed that the President would not veto this bill.

If my understanding is wrong, I wish the minority leader or one of his spokesmen would clarify that for me.

Mr. HARTKE. Let me say to my distinguished friend from South Dakota, first, I asked this question of the chairman of the Committee on Foreign Relations earlier in the evening, and I had no clear answer to that question, either. I am satisfied that we ought to have an answer to that question. I think it is a good question.

Mr. GRIFFIN. Mr. President, if the Senator from South Dakota will yield to me, let me say that it is my understanding, and I report this on the basis of conversations with the minority leader, that the minority leader of the House, Representative FORD talked with the President and reported to the House of Representatives earlier in the day, when the House was considering this same provision, that he had talked to the President and the President would sign a resolution with this provision in it. Senator SCOTT subsequently talked with Mr. Laird at San Clemente, and confirmed that understanding.

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. HARTKE. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. HARTKE. Does that satisfy the Senator from South Dakota?

Mr. ABOUREZK. I should like to inquire of the minority leader whether he did or did not talk with the President. We seem to be getting third-hand hearsay here.

Mr. STEVENSON. Mr. President, I think it should be made clear for the RECORD that the Senate, in adopting this amendment at this hour tonight, has done so on the assumption that the President of the United States approves and will sign the bill. There has been no opposition expressed to the amendment tonight, so far as I know, by any representative of the administration, so that we can act on the assumption that the President will approve and sign the bill. Then, afterward, if the President fails to do so, it would, in my judgment, be nothing less than a fraud on the United States and the Senate, and we would be justified in coming back at the earliest possible date to take most immediate and concrete action; and we would do so, I dare say, with resounding majorities on both sides of the Capitol.

Mr. HARTKE. Mr. President, let me ask the Chairman of the Committee on Foreign Relations, on what authority does he represent to the Senate that the assurances contained in his statement are true and correct?

Mr. FULBRIGHT. The Senator from Michigan has just given the Senator a factual statement. If the Senator is raising questions as to the veracity of the minority leaders, in the Senate or in the House, I simply cannot accept that. I believe that these gentlemen are men of honor and that they tell the truth.

This matter was not the first time today that it came up. We had a discussion about it yesterday, and I think we had one this morning. The minority leader undertook to clear the proposed language with the White House. The Senator heard what was said, so there is no use in my repeating it.

The minority leader has just given the Senator this information, which is adequate assurance that the President will sign it. I will go further along the line of the Senator from Illinois (Mr. STEVENSON), and say that if he does not sign it after the pronouncements from the House

and the minority leader here, there would not be the slightest difficulty in overriding a veto. That, in itself, would be equally effective, in my opinion, if the President wished to take that kind of action, which I do not believe he will. If he does, then I do not think there would be any doubt that both Houses would easily override.

Mr. HARTKE. Mr. President, I do not believe the Senator from South Dakota or the Senator from Indiana in any way question the veracity of the statements made. I think we are determining definitely that the Foreign Relations Committee acted on representation of conversations which were made by the minority leader who, in turn, relied on statements made by the minority leader of the House, who in turn claimed that he had a conversation with the President. Is that correct?

Mr. FULBRIGHT. The Senator is insinuating—but that is correct—that in some way or other the President has not given his assurance. Let me say to the Senator from Indiana that we have been on this matter all day long, and if the Senator wishes to delay the Senate—as I have delayed it myself some times—I hope that he will——

Mr. HARTKE. Could we not put the vote over until tomorrow and have the President make a statement to the Nation?

Mr. FULBRIGHT. That would be unwise. We have so much to do. The Senator knows the problems of the leadership. Of course, that is not my responsibility.

Mr. HARTKE. I would be glad personally to see that we could vote at a time certain tomorrow. I do not know of any reason why this is a matter of such urgency that we have to rely on statements made by the Foreign Relations Committee on behalf of the minority leader or on representations made by the minority leader of the House.

Mr. MANSFIELD. If the Senator from Indiana would yield, may I say that in all my years in the Senate I have, without question, accepted the word of every Senator when that word was given. That word, of course, applies to the distinguished minority leader.

Mr. HARTKE. With all due deference to the distinguished majority leader, for whom I have the highest respect and have admired tonight, especially, more deeply than I probably ever will in my life, and I say that with great respect for what he has done and for his steadfastness on this question, but I know that I was here when the Gulf of Tonkin was passed and I also know that representations were made on the floor of the Senate about that. I do not claim that anyone at that time purposely misled the Senate, but I know that I was very much concerned; and if I had had the slightest idea that, as a result of my vote on that resolution, it would result in over 50,000 Americans dying in Vietnam, I would not have done so. I feel that in view of what is going on in this country at this moment, we have to rely on third-hand information, which is certainly indicative of the surrender we are about to participate in tonight, and I would——

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. HARTKE. I am not ready to vote.

Mr. ABOUREZK. Mr. President, will the Senator from Indiana yield?

Mr. HARTKE. I yield.

Mr. ABOUREZK. Mr. President, I only wanted to say that I never meant to say I did not accept the word of the minority leader or of the assistant minority leader. What I am merely saying is this, and I want to make it very clear: That when the minority leader said he talked to Mr. Laird, I believe him. All I am asking for is that we hear from the President and not from Mr. Laird. I think that is not too much to ask. I know that earlier this week, some spokesman at the White House announced that as soon as John Dean was done testifying, the President would take to television and speak to the Watergate issue. But after that was over, the White House denied that was ever said.

All I am saying is, we should hear directly from the President. This is an important matter, much too important to rely on an aide in the White House—albeit a highly placed aide—it is much too important to rely on anyone but the President. That is not too much to ask for.

Mr. FULBRIGHT. Well, for whatever it is worth, this is on the ticker, it occurred on the floor of the House today, as follows:

> Minority Leader Ford—I have just talked to the President for 10 minutes and he assured me personally that everything I said on the floor was a commitment by him, Ford said. Ford had earlier told the House, based on the conversation with President Nixon, with domestic adviser Laird, that the President would accept the August 15 termination date.

Unless the Senator questions FORD'S word, he said he personally had talked to him.

Mr. ABOUREZK. I wonder whether anyone might be able to answer—and I see the distinguished minority leader is present in the Chamber now—perhaps he can answer it—why it is that the President cannot make a very important statement directly for himself? Why is he not able to do that?

Mr. SCOTT of Pennsylvania. Mr. President, I would say to the Senator from South Dakota, whom I greatly respect and who has not been here as long as some of us, that we normally do not have on the Senate floor the presence of the President of the United States, nor do we, as a rule, require Senators to take an oath that they have talked to the President or with Members of the House.

I believe that the Senator has been assured the President telephoned the minority leader of the House of Representatives and that this agreement was satisfactory to him. I received a call from Mr. Melvin Laird and I made some reference to it, without calling his name earlier, and affirmed that the President had said it. Now, if the Senator from South Dakota wants any affidavits, I will be glad to make them, but barring affidavits, I must confess that I am a little bit at a loss to know why the Senator is making such a big thing out of whether the President has said it.

I said that the President said it. GERRY FORD told the House of Representatives that he said it. I am therefore content to rest on that and I leave it to the Senator from South Dakota to make his own decision as to the veracity of the Members of either body.

Mr. ABOUREZK. Mr. President, I wish to apologize to the distinguished minority leader for making such a big thing out of stopping the bombing in Cambodia. I sincerely wish to apologize for that.

Mr. SCOTT of Pennsylvania. The Senator from South Dakota misunderstood me. I did not say that, nor did the Senator say that prior to the talk——

Mr. ABOUREZK. I did not dispute the minority leader's word. Had he been in the Chamber, he would have heard me say that. As a matter of fact, I believe the minority leader when he said that he talked to Mr. Laird. However, my question is: Is there any reason why the President cannot make a statement to the Nation so that everyone can hear it?

Mr. HARTKE. Let me say to the Senator from South Dakota that I asked that question early this evening. At that time, there was some confusion—I say this to the chairman of the Foreign Relations Committee—and I then looked for someone on the floor to find out on what authority we could rely. I do not think there is any question that the minority leader speaks probably the truth, that he talked to Mr. Laird and Mr. Laird said what FORD said that the President said, that—What was it? Does the Senator know what he said? I do not know what he said on the floor. I was not on the floor of the House.

Mr. SCOTT of Pennsylvania. The President has indicated that he would sign that resolution if it is adopted by both House. I think that is sufficient. I did not talk to the President. I talked to Mr. Laird.

Mr. HARTKE. Is that what Mr. FORD said on the floor? Did he say that he indicated that he would or that he said he would? What is it that the President allegedly told Representative FORD?

SEVERAL SENATORS. Vote! Vote!

Mr. SCOTT of Pennsylvania. I do not think that warrants an answer.

Mr. HARTKE. Senators can yell "Vote!" all night. I am not going to sit down—and I have been chastised by this President and former Presidents—without understanding what we are going to vote on tonight.

Many Senators here have opposed this war for a long time; many of us have taken a long time to debate the Eagleton amendment; and tonight we have to hurry it through, as we did with the Gulf of Tonkin resolution, on representations.

The Senator from South Dakota has stated it accurately: What denies the Senate the right to hear exactly what the President has said that he would or would not do? Is there any reason why we cannot hear that? If there is any reason why we cannot hear it, we can go ahead and talk awhile, because I think we are going to be here awhile otherwise.

Mr. SCOTT of Pennsylvania. Mr. President——

Mr. HARTKE. I have said repeatedly that I do not intend to sit down. I have the floor, and if the Senator wants to answer that question, that is all right.

Mr. SCOTT of Pennsylvania. The Senator wants to answer.

Mr. HARTKE. I will be glad to listen.

