Soon afterward, in violation of their written promise, the Soviet Union began to undertake the active subversion of free Latvia, culminating in total domination by 1940.

Russian domination of Lithuania began in 1795 and lasted until 1915 when the German Army began it's occupation. This lasted until 1919 when occupation by the Soviet Red Army began. On July 12, 1920, the Russian Government pledged to renounce forever all rights of sovereignty, recognizing Lithuania as an independent nation. During the next two decades, Lithuania enjoyed a period of independence and national resurgence. With the outbreak of the Second World War, Lithuania became one of the first countries to experience the brutal aggression of both Hitler and Stalin. In 1940, she was forcibly annexed into the Soviet Union.

Since 1940, the Baltic States, under the control of the Soviet Union, have not only lost their national independence, but under the intensive pressure of Russification, are in danger of losing their national culture and identity.

Mr. Speaker, on June 21, 1965, the House of Representatives unanimously adopted House Concurrent Resolution 416 "to request the President of the United States to urge certain actions in behalf of Lithuania, Estonia, and Latvia."

It unanimously passed the Senate on October 22, 1966.

On behalf of my constituents, many of whom are of Lithuanian, Estonian, or Latvian descent, I wish to express my continuing and vigorous support for, and strongly urge the President to implement, the aforesaid legislation. In spite of the loss of their freedom, the democratic and independent spirit of the Baltic peoples is still present and is still strong. I believe it appropriate at this time to include in this tribute the text of House Concurrent Resolution 416, of the 89th Congress.

The concurrent resolution follows:

HOUSE CONCURRENT RESOLUTION 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic and the American people; Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

SENATE—*Monday, July 9, 1973*

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

PRAYER

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

O Thou companion of the pilgrim years, who has watched over us in days past, we bring to Thee renewed powers and restored souls for service in this Chamber. We beseech Thee to light up the path we must take through the maze of this stricken generation. May the evils of the few never dim the virtues of the many who serve faithfully and honorably in the Government of the Nation. Enlarge our spirits to meet the expanded dimensions of these epic days. May Thy kingdom come in us and through us. O God, to whom the future belongs, use us evermore in Thy service.

In the Redeemer's name, we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 9, 1973.

To the Senate:

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

JAMES O. EASTLAND,
President pro tempore.

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

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of June 30, 1973, the Secretary of the Senate received the following messages from the President of the United States:

On July 3, 1973:

Sundry nominations. Referred to the Committee on Foreign Relations.

On July 6, 1973:

Sundry nominations. Referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under authority of the order of the Senate of June 30, 1973, the Secretary of the Senate, on June 30, 1973, received the following message from the House of Representatives:

That the Speaker had affixed his signature to the following enrolled bills and joint resolution:

H.R. 5452. An act to extend and make technical corrections to the National Sea Grant College and Program Act of 1966, as amended;

H.R. 7445. An act to extend the Renegotiation Act of 1951 for 1 year, and for other purposes;

H.R. 8410. An act to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes; and

H.J. Res. 636. Joint resolution making continuing appropriations for the fiscal year 1974, and for other purposes.

The enrolled bills and joint resolution were subsequently signed by the Acting President pro tempore (Mr. METCALF).

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of June 30, 1973, the following reports of committees were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare, without amendment:

H.R. 7935. An act to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand the coverage of that act, and for other purposes. Reported without recommendation (Rept. No. 93-301).

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare, with amendments:

S. 1861. A bill to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.20 an hour, and for other purposes (Rept. No. 93-300).

By Mr. NELSON, from the Committee on Labor and Public Welfare, with an amendment:

S. 1559. A bill to provide financial assistance to enable State and local governments to assume responsibilities for job training and community services, and for other purposes (Rept. No. 93-304), together with additional views; and

S. 1560. A bill to extend the Emergency Employment Act of 1971, to provide public service employment for disadvantaged and long-term unemployed persons, and for other purposes (Rept. No. 93-305), together with additional views.

By Mr. MAGNUSON, from the Committee on Commerce, with an amendment:

S. 1149. A bill to increase the supply of railroad rolling stock and to improve its utilization to meet the needs of commerce, users, shippers, national defense, and the consuming public (Rept. No. 93-303); and

S. 1983. A bill to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are

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threatened with extinction or likely within the foreseeable future to become threatened with extinction, and for other purposes (Rept. No. 93-307).

By Mr. HARTKE, from the Committee on Commerce, with an amendment:

S. 1925. A bill to amend section 1(16) of the Interstate Commerce Act authorizing the Interstate Commerce Commission to continue rail transportation services (Rept. No. 93-302).

By Mr. CANNON, from the Committee on Rules and Administration, with amendments:

S. 2067. A bill relating to congressional and Supreme Court pages (Rept. No. 93-30C).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Saturday, June 30, 1973, be dispensed with.

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

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

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

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

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

PROCEDURES FOR CALLING CONSTITUTIONAL CONVENTIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 276, S. 1272.

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

The bill (S. 1272) 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, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Constitutional Convention Procedures Act".

APPLICATIONS FOR CONSTITUTIONAL CONVENTION

SEC. 2. The legislature of a State, in making application to the Congress for a constitutional convention under article V of the Constitution of the United States on and after the enactment of this Act, shall adopt a resolution pursuant to this Act stating, in substance, that the legislature requests the calling of a convention for the purpose of proposing one or more amendments to the Constitution of the United States and stating the nature of the amendment or amendments to be proposed.

APPLICATION PROCEDURE

SEC. 3. (a) For the purpose of adopting or rescinding a resolution pursuant to section 2 and section 5, the State legislature shall follow the rules of procedure that govern the enactment of a statute by that legislature, but without the need for approval of the legislature's action by the Governor of the State.

(b) Questions concerning the adoption of a State resolution cognizable under this Act shall be determinable by the Congress of the United States and its decisions thereon shall be binding on all others, including State and Federal courts.

TRANSMITTAL OF APPLICATIONS

SEC. 4. (a) Within thirty days after the adoption by the legislature of a State of a resolution to apply for the calling of a constitutional convention, the secretary of state of the State, or if there be no such officer, the person who is charged by the State law with such function, shall transmit to the Congress of the United States two copies of the application, one addressed to the President of the Senate, and one to the Speaker of the House of Representatives.

(b) Each copy of the application so made by any State shall contain—

(1) the title of the resolution;

(2) the exact text of the resolution signed by the presiding officer of each house of the State legislature; and

(3) the date on which the legislature adopted the resolution; and shall be accompanied by a certificate of the secretary of state of the State, or such other person as is charged by the State law with such function, certifying that the application accurately sets forth the text of the resolution.

(c) Within ten days after receipt of a copy of any such application, the President of the Senate and Speaker of the House of Representatives shall report to the House of which he is presiding officer, identifying the State making application, the subject of the application, and the number of States then having made application on such subject. The President of the Senate and Speaker of the House of Representatives shall jointly cause copies of such application to be sent to the presiding officer of each house of the legislature of every other State and to each Member of the Senate and House of Representatives of the Congress of the United States.

EFFECTIVE PERIOD OF APPLICATION

SEC. 5. (a) An application submitted to the Congress by a State, unless sooner rescinded by the State legislature, shall remain effective for seven calendar years after the date it is received by the Congress, except that whenever within a period of seven calendar years two-thirds or more of the several States have each submitted an application calling for a constitutional convention on the same subject all such applications shall remain in effect until the Congress has taken action on a concurrent resolution, pursuant to section 6, calling for a constitutional convention.

(b) A State may rescind its application calling for a constitutional convention by adopting and transmitting to the Congress a resolution of rescission in conformity with the procedure specified in sections 3 and 4, except that no such rescission shall be effective as to any valid application made for a constitutional convention upon any subject after the date on which two-thirds or more of the State legislatures have valid applications pending before the Congress seeking amendments on the same subject.

(c) Questions concerning the rescission of a State's application shall be determined solely by the Congress of the United States and its decisions shall be binding on all others, including State and Federal courts.

CALLING OF A CONSTITUTIONAL CONVENTION

SEC. 6. (a) It shall be the duty of the Secretary of the Senate and the Clerk of the House of Representatives to maintain a record of all applications received by the President of the Senate and Speaker of the House of Representatives from States for the calling of a constitutional convention upon each subject. Whenever applications made by two-thirds or more of the States with respect to the same subject have been received, the Secretary and the Clerk shall so report in writing to the officer to whom those applications were transmitted, and such officer thereupon shall announce on the floor of the House of which he is an officer the substance of such report. It shall be the duty of such House to determine that there are in effect valid applications made by two-thirds of the States with respect to the same subject. If either House of the Congress determines, upon a consideration of any such report or of a concurrent resolution agreed to by the other House of the Congress, that there are in effect valid applications made by two-thirds or more of the States for the calling of a constitutional convention upon the same subject, it shall be the duty of that House to agree to a concurrent resolution calling for the convening of a Federal constitutional convention upon that subject. Each such concurrent resolution shall (1) designate the place and time of meeting of the convention, and (2) set forth the nature of the amendment or amendments for the consideration of which the convention is called. A copy of each such concurrent resolution agreed to by both Houses of the Congress shall be transmitted forthwith to the Governor and to the presiding officer of each house of the legislature of each State.

(b) The convention shall be convened not later than one year after adoption of the resolution.

DELEGATES

SEC. 7. (a) A convention called under this Act shall be composed of as many delegates from each State as it is entitled to Senators and Representatives in Congress. In each State two delegates shall be elected at large and one delegate shall be elected from each congressional district in the manner provided by State law. Any vacancy occurring in a State delegation shall be filled by appointment of the Governor of that State.

(b) The secretary of state of each State, or, if there be no such officer, the person charged by State law to perform such function shall certify to the Vice President of the United States the name of each delegate elected or appointed by the Governor pursuant to this section.

(c) Delegates shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at a session of the convention, and in going to and returning from the same; and for any speech or debate in the convention they shall not be questioned in any other place.

(d) Each delegate shall receive compensation for each day of service and shall be compensated for traveling and related expenses. Provision shall be made therefor in the concurrent resolution calling the convention. The convention shall fix the compensation of employees of the convention.

CONVENING THE CONVENTION

SEC. 8. (a) The Vice President of the United States shall convene the constitutional convention. He shall administer the oath of office of the delegates to the convention and shall preside until the delegates elect a presiding officer who shall preside thereafter. Before taking his seat each delegate shall subscribe to an oath by which he shall be committed during the conduct of the convention to refrain from proposing or casting his vote in favor of any proposed amendment to the Constitution of the United States relating to any subject which is not named or described in the concurrent resolution of the Congress by which the convention was called. Upon the election of permanent officers of the convention, the names of such officers shall be transmitted to the President of the Senate and the Speaker of the House of Representatives by the elected presiding officer of the convention. Further proceedings of the convention shall be conducted in accordance with such rules, not inconsistent with this Act, as the convention may adopt.

(b) There is hereby authorized to be appropriated such sums as may be necessary for the payment of the expenses of the convention.

(c) The Administrator of General Services shall provide such facilities, and the Congress and each executive department and agency shall provide such information and assistance, as the convention may require, upon written request made by the elected presiding officer of the convention.

PROCEDURES OF THE CONVENTION

SEC. 9. (a) In voting on any question before the convention, including the proposal of amendments, each delegate shall have one vote.

(b) The convention shall keep a daily verbatim record of its proceedings and publish the same. The vote of the delegates on any question shall be entered on the record.

(c) The convention shall terminate its proceedings within one year after the date of its first meeting unless the period is extended by the Congress by concurrent resolution.

(d) Within thirty days after the termination of the proceedings of the convention, the presiding officer shall transmit to the Archivist of the United States all records of official proceedings of the convention.

PROPOSAL OF AMENDMENTS

SEC. 10. (a) Except as provided in subsection (b) of this section, a convention called under this Act may propose amendments to the Constitution by a vote of two-thirds of the total number of delegates to the convention.

(b) No convention called under this Act may propose any amendment or amendments of a nature different from that stated in the concurrent resolution calling the convention. Questions arising under this subsection shall be determined solely by the Congress of the United States and its decisions shall be binding on all others, including State and Federal courts.

APPROVAL BY THE CONGRESS AND TRANSMITTAL TO THE STATES FOR RATIFICATION

SEC. 11. (a) The presiding officer of the convention shall, within thirty days after the termination of its proceedings, submit to the Congress the exact text of any amendment or amendments agreed upon by the convention.

(b) (1) Whenever a constitutional convention called under this Act has transmitted to the Congress a proposed amendment to the Constitution, the President of the Senate and the Speaker of the House of Representatives, acting jointly, shall transmit such amendment to the Administrator of General Services upon the expiration of the first period of ninety days of continuous session of the Congress following the date of receipt of such amendment unless within that period both Houses of the Congress have agreed to (A) a concurrent resolution directing the earlier transmission of such amendment to the Administrator of General Services and specifying in accordance with article V of the Constitution the manner in which such amendment shall be ratified, or (B) a concurrent resolution stating that the Congress disapproves the submission of such proposed amendment to the States because such proposed amendment relates to or includes a subject which differs from or was not included among the subjects named or described in the concurrent resolution of the Congress by which the convention was called, or because the procedures followed by the convention in proposing the amendment were not in substantial conformity with the provisions of this Act. No measure agreed to by the Congress which expresses disapproval of any such proposed amendment for any other reason, or without a statement of any reason, shall relieve the President of the Senate and the Speaker of the House of Representatives of the obligation imposed upon them by the first sentence of this paragraph.

(2) For the purposes of paragraph (1) of this subsection, (A) the continuity of a session of the Congress shall be broken only by an adjournment of the Congress sine die, and (B) the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the period of ninety days.

(c) Upon receipt of any such proposed amendment to the Constitution, the Administrator shall transmit forthwith to each of the several States a duly certified copy thereof, a copy of any concurrent resolution agreed to by both Houses of the Congress which prescribes the time within which and the manner in which such amendment shall be ratified, and a copy of this Act.

RATIFICATION OF PROPOSED AMENDMENTS

SEC. 12. (a) Any amendment proposed by the convention and submitted to the States in accordance with the provisions of this Act shall be valid for all intents and purposes as part of the Constitution of the United States when duly ratified by three-fourths of the States in the manner and within the time specified.

(b) Acts of ratification shall be by convention or by State legislative action as the Congress may direct or as specified in subsection (c) of this section. For the purpose of ratifying proposed amendments transmitted to the States pursuant to this Act the State legislatures shall adopt their own rules of procedure. Any State action ratifying a proposed amendment to the Constitution shall be valid without the assent of the Governor of the State.

(c) Except as otherwise prescribed by concurrent resolution of the Congress, any proposed amendment to the Constitution shall become valid when ratified by the legislatures of three-fourths of the several States within seven years from the date of the submission thereof to the States, or within such other period of time as may be prescribed by such proposed amendment.

(d) The secretary of state of the State, or if there be no such officer, the person who is charged by State law with such function, shall transmit a certified copy of the State action ratifying any proposed amendment to the Administrator of General Services.

RESCISSION OF RATIFICATIONS

SEC. 13. (a) Any State may rescind its ratification of a proposed amendment by the same processes by which it ratified the proposed amendment, except that no State may rescind when there are existing valid ratifications of such amendment by three-fourths of the States.

(b) Any State may ratify a proposed amendment even though it previously may have rejected the same proposal.

(c) Questions concerning State ratification or rejection of amendments proposed to the Constitution of the United States, shall be determined solely by the Congress of the United States, and its decisions shall be binding on all others, including State and Federal courts.

PROCLAMATION OF CONSTITUTIONAL AMENDMENTS

SEC. 14. The Administrator of General Services, when three-fourths of the several States have ratified a proposed amendment to the Constitution of the United States, shall issue a proclamation that the amendment is a part of the Constitution of the United States.

EFFECTIVE DATE OF AMENDMENTS

SEC. 15. An amendment proposed to the Constitution of the United States shall be effective from the date specified therein or, if no date is specified, then on the date on which the last State necessary to constitute three-fourths of the States of the United States, as provided for in article V, has ratified the same.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–293), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of this bill is to provide the procedural machinery necessary to effectuate that part of article V of the Constitution of the United States which authorizes a convention called by the States to propose specific amendments to the Constitution. The bill does not purport to deal with the situation in which the States have issued a call for a convention to propose a general revision of the Constitution. This limited purpose of the bill derives from two considerations, First, American history since shortly after the adoption of the Constitution reveals no expression of a desire on the part of the American people for any general constitutional revision. It does reveal sporadic expressions by the people of the States of a desire to provide limited changes in the Constitution. Second, it is the committee's opinion that the machinery appropriate for a convention undertaking a complete rewriting of the Constitution calls for a greatly different procedure from that which would be appropriate for a convention called for the more limited purposes contemplated by this bill. The committee is of the opinion that a call from the States for a general constitutional convention is so remote that there is no need, at this time, for providing the machinery for such a convention. It is the committee's view that a convention call for proposing specific amendments has from time to time, and especially recently, come near enough to fruition to make it appropriate for the provision of the necessary machinery in order to avoid the chaos that would result in the event that the call came and the procedures were not spelled out in advance.

The bill offered here is not intended to effectuate or preclude the proposing for submission to the States of any particular amendment that may, at the moment, be the subject of debate. Although the impetus for this legislation was initially provided by the public concern over accumulating petitions for a convention to consider an amendment regarding reapportionment, the committee has not considered the legislation in the narrow light of any single issue. The committee believes that the responsibility of Congress under the Constitution is to enact legislation which makes article V meaningful. This responsibility dictates that legislation implementing the article should not be formulated with the objective of making the Convention route a dead letter by placing

insurmountable procedural obstacles in its way. Nor on the other hand should Congress, in the guise of implementing legislation, create procedures designed to facilitate the adoption of any particular constitutional change.

In recommending S. 1272 to give effect to article V, the committee has been deeply conscious that this is "constitutional legislation" which will have to meet the unforeseen circumstances of our country's future. Its concern has been with the long-term needs of America.

The committee urges passage of this bill now in order to avoid what might well be an unseemly and chaotic imbroglio if the question of procedure were to arise simultaneously with the presentation of a substantive issue by two-thirds of the State legislatures. Should article V be invoked in the absence of this legislation, it is not improbable that the country will be faced with a constitutional crisis the dimensions of which have rarely been matched in our history.

LEGISLATIVE HISTORY

This legislation was first introduced by Senator Ervin, Chairman of the Senate Committee on the Judiciary, Subcommittee on Separation of Powers, on August 17, 1967. Hearings on the bill, S. 2307 of the 90th Congress, first session, were held by the subcommittee on October 30 and 31, 1967, and subsequently published. Thereafter the bill was revised and reintroduced in the 91st Congress, first session, as S. 623; the Subcommittee reported S. 623 to the full Committee on the Judiciary on June 19, 1969, where no action was taken on the measure during the 91st Congress. The legislation was reintroduced in the 92d Congress on January 26, 1971, as S. 215. On April 27, 1971, the Subcommittee on Separation of Powers reported the measure to the full Committee on the Judiciary. The Committee on the Judiciary reported S. 215 on July 20, 1971, and the bill passed the Senate, with one amendment, by a vote of 84 to 0, on October 19, 1971. The amendment, in Section 10, subsection (a) provides that a convention may propose amendments to the Constitution by a vote of two-thirds of the total number of delegates to the convention, rather than by a majority of the total number of delegates, as specified in the reported bill. S. 215 then was referred to the Judiciary Committee of the House of Representatives. No action was taken on the bill in the House during the 92d Congress.

In the 93d Congress, 1st Session, on March 19, 1973, Senator Ervin introduced S. 1272, a bill identical to S. 215 as amended and passed by the Senate in the 92d Congress. On May —, 1973, the Subcommittee on Separation of Powers reported S. 1272 to the Committee on the Judiciary.

CONSTITUTION OF THE UNITED STATES

Article V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

BACKGROUND OF ARTICLE V

Because so much confusion has been disseminated about the origins of article V, it is not inappropriate to set forth here, in capsule form, the development in the Convention of 1787 of the provisions of article V. In the words of Philip B. Kurland:

However natural it may now seem for the Constitution to provide for its own amendment, we should remember Holmes's warning against confusing the familiar with the necessary. There are other, more recent, national constitutions that make no such provision. The nature of the political compromises that resulted from the 1787 Convention was reason enough for those present not to tolerate a ready method of undoing what they had done. Article V, like most of the important provisions of the Constitution, must be attributed more to the prevailing spirit of compromise that dominated the Convention than to dedication to principle.

Although the original Virginia plan provided for a method of amendment, the first essential question resolved by the Convention was whether any method of amendment should be provided. Despite strong opposition from men such as Charles Pinckney of South Carolina, the Convention soon agreed in principle to the desirability of specifying a mode for amendment, with Mason, Randolph, and Madison of Virginia, Gouverneur Morris of Pennsylvania, Elbridge Gerry of Massachusetts, and Hamilton of New York leading the Convention toward accepting the necessity of such a provision.