Mr. SCOTT of Pennsylvania. The Senator has asked a question: What is it the President has agreed to do? The answer is that the President has agreed to sign the joint resolution.

Mr. HARTKE. Has he agreed to stop the bombing on August 15?

Mr. SCOTT of Pennsylvania. The President has agreed to sign the joint resolution which has been explained by the chairman of the Foreign Relations Committee and by Members of the House of Representatives.

Mr. HARTKE. Does he agree to stop the bombing by August 15?

Mr. SCOTT of Pennsylvania. I think that the answer to that is that the President has agreed to accept what Congress does in connection with the wording which has been agreed to. That has been thoroughly explained by the distinguished chairman of the Foreign Relations Committee as regarding an end to the bombing on the 15th of August.

I do not know how much more the Senator from Indiana can ask, unless the Senator is asking something which is beyond my ability to supply.

Mr. HARTKE. I think the Senator correctly stated the subject. I do not think the minority leader can give an answer on his own. I agree with that. I think the President can.

I ask the chairman of the Foreign Relations Committee—has the President assured him that he will stop the bombing on or before August 15?

Mr. FULBRIGHT. I have not communicated with the President.

Mr. HARTKE. In other words, we have no assurance whatsoever tonight that the bombing is going to be stopped on or before August 15. All we have is an assurance that he will sign a document which says something to the effect that we are not going to have any money. Is that right?

Mr. SCOTT of Pennsylvania. I believe the distinguished chairman of the Foreign Relations Committee has read the statement on the teletype from Representative FORD of Michigan. I have said it with all the sincerity and assurance I can command—and I have asked the Senators to accept it with full credibility, and I believe that, generally speaking, they have shown that desire.

I interpret this as stopping the bombing on the 15th of August. If the distinguished Senator from Indiana wants more than Members of the Senate can supply him, I know of no way to do it other than what we are doing. We are supposed to make our own decisions here, based on the information given us. That information is that the President accepts the resolution in that form. We have an agreement pending, if the Senate and the House of Representatives wish to adopt it. Under that agreement, the bombing will stop on August 15. The President understands that; the Senator from Indiana understands it, I hope; and the Senator from Pennsylvania understands it.

Now, what more the Senator wants is absolutely beyond me, and I am totally mystified by this line of questioning.

Mr. HARTKE. I want the killing stopped tonight.

Mr. SCOTT of Pennsylvania. Then, the Senator should vote according to his conscience.

Mr. GRIFFIN. Mr. President, as the Senate proceeds to a vote on this continuing resolution, I shall vote for it with a sense of deep concern.

Others in the course of this debate have expressed the concern that the amendment which cuts off funds for bombing and other military action in 45 days will not bring peace soon enough. They demand peace now.

My concern is that, instead of a step toward peace, this action on the part of the Senate tonight could be a step away from peace.

If this action should seriously weaken the position of our negotiators as they bargain with respect to Southeast Asia or with respect to Europe and the world, it could seriously damage the opportunity for a generation of peace that is before us as a result of President Nixon's diligent efforts.

The greatest danger, I suggest, is that the action we take here could result in miscalculation—that is, maybe misinterpreted in other parts of the world as a sign of weakness.

I believe it should be said, in the context of this debate, that the United States as a Government is not turning its back on its obligations or responsibilities as a world leader by adopting this amendment.

Like others who will vote for this measure tonight, I want this action to be a contribution toward peace—not a step toward hostility and more killing.

It can be a step toward peace if there is no miscalculation in other parts of the world as to the meaning of our action.

It can be a step toward peace if others in the world understand that the United States as a nation continues to expect and insist upon compliance with the treaties and other solemn obligations to which it is a party.

It should be clearly understood that adoption of this resolution; particularly the amendment relating to military activities in Southeast Asia, does not eliminate the ability of our Nation to meet its obligations under the Paris agreement of January 27; and does not terminate the ability of our Nation to carry out its responsibilities under that and other international agreements.

As a nation, despite this amendment, we continue to expect and insist upon good faith compliance with such agreements.

If that message is understood around the world, then this step tonight can truly be a step toward world peace.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

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

The legislative clerk called the roll.

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

I further announce that the Senator from Iowa (Mr. CLARK), and the Senator from Delaware (Mr. BIDEN) are absent on official business.

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

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from Vermont (Mr. STAFFORD) is necessarily absent.

The Senator from Idaho (Mr. MCCLURE) and the Senator from New York (Mr. JAVITS) are absent on official business.

Also the Senator from Arizona (Mr. GOLDWATER) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator from New York (Mr. JAVITS), the Senator from Vermont (Mr. STAFFORD), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 64, nays 26, as follows:

[No. 260 Leg.]

YEAS—64

Aiken	Ervin	Nelson
Allen	Fannin	Nunn
Baker	Fong	Packwood
Bartlett	Fulbright	Pastore
Beall	Griffin	Pearson
Bellmon	Gurney	Pell
Bennett	Hansen	Percy
Bible	Helms	Proxmire
Byrd, Harry F., Jr.	Hollings	Roth
	Hruska	Saxbe
Byrd, Robert C.	Huddleston	Scott, Pa.
Cannon	Humphrey	Scott, Va.
Case	Jackson	Sparkman
Chiles	Johnston	Stevens
Church	Long	Stevenson
Cook	Magnuson	Symington
Cranston	McClellan	Taft
Curtis	McGee	Talmadge
Dole	McGovern	Tower
Domenici	McIntyre	Williams
Dominick	Metcalf	Young
Eastland	Montoya	

NAYS—26

Abourezk	Hartke	Mondale
Bayh	Haskell	Moss
Brock	Hatfield	Muskie
Brooke	Hathaway	Randolph
Buckley	Hughes	Ribicoff
Burdick	Inouye	Schweiker
Eagleton	Kennedy	Tunney
Gravel	Mansfield	Weicker
Hart	Mathias	

NOT VOTING—10

Bentsen	Goldwater	Stennis
Biden	Javits	Thurmond
Clark	McClure	
Cotton	Stafford	

So Mr. FULBRIGHT's amendment was agreed to.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

Mr. CHILES. Mr. President——

The PRESIDING OFFICER. The Senator from Florida is recognized.

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

Mr. CHILES. I yield to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I move to strike from the bill section 108.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. EAGLETON. I ask for the yeas and nays.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EAGLETON. Mr. President, if I may have the attention of the Senate for 30 seconds, I wish to describe what this is. It is the Eagleton amendment, as adopted by the House, and it came over in the continuing resolution from the House. The motion is to strike the section and I vote "no."

The PRESIDING OFFICER. 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 Texas (Mr. BENTSEN) and the Senator from Wyoming (Mr. McGEE), are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Iowa (Mr. CLARK), are absent on official business.

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

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK), would note "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from Vermont (Mr. STAFFORD) is necessarily absent.

The Senator from Idaho (Mr. McCLURE) and the Senator from New York (Mr. JAVITS) are absent on official business.

Also, the Senator from Arizona (Mr. GOLDWATER) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator from New York (Mr. JAVITS), the Senator from Vermont (Mr. STAFFORD) and the Senator from South Carolina (Mr. THURMOND) would vote "yea."

The result was announced—yeas 58, nays 31, as follows:

[No. 261 Leg.]

YEAS—58

Aiken	Buckley	Cranston
Allen	Byrd,	Curtis
Baker	Harry F., Jr.	Dole
Bartlett	Byrd, Robert C.	Domenici
Beall	Cannon	Dominick
Bellmon	Case	Eastland
Bennett	Chiles	Ervin
Bible	Church	Fannin
Brock	Cook	Fong
Fulbright	Long	Saxbe
Griffin	Magnuson	Scott, Pa.
Gurney	McClellan	Scott, Va.
Hansen	McIntyre	Sparkman
Helms	Metcalf	Stevens
Hollings	Nunn	Stevenson
Hruska	Packwood	Taft
Huddleston	Pastore	Talmadge
Humphrey	Pearson	Tower
Jackson	Percy	Young
Johnston	Roth	

NAYS—31

Abourezk	Hughes	Pell
Bayh	Inouye	Proxmire
Brooke	Kennedy	Randolph
Burdick	Mansfield	Ribicoff
Eagleton	Mathias	Schweiker
Gravel	McGovern	Symington
Hart	Mondale	Tunney
Hartke	Montoya	Weicker
Haskell	Moss	Williams
Hatfield	Muskie	
Hathaway	Nelson	

NOT VOTING—11

Bentsen	Goldwater	Stafford
Biden	Javits	Stennis
Clark	McClure	Thurmond
Cotton	McGee	

So Mr. McCLELLAN's motion to delete section 108 was agreed to.

Mr. CHILES. Mr. President, I send to the desk two amendments and ask that they be considered en bloc.

I ask unanimous consent that the reading of the amendments be waived and that they be printed in the RECORD.

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

The amendments are as follows:

On page 10, after line 22, insert the following: "Nothing contained in this Act appropriating sums of money shall be interpreted by any person or court as authority for ratification or approval of any impoundment budget authority by the President or any other federal employee, in the past or the future, unless done pursuant to statutory authority in effect at the time of such impoundment and shall not be held to effect the status of any lawsuit or right of action involving the right to those funds."

On page 10, after line 22, insert the following: "Any provision of law which requires unexpended funds to return to the general fund of the Treasury at the end of the fiscal year shall not be held to affect the status of any lawsuit or right of action involving the right to those funds."

Mr. CHILES. Mr. President, these two amendments would add language to the bill primarily to provide that nothing in the bill would hinder any lawsuit that is now in progress or any right of action that would now be available by virtue of impoundment in any fund in the bill.