The Virginia plan not only specified an amendment process but provided also that the National Legislature be excluded from participation in that process. And it was on the question of the proper role of Congress that the second major conflict was fought. When first reported by the Committee of Detail, the provision called for amendment by a convention to be called—apparently as a ministerial action—by the National Legislature on application of the legislatures of two-thirds of the States. Although this plan was first approved, the issue was again raised on Gerry's motion for reconsideration, seconded by Hamilton, and supported by Madison. On reconsideration, Sherman of Connecticut sought to have the power given to the National Legislature to propose amendments to the States for their approval. Wilson of Pennsylvania suggested that the approval of two-thirds of the States should be sufficient, and when this proposal was lost he was able to secure consent to a requirement of three-fourths of the States. At this point Madison offered what was in effect a substitute for the Committee of Detail's amended recommendation. It read, as the final draft was to read, in terms of alternative methods. Two-thirds of each House of Congress or two-thirds of the State legislatures could propose amendments. The amendments were to be ratified when approved either by three-fourths of the State legislatures or by conventions in three-fourths of the States. This compromise eventually overcame the second difficulty. By providing for alternative methods of procedure, the Madison proposal also made possible the compromise between those who would, from fear of the reticence of the National Legislature to correct its own abuses, utilize the convention as the means of initiating change, and those who, like Mason, wanted the National Legislature to be the sole sponsor of amendments * * *

Article V, which resulted from these deliberations, must be attributed largely to Madison, with obvious active participation of Hamilton * * * ("Article V and the Amending Process," by Philip B. Kurland, in 1, *An American Primer* 130–131 edited by Daniel J. Boorstin (1966)).

Although constitutional conventions, as used by the States, generally have been reserved for wholesale, as distinguished from piecemeal, constitutional revision, there is nothing in the record of the debates at the Philadelphia Convention which discloses any comparable intention on the part of the Framers. On the contrary, the latter refrained from any evaluation or differentiation of the two procedures for amendment incorporated into artice V; they tended to view the convention merely as an alternative safeguard available to the States whenever Congress ceased to be responsive to popular will and persisted in a refusal to originate and submit constitutional amendments for ratification.

The history of the use of the amendments process also was stated briefly by Professor Kurland:

Although the Constitution has been the subject of 24* different amendments, resort has never once been made to a national convention to initiate the process. And only once, in the case of the 21st amendment, was the State-convention process utilized for purposes of ratifying an amendment.

For the most part, the amendments have been minor rather than major rearrangements of the constitutional plan. The first 10 amendments, the Bill of Rights, came so hard on the heels of the original document that they must be treated, for almost all purposes, as part of it. The only truly basic changes came in the Civil War amendments, the 13th, 14th, and 15th. Although intended primarily for the benefit of the Negroes, who ultimately were the beneficiaries, the amendments have proved to be the essential vehicles for the transfer of power from the States to the National Government and, within the National Government, to the Supreme Court, which has since exercised a veto power over the actions of the State legislatures, executives, and judiciaries * * * [T]here can be little doubt of the truth of Felix Frankfurter's observation that there has been throughout our history an "absence of any widespread or sustained demand for a general revision of the Constitution."

On the other hand, it should be noted that some of the amendments have been attributable solely to the need to correct a Supreme Court construction of the Constitution. Thus, the 11th amendment was promulgated to overrule the case of *Chisholm* v. *Georgia*, 2 Dall. 419 (1793), in which the Court held that a sovereign immunity was not available as a defense to suit by a citizen of one State against another State. The necessity for the Civil War amendments derived in no small measure from the awful case of *Dred Scott* v. *Stanford*, 19 How. 393 (1857). The 16th amendment, authorizing the income tax, was a direct consequence of the Court's highly dubious decisions in *Pollock* v. *Farmers' Loan and Trust Co.*, 157 U.S. 429 (1895), 158 U.S. 601 (1895)

The other major category of amendments includes those relating to the mechanics of the National Government itself These are due, first, to the need to eliminate ambiguities that became apparent through experience and, second, to the tendency toward extension of the franchise, a movement notable in all democratic countries during the 19th and 20th centuries. In the first group fall the 12th amendment, made necessary by the tied vote for Jefferson and Burr in the 1800 election; the 20th amendment, a response to the increased efficiency of communications and transportation that made it possible to provide for the succession of the newly elected government at a date much closer to the election, as well as to the need to eliminate the ambiguities about filling a presidential vacancy; the 22d amendment, which adopted George Washington's notion that two terms were enough for any man to occupy the Presidency, an unwritten constitutional tradition broken by Franklin Delano Roosevelt's election to the office for four successive terms. In the second category, the

*Now 26.

amendments that enhance popular sovereignty, fall the 17th, providing for popular election of Senators; the 19th, providing for women's suffrage; the 23d, giving a voice to citizens of the District of Columbia in the election of the President; and the 24th* eliminating the poll tax as a requirement for voting in national elections.

The only two other amendments are concrete evidence of the undesirability of promulgating a minority's notions of morality as part of the Nation's fundamental law. The 18th amendment, the prohibition amendment, was a ban on commerce in intoxicating liquors. The horrible results of the "noble experiment" that led an entire nation into a lawlessness from which it has never recovered caused the repeal of the 18th amendment by the 21st amendment.

Perhaps the primary importance of article V may be found in the *in terrorem* effect of an ultimate appeal to the people for the correction of the abuses of their government. But it is not a weapon ready for use and its cumbersome method is both its virtue and its vice. (Kurland, *op. cit. supra,* at 132–134.)

Although the convention route has never been used as a means of proposing amendments, it usefulness has been demonstrated. The campaign for direct elections of Senators was stymied for decades by the understandable reluctance of the Senate to propose an amendment which jeopardized the tenure of many of its Members. Frustrated by the Senate, the reform movement shifted to the States, and a series of petitions seeking to invoke the convention process were submitted to Congress. Rather than risk its fate at the hands of a convention, the Senate then relented and approved the proposed amendment, which was speedily ratified. The history of the 17th amendment illustrates the usefulness of having a method by which a recalcitrant Congress can be bypassed when it stands in the way of the desires of the country for constitutional change.

GENERAL CONSIDERATIONS

At the outset it should be noted that this bill could have been drawn to place such hurdles in the path of the process that it could never effectively be used. And there are proponents of such an approach. On the other hand, it could have been drawn in such a manner as to make easy this means of constitutional amendment. There are proponents of this attitude as well. This committee regards both approaches as inconsistent with the purpose and function of article V, which it is the committee's intention to effectuate in this bill. The bill is drawn in such a manner as to make possible, however improbable, the constitutional convention method of amendment, as it was clearly the intent of the drafters of the Constitution to provide. There is no evidence whatsoever that the Framers did not regard this means to be as desirable and as viable as that which allows for constitutional amendment at the initiation of Congress. On the other hand, it is equally clear that the Framers did not, with regard to either process, anticipate either frequent or easy use of article V to bring about changes in the Constitution. The effort of the committee, therefore, has been to seek a solution between that which would in fact preclude the States from initiating constitutional amendments and that which would afford a Pandora's box too easily opened.

AUTHORITY OF CONGRESS TO SPECIFY PROCEDURES FOR A CONSTITUTIONAL CONVENTION CALLED BY THE STATES

It is the opinion of the committee that Congress unquestionably has the authority to legislate about the process of amendment by convention, and to settle every point not actually settled by article V of the Constitution itself. This is implicit in article V. Obviously the 50 State legislatures cannot themselves legislate on this subject. The constitutional convention cannot do so for it must first be brought into being. All this is left, therefore, to Congress, which in any event, in respect to other issues not specifically settled by the Constitution, has the residual power to legislate on matters that require uniform settlement.

Congress has full authority to prescribe and determine what a valid application shall be and is further authorized to provide as it chooses for the selection of delegates and the procedures that will govern the convention's operations. As to the first point, Congress is made the agency for calling the convention, and it is hard to see why Congress should have been brought into the matter at all unless it were expected to determine when sufficient appropriate applications had been received. As to the second point, the same argument is compelling; if Congress were not expected to provide for the selection and procedures of the convention, why were no provisions made for those matters in article V itself? It would have been perfectly simple for the article to have provided for delegation of those arrangements to the States. When we add to this argument the weight of the necessary and proper clause and the authority of *Coleman* v. *Miller* for the proposition that the amending process is in the congressional domain, the conclusion is inescapable. Congress has plenary power to provide for the selection and procedures of the convention. Nor is Congress hampered here by the provisions of article V relating to ratification. The States as States must give approval to proposed amendments, because that is what article V says. But the article says nothing at all about how the convention shall be chosen or operate; and, for the reasons given, that omission leaves decision on those matters in the hands of Congress.

As Mr. Theodore Sorensen said in his testimony before the subcommittee:

> The constitutional authority of Congress to establish rules and procedures regularizing the use or application of principles set forth in the Constitution has been too frequently exercised to be doubted today. Moreover, because State legislatures in proposing amendments via the convention route for performing a Federal function derived from the Federal Constitution, they could not be heard in court to complain about the imposition of reasonable standards and procedures by the Federal Congress, so long as their fundamental right to amend the Constitution is not thereby impaired. * * *

In short, I fully concur with Chairman Ervin that Congress has both the power and the duty to implement article V, to prevent the crisis and chaos that would otherwise result and to restrict any such convention to those topics that are specified in the applications of State legislatures. (Hearings, before the Subcommittee on Separation of Powers of the Committee on the Judiciary, United States Senate, 90th Congress, 1st Session, on S. 2307, p. 36.)

LIMITATION OF SUBJECT MATTER TO BE CONSIDERED BY CONVENTION

Probably the most vexing question presented to the committee was whether Congress could provide for the limitation of the subject matter to be treated by a convention called pursuant to article V. The committee is of the opinion that a failure to provide for such limitation would be inconsistent with the purposes of article V and, indeed, would destroy the possibility of the use of the convention method for proposing amendments.

As may readily be seen from the history of article V, it was intended to afford the States an opportunity for the introduction of specific amendments to the Constitution that was to parallel the opportunity of Congress to put forth such amendments. Thus, Madison, addressing himself to the subject in Federalist No. 43, wrote:

> That useful alterations will be suggested by experience, could not but be foreseen. It was requisite therefore that a mode for introducing them should be provided. The mode preferred by the convention seems to be stamped with every mark of propriety. It guards equally against that extreme facility which would render the Constitution too mutable; and that extreme difficulty which might perpetuate its discovered faults. It moreover equally enables the General and the State Governments to originate the amendment of errors as they may be pointed out by the experience on one side or on the other. And, in further explication of the amendment power and its exercise, Hamilton stated in No. 85:
>
> Every amendment to the Constitution, if once established, would be a single proposition, and might be brought forward singly. There would then be no necessity for management or compromise in relation to any other point—not giving or taking. The will of the requisite number would at once bring the matter to a decisive issue. And consequently, whenever nine, or rather 10 States, were united in the desire of a particular amendment, that amendment must infallibly take place. There can, therefore, be no comparison between the facility of affecting an amendment and that of establishing, in the first instance, a complete Constitution.

Apart from being inconsistent with the language and history of article V, the contention that any constitutional convention must be "wide open" is neither practicable nor desirable. If the subject matter of amendments were to be left entirely to the convention, it would be hard to expect the States to call for a convention in the absence of a general discontent with the existing constitutional system. This construction would effectively destroy the power of the States to originate the amendment of errors pointed out by experience, as Madison expected them to do. To suggest that the States could not propose specific amendments without risking a general constitutional convention is, in fact, in the committee's view, to destroy the desire and therefore the power of the States to initiate specific amendments by the convention process. Congress is not required to run such risks in the amendments that it would originate. There is little reason to believe that the States should be expected to do so.

The argument that the convention must have general power is also unsound from another point of view. If the convention were to be general, then it would seem that appropriate applications for a limited convention deriving in some States from a dissatisfaction for one reason, and in other States for entirely different reasons, should all be combined to make up the requisite two-thirds of the States needed to meet the requirements of article V. The committee does not believe that this is the type of consensus among the States that the Founders thought to be appropriate to calling for a convention. For if such disparate demands were sufficient, all the applications to date—and there are several hundred of them—should be added up to see whether, in what is considered an appropriate span of time, two-thirds of the States have made demands for a constitutional convention to propose amendments, no matter the cause for applications or the specifications contained in them. Indeed, under this theory a convention is long overdue. Since the committee believes that State applications should not be treated as a call for a convention unless they deal with the same subject—a conclusion supported by two centuries of prac-

*The 25th amendment, providing for the filling of a vacancy in the offices of President or Vice President; and the 26th, providing for the "18-year-old vote", were adopted subsequent to the writing of the work quoted.

tice—it is unreasonable to suggest that the convention resulting from 34 applications on a single subject is nonetheless free to roam at will in offering changes to the Constitution.

The attempted analogy sometimes made to the example of the Philadelphia Convention is not persuasive. First, the Articles of Confederation did not contain any effective means of amendment, as does the Constitution. Second, many of the delegates to that assembly were given credentials expressly limiting their authority to proposing individual amendments to the Articles. The Convention's decision to propose an entirely new charter was *ultra vires* and, in effect, "unconstitutional." Third, the Congress and the States retroactively approved the Convention's action of submitting and ratifying the new Constitution according to its own terms. Of course, a convention ostensibly acting under article V could ignore its authority, violate its oath, and propose amendments on subjects other than those specified. But the committee believes that such action would be unconstitutional; neither Congress nor the States would be under any obligation to give consideration to its proposals.

The interpretation of article V adopted by the committee is consistent with the literal language of the articles as well as its history and is more desirable and practicable than the alternative construction. The intent of article V was to place the power to initiate amendments in the Congress and in the State legislatures. The function of the convention was to provide the States with a mechanism for effectuating this initiative. The role of the States in filing their applications would be to identify the problem or problems that they believed to call for resolution by way of amendment. The role of the convention that would be called by reason of such action by the States would then be to decide whether the problem or problems called for correction by constitutional amendment and, if so, to frame the amendment itself, and propose it for ratification as provided in article V. The bill carried out this intention in keeping not only with the letter but also with the spirit of article V.

It is the conclusion of the committee, therefore, that the bill properly limits the scope of the convention to the subject or subjects that caused the States to seek constitutional amendment in the first place. The convention would have no authority to go beyond the subjects specified.

COMPUTATION OF REQUIRED NUMBER OF STATE APPLICATIONS

As has already been stated, applications of the States for a constitutional convention that relate to disparate subjects are not to be added together to make up the requisite two-thirds. Applications are not to be added together unless they are addressed to the solution of a common problem.

The committee is in agreement with a 1952 Report of the House Judiciary Committee which stated:

. . . there appears no valid reason to suppose that the language of the amendment requested in State applications must be identical with one another in wording. It should be enough that the suggested amendments be of the same general subject matter in order to be included in a congressional count of applications for a constitutional convention, bearing in mind, of course, that any or all of the States may at any time request a general convention should strong sentiment for such proceedings prevail. ("Problems Relating to State Applications for a Convention to Propose Constitutional Limitations on Federal Tax Rates," House Committee on the Judiciary, 82d Congress, second session, House committee print, page 12 (1952))

Obviously the question of whether any 34 petitions are sufficient to bring into operation artice V is one for resolution by Congress. In making this determination, the 34 States could not be required to submit in their applications identical texts of an amendment. Nor could Congress define the subject so narrowly as to impose a requirement of textual uniformity which as a realistic matter could not be met by the States. It should be sufficient that the States identify a subject or problem, demanding action on it alone. The petitions should disclose a State's concern with respect to a subject and a desire for a convention to deal with the problem.

For example, the petitions could call for a convention to consider the propriety of an amendment to deal with problems raised by a series of Supreme Court decisions, or actions by the Congress or the President, defining those actions in specific terms. The convention then would be confined to a specific subject, but would be free to consider the wisdom of any proposed amendment within that subject and what form it should take. The convention could not be deprived of deliberative freedom and confined to a yes-or-no vote on any specific proposal. To illustrate, States desiring a convention to deal with the issues raised by the Escobedo-Miranda decisions could phrase their petitions with references to those cases, or in general terms of the problem of Federal control over State criminal procedure. The convention would be confined to that subject, but would nevertheless have great deliberative freedom to consider all possible solutions and to frame whatever amendment it deemed appropriate to respond to the issues identified by the States.

TIME WITHIN WHICH THE APPLICATIONS FOR CONSTITUTIONAL CONVENTION MUST BE FILED

Article V is silent on the question of how long a proposed amendment should remain available for ratification or rejection by the States. It is likewise silent on the question of how long applications for a convention should remain valid. There is general agreement that, to be meaningful, applications for a constitutional convention to propose an amendment on a single subject should be a contemporaneous recognition by the States of the need for solution of a constitutional problem. There is some difference of opinion about the time period that is an appropriate measure of this contemporaneity. In the recent past, in making provision for the ratification of amendments proposed by Congress, 7 years has been specified as the appropriate time period within which ratifications should take place. The bill provides that the same period—7 years—shall be the valid period. A shorter time, for instance 1 or 2 years, would not afford the States adequate time for debate and deliberation on so fundamental a question as a proposed constitutional amendment. On the other hand, a much longer time, say 15 years, would not satisfy the reasoned desire for consensus.

OBLIGATION OF CONGRESS TO CALL A CONVENTION ON APPLICATION OF REQUISITE NUMBER OF STATES

The committee is of the view that, when the requisite number of valid applications have been filed, it is the constitutional duty of Congress to call the convention; for as Hamilton said in Federalist No. 85:

In opposition to the probability of subsequent amendments, it has been urged that the persons delegated to the administration of the national government will always be disinclined to yield up any portion of the authority of which they were once possessed. For my own part, I acknowledge a thorough conviction that any amendments which may upon mature consideration, be thought useful, will be applicable to the organization of the government, not to the mass of its powers; and on this account alone I think there is little weight in the observation just stated. I also think there is little weight in it on another account. The intrinsic difficulty of governing thirteen States at any rate, independent of calculations upon an ordinary degree of public spirit and integrity will, in my opinion, constantly *impose* on the national rules the *necessity* of a spirit of accommodation to the reasonable expectations of their constituents. But there is yet a further consideration which proves beyond the possibility of doubt that the observation is futile. It is this; that the national rulers, whenever nine States concur, will have no option upon the subject. By the fifth article of the plan, the Congress will be *obliged*, "on the application of the legislatures of two-thirds of the States [which at present amount to nine] to call a convention for proposing amendments which *shall be valid*, to all intents and purposes, as part of the Constitution, when ratified by the legislatures of three-fourths of the states, or by conventions in three-fourths thereof." The words of this article are preemptory. The Congress "*shall* call a convention." Nothing in this particular is left to the discretion of that body. And of consequence all the declamation about their disinclination to a change vanishes in air. (Emphasis in original.)

Hamilton reflects the record of the Convention itself. As Farrand records:

It was also feared that Congress might refuse to act so Congress was *required* to call a convention on the application of two-thirds of the states. (Farrand, "Framing of the Constitution of the United States," (1913 ed.), p. 190.) (Emphasis in original.)

Concededly, the Congress cannot be forced by the courts or by the provisions of this bill to convene a convention when the constitutional prerequisites have been satisfied. And since the obligation to call the convention is given to Congress, neither the President nor the Supreme Court could act in its stead. However, every Member of Congress has taken an oath to support the Constitution and it is inconceivable that Congress would refuse to perform its duty. No adequate argument has been brought forth to suggest a different conclusion. In light of the function of the alternative methods of proposing amendments provided in article V—to assure to Congress and the States equal opportunity to do so—for Congress to veto State proposals would be an infringement on State power and a violation of the Constitution.

ROLE OF THE EXECUTIVE IN THE AMENDMENT PROCESS

After much deliberation, the committee concluded that, just as with amendments proposed by Congress, so too with those proposed by the States, neither the National Executive nor the State Executive should have a role in the amendment process. Inasmuch as the function of Congress is simply to operate the machinery to effectuate the actions of the States and the convention, there is no proper place for a Presidential role.