The Office of General Counsel, Department of Education, of my State contacted me in regard to their fear that the language that would go into effect now under continuing resolution would hurt the provisions of a lawsuit because of the fact that funds could lapse. So this language merely provides that nothing in the bill can be construed to make illegal any act that is statutorily legal.

I have discussed the amendments with the distinguished chairman of the committee and with the ranking minority member of the commitee. I hope that the amendments can be accepted.

Mr. McCLELLAN. Mr. President, I have not had an opportunity to consider the full impact of these amendments. I am disposed to take them to conference. I do not know what will happen in conference. My concern is that we are loading the bill with amendments. However, I will take the amendments to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments, en bloc, were agreed to.

Mr. HUMPHREY. Mr. President, I send to the desk an amendment. I ask unanimous consent that its reading be dispensed with and that the amendment be printed in the RECORD.

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

On page 8, line 6, after the word "amended" insert the following, "of which $183,400,000 shall be for carrying into effect title I, part A, of such Act".

Mr. HUMPHREY. Mr. President, very briefly, I have spoken to the chairman of the committee about this matter. The matter was brought to my attention by two very able and distinguished members of the other body. I hope that the chairman will take this amendment to conference and discuss it with the members of the conference committee from the other body.

This relates to the level of the Job Corps. It adds no money. It merely designates that the Job Corps itself will not be eliminated.

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

The amendment was agreed to.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the joint resolution.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution (H.J. Res. 636) was read the third time.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN) and the Senator from Wyoming (Mr. McGEE) are necessarily absent.

I further announce that the Senator from Iowa (Mr. CLARK) and the Senator from Delaware (Mr. BIDEN), are absent on official business.

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

I further announce that if present and voting, the Senator from Iowa (Mr. CLARK) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from Vermont (Mr. STAFFORD) is necessarily absent.

The Senator from Idaho (Mr. McCLURE) and the Senator from New York

(Mr. JAVITS) are absent on official business.

Also, the Senator from Arizona (Mr. GOLDWATER) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator from New York (Mr. JAVITS), the Senator from Vermont (Mr. STAFFORD), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 73, nays 16, as follows:

[No. 262 Leg.]

YEAS—73

Abourezk	Dominick	Montoya
Aiken	Eastland	Nelson
Allen	Ervin	Nunn
Baker	Fannin	Packwood
Bartlett	Fong	Pastore
Bayh	Fulbright	Pearson
Beall	Griffin	Pell
Bellmon	Gurney	Percy
Bennett	Hansen	Proxmire
Bible	Haskell	Randolph
Brock	Helms	Roth
Buckley	Hollings	Saxbe
Burdick	Hruska	Scott, Pa.
Byrd, Harry F., Jr.	Huddleston	Scott, Va.
	Humphrey	Sparkman
Byrd, Robert C.	Inouye	Stevens
Cannon	Jackson	Stevenson
Case	Johnston	Symington
Chiles	Long	Taft
Church	Magnuson	Talmadge
Cook	McClellan	Tower
Cranston	McGovern	Weicker
Curtis	McIntyre	Williams
Dole	Metcalf	Young
Domenici	Mondale	

NAYS—16

Brooke	Hathaway	Muskie
Eagleton	Hughes	Ribicoff
Gravel	Kennedy	Schweiker
Hart	Mansfield	Tunney
Hartke	Mathias	
Hatfield	Moss	

NOT VOTING—11

Bentsen	Goldwater	Stafford
Biden	Javits	Stennis
Clark	McClure	Thurmond
Cotton	McGee	

So the resolution (H.J. Res. 636) was passed.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to appropriately renumber the sections in the joint resolution.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. McCLELLAN. Mr. President, I move that the Senate insist on its amendments and request the conference with the House of Representatives 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. MONDALE) appointed Mr. McCLELLAN, Mr. MAGNUSON, Mr. PASTORE, Mr. BIBLE, Mr. McGEE, Mr. EAGLETON, Mr. CHILES, Mr. YOUNG, Mr. HRUSKA, Mr. COTTON, and Mr. CASE conferees on the part of the Senate.

SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. MANSFIELD. Mr. President, I ask that a message at the desk from the House of Representatives on H.R. 9055 be laid before the Senate.

The PRESIDING OFFICER (Mr. MONDALE) laid before the Senate a message from the House of Representatives on H.R. 9055, an act making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 10 minutes on the pending bill, which had passed the Senate once before, was vetoed, and was repassed by the House of Representatives with the Indochina amendment in it which the Senate agreed to on the bill just passed, the time to be equally divided between the distinguished Senator from Arkansas (Mr. McCLELLAN), the manager of the bill, and the distinguished Senator from North Dakota (Mr. YOUNG), the ranking Republican member.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. McCLELLAN. Mr. President, I yield myself 1 minute. I know of no amendments to be offered to the bill. No one has suggested to me that any amendments will be offered. As far as I know, the bill is ready for third reading and passage.

I yield 2 minutes to the Senator from North Dakota.

Mr. YOUNG. Mr. President, I do not believe any further discussion is necessary. It is a clean bill that was vetoed, with the so-called Cambodian amendment added to it.

We have practically all the other appropriation bills pending, so if any Senators have amendments, they can attach them to the remaining bills.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading and read the third time.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. McCLELLAN. I yield back the remainder of my time.

Mr. YOUNG. I yield back my time.

The PRESIDING OFFICER (Mr. MONDALE). All remaining time having been yielded back, the question is, Shall the bill pass?

Mr. PASTORE. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Texas (Mr. BENTSEN), the Senator from Wyoming (Mr. McGEE), and the Senator from New Hampshire (Mr. McINTYRE) are necessarily absent.

I further announce that the Senator from Iowa (Mr. CLARK) and the Senator from Delaware (Mr. BIDEN) are absent on official business.

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

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from Vermont (Mr. STAFFORD) is necessarily absent.

The Senator from Idaho (Mr. McCLURE), and the Senator from New York (Mr. JAVITS) are absent on official business.

Also, the Senator from Arizona (Mr. GOLDWATER), the Senator from South Carolina (Mr. THURMOND), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

If present and voting, the Senator from New York (Mr. JAVITS), the Senator from Vermont (Mr. STAFFORD), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 72, nays 14, as follows:

[No. 263 Leg.]

YEAS—72

Aiken	Dominick	Moss
Allen	Eastland	Nelson
Baker	Ervin	Nunn
Bartlett	Fannin	Packwood
Bayh	Fong	Pastore
Beall	Fulbright	Pearson
Bellmon	Gravel	Pell
Bennett	Griffin	Percy
Bible	Gurney	Proxmire
Brock	Hansen	Randolph
Brooke	Haskell	Roth
Buckley	Helms	Scott, Pa.
Burdick	Hollings	Scott, Va.
Byrd, Harry F., Jr.	Hruska	Sparkman
	Huddleston	Stevens
Byrd, Robert C.	Humphrey	Stevenson
Cannon	Jackson	Symington
Case	Johnston	Taft
Chiles	Long	Talmadge
Church	Magnuson	Tower
Cook	McClellan	Weicker
Cranston	McGovern	Williams
Curtis	Metcalf	Young
Dole	Mondale	
Domenici	Montoya	

NAYS—14

Eagleton	Hughes	Muskie
Hart	Inouye	Ribicoff
Hartke	Kennedy	Schweiker
Hatfield	Mansfield	Tunney
Hathaway	Mathias	

NOT VOTING—14

Abourezk	Goldwater	Saxbe
Bentsen	Javits	Stafford
Biden	McClure	Stennis
Clark	McGee	Thurmond
Cotton	McIntyre	

So the bill (H.R. 9055) was passed.

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

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

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1808. An Act to apportion funds for the National System of Interstate and Defense Highways and to authorize funds in accordance with title 23, United States Code, for fiscal year 1974, and for other purposes;

S. 1938. An Act to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1974; and

H.R. 5383. 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.

The enrolled bills were subsequently signed by the President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 1759. An act authorizing further appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes; and

S. 1972. An act to further amend the United States Information and Education Exchange Act of 1948.

The message also announced that the House insisted on its disagreement to the amendment of the Senate to the bill (H.R. 8410) to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. ULLMAN, Mr. BURKE of Massachusetts, Mrs. GRIFFITHS, Mr. SCHNEEBELI, Mr. COLLIER, and Mr. BROYHILL of Virginia were appointed managers on the part of the House at the further conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (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.

ADDITIONAL ROUTINE MORNING BUSINESS

The additional routine morning business transacted later in the day is printed at this point in the RECORD by unanimous consent.

ADDITIONAL REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Res. 133. Resolution authorizing supplemental expenditures by the Committee on the Judiciary for an inquiry and investigation relating to patents, trademarks, and copyrights (Rept. No. 93-295).

Mr. CANNON. Mr. President, from the Committee on Rules and Administration, I report favorably Senate Resolution 133.

Senate Resolution 133 would authorize supplemental expenditures in the amount of $26,000 by the Committee on the Judiciary for its inquiry relating to patents, trademarks, and copyrights.

This resolution was submitted on June 27, 1973, and referred directly to the Committee on Rules and Administration. According to established procedure, such a resolution would be referred first to the committee seeking the supplemental funds—in this case the Committee on the Judiciary—and then be reported from that committee with an accompanying report stating why such funds had not been requested in the committee's annual expenditure-authorization resolution.

On the latter point, I can state that the Judiciary Committee's 1973 annual expenditure-authorization resolution did embrace a request for $185,000 for its Patents Subcommittee, which amount was reduced by $42,000 by Rules Committee amendment. Obviously, the $26,000 now requested could have been contained within that reduction.

Also, the Committee on Rules and Administration has received joint letters in support of Senate Resolution 133 from Senator EASTLAND, chairman, and Senator HRUSKA, ranking minority member, of the Committee on the Judiciary, and from Senator MCCLELLAN, chairman, and Senator SCOTT, ranking minority member, of its Subcommittee on Patents, Trademarks, and Copyrights.