Moreover, article I, section 7, is not authority for Presidential assent to the concurrent resolution calling for a convention or for the congressional action of transmitting a proposed amendment to the States for ratification. The short but sufficient answer is to be found in Professor Corwin's annotation of article I, section 7:

The sweeping nature of this obviously ill-considered provision is emphasized by the single exception specified to its operation. Actually, it was impossible from the first to give it any such scope. Otherwise the intermediate stages of the legislative process would have been bogged down hopelessly, not to mention other highly undesirable results. In a report rendered by the Senate Judiciary Committee in 1897 it was

shown that the word "necessary" in the clause had come in practice to refer "to the necessity occasioned by the requirement of other provisions of the Constitution, whereby every exercise of 'legislative powers' involves the concurrence of the two Houses"; or more briefly, "necessary" here means necessary if an "order, resolution, or vote" is to have the force of law. Such resolutions have come to be termed "joint resolutions" and stand on a level with "bills", which if "enacted" become statutes. But "votes" taken in either House preliminary to the final passage of legislation need not be submitted to the President, nor resolutions passed by the House concurrently with a view to expressing an opinion or to devising a common program of action (e.g., the concurrent resolutions by which during the fight over Reconstruction the Southern States were excluded from representation in the House and Senate, the Joint Committee on Reconstruction containing members from both Houses was created, etc.), or to directing the expenditure of money appropriated to the use of the two Houses. Within recent years the concurrent resolution has been put to a new use—the termination of powers delegated to the Chief Executive, or the disapproval of particular exercises of power by him. Most of the important legislation enacted for the prosecution of World War II provided that the powers granted to the President should come to an end upon adoption of concurrent resolutions to that effect. Similarly, measures authorizing the President to reorganize executive agencies have provided that a reorganization plan promulgated by him should be reported to Congress and should not become effective if one or both Houses adopted a resolution disapproving it. Also, it was settled as early as 1789 that resolutions of Congress proposing amendments to the Constitution need not be submitted to the President, the Bill of Rights having been referred to the States without being laid before President Washington for his approval—a procedure which the Court ratified in due course. (The Constitution of the United States of America: Analysis and Interpretation) 135–36 (S. Doc. No. 39, 88th Cong., first sess., 1964 ed.) Citations omitted.

The Constitution made the amendment process difficult. It certainly was not the intention of the original Convention to make it impossible. Nor is it possible to attribute to the Founders the concept that amendments originating in the States should have much more difficulty in passage than those proposed by Congress. That issue was fought out in the 1789 Convention and resolved in favor of two originating sources, not one.

Therefore, the committee has concluded that Presidential participation in the operation of article V is not required by the Constitution. Indeed, a strong case is made out that the Constitution, as construed throughout our history, precludes such participation by the Executive in the amendment process.

Just as the National Executive is excluded from the amendment process, so the State Executives play no role. Article V assigns to the State legislatures the duty to apply for a constitutional convention just as it authorized the legislatures to be ratifying bodies. Supreme Court decisions have interpreted the term "legislatures" in the ratification clause to mean the representative lawmaking body of the State—not including the Governor—since ratification of a constitutional amendment is not an act of legislation, in the proper sense of the word.[1] The term must have the same meaning in the application clause and the ratification clause of article V.

[1] *Hawke* v. *Smith*, No. 1, 253 U.S. 221, 229 (1920).

The role of the Governor is not needed for the voice of the people to be heard in the amendment process. It is heard, first, through their legislative representatives in their State governments; second, by the requirement contained in this bill for the democratic election of convention delegates; and third, in the ratification either by State ratifying convention or State legislature. To require that, in addition to an affirmative vote by two-thirds of the legislatures of the States within a period of 7 years, those votes must be by a two-thirds majority of each legislature (or by whatever other majority is needed to overcome a veto) where the Governor disapproves, is indeed "to pile Ossa on Pelion and leaf-crowned Olympus on Ossa" to create an insuperable barrier to any effective use of this method of constitutional change.

RESCISSION OF APPLICATIONS AND RATIFICATIONS

The question of whether a State may rescind an application once made has not been decided by any precedent, nor is there any authority on the question. It is one for Congress to answer. Congress previously has taken the position that having once ratified an amendment, a State may not rescind.

The committee is of the view that the former ratification rule should not control this question and, further, should be changed with respect to ratifications. Since a two-thirds consensus among the States in a given period of time is necessary to call a convention, obviously the fact that a State has changed its mind is pertinent. An application is not a final action. A State is always free, of course, to reject a proposed amendment. On these grounds, it is best to provide for rescission. Of course, once the constitutional requirement of petitions from two-thirds of the States has been met and the amendment machinery is set in motion, these considerations no longer hold, and rescission is no longer possible. On the basis of the same reasoning, a State should be permitted to retract its ratification, or to ratify a proposed amendment it previously rejected. Of course, once the amentment is a part of the Constitution, this power does not exist.

RESOLUTION OF QUESTIONS ARISING UNDER THIS MEASURE

The Committee takes the position that all questions to be resolved by the Congress under the provisions of this measure shall be submitted preliminarily to the Senate and House Judiciary Committees.

Section 1 provides that the title of the act is the "Federal Constitutional Convention Procedures Act."

Section 2 provides that a State desiring to invoke article V to call a constitutional convention for the purpose of proposing an amendment to the Constitution must adopt a resolution pursuant to this act requesting such a convention and stating the nature of the amendment it wishes proposed. Pursuant to the requirements of this section, the measure is prospective and not retroactive in operation.

Section 3 provides that the procedure to be used by the State in adopting or rescinding a resolution is the same as that used for enacting State laws of general application except that the approval of the Governor is not required. Any questions arising as to the adoption or rescission of resolutions are matters for determination solely by the Congress as part of its responsibility to determine whether article V has been activated. Of course, Congress has no authority to examine the action of the legislature, except to assure itself that the State has used the procedure specified in section 3.

Section 4 provides that within 30 days of the adoption of a resolution the secretary of state or the equivalent officer of the State must send two certified copies to the Congress, one addressed to the President of the Senate and the other to the Speaker of the House. Each copy must contain the title of the resolution, the date upon which it was adopted, and the exact text of the resolution signed by the presiding officers of each house of the State legislature. Within 10 days of receipt, the President of the Senate and the Speaker of the House must report to their respective Houses the identity of the State making application, the subject of the application and the number of States which have thus far applied with respect to that subject. If Congress is in recess or is adjourned, the announcement would be made when Congress was again in session, and as soon thereafter as possible. The two officers must cause copies of the application to be sent to the presiding officers of each of the Houses of the other States, and to each Member of Congress.

Section 5 provides that applications for the convening of a convention are effective for 7 years from date of receipt by Congress. Whenever within a 7-year period there are in effect valid applications on the same subject from two-thirds of the States all the applications remain in effect until Congress has called the convention.

States may rescind applications by adopting resolutions of rescission in accordance with the procedures of sections 3 and 4. However, attempted rescissions would not be effective after applications have been received by Congress from the requisite two-thirds of the States. Questions concerning the rescission of applications are determined solely by Congress.

Section 6 provides that the Secretary of the Senate and Clerk of the House shall maintain a record of the applications received upon each subject. Whenever applications upon the same subject have been received from two-thirds of the States, they must report in writing to the presiding officer of their respective Houses, and such officer shall report to that House the substance of the report. Periodic reports to each House on the nature and number of petitions received would be advisable, as well.

Each House then determines whether the recitation of the report is correct. Upon such determination it is the constitutional duty of each House under article V to a concurrent resolution calling for the convening of a constitutional convention. The resolution shall set forth the nature of the amendment the convention is to consider and designate the time and place for the convention. Copies of the resolution are to be sent to the State Governors and to each House of each State legislature. The convention must be convened within 1 year of the adoption of the resolution.

Section 7 provides that each State shall elect two delegates-at-large and one additional delegate from each congressional district in the State, in accordance with its usual procedures for the election of Senators and Representatives. Vacancies are filled by appointment of the State Governor. The secretary of state of each State or equivalent officer shall certify to the Vice President of the United States the name of each delegate. Delegates will enjoy the same privileges as do members of Congress under articles I, section 6. Delegates are to be compensated for service and travel and related expenses as provided for in the convening resolution.

Section 8 provides that the Vice President of the United States is to convene the convention and administer the oath of office. Each delegate is required to take an oath not to propose or vote in favor of any proposed amendment relating to a subject other than that named or described in the concurrent resolution. This is consistent with the position that the convention's authority is limited by the States' conferral of authority.

Names of the officers of the convention are to be transmitted to the Speaker of the House and President of the Senate. The convention may adopt rules of procedure not inconsistent with this act. Congress is authorized to appropriate funds for the expense of the convention; the Administrator of the General Services Administration is directed to provide the required facilities; and Congress, executive departments, and agencies are required to provide information required by the convention, except as otherwise provided by law.

Section 9 provides that each delegate to the convention has one vote. A daily verbatim record of proceedings must be kept, and the vote of each delegate must be recorded. The convention shall terminate within 1 year of the first meeting unless extended by resolution of Congress. Records of the convention's proceedings are to be transmitted to the Archives within 30 days of the termination of the convention.

Section 10 provides that amendments may be proposed by a vote of two-thirds of the total number of delegates to the convention. No amendments with respect to a subject different from that stated or described in the resolution calling the convention may be proposed and any questions relating to this point are to be determined solely by Congress.

Section 11 provides that within 30 days of the end of the convention the exact text of any amendments proposed by the Convention must be transmitted to Congress. Upon receipt of a valid proposed amendment, Congress must adopt a concurrent resolution directing the Speaker of the House and the President of the Senate to send the proposed amendment to the Administrator of the General Services Administration. The resolution shall also prescribe the time and manner of ratification by the States. Congress may adopt a concurrent resolution disapproving the submission of the proposed amendment to the States, but only on the grounds (1) that it relates to or includes a subject different from that stated or described in the resolution calling the convention, or (2) that the procedures used by the convention were not in substantial conformity with the provisions of this act. This conforms to the fact that, under article V, Congress has no power to review or veto any action of the convention because of doubts or disapproval on the grounds of policy. Congress' sole function is ministerial. Of course, Congress is under no obligation to transmit an amendment if the convention has exceeded its authority by proposing amendments on subjects other than those designated, or if there were procedural irregularities at the convention of a substantial nature so as to make the actions of the convention ineffective.

If Congress has not adopted a concurrent resolution either transmitting or disapproving the transmission of the proposed amendment within 90 days of continuous session following its receipt, the President of the Senate and Speaker of the House nonetheless are obligated to transmit the proposed amendment to the Administrator of the General Services Administration. This is to assure that Congress may not impede or block the transmittal to the States for the reasons of disapproval of the wisdom of the proposal. The Administrator of the General Services Administration must submit to the States a certified copy of the proposed amendment and any concurrent resolution adopted by Congress setting forth the time and manner for ratification along with a copy of this act.

Section 12 provides that amendments submitted in accordance with this act are valid as a part of the Constitution when ratified by three-fourths of the States within the time and according to the manner, by State legislature or State convention, as Congress directs by concurrent resolution. If the transmittal is made in the absence of a concurrent resolution, ratification is by State legislature and within 7 years of transmittal. Ratification by a State legislature shall be according to its own rules of such actions, but does not require the approval of the Governor. Certified copies of State ratifications must be sent promptly to the Administrator of the General Services Administration.

Section 13 provides that states may rescind by the same procedure as that used for ratification, but no rescission may be made after valid ratification by three-fourths of the States. States may ratify after a previous rejection. Any questions concerning ratification or rejection are determined solely by Congress.

Section 14 provides that the Administrator of the General Services Administration shall issue a proclamation that the amendment is part of the Constitution when three-fourths of the States have ratified.

Section 15 provides that the effective date of a constitutional amendment shall be specified in the amendment or, if none, on the date of the ratification by the last State necessary to constitute three-fourths of the States.

SENATE LEGISLATIVE ACTIVITY

Mr. MANSFIELD. Mr. President, the Senate Democratic Policy Committee, from time to time, issues a Senate Legislative Activity Index and also a résumé of legislation passed in the intervening period, under the heading "Senate Legislative Activity."

This has been sent to all Democratic Senators beginning about a month ago. The interest has been quite keen. I would point out that the record of the Senate to date is very good, as evidenced by the number of entries in the report.

By way of comparison with the last Congress, the June 30, 1971, report shows that the Senate had passed 113 bills at midyear excluding private bills and printed resolutions. The June 30, 1973, report contains 216 Senate-passed measures, many of which are major pieces of legislation.

The next report will be ready at the time of the recess beginning in August.

At this time, Mr. President, I ask unanimous consent to have the index printed in the RECORD.

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

SENATE LEGISLATIVE ACTIVITY INDEX

(93d Congress, First Session)

(By Senate Democratic Policy Committee)

AGRICULTURE

Agriculture and Consumer Protection Act of 1973 (S. 1888).
Census of Agriculture (S.J. Res. 95).
Feed Grain Set-Aside Program (S. 1572).
Indian River Grapefruit Program (S. 1945).
Meat and Poultry Inspection Amendments (S. 1021).
Rabbit Meat Inspection (S. 43).
Rice Allotment Transfer (H.R. 6883).
Rural Electric and Telephone Loans (S. 394).
Rural Environmental Assistance (REAP) and Water Bank Programs (H.R. 2107).
*Rural Water and Waste Disposal Grant Program (H.R. 3298) (Vetoed April 5, 1973. Veto sustained by House April 10, 1973.)
Wheat Referendum (S. 1938).
Woodsy Owl (S. 1585).

APPROPRIATIONS

1973

Further Continuing Appropriations (H.J. Res. 345).
*Second Supplemental Appropriations (H.R. 7447) (Vetoed June 27, 1973—Veto sustained by House June 27, 1973.)
Urgent Supplemental Appropriations (H.J. Res. 496).

1974

Agriculture—Environmental and Consumer Protection, 1974 (H.R. 8619).
Continuing Appropriations (H.J. Res. 636).
Housing and Urban Development, Space, Science, Veterans', and Certain Other Independent Agencies, 1974 (H.R. 8825).

CONGRESS

Budget Message, Economic Report, and Impounded Funds (H.J. Res. 1).
Committee Meetings—Rule XXV (S. Res. 69).
Federal Impoundment Control Procedures Act (S. 373).
Joint Economic Report—Extension (H.J. Res. 299).
Presidential Election Campaign of 1972:
Select Committee on Presidential Election Campaign Activities (S. Res. 60), S. Res. 132).
Special Prosecutor for Watergate Investigation (S. Res. 105).
Rules of Evidence—Congressional Consideration (S. 583).
Secret Government Documents (S. Res. 13).
Senate Confirmation of Nominations:
Cost of Living Council (S. 421).
Executive Office Appointees (S. 590), (S. 2045).
Heads of Executive Departments (S. 755).
*Office of Management and Budget (S. 518) (Vetoed May 18, 1973.
Senate overrode veto May 2, 1973. House sustained veto May 23, 1973, (S. 37), (S 2045).

CRIME-JUDICIARY

Civil Remedies for Victims of Racketeering and Theft (S. 13).
Commission Bankruptcy Laws (H.J. Res. 499).
Crime Control Act of 1973 (H.R. 8152).
Methadone Diversion Control Act of 1973 (S. 1115).
Public Safety Officers' Benefits Act of 1973 (S. 15).
Public Safety Officers' Group Life Insurance Act of 1973 (S. 33).
Revision of the Jurisdiction of Three-Judge Courts (S. 271).
Runaway Youth Act (S. 645).
Territorial Franchises in the Soft Drink Industry (S. 978).
Victims of Crime Act of 1973 (S. 3u0).
Victims of Crime Act of 1973 (Omnibus) (S. 800).

DEFENSE

Coast Guard Authorization, 1974 (H.R. 5383).
Dependents Assistance Act of 1950 Amendments (H.R. 8573).
Disposals from National Stockpiles (H.R. 4682).
Promotions of Military Personnel in a Missing Status (S. 1493).
Sale of Naval Vessels Stricken from the Naval Register (S. 1773).

DISTRICT OF COLUMBIA

International Center Complex (S. 1235).
John F. Kennedy Center for the Performing Arts (S. 1759).
National Visitors Center Facilities Act of 1968 Amendments (H.R. 5857).
Robert F. Kennedy Memorial Stadium (H.R. 6630)).

ECONOMY-FINANCE

Ceilings on Deposit Interest Rates and Wage and Price Controls (S.J. Res. 128).
East-West Trade Policy Resolution (S.J. Res. 131).
Economic Stabilization Act Amendments of 1973 (S. 398).
Federal Financing Bank (S. 925)

Financial Institution Structure and Regulation (H.R. 6370).
Interest Equalization Tax Extension Act of 1973 (H.R. 3577).
Istle Fiber; Agricultural Commodities (H.R. 2261).
National Banks Investment in Agricultural Credit Corporations (S. 1884).
Par Value Modification (H.R. 6912).
Public Debt Limit Extension (H.R. 8410).
Purchase of U.S. Obligations by Federal Reserve Banks (S. 1410).
Railroad Retirement Act Amendments (H.R. 7357).
Securities Laws Amendments (S. 470).

EDUCATION

Education of the Handicapped Amendments of 1973 (S. 895).
National Commission on the Financing of Postsecondary Education (H.J. Res. 393).

GENERAL GOVERNMENT

American Revolution Bicentennial Commission (H.R. 3694).
Arctic Winter Games Authorization (S. 907).
Atomic Energy Commission Authorizations, 1974 (S. 1994).
Commission on Highway Beautification—Extension (S.J. Res. 42).
Council on International Economic Policy (S. 1636).
Department of State Appropriations Authorization Act of 1973 (H.R. 7645).
Disaster Relief:
Emergency Disaster Bill (S. 1697).
Emergency Loan Program for Disaster Areas (H.R. 1975).
Small Business Act Amendments (S. 1672).
Emergency Petroleum Allocation Act of 1973 (S. 1570).
Energy Policy Act of 1973 (S. 70).
Exemption of Federal Judiciary from charges for Space and Services (S. 2079).
Federal Elections (S. 343).
Flood Insurance (S.J. Res. 26), (S.J. Res. 112).
Foreign Service Building Act Amendments (H.R. 5610).
Government Printing Office (S. 1794), (S. 1795), (S. 1802).
Maritime Authorization, 1974 (H.R. 7670).
Mint Buildings (S. 1901).
Motor Vehicle Defect Remedy Act (S. 355).
National Commission on Productivity—Extension (S.J. Res. 93).
National Commission on Productivity and Work Quality (S. 1752).
National Foundation on the Arts and Humanities Amendments of 1973 (S. 795).
National Historic Preservation Act (S. 1201).
National Science Foundation Authorization Act of 1974 (H.R. 8510).
Office of Environmental Quality Authorizations (S. 1379).
†Older Americans Comprehensive Services Amendments of 1973 (S. 50).
Peace Corps Act Amendments of 1973 (H.R. 5293).
Preservation of Historical and Archeological Data (S. 514).
Public Works and Economic Development Act Amendments of 1973 (H.R. 2246).
Recreation Use Fees (S. 1381).
Renegotiation Act Amendments of 1973 (H.R. 7445).
Service Contract Act Extension to Caton Island (H.R. 5157).
Small Business Act Amendments (S. 1672).
Trust Territory of the Pacific Islands (S. 1385).
Uniform Relocation Assistance and Real Property Acquisition Policies Act Amendments (S. 261).
United States Information Agency Appropriations Authorization Act of 1973 (S. 1317).
United States Travel Service Authorization (S. 1747).
Voter Registration Act (S. 352).
Wagner-O'Day Act Amendment, 1973 (S. 1413).

GOVERNMENT EMPLOYEES

Central Intelligence Agency Retirement Act Amendment (S. 1494).
Federal Employees Retirement (H.R. 6077).
Library of Congress (S. 1904).

HEALTH

Child Nutrition Programs (H.R. 4278).
Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1973 (S. 1125).
Emergency Medical Services Systems Development Act of 1973 (S. 504).
Health Maintenance Organization and Resources Development Act of 1973 (S. 14).
Health Programs Extension Act of 1973 (S. 1136).
Lead-Based Paint Poisoning Amendments of 1973 (S. 607).
Little Cigar Act of 1973 (S. 1165).
National Institute of Health Care Delivery Act of 1973 (S. 723).

INDIANS

Glen Canyon National Recreation Area Concession Operations (S. 1384).
Indian Claims Commission (S. 721).
Indian Judgment Distribution Act of 1973 (S. 1016).
Joint Committee on Navajo-Hopi Administration—Abolishment (S. 267).
Klamath Indian Tribal Land Acquisition (H.R. 3867).
Publication of Material Relating to the Constitutional Rights of Indians (S. 969).

INTERNATIONAL

Atlantic Union Delegation (S.J. Res. 21).
Foreign Military Sales and Assistance Act, 1974 (S. 1443).
International Voyage Load Line Act of 1973 (S. 1352).
People's Republic of China—Diplomatic Privileges (S. 1315).
Radio Free Europe and Radio Liberty Supplemental Authorization, 1973 (S. 1972).
Treaties:
Consular Convention with Hungary (Ex. W, 92d–2d).
Consular Convention with Poland (Ex. U, 92d–2d).
Consular Convention with Romania (Ex. V, 92d–2d).
Convention with Japan for the Protection of Birds and their Environment (Ex. R, 92d–2d).
Exchange of Notes with Ethiopia Concerning the Administration of Justice (Ex. B, 93d–1st).
United Nations Environment Program Participation Act of 1973 (H.R. 6768).

LABOR

Labor Management Relations Act Amendments (S.1423).
Penn Central Rail Dispute (S.J. Res. 59).
†* Rehabilitation Act of 1972 (S. 73) (Vetoed March 27, 1973. Veto sustained by Senate April 3, 1973).