By Mr. PELL, from the Committee on Foreign Relations, with an amendment:

S. Res. 82. Resolution endorsing the objectives of the President's ocean policy statement (Rept. No. 93-296).

By Mr. MAGNUSON, from the Committee on Commerce:

S. 2120. An original bill to amend the Federal Railroad Safety Act of 1970 and other related acts to authorize additional appropriations, and for other purposes (Rept. 93-297). Placed on the calendar.

ADDITIONAL 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. SPARKMAN (for himself and Mr. STEVENSON) (by request):

S. 2119. A bill to amend the Export Administration Act of 1969 (Public Law 91-184), as amended, to control the export of iron and steel scrap during periods of shortage. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MAGNUSON, from the Committee on Commerce:

S. 2120. An original bill to amend the Federal Railroad Safety Act of 1970 and other related acts to authorize additional appropriations, and for other purposes. Placed on the calendar.

By Mr. GURNEY (for himself, Mr. BENNETT, Mr. BIBLE, Mr. BUCKLEY, Mr. ERVIN, Mr. GOLDWATER, Mr. JAVITS, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. STEVENS, Mr. THURMOND, and Mr. YOUNG):

S.J. Res. 132. Joint resolution to authorize the President to issue annually a proclamation designating that week in November which includes Thanksgiving Day as "National Family Week" Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GURNEY (for himself, Mr. BENNETT, Mr. BIBLE, Mr. BUCKLEY, Mr. ERVIN, Mr. GOLDWATER, Mr. JAVITS, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. STEVENS, Mr. THURMOND, and Mr. YOUNG):

S.J. Res. 132. Joint resolution to authorize the President to issue annually a proclamation designating that week in November which includes Thanksgiving Day as "National Family Week." Referred to the Committee on the Judiciary.

Mr. GURNEY. Mr. President, on behalf of myself and Senators BENNETT, BIBLE, BUCKLEY, ERVIN, GOLDWATER, JAVITS, PASTORE, PELL, RANDOLPH, STEVENS, THURMOND, and YOUNG, I am introducing for appropriate reference legislation to provide for National Family Week. I have introduced this legislation in the past, and I am pleased to note that support for this measure has continued to increase. Last year, Family Week was celebrated in many States and areas across the Nation, and even greater response is anticipated for this year.

In order that my colleagues can be provided with more extensive information about this measure and its purpose, I ask unanimous ccnsent that the joint resolution and the statement I made upon its introduction last Congress be printed in the RECORD at the conclusion of these remarks.

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

S.J. RES. 132

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue is nually a proclamation designating the week beginning on the Sunday preceding the fourth Thursday in November of each year as "National Family Week", and inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such day with appropriate ceremonies and activities.

STATEMENT OF SENATOR GURNEY

Mr. President, I am today introducing a resolution which would designate the fourth week of November as "National Family Week." I am happy to include Senators

PASTORE, YOUNG, DOLE, THURMOND, BUCKLEY, ALLOTT, HUMPHREY, BIBLE, ERVIN, BENNETT, GOLDWATER, RANDOLPH, STEVENS, PELL, and JAVITS as cosponsors of this legislation.

This legislation, which has also been introduced in the House of Representatives by JOHN T. MYERS, would authorize the President to designate the week beginning with the fourth Thursday in November of each year as "National Family Week." It also encourages the States and local communities to observe the week with appropriate ceremonies and activities.

Mr. President, the basic strength of our society is the family. William Makepeace Thackeray once stated:

"As are families, so is society. If well ordered, and well governed, they are the springs from which go forth the streams of national greatness and prosperity—of civil order and public happiness."

Today America's families are in trouble—trouble so deep and pervasive as to threaten the future of our Nation. An article, "The American Family: Future Uncertain," which appeared in Time magazine, December 28, 1970, supported this concern. It states:

"One in every four U.S. marriages eventually ends in divorce. The rate is rising dramatically for marriages made in the past several years, and in some densely-populated West Coast communities is running as high as 70%. The birth rate has declined from 30.1 births per thousand in 1910 to 17.7 in 1969 . . . each year an estimated half-million teen-agers run away from home.

"The crisis in the family has implications that extend far beyond the walls of the home. "No society has ever survived after its family life deteriorated," warned Dr. Paul Popenoe, founder of the American Institute of Family Relations, Harvard Professor Emeritus Carle Zimmerman has stated the most pessimistic view: 'The extinction of faith in the familistic system is identical with the movements in Greece during the century following the Peloponesian wars, and in Rome from A.D. 150. In each case the change in the faith and belief in familistic systems was associated with rapid adoption of negative reproduction rates and with enormous crisis in the very civilizations themselves.' "

The Time article continues:

"Throughout most of western history, until the 20th century, society as a whole strongly supported the family institution, it was the family's duty to instruct children in moral values, but it derived those values from church, from philosophers, from social traditions. Now most of these supports are weakened, or gone."

The observance of family week cannot promise to resolve the many problems that plague the family in America today. But we can focus attention on this institution, its strengths and virtues in this era of change. And we can enlist the millions of American parents to understand the wants and needs of their children, and we can properly encourage the children to understand the duties and obligation to their parents.

I also think it fitting to designate National Family Week to coincide with Thanksgiving Day, the traditional time when families throughout the Nation are rejoined for the purpose of giving thanks to God for the blessings which have come to them.

In the March 1969 issue of Science Digest, Mr. Arthur Mandelbaum spoke about the true image of the American family:

"Ogden Nash once defined a family as a unit, composed not only of children, but of men, women, and an occasional animal and a common cold. But this is an idealized, false, homogenized image of the American family. It does not exist except in some Hollywood or T.V. fantasy. Families do not have such a harmonious and boring architecture, they come in all sizes and shapes; fascinating, fantastic, wonderful and quite human, unpredictable and plausible, in different genetic combinations and qualities, covering a range of varied sensitivities."

We can appreciate this statement, Mr. President, since in the last few days we have had certain events occur in Washington. I know in some instances of young people who participated in these unpleasant and tragic events of the last few days that come from my home State of Florida. And I know that in some instances their parents had no idea that they were in Washington at all. They have communicated that fact with my office.

The parents are heartbroken. They deplore the fact that their children were engaged in these events that occurred in the last few days. I suspect that every Member of the Senate can relate similar circumstances.

I do not think there is any question in my mind that a lot of the trouble we have experienced in the last few days can be traced right back to the families and the lack of supervision by the parents of the children and the mark of inculcation of certain basic values that every society must have, which are necessary, even though they are very different, in order that society may stick together. Certainly the problem of discipline is involved there, also.

I think a good deal of what has happened in the last few days in Washington can be traced directly to family problems and the lack of family cohesiveness.

I am hopeful that the Senate will early consider and speedily and favorably act on this resolution and that various organizations within local communities will join together to make such an observance as meaningful as possible.

ADDITIONAL COSPONSORS OF BILLS

S. 1036

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

S. 1604

At the request of Mr. BROCK, the Senator from Michigan (Mr. HART) was added as a cosponsor of S. 1604, a bill to prevent discrimination on the basis of sex in housing.

S. 1605

At the request of Mr. BROCK, the Senator from Michigan (Mr. HART) was added as cosponsor of S. 1605, a bill to amend the Truth in Lending Act to prohibit discrimination on account of sex or marital status against individuals seeking credit.

S. 1610

At the request of Mr. Moss, the Senator from Connecticut (Mr. WEICKER) was added as a cosponsor of S. 1610, a bill to require the installation of airborne, cooperative collision avoidance systems on certain civil and military aircraft, and for other purposes.

AMENDMENT OF RENEGOTIATION ACT OF 1951—AMENDMENT

AMENDMENT NO. 302

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

Mr. McGOVERN (for himself, Mr. MANSFIELD, Mr. DOLE, Mr. CURTIS, Mr. CRANSTON, Mr. MCCLELLAN, Mr. NELSON, Mr. TALMADGE, Mr. ABOUREZK, Mr. MCGEE, Mr. HART, and Mr. BENTSEN) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 7445) to amend the Renegotiation Act of 1951.

ANNOUNCEMENT OF FIELD HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION, INTERIOR AND INSULAR AFFAIRS COMMITTEE

Mr. BIBLE. Mr. President, I wish to announce for the information of the Senate and the public that field hearings have been scheduled by the Subcommittee on Parks and Recreation on Nantucket Island at the local high school, town of Nantucket, at 10 a.m., July 16, and at 2:30 at Martha's Vineyard, town of Vineyard Haven—high school, on the following bill:

S. 1929, to establish the Nantucket Sound Islands Trust in the Commonwealth of Massachusetts, to declare certain national policies essential to the preservation and conservation of the lands and waters in the trust area, and for other purposes.

Also, I wish to announce for the information of the Senate and the public that a field hearing has been scheduled by the Subcommittee on Parks and Recreation at Boston, Mass.—Fanueil Hall—on Tuesday, July 17, at 9:30 a.m., on the following bill:

S. 210, to authorize the establishment of the Boston National Historical Park in the Commonwealth of Massachusetts.

NOTICE OF HEARINGS ON HOUSING AND COMMUNITY DEVELOPMENT BILLS

Mr. SPARKMAN. Mr. President, I wish to announce that the Subcommittee on Housing and Urban Affairs will hold hearings on all bills pending before the Housing Subcommittee, including housing bills and S. 1743 and S. 1744, community development bills.

The hearings will commence July 16, 1973, and will continue daily for 2 weeks, beginning each day at 10 a.m. in room 5302 of the Dirksen Senate Office Building. All persons wishing to submit testimony for the record of the hearings should submit this material to the Subcommittee on Housing and Urban Affairs, care of Miss Dorrie Thomas, room 5226, Dirksen Senate Office Building.

NOTICE OF HEARING ON NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, July 10, 1973, at 10:30 a.m., in room 2228, Dirksen Office Building, on the following nominations:

Prentice H. Marshall, of Illinois, to be U.S. district judge for the northern district of Illinois, vice Alexander J. Napoli, deceased

Harlington Wood, Jr., of Illinois, to be U.S. district judge for the southern district of Illinois, vice Omer Poos, retiring

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. McCLELLAN); the Senator from Nebraska (Mr. HRUSKA), and myself as chairman.

NOTICE OF HEARING ON H.R. 7446

Mr. HRUSKA. Mr. President, I wish to announce that the Standing Subcommittee on Federal Charters, Holidays and Celebrations of the Committee on the Judiciary has scheduled a public hearing on H.R. 7446, a bill to establish the American Revolution Bicentennial Administration and for other purposes.

The hearing will commence at 10 a.m., Wednesday, July 11, in room 2228, Dirksen Office Building.

Any person who desires to appear or submit a statement to the subcommittee should communicate with Thomas B. Collins, subcommittee counsel, 2226 Dirksen Office Building on or before Monday, July 9, 1973.

The subcommittee consists of the Senator from Arkansas (Mr. McCLELLAN) and myself, chairman.

PRESIDENT'S ENERGY MESSAGE SHOULD HAVE ANNOUNCED MANDATORY ALLOCATION PLAN

Mr. HUMPHREY. Mr. President, I noted the President's energy message today with great interest. It was a step, yes, a step in the right direction, but it did not go far enough, because it did not stress the enormity of the energy problem we are facing at this very moment.

Nowhere in the message was mention made of the need for a mandatory fuel allocation plan. It seems to me incredible that the President could issue a statement on energy without admitting that the voluntary oil allocation program has not been successful, without addressing himself to the shortages of petroleum supplies that this Nation is facing now.

From reports my office receives daily, I am very much aware of the seriousness of the situation. This past Tuesday the American Automobile Association reported that only 46 percent of the 3,417 gas stations across the Nation it monitors are operating normally, down from 53 percent last week, 64 percent the week before, and 75 percent the week before that.

According to the most recent reports from the Office of Oil and Gas, which is administering the voluntary allocation program, 1,543 gas stations across the Nation have been forced to close: The reason, inadequate supplies of gasoline.

Harder hit are the farmers. Combines in Texas, Oklahoma, and Minnesota are standing idle. The trucking industry is hurting. The public health, safety and welfare is becoming threatened. Counties across the country are experiencing great difficulties in getting competitive bids for gasoline, diesel fuel, and heating oils. Many counties are unable to get bids of any kind, as reported to me by Bernard Hillenbrand, the director of the National Association of Counties.

Mr. President, the present crisis situation is not likely to be alleviated by the steps announced in this energy message. I believe the facts still demand that the Congress enact S. 1570, the Emergency Petroleum Act. If the President is unwilling to establish a mandatory allocation system, the Congress must force him to do so.

Yesterday, the Midwest Conference of Democratic Senators called on President Nixon to impose a mandatory fuel allocation program immediately. The statement said:

> Such action is urgently needed if the agricultural economy of the Midwest is to escape catastrophe next fall or winter.

I was one of the 12 Midwestern Senators joining in that statement. The current fuel shortages effect my State, but they also affect the whole Nation.

The interests of the American consumer are crucially at stake in the growing fuel shortage which now reaches into the agricultural areas of our Nation. This shortage of fuel threatens to send the price of food skyrocketing even higher as the fall months approach.

Unless the Federal Government takes steps immediately to rectify this situation through a mandatory fuels distribution program, food will be in short supply, farmers will face financial ruin, and consumers will be paying exorbitant prices for the groceries to feed their families.

The situation is aggravated by the fact that agricultural production has been increased this year in order to meet domestic and export demands.

Farmers will plant an additional 45 million acres in 1973. Yet the voluntary fuels allocation program does not take this fact into account and is based upon the amount of fuel used in 1972.

These new acres that have gone into corn, soybeans, wheat, and cotton all take large amounts of fuel for the planting, plowing, harvesting, processing, drying, and the movement of crops to market. A delay at any one point in the food production process can jeopardize the entire crop.

For example, if there is an interruption in fuel supply when farmers are drying either corn or soybeans—that goes beyond 24 to 48 hours—the crop is destroyed. There is no crop. All you have is something for silage.

All that is needed is a drop of from 10 to 15 percent in the production of corn and soybeans and we will have an international food crisis.

The Sioux Line Railroad, which is one of the great railroad systems in the Midwest, indicates that unless it can get an adequate supply of diesel fuel it will not be able to move anywhere near the volume of crops that needs to be moved to keep market conditions reasonably well within the price structure.

And this is the breadbasket of the country.

The relationship between fuel and food has never been more evident than it is in this year of 1973.

Our urban dwellers will rapidly discover this as they find the price of beef, pork, poultry, eggs, and milk climbing and the supplies dwindling on the supermarket shelf.

I cannot overemphasize the importance of a mandatory fuels allocation program if we are going to get through this year without serious difficulty.

Everyone knows that mandatory allocation is not the total answer to the fuel crisis. But in the present emergency the only choice we have is between mandatory and voluntary controls. Only through a mandatory system can we assure that the agricultural segment of our economy and other vital areas are safeguarded. We cannot close our eyes to this situation.

Nor can we overlook the fact that this current emergency may be with us for at least a 3-year period. You cannot build a refinery in less than 3 years any more than you can hatch an egg in less than 21 days. It simply takes that long.

And at this time there are no new refineries under construction in the United States.

Yet there seems to be no sense of urgency on the part of the administration to deal with this problem.

Secretary of Agriculture Earl Butz has said:

> The early fall will be a critical period and an excellent test of our efforts to achieve an effective and equitable distribution of petroleum.

This is a fine wait-and-see game, but I do not want to play it at the expense of our people. We cannot have a test when the crops need to be harvested. We have to have fuel.

RENEGOTIATION AMENDMENTS OF 1973

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of calendar No. 228, H.R. 7445, that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER (Mr. WILLIAMS). The bill will be stated by title.

The assistant legislative clerk read as follows:

> H.R. 7445, to amend the Renegotiation Act of 1951 to extend the Act for 2 years.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

Mr. HARTKE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARTKE. This is a motion to take up the Renegotiation Act. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARTKE. That motion is debatable. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARTKE. I ask the majority leader and the chairman of the Finance Committee, with whom I have had some discussions about this measure, why it has to be brought up tonight, in view of the fact that it is contemplated to have a series of amendments which have been previously dealt with by the Senate and which have heretofore been passed by the Senate, last year, in the Veterans' Committee, of which I have the opportunity and honor of being

chairman, and why that measure has to be brought up tonight and not tomorrow.

Mr. LONG. Mr. President, this bill should be disposed of, because the Renegotiation Act expires at the end of this month, which ends tomorrow night.

It is the intention of the Senator from Louisiana to offer as an amendment to the renegotiation bill the social security amendments which were voted by the Senate on the debt limit bill. The point was made, when this matter was discussed in the House of Representatives—and in the overall general confusion there, the House did not agree to the proposed conference report—that the veterans could have a reduction in their pensions when the social security benefits were increased. So a proposal has been suggested, which the Senator has supported several times, and which I believe he has had passed through the Senate, and sent to the House. The proposal is that a provision to protect veterans' pensions should be included in this social security amendment so that the increase in social security benefits should not be taken into account in determining the amount of the pensions that veterans would receive.

In addition, Mr. President, we well recognize that there is a very strong possibility that if the debt limit bill goes to the White House with the social security amendments on it, it will be vetoed by the President. In fact, that is an overwhelming possibility, because purely on fiscal grounds, this would have a major impact on the budget and this is not in the plans of the administration. It would increase the budget deficit on a consolidated basis.

Because that is the case, I am led to believe, on the basis of every reasonable evidence I can get, that if we remove the social security amendments from this bill and add them to the Renegotiation Act and send both bills down, the President will sign the debt limit bill, and the Government can continue to operate and pay its bills.

Further, Mr. President, it is my judgment that we stand a good chance to override a veto if the President sees fit to veto the social security increase, as he probably will. If they are on the renegotiation bill, a small package, but a package which has passed the Senate by a margin of almost 90 percent, in my opinion we will have a better chance to override a veto.

It seems to me that this provides an advantage for the administration, in that it will be able to continue to move the country ahead, because the President will be able to pay the country's bills, and the dollar will not decline disastrously in world markets, and Government employees will receive their pay. The President can then sign about half the bill we pass, which I am led to believe he is willing to sign.

I think it also has an advantage to those of us who want to pass the social security increases. If left to themselves, my guess is that we would have a better chance to pass them on their own merit than if we have them wrapped in a package which someone might vote against, because he does not like some of the other amendments to the debt limit bill.

So I think that both the administration would win, and also those of us who favor the social security increase would win by this approach I am suggesting. Above all, the country would win; because it is not good for this Nation if it is not able to pay its debts.

We are in an unfortunate situation in which we have an impasse over a major increase in the social security payments—well justified though it may be—an increase which the administration, for budgetary reasons, feels the President should veto.

In my judgment, this is about the best arrangement we could work out all ways around, and that is why I propose that these social security amendments be placed on the renegotiation bill. We would then proceed to go to conference with the House on the debt limit and propose to the House conferees that they offer the House the social security package in one bill, and the remainder of the Senate amendments to the debt limit package. That is the way I believe we have the best prospect to obtain something that the House would be willing to pass and that would be sent to the President.