MEMORIAL, TRIBUTES, AND MEDALS

Cable Car Medals (S. 776).
Commemoration of Members of the Armed Service Who Served in the Vietnam War (S. Res. 117).
Eisenhower Memorial (S. 1264).
John Wesley Powell Federal Building (S. 1618).
Law Day (S.J. Res. 11).
Lyndon B. Johnson (S. Res. 24), (H. Con. Res. 90), S. Res. 34).
Lyndon B. Johnson Space Center (S.J. Res. 37).
Members of the Armed Forces Missing in Action in Indochina (S. Res. 115).
Monument to 1st Infantry Division (S.J. Res. 66).
Roberto Walker Clemente Medals (H.R. 3841).
Vietnam War Memorial (S.J. Res. 45).

NATURAL RESOURCES-ENVIRONMENT

American Falls Dam Replacement (S. 1529).
Arkansas River Basin Compact (S. 11).
Clean Air Act Extension (S. 498), (H.R. 5445).
†Flood Control Act of 1973 (S. 606).
Interstate Environment Compact Act of 1973 (S. 9).
Land Use Policy and Planning Assistance Act (S. 268).
National Sea Grant College and Program Act of 1966 Amendments (H.R. 5452).
Safe Drinking Water Act of 1973 (S. 433).
Saline Water Program Authorization, 1974 (S. 1386).
Solid Waste Disposal Act Extension (S. (S. 498), (H.R. 5446).
United States Fishing Industry (S. Con. Res. 11).
Wasteland Treatment Plant Operations Training Program (S. 1776).
Water Resources Planning Act Amendments (S. 1501).

NOMINATIONS—ACTION BY ROLLCALL VOTE

Nomination of Peter J. Brennan, of New York, to be Secretary of Labor (81–3).
Nomination of William P. Clements, Jr., of Texas, to be a Deputy Secretary of Defense (74–11).
Nomination of Clarence M. Kelley, of Missouri, to be Director of the Federal Bureau of Investigation (96–0).
Nomination of Elliot L. Richardson, of Massachusetts, to be Secretary of Defense (81–1).
Nomination of Elliot L. Richardson, of Massachusetts, to be Attorney General (82–3).
Nomination of James R. Schlesinger, of Virginia, to be Director of Central Intelligence (85–0).
Nomination of James R. Schlesinger, of Virginia, to be Secretary of Defense (91–0).
Nomination of William L. Springer, of Illinois, to be a Member of the Federal Power Commission (65–12).
Nomination of Caspar W. Weinberger, of California, to be Secretary of Health, Education, and Welfare (61–10).

PROCLAMATIONS

Digestive Disease Week (S.J. Res. 114).
Honor America Day (S. Con. Res. 27).
International Clergy Week in the United States (H.J. Res. 163).
Jim Thorpe Day (S.J. Res. 73).
Mississippi River (S.J. Res. 102).
National Arthritis Month (H.J. Res. 275).
National Autistic Children's Week (H.J. Res. 296).
National Clean Water Week (H.J. Res. 437).
National Employ the Older Worker Week (H.J. Res. 334).
National Historic Preservation Week (S.J. Res. 51).
National Hunting and Fishing Day (H.J. Res. 210).
National Moment and Day of Prayer and Thanksgiving (H.J. Res. 246).
National Next Door Neighbor Day (S.J. Res. 25).
Nicolaus Copernicus Week (H.J. Res. 5).
Warsaw Ghetto Uprising (H.J. Res. 303).

SPACE

NASA Authorization, 1974 (H.R. 7528).

TRANSPORTATION AND COMMUNICATIONS

Aircraft Hijacking (S. 39).
†Airport Development Acceleration Act of 1973 (S. 38).
Amtrak Improvement Act of 1973 (S. 2016).
Bicentennial Advanced Technology Transportation System Demonstration Act (S. 797).
†Corporation for Public Broadcasting Authorizations, 1973 (S. 1090).

Federal Aid Highway Act of 1973 (S. 502).
Federal Railroad Safety Authorization Act of 1973 (S. 2120).
Highway Safety Act of 1973 (S. 893).
Interim Apportionment of Interstate and Other Highway Funds (S. 1808).
Interstate Apportionment (S. Con. Res. 6).
Ocean Transportation in Noncontiguous States and Territories (S. 902).
Rail Freight Car Shortage (S. Res. 59).
Railroad Retirement Act of Interstate Commerce Act Amendments (H.R. 7200).
Ship Construction (H.R. 6187).

VETERANS

Drug and Alcohol Treatment and Rehabilitation Act (S. 284).
Health Care Expansion Act (S. 59).
National Cemeteries Act (S. 49).

FOOTNOTES

†Vetoed 1972.
* Vetoed 1973.

SENATE LEGISLATIVE ACTIVITY

(93d Congress, First Session)

(By Senate Democratic Policy Committee)

Days in Session, 95.
Hours in Session, 501:43.
Total Measures Passed, 317
Public Laws, 48.
Treaties, 5.
Confirmations, 28,365.
Record Votes, 259.
Symbols: P/H—Passed House; P/S—Passed Senate; *Vetoed 1973.

Following is a brief summary of major Senate activity:

AGRICULTURE

Agriculture and Consumer Protection Act of 1973

Amends the Agricultural Act of 1970 and extends, in general, the present farm program for five years with the following and other provisions:

Target prices

Establishes a new method of payment to farmers for the three major commodiites known as target prices ($2.28 per bushel for wheat, $1.53 per bushel for corn, and 43 cents per pound for cotton), beginning with the 1974 crop, whereby the farmer will receive a payment equal to the difference between the target price and the average price received by farmers the first five months of the marketing year.

Payment limitation

Sets a $20,000 payments limitation per farmer which is applicable only to the income supplement portion of payment and not applicable to payments for set-aside, recreational access or conservation.

Dairy program

Extends and broadens the pesticide indemnification for contaminated milk to include indemnity of cows when contamination results in the destruction of the animal; raises the price support levels to eighty percent of parity until March 31, 1974, effective on the date of enactment; and increases dairy import quotas to two percent of domestic consumption.

Wheat, feed grains, and cotton

Extends the voluntary set-aside program for five years; broadens the terms of substitution of crops on allotted acres without loss of allotment; authorizes set-aside payments for public access and wildlife preservation; provides that sales of wheat or feed grains from Commodity Credit Corporation stocks must be made at 115 percent of the loan level or the market price, whichever is higher, and at 110 percent for cotton; authorizes the adjustment of grain bases but limits such adjustments to allotted acres held in reserve; extends the present authority for the Secretary to determine price support loan levels; and provides that target price payments be paid on the projecting yield from all allocated acres.

Miscellaneous provisions

Extends Public Law 480 Food for Peace program for five years authorizing such programs in Communist nations which qualify as not affiliated with Cuba or North Vietnam; provides that in the case of a natural disaster or other circumstances beyond a farmer's control that prevents him from planting his crop, he receives the higher of the differential payment between the target price and the average price, or one-third of the target price; increases the limitation of indebtedness for farmers with Farmers' Home Administration loans; authorizes studies of loss of livestock in transit, production costs for wheat, feed grains, cotton and dairy products and means of improving plant varieties with respect to disease and insect resistance; authorizes the Foreign Agriculture Service to provide more assistance to expanding agricultural exports; authorizes and recommends that an international agreement on grains be negotiated to set a minimum and maximum price on grains; creates a National Agricultural Transportation Committee charged with the responsibility of avoiding emergency situations in the transportation of agricultural commodities; requires the Council of Economic Advisors to report to the President and Congress on food costs and factors causing increases; provides up to 50 percent cost sharing for permanent conservation practices of the Rural Environmental Assistance Program (REAP); and provides for multi-year set-aside contracts for establishing cover crops, wildlife habitats and other conservation practices;

Forestry incentives

Provides cost sharing for small forest owners to assist in reforestation and development of increased lumber supplies.

Food stamps and nutrition

Requires that donations under the food distribution program provide recipients with adequate nutrition requirements; extends the Food Stamp Act for five years; provides for semi-annual review of food stamp allotments to reflect changes in the price of food; maintains eligibility for food stamps of persons receiving public assistance if they satisfy income and resources criteria; permits food stamps to be used to purchase meals at places especially preparing meals for elderly persons; makes comprehensive changes in the food stamp program including minimum resource eligibility criteria, hiring of paraprofessionals, increase in coupons for special diets, simplified certification, and increases Federal payments of 80 percent of all kinds of State costs.

Rural development

Extends the rural fire protection provisions of the Rural Development Act, provides cost sharing for fire equipment in communities of 200 to 2,000 population; mandates $55 million expenditure for Rural Water Districts; and prohibits the President from requiring prior approval of governors or other State officials for business loans under the Rural Development Act and further stipulates that the Secretary cannot require more than 10 percent equity for these loans.

And contains other provisions. S. 1888. P/S June 8, 1973.

Census of agriculture

Authorizes and directs the Secretary of Commerce to submit, within 30 days of enactment of this resolution, an estimate of funds needed to carry out the statutory mandate for conducting a census of agriculture in 1974; requires that funds heretofore or hereafter appropriated for planning the 1974 census shall be utilized for such purpose; and directs the Secretary to take the necessary action to insure that the data acquired from the 1974 census be made public through appropriate publication as soon as practicable following the taking of such census. S.J. Res. 95. P/S June 22, 1973.

Feed grain set-aside program

Increases the payment rate for option B participants in the feed grain program to assure option B participants the same parity guarantees which option A participants now have. S. 1572. P/S April 18, 1973.

Indian River grapefruit promotion

Permits marketing orders for Florida Indian River grapefruit to provide for crediting a handler's direct market promotion expenditures against his assessment for market promotion expenses under the order. S. 1945. P/S June 28, 1973.

Meat and poultry inspection amendments

Amends the Federal Meat Inspection Act and the Poultry Products Inspection Act to increase (beginning fiscal year 1974) the maximum Federal contribution to the cost of any State meat or poultry inspection system from 50 to 80 percent, and provides that the total cost of any cooperative arrangement for meat or poultry inspection purposes to be contributed under the Talmadge-Aiken Act (Public Law 87-718) shall be equal to the highest percentage contributed to any State under either of these acts. S. 1021. P/S April 2, 1973.

Rabbit meat inspection

Makes rabbit meat inspection mandatory, at Federal cost, by extending the provisions of the Poultry Products Inspection Act to rabbits and rabbit products, and sets the effective date of the provisions of the bill at July 1, 1973. S. 43. P/S February 21, 1973.

Rice allotment transfer

Permits rice growers who are unable to plant part or all of their farm acreage allotments in 1973 because of flood or other natural disaster to transfer their allotments to other farms in the same or adjoining county. H.R. 6883. Public Law 93-27, approved April 27, 1973.