In my judgment, I think it affords advantages to those of us who favor the social security increases as well as those who favor the other provisions in the bill. If we do this, the House will agree to the other amendments, the President will sign the debt limit bill, and that will become law. My clarifying the issue of what we will be voting on, the social security and the welfare amendments will have their best chance, by standing on their own rather than being confused with a number of other amendments.

This is my proposal. I discussed it with the Senator from Utah (Mr. BENNETT), and he was willing to recommend that this would be the wise thing for all concerned. We think this is the best answer to the problem: Rather than sending a bill to the White House which the President would be willing to sign in part, but which would be vetoed, because we had overloaded it, we would divide it in two, with the full anticipation that one part would be vetoed. The part that would be vetoed probably would be vetoed in any event, but it probably would stand its best chance on its own rather than encumbered by other items.

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

Mr. LONG. Do I have the floor, Mr. President?

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. HARTKE. I will yield in a moment.

Is there any reason why, if this bill needs to be passed tonight, we cannot avoid going through this complicated procedure? It has ramifications which are far greater than have been stated so far, and I would be prepared to discuss them at length.

I know that many people are tired this evening and would like to go home, but I assure them that we are not going to vote on this measure at least before 1 o'clock, if it is brought up tonight, and perhaps later.

Let me explain honestly when I asked that the Committee on Finance accept the veterans amendment being proposed on the social security amendments of last year, I was assured it would be passed at a later date and they would not accept it. We did pass it later in the Senate. We passed a veterans amendment. Every veteran since January 1 has been denied an increase. I want to give veterans a preference, but I do not want to use them as a tool.

What the Senator is asking us to do is to put this social security amendment and the veterans amendment on a bill which the chairman of the Committee on Finance has already announced is going to be vetoed. I am not in favor of that.

I have no question that he favors a vote on the veterans amendment.

There is another ramification. The House rejected the debt ceiling bill and I understand we are going to a conference at 10 o'clock tomorrow. Is that correct? Are we going to a conference tomorrow on a debt limit bill?

Mr. LONG. Mr. President, will the Senator yield to me for a brief statement?

Mr. HARTKE. Yes. I yield.

Mr. LONG. I hope we are going to have a conference tomorrow. Frankly, I do not feel like going to conference unless we can take this bill along with us because in my judgment we are not going to resolve this matter until we do.

I wish the Senator, if he has the veterans' amendment to offer, by all means would present it. I urged him to offer the same type amendment that he had in mind.

Mr. HARTKE. I did not ask to bring up the veterans' amendment tonight.

Mr. LONG. I urged him to.

Mr. HARTKE. I know the Senator did, but I do not want to. I do not want to put a veterans' amendment on a bill that is going to be vetoed. They have been treated in the most horrible way I know. The Senator said that it is a bill that is going to be vetoed.

Mr. LONG. I helped the Senator pass his measure before. I am willing to help him on anything he wants to put it on, whether it will be vetoed or not. I just hope the Senator will permit the Senate to vote on a measure that the Senate has already voted for, and a measure that I am sure the Senate would like to vote on and for.

We would like to include in our social security increase a one-line provision saying that the social security increase will not cause a veteran to have his veterans' pension reduced. I am sorry that the Senator opposes that, but at the same time my guess is that the Senate would agree to it and it would be sent to the President on any bill to which it is attached, whether the bill was threatened by veto or not.

Mr. HARTKE. I have no hidden motives. I am not in favor of continuing the bombing. I could not get the assurance of the minority leader tonight that they would stop bombing on August 15. The

Cambodian amendment is in the debt limit bill. I am going to do everything I can to keep it there. I know what I am doing.

I know what the chairman of the committee is trying to do. He is trying to strip it down so it would be out. If Senators want to go home early tonight, pass the bill without this amendment. I will vote for the renegotiation bill. I have no other place to go now. I am not sleepy, not a bit sleepy; with a few cups of coffee I will be ready to go.

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

Mr. HARTKE. I yield for a question.

Mr. BENNETT. Does the Senator realize the House rejected everything in the renegotiation bill except the three provisions they sent to us?

Mr. HARTKE. I understand that.

Mr. BENNETT. So the question of Cambodia on renegotiation is moot. The House rejected it.

Mr. HARTKE. Let us have the truth. The Cambodian matter is in the debt limit bill, too.

Mr. BENNETT. The House rejected the debt limit bill.

Mr. HARTKE. It is in conference tomorrow. I do not want a conference tomorrow. I want the debt limit to expire tomorrow night. I want to stop the bombing or stop the country. I make no bones about the problem.

I understand how the Senator is trying to maneuver around it, and I do not want to maneuver.

Mr. LONG. The Senator is going to have to have some help. I have kept this Senate in session as long as anybody in the Chamber tonight—3 days running on one occasion. The Senator would have the Senate in session for 10 days. He would be a better Senator than I if he can keep the Senate in session for 10 days. It will take help if the Senator wants to wage that kind of filibuster. The Senator had better take inventory as to where he is going to stand when these people do not get their paychecks, because somebody is going to be held responsible for the fact that the Government employees are not paid, and that Government contractors are not paid, and that the dollar declines in all the world markets because this Nation officially declares itself bankrupt by an act of Congress and cannot pay its debts.

If those employees were not paid, everybody involved would want to blame the other fellow. I have been trying to avoid that because it may be as it is when Congress fails to pass a bill. Sometimes we can fault the President if he vetoes a bill and we can persuade the country it is his fault rather than ours. But one thing I know about those situations where you get involved in politics and where the Nation is hurt, or the State is hurt, or the public is hurt, and where they have a right to expect something better from their elected representatives. One might think it is the other guy who is going to be hurt, but if you are involved in the matter it might be you, too. When you go out to kick the other fellow you have to take your own body along with you and it may be the wrong body that is injured by the time you get home.

The Senator should carefully think about this matter if he is going to filibuster, especially if it puts the country in a position where it could not pay its debts. That is something I may have felt like doing on occasion, but I always thought better of it. If the Senator wants to engage in that kind of conduct he can take that responsibility but I hope he will be willing to let us vote on this measure. We are not going to dispose of any conference report. All we are trying to do is pass a bill that has a June 30 expiration date, and we would like to put amendments on it which already have been agreed to by the Senate so that we have a better possibility of serving the national interest.

I hope the Senator would recognize the fact that all wisdom does not reside in one Senator and that maybe 99 Senators have some intelligence to determine what is in the national interest.

I am sure that with the benefit of the wisdom that I am sure the Senator himself possesses, he will think that it will be for the good of the Nation's interest and will abide by the theory that the majority should rule. If he wants to be a one-man majority, he can go to it.

Mr. HARTKE. In the first place, on the debt limit itself, I am not responsible for the debt limit being there. I put an amendment on the Debt Limit to eliminate the debt limit. It has no relationship to reality. It is really a sine qua non in that it does not affect how much we spend or collect. It has always been an item which has been propaganda anyway, but since it is there, let us put the effects in perspective.

The Cambodian resolution is a part of the debt limit bill by virtue of the action of the Senator from Missouri (Mr. EAGLETON). There are a number of social security amendments on the Debt Limit bill, for one which I was responsible. The other was Senator RIBICOFF'S amendment for a 5.6-percent increase in social securty benefits.

Senator RIBICOFF and I agreed that as far as the social security part of the increase was concerned, we would agree that there would be sufficient money to pay for them. That is not the cause of the veto part of the bill. The veto part of the bill is caused by a number of amendments offered by the chairman of the committee. I am for those amendments, but they do have a substantial impact on the budget. They are causing the trouble. They are the ones the chairman proposes we adopt in toto tonight. They were brought to the conference committee.

The House conferees tonight, under the chairmanship of Representative MILLS of Arkansas, took the measure to the House of Representatives, where they were rejected. I am not saying why they were rejected, but it means that if we are going to proceed again, they are not to be in the conference. That is the problem we have today. That is the problem we have had consistently. They are agreeable, as outlined by the chairman of the Committee on Finance, but the social security amendments are going to be vetoed.

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

Mr. HARTKE. I yield.

Mr. LONG. Is the Senator aware of the fact that the President objects to the social security amendments as well as to the welfare amendments?

Mr. HARTKE. I accept that.

Mr. LONG. On a consolidated budget basis, there is more of an impact on his budget due to the social security amendments than from the welfare part of it. This has to do with the problem that some of us complained about, that the administration is using the surplus that is flowing into the trust fund to offset a deficit in the Federal funds budget. But there is no doubt about it, when we spend from the surplus flowing into the social security fund, as these amendments do, it will increase expenditures on a consolidated budget basis.

Mr. RIBICOFF. Mr. President, I think a most regrettable situation is developing on the floor of the Senate tonight. The Senator from Indiana, I am sure, realizes that the Finance Committee invariably is on some side of every issue, many times in the minority. But the distinguished chairman, in my opinion, has conducted not only the management of the debt limit ceiling, but also the conference that was held following the passage of the bill. Frankly, it was the first conference I ever attended as a member of the Finance Committee. I have always had the highest respect for our chairman, and never more than when this conference was completed. Chairman MILLS and the rest of the House conferees yield on about 90 percent of the issues.

Our distinguished chairman invoked the social security approach to raise benefits for some 30 million beneficiaries by 5.6 percent to take care of the increase in the cost of living. He backed us 100 percent on the floor of the Senate.

It also has to be understood that what the Senator from Indiana calls the welfare amendments are not really welfare amendments. There are provisions in the bill that take care of about 5 million Americans who are aged, blind, and infirm. These are not AFDC cases.

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

Mr. RIBICOFF. I yield.

Mr. HARTKE. They are welfare cases, and are under the welfare budget.

Mr. RIBICOFF. They are under the aegis of the welfare cases, but are really SSC amendments, which was a brilliant concept of our chairman, to take the aged, blind, and infirm outside and from under welfare. Benefits will be raised generally across the country to try to take these 5 million aged, blind, and infirm out of poverty and out of welfare. The chairman of the Committee on Finance has tried to face up to the realities of the situation. I have the utmost faith and confidence in the chairman and that his objectives will be achieved.

The Senator from Indiana objects to the tax proposal, and he is absolutely correct, as chairman of the Committee on Veterans' Affairs. It is my understanding that our chairman intends that the social security approach take care of the

problem of veterans, so that veterans will not be denied their compensatory position when they receive social security benefits.

I am convinced, just as the chairman is, by a vote of 86 to 7 on the social security amendments by this body. When we are dealing with Americans who will receive the benefit of a 5.6-percent increase, we are dealing with 5 million aged, infirmed, and blind, and 35 million other Americans. The rollcall vote in this body would be very close to the 86-to-7 vote.

I am convinced if there is one measure that is veto-proof, it is the proposal that the Senator from Louisiana is trying to bring before this body now. If the President vetoes this proposal, I am sure that in the House and in the Senate he will not be able to muster one-third to be able to sustain his veto, because right and justice and 35 million Americans in need are at stake.

I would hope that the Senator from Indiana, who is such a constructive, able, and valuable member of the Committee on Finance, would go along with our chairman. He is a member of the conference. I am one of the conferees. The distinguished Senator from Georgia is one of the conferees. The Senator from Louisiana is the chairman of the Senate conferees.

The Senator from Indiana and I did not divide on Cambodia. We went along with the majority leader. The Senator from Indiana himself was consistent on Cambodia. We have had a series of votes on the Cambodian resolution. The Senator from Indiana and I were in the minority every time on the Eagleton proposal. We have lost time and again.

I do not think, under the circumstances, we should keep 35 million Americans in hostage to a proposal that has lost on a series of continuous votes within the last hours. I would think that the Senator would think of the 35 million Americans in need. If we do not solve this problem now, we will go home at the recess at a time when 35 million people cannot pay their rent or pay for the high cost of food. We will be the ones responsible for frustrating that desire.

So I plead with the Senator from Indiana not to frustrate the will of the U.S. Senate but to allow us to proceed to go to a rollcall vote on the proposal of the Senator from Louisiana. And I am convinced that we will be able to prevail in conference and also prevail in the Senate and House in the event the President of the United States vetoes the measure we will vote on tonight.

Cries of "Vote, vote, vote!"

Mr. HARTKE. Mr. President, I am in no hurry to vote. Let me say that I agree with the magnificent job done by the chairman of the Finance Committee. He is very capable, very quick, very understanding, and very agreeable in every respect. He has been extremely competent in handling the conference.

The chairman has pushed for a measure even when he did not approve of it. I think that the Senator from Connecticut correctly states it.

I was trying to get the facts straight so that the Senate understands where we are. The fact is that what we are proposing here tonight is not to go ahead and help 35 million Americans. We are proposing to put on a bill which is going to expire on June 30, a provision which is not very controversial. It is a provision which the President of the United States evidently told somebody that he was going to veto. He has not told me. We are proposing to pull the social security beneficiary out from under a bill in which the President of the United States would be under great pressure not to veto the rights of 35 million Americans and put it in a bill on which we are certain of a veto. We cannot forget about Cambodia. Cambodia is in here.

Mr. President, I am not going to be deprived of the opportunity to express my opinion. I do not think that should be done. That is not why he will veto the bill. He is going to veto the debt limit bill because he is against 35 million Americans.

Let me say about the blind, the disabled, and the aged that I have been willing to take them out of the category of being welfare recipients. However, the fact is that they are part of the welfare rolls. And the blind, the disabled, and the aged are part of the welfare rolls. The distinguished Senator from Connecticut knows that we agreed to recede from the January 31 effective date for an increase and accept an April 1 date so that there would have to be only two payments made out of the social security fund before June 30, 1974. Now, that in and of itself was quite a concession of the budgeteers. They are willing to go ahead and deny the rights of 35 million Americans to have their money. They will then have the money to pay for the bombing.

If we go along with the Cambodian resolution, we are faced with a situation where the chairman of the Finance Committee comes to me and asks for an amendment on the social security provisions which was opposed at a time when it could have been adopted last year.

The PRESIDING OFFICER (Mr. WILLIAMS). Question.

Mr. HARTKE. Mr. President, does the Senator from Indiana not have the floor? I do not intend to vote on this at an early hour. This is a motion to take up the renegotiation bill. I have voted to take up this bill at this time with the understanding that the social security amendments will be added to it. Then I would be willing to permit the Senate to go ahead and do that. Otherwise, we will take this up tomorrow. We are going to be here tomorrow anyway. It will not take too long to pass this measure. We can stay this late tomorrow night, if we wish to. We can have a conference report.

We are just going to agree to go on vacation. We can come back. I think the original schedule was that we would be here through Tuesday of next week. And it was only the majority leader who said that we would.

I am for these veterans having these payments. I am for these aged to have their payments. But this is not the way to do business. We should not put this in a bill which will be vetoed. There are two provisions in the bill which are certainly less desirable for the Senate. One is the so-called check-off, and the distinguished Senator from Minnesota (Mr. HUMPHREY) and the distinguished Senator from Louisiana (Mr. LONG) offered the check-off bill. That vote was much closer. The other provision deals with the unemployment compensation which deals with about five States in the Union. It will provide for an extension of both of those measures. If the Senate wants to move them off, why does it not move those two amendments to this bill? We could have a situation where maybe part of the cost of the estimated unemployment benefits, which would affect the budget by some $300 million to $400 million, would also be affected. The fact is that a 5.6 percent increase and the increase in the earnings limitation are both going to be funded out of increases in the amount of base wages which is going to be increased in order to withdraw these payments so that the trust fund is not invaded.

There is no question that we have been overcharging the trust fund for quite some time. The trust fund in and of itself will continue, as the Senator from Connecticut well knows, to accumulate an additional surplus as we move on. The trust fund at the present time is paying for other expenses of the Government, and it has been doing so for quite some time.

The fact of the matter is that the estimates given by the actuarians on the increase that is going to be given to the social security beneficiaries on the 5.6-percent increase would require no increase even in the base wage except for the fact that the trust would be denied of having accumulated the excess to the funds. In other words, what we have here is a trust fund which is being utilized for the accumulation of interest to pay the expenses of the Goverment while at the same time the trust fund is not being used to pay the beneficiaries or those people who contributed to the social security fund.

This has continued for quite some time, and the Social Security Board of Supervisors who originally talked about this wanted to reduce the amount to 75 percent or make it on a current basis.

There is being added to the surplus roughly 89 percent of the necessary needs for 1 year. We are collecting money over and above what we need to pay the social security beneficiaries, so that people who complain in their younger years about paying the excess to the social security fund have a right to complain, because they are paying into the social security fund more money than it is necessary to pay out.

That is one of the reasons why Congressman BURKE is advocating that we charge one-third to the employee, one-third to the employer, and one-third to the general fund.

We all know that they have been paying the costs on the social security fund for quite some time. It is unfortunate, but this is true. And on the floor of the Senate and in the House they say they will increase the social security benefits. They ought to increase the tax to pay

for the benefits. However, that has not always been true. It has been true that frequently we have underestimated the revenue and we have underestimated it again this year when we had an increase in the fiscal year 1973 of about $400 million in excess of that which is estimated by the actuarians.

Now I come back to the earnings limitation. This in and of itself is a matter which has been discussed for quite some time.

We did agree in conference to reduce the amount of the earnings limitation from the amount voted by the Senate of $3,000 down to $2,400. This means that a person on Social Security could earn $200 a month before he has to pay any money back from his social security payments.

Many individuals would like to go ahead and work. They like to have respect and dignity and be able to work. However, they are unable to do so, because on the one hand if they go to work, they find themselves working for nothing. And on the other hand, they find themselves in a position where they want to use their time effectively and they are in good health. But they find that they are being deprived of earnings.

The Senator from Connecticut has frequently stated that this is very difficult to explain to social security beneficiaries who feel that they have paid into the social security fund and they should have a right to expect that the Government would pay them their benefits at the time they reach their retirement age of 65.

The original concept of social security at that time and the reason that there was the earnings limitation was to force people to go into retirement and thereby reduce the work force. It was done in the thirties when we had a high unemployment rate. For those who advocate the work ethic today, of course, that theory no longer applies. The situation today is that many people, due to improvements in health, at the age of 65 feel they are capable not only of doing manual labor, but also a lot of other work while they are going along.

I quite agree with that, and I indicated on the floor of the Senate that if I had had my way I would have provided for increased retirement benefits which would be unlimited. But knowing full well that such a measure could not pass on the Senate floor, we asked for an increase from $2,100 to $3,000, and that was passed unanimously by voice vote on the floor of the Senate.

As to the amount of the costs of that, it is estimated that the benefits that we are going to give to these individuals would be given to a limited number of people by virtue of the fact that as you increase the earnings limitation, you decrease the number of people who ultimately will participate. I think the Senator from Connecticut is quite right, that one of the things we ought to do is direct ourselves first to the task of providing for an increase in social security payments to meet the cost of living across a broad spectrum. That is why I was very much in favor of the 5.6-percent increase in social security.

Mr. SPARKMAN. Mr. President, will the Senator yield so that I may ask that the Chair lay before the Senate a message from the House of Representatives on S. 1636?

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. HARTKE. I yield, without losing my right to the floor.

AMENDMENT OF INTERNATIONAL ECONOMIC POLICY ACT OF 1972

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1636.

The PRESIDING OFFICER (Mr. EAGLETON) laid before the Senate the amendments of the House of Representatives to the bill (S. 1636) to amend the International Economic Policy Act of 1972, which were to strike out all after the enacting clause, and insert:

That section 205 of the International Economic Policy Act of 1972 (86 Stat. 647) is amended by—

(1) striking out "(1) The President.";

(2) striking out "be the Chairman of the Council and shall preside over the meetings of the Council; in his absence he may designate a member of the Council to preside in his place" and inserting in lieu thereof "designate the Chairman of the Council from among the members listed in paragraphs (1) through (9)"; and

(3) redesignating paragraphs (2) through (10) as paragraphs (1) through (9), respectively.

SEC. 2. Section 209 of the International Economic Policy Act of 1972 (86 Stat. 649) is amended by striking out "1973" and inserting in lieu thereof "1975".

SEC. 3. Section 210 of the International Economic Policy Act of 1972 (86 Stat. 649) is amended by striking out "1973" and inserting in lieu thereof "1974".

SEC. 4. Section 207(a) of the International Economic Policy Act of 1972 (86 Stat. 648) is amended by redesignating paragraph (4) as paragraph (5), by striking out "and" at the end of paragraph (3), and by inserting immediately after pargaraph (3) the following new paragraph:

"(4) a comparative description and analysis of the following subject matter, with respect to the United States, the European Community and principal countries within the European Community, Japan, and whenever applicable, the Union of Soviet Socialist Republics—

"(A) research and development expenditures, and productivity and technological trends in major industrial and agricultural sectors;

"(B) investment patterns in new plant and equipment;

"(C) industrial manpower and training practices;

"(D) tax incentives and other governmental financial assistance;

"(E) export promotion practices;

"(F) share of the export market, by area and industrial and agricultural sectors;

"(G) environmental practices;

"(H) antitrust practices; and

"(I) long-range governmental economic planning programs, targets, and objectives;".

SEC. 5. Section 205 of Public Law 92-412 is amended by adding "The Secretary of Transportation."

SEC. 6. Section 207(a) of the International Economic Policy Act of 1972 is amended by redesignating paragraph (5), as redesignated by section 4 of this Act, as paragraph (6), and by inserting immediately after paragraph (4) the following new paragraph:

"(5) a review of the relationship between the United States Government and American private business with respect to the categories of subject matter listed in subparagraphs (A) through (I) of paragraph (4) and any other appropriate areas of information, together with recommendations for appropriate policies and programs in order to insure that American business is competitive in international commerce; and".

SEC. 7. Notwithstanding the provisions of section 208(a) of the International Economic Policy Act of 1972, any future Executive Director of the Council on International Economic Policy appointed after the date of the enactment of this bill shall be appointed by the President, by and with the advice and consent of the Senate.

And amend the title so as to read: "An Act to amend the International Economic Policy Act of 1972 to change the membership of the Council on International Economic Policy, and for other purposes."

Mr. SPARKMAN. Mr. President, I move that the Senate disagree to the House amendments and ask for a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS, Mr. STEVENSON, Mr. TOWER, Mr. BENNETT, and Mr. PACKWOOD the conferees on the part of the Senate.

RENEGOTIATION AMENDMENTS OF 1973

The Senate continued with the consideration of the bill (H.R. 7445) to amend the Renegotiation Act of 1951 to extend the act for 2 years.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a unanimous-consent request, without relinquishing his right to the floor?

Mr. HARTKE. Yes. I will be glad to yield to the distinguished assistant majority leader for that purpose.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 o'clock tomorrow morning.

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

Mr. DOLE. Mr. President, will the Senator yield for a question?

Mr. HARTKE. I yield for a question.

Mr. DOLE. Do I have time to go to my office?

Mr. HARTKE. I beg your pardon?

Mr. DOLE. Will the Senator be discussing this matter long enough for me to have time to go to my office and return?

Mr. HARTKE. I think the Senator has plenty of time.

Mr. DOLE. My Kansas office?

Mr. HARTKE. If the Senator feels a compulsion to return to Kansas, that is all right with me.

Mr. PASTORE. Mr. President, will the Senator yield for a question? I mean this seriously.

Mr. HARTKE. I am glad to yield for a question.

Mr. PASTORE. The Senator seems to be discussing the merits of these amendments, and I do not think there is any

question about the merits. What is the strategy that he wants us to accomplish?

Mr. HARTKE. I will be glad to explain it to the Senator from Rhode Island. No. 1, the chairman of the Finance Committee wants to bring up the renegotiation bill, which expires June 30.

Mr. PASTORE. I heard him. I would like to hear from you.

Mr. HARTKE. Yes; if the Senator will permit me, I will explain what I want to do.

I am in favor of the renegotiation bill being extended if we can have an agreement not to attach the social security amendments which he proposes to attach to that bill tonight. If they are not to be attached to that bill, we can proceed with that legislation.

Mr. PASTORE. Where would they be attached? I understand they were repudiated by the House of Representatives.

Mr. HARTKE. They were what?

Mr. PASTORE. The conference report was repudiated by the House, was it not?

Mr. HARTKE. If the Senator from Rhode Island is aware of why the House repudiated the conference report, I wish he would tell me.

Mr. PASTORE. I do not know.

Mr. HARTKE. I do not know, either. I have my ideas, but I do know that the chairman of the Ways and Means Committee is not in any hurry, either, and neither he nor I are in a hurry, if you want to know the truth.

Mr. PASTORE. I do not care who is in a hurry. I wonder exactly what the Senator is campaigning for here tonight. What does the Senator from Indiana want us to do?

Mr. HARTKE. I want to proceed with the business in an orderly fashion.

Mr. PASTORE. Well, what is that?

Mr. HARTKE. To go ahead with the renegotiation bill on its merits, with the understanding that there will not be this attempt to do an end run to get around and put the social security amendments for 35 million Americans on a bill which is certain to be vetoed. That is what the chairman of the Finance Committee is asking us to do, to take these amendments and put them on a bill he himself has told us the President will veto. Is that not a nice set of dishes?

Mr. PASTORE. The Senator's argument is that if it goes on the debt limit bill, it will not be vetoed?

Mr. HARTKE. I will guarantee the Senator that then the burden is on the President to go ahead and answer the 35 million people, is on him but not on us; but we know in advance tonight that if we put these amendments on this bill, we are asking for a veto, according to the word of the chairman of the Finance Committee that it will be vetoed, and then we take our chances on overriding that veto.

I say if we want to make sure that the President provides for those 35 million Americans the benefits of social security which we provided in the Senate, let us put it on a bill which puts the burden on him instead of on us.

Mr. PASTORE. But no matter who assumes the burden, as I understand the argument made by the Senator from Louisiana, the President has already indicated that he will veto these bills in any event, and his idea is that it would be easier to override the veto if we put them on the renegotiation bill rather than the debt limit bill, because there are so many people who are against raising the debt limit anyway, and for that reason they would vote to sustain the President's veto, whereas if we had a clear chance with the renegotiation bill, the meat of the nut would actually be these amendments we are talking about, and they would be more amicable toward overriding the President's veto.

Mr. GRIFFIN. Mr. President, will the Senator yield for a further observation?

Mr. HARTKE. I understand what the Senator from Rhode Island says. I suppose if you really believe you want to get these beneficiaries of social security and the aged, blind, and disabled the money we voted on the Senate floor, the best chance of doing it is to keep it on the debt limit bill.

Mr. PASTORE. That is the Senator's idea. The Senator from Louisiana disagrees with that, and that is the question we have to decide.

Mr. HARTKE. If you want to continue this tomorrow morning, it is all right with me.

Mr. PASTORE. What time tomorrow morning, 8:30?

Mr. HARTKE. I did not say we would vote tomorrow morning. I said take this measure up tomorrow that is what I meant to say.

Mr. PASTORE. I think it is rather unfair, at 11 o'clock at night, to insist, "I either get my way or nothing is going to happen." I think the Senator ought to have an opportunity to argue his point, and I think the Senator has argued his point. He is now arguing about the merits, and there is no question about the merits. The Senator ought to understand that it is 11 o'clock at night; let us see what the will of the Senate might be.

Mr. HARTKE. I would be glad, Mr. President, to adjourn and go home now. I will be glad to yield for that purpose, if I do not lose my right to the floor.

Mr. ROBERT C. BYRD. Mr. President, will my friend indicate how much longer he intends to talk, if he talks longer tonight?

Mr. HARTKE. As long as I can hold out.

Mr. ROBERT C. BYRD. Will the Senator yield to me to make a motion to adjourn?

Mr. HARTKE. I yield for that purpose.

ADJOURNMENT UNTIL 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, I move, in accordance with the pervious order, that the Senate stand in adjournment until 9 a.m.

The motion was agreed to; and (at 10:59 p.m.) the Senate adjourned until tomorrow, Saturday, June 30, 1973, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Friday, June 29, 1973*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Behold, God is Mighty, He is mighty in strength and wisdom.—Job 36: 5.

O Thou Supreme Architect of the universe and the Father of all persons, in whose circle of love we live and move and have our being, keep us close to Thee through the hours of this day that strengthened by Thy spirit, guided by Thy wisdom, and filled with Thy peace we may work the ways of Thy will doing justly, loving mercy, and living humbly with Thee.

As we face the Fourth of July when we commemorate our great day of independence, we call to mind the great men whose creative faith and courageous stand made liberty a grand and glorious reality. May we here highly resolve to keep this spirit alive in our world and work for the time when all nations shall be free and all people enjoy the fruits of a just, righteous, and honorable peace.

In the spirit of the Prince of Peace 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. 7670. An act to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 8152. An act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes;

H.R. 8510. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes; and

H.R. 8619. An act making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year