Rural electric and telephone loans

Amends the Rural Electrification Act of 1936, as amended, to provide a revised program for rural electric and telephone loans; creates a revolving fund with unlimited borrowing authority, for the making of insured rural electric and telephone loans; provides that such insured loans will bear interest at five percent to two percent, with two percent loans to be available only if the borrower (a) has an average subscriber density of two or fewer per mile; or (b) has an average gross revenue of at least $450 below the average (for electric borrowers) or $300 below the average (for telephone borrowers); or, if the Administrator of the Rural Electrification Administration, in his sole discretion, finds that (c) the borrower has experienced extenuating circumstances or severe hardship; or (d) cannot produce net income before interest of at least 150 percent of its total interest requirements and still meet the objectives of the act; or (e) cannot without an excessive rate increase provide service consistent with the act; authorizes the guarantee of rural electric and telephone loans made by other lenders with interest at rates agreed upon by borrowers and lenders; requires loans made for rural electric and telephone facilities under the Consolidated Farm and Rural Development Act to be refinanced under the Rural Electrification Act of 1936 at the request of the borrower; provides that financial transactions of the Fund in interim notes and insured obligations (section 304), insured loans and advances (section 305(a)), and guaranteed loans (section 306) are not to be included in the totals of the budget of the United States and shall be exempt from any limitation imposed by statute on expenditures and net lending (budget outlays) of

the United States; and contains other provisions. S. 394, Public Law 93–32, approved May 11, 1973.

Rural environmental assistance—REAP—and water bank programs

Requires the Secretary of Agriculture (1) to make payments under the rural environmental assistance program (REAP) in the full amount appropriated therefor, and (2) to enter into agreements under the water bank program to the full extent permitted by available appropriations therefor. H.R. 2107. P/H February 7, 1973; P/S amended March 1, 1973; In Conference.

**Rural water and waste disposal grant program*

Requires the Secretary of Agriculture to make grants in the full amounts appropriated for the Farmers Home Administration water and waste disposal grant program which was terminated by the Department of Agriculture effective January 1, 1973. H.R. 3298. Vetoed April 5, 1973. House sustained veto April 10, 1973.

Wheat referendum

Permits the wheat marketing quota referendum with respect to the national marketing quota for the 1974 crop (which, since the Agricultural Act of 1970 extends only to the 1973 crop, otherwise would be required to be held no later than August 1, 1973, for the 1974 crop) to be deferred until the earlier of October 15, 1974, or 30 days after the adjournment of the 1st session of the 93d Congress, thereby permitting Congress a further opportunity to develop new legislation, S. 1938. Public Law 93– —, approved — 1973.

Woodsy Owl

Authorizes the Secretary of Agriculture to establish and collect use or royalty fees for the manufacture, reproduction, or use of the character and name, "Woodsy Owl," and the associated slogan "Give a Hoot, Don't Pollute," originated by the Forest Service; protects Federal use of the "Woodsy Owl" character by prohibiting the knowing manufacture, reproduction, or use of the Woodsy Owl character, facsimile, name, or slogan, except as authorized under rules and regulations issued by the Secretary of Agriculture; and imposes a fine of $250, or 6 months imprisonment, or both for unauthorized use. S. 1585. P/S June 14, 1973.

APPROPRIATIONS

1973

Further continuing appropriations, 1973

Extends the existing continuing resolution (Public Law 92–334) from February 28, 1973, to June 30, 1973, at the annual funding level, to provide further continuing appropriations for the activities covered by the Foreign Assistance and Related Programs Appropriation Act, the Departments of Labor and Health, Education, and Welfare, and Related Agencies Appropriation Act, neither of which have yet been enacted, and authorizes $6,224,000 for the American Revolution Bicentennial Commission; requires the President to submit periodic reports on impoundments to Congress; and contains other provisions. H.J. Res. 345. Public Law 93–9, approved March 8, 1973.

**Second supplemental appropriations, 1973*

Makes supplemental appropriations for the fiscal year ending June 30, 1973, in the amount of $3,362,845,279 for the following: Agriculture-Environmental and Consumer Protection; Defense; District of Columbia; Foreign Operations; Housing and Urban Development, Space, Science, and Veterans'; Interior and Related Agencies; Labor, and Health, Education and Welfare; Legislative; Public Works; State, Justice, Commerce, and Judiciary; Transportation; Treasury, Postal Service, and General Government; and Claims and Judgments; prohibits the expenditure of funds appropriated in this act to aid or assist in the reconstruction of North Vietnam; provides that no funds may be transferred on or after the effective date of this act under the authority of section 735 of the Department of Defense Appropriations Act, 1973, to support directly or indirectly U.S. combat activities in, over or from off the shores of Cambodia or in or over Laos by U.S. forces; and provides that "none of the funds herein appropriated under this Act or heretofore appropriated under any other Act may be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by U.S. forces;" prohibits the use of any appropriation contained in this or any other act for publicity or propaganda purposes for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress except in presentation to the Congress itself; and contains other provisions. H.R. 7447. Vetoed June 27, 1973. House sustained veto June 27, 1973.

Contains identical sums and provisions for the various items of the several departments and agencies as in the vetoed bill; provides that no funds appropriated in this act shall be expended to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam); provides that none of the funds herein appropriated under this act may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North and South Vietnam or off the shores of Cambodia, Laos, North and South Vietnam by United States forces, and after August 15, 1973, no other funds heretofore appropriated under any other act may be expended for such purposes; and contains other provisions. H.R. 9055. Public Law 93– , approved 1973.

Urgent supplemental appropriations, 1973

Appropriates $1,368,600,000 for supplemental appropriations for fiscal year 1973 for the Civil Aeronautics Board, the Veterans Administration, the Department of Health, Education, and Welfare, and the General Services Administration, of which $122.1 million is for the basic educational opportunity grant program, $210.3 million for the supplemental educational opportunity grant program, $270.2 million for the college work-study program, and $269.4 for the direct student loan program under the Department of Health, Education, and Welfare, and provides additional funding for fiscal year 1973 to schools in Federally impacted areas. H.J. Res. 496. Public Law 93–25, approved April 26, 1973.

1974

Agriculture-environmental and consumer protection, 1974

Appropriates a total of $10,176,926,500 of new obligational authority for fiscal year 1974 of which $5,258,708,500 is for agricultural programs, $412,822,000 for rural development programs, $1,115,246,000 for environmental programs, and $3,390,150,000 for consumer programs. H.R. 8619. P/H June 15, 1973; P/S amended June 28, 1973.

Continuing appropriations, 1974

Makes continuing appropriations to avoid interruption of continuing government functions until: (a) the enactment into law of an appropriation for any project or activity provided for in this joint resolution; or (b) enactment of the applicable appropriation act by both Houses without any provision for such project or activity; or (c) September 30, 1973, whichever first occurs; provides that new obligational authority under this act to carry out the Foreign Assistance Act of 1961, as amended, and the Foreign Military Sales Act, as amended, shall not exceed an annual rate of $2.2 billion, and shall not be funded at a rate exceeding one-quarter of such annual rate; provides that, notwithstanding any other provision of law, on or after August 15, 1973, no funds herein or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia; provides that, unless specifically authorized by Congress, none of the funds herein appropriated under this joint resolution or heretofore 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); and contains other provisions. Public Law 93– , approved 1973.

Housing and urban development, space, science, veterans, and certain other independent agencies, 1974

Appropriates approximately $19.1 billion for the Department of Housing and Urban Development, Space, Science, Veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for fiscal year 1974; the availability of funds under this act for the Department of Housing and Urban Development (HUD) upon the obligation of the Secretary of HUD of funds appropriated under this act, or previously appropriated, for the housing program; and contains other provisions. H.R. 8825 P/H June 22, 1973. P/S amended June 30, 1973. In conference.

CONGRESS

Budget message, economic report, and impounded funds

Extends to January 29, 1973, the time for the President to submit to Congress the budget for fiscal year 1974; extends to January 31, 1973, the time for transmittal of the economic report; extends the time for the Joint Economic Committee to file its report on the President's economic report not later than March 10, 1973; and requires the President to transmit to Congress by February 10, 1973, a report with respect to all funds impounded from October 27, 1972, and before January 29, 1973, and from July 1, 1972, and before October 27, 1972. H.J. Res. 1. Public Law 93–1, approved January 19, 1973.

Committee meetings—Rule XXV

Amends Senate rule XXV to provide that meetings for the transaction of business of each standing committee of the Senate shall be open to the public, except during closed sessions for marking up bills, for voting, or when the committee by majority vote orders a closed session: *Provided*, That any such closed session may be open to the public, if the committee by rule or majority vote so determines. S. Res. 69. Senate adopted March 6, 1973.

Federal Impoundment Control Procedures Act

Requires, in Title I of the bill, Impoundment Control Procedures, that the President, when a budget authority is impounded, shall send a special message to the Congress specifying the amount of the budget authority impounded, the reasons therefor, and to the extent practicable, the estimated fiscal, economic, and budgetary effect thereof; provides that, unless Congress acts to ratify the impoundment, or if it acts to disapprove it, by concurrent resolution within 60 days of continuous session after receipt of the message, that the obligation of the budget authority is mandatory and those funds may not be reimpounded; sets in Title II of the bill, a ceiling of $268 billion on expenditures and net lending for fiscal year 1974; provides that the President shall reserve such amounts as may be necessary to keep within the ceiling, and that the reservations shall be made proportionately by functional category, and, where practicable, subfunctional

category, as set out in the 1974 U.S. Budget in Brief, with the exception that no reservations shall be made from amounts available for interest, veterans' benefits and services, payments from social insurance trust funds, public assistance grants under Title IV of the Social Security Act, food stamps, military retirement pay, medicaid, and judicial salaries; and contains other provisions. S. 373. P/S May 10, 1973.

Joint economic report—extension

Extends from March 10, 1973, to April 1, 1973, the time for the Joint Economic Committee to submit its report on the President's Economic Report. H.J. Res. 299. Public Law 93–7, approved February 16, 1973.

PRESIDENTIAL ELECTION CAMPAIGN OF 1972

Select Committee on Presidential Election Campaign Activities

Establishes a Select Committee on Presidential Campaign Activities, consisting of 7 members of the Senate, to conduct an investigation and study of the extent to which illegal, improper, or unethical activities were engaged in by persons acting either individually or in combination with others in the presidential election campaign of 1972, and to determine whether, in its judgment, there is a necessity to enact new legislation to safeguard the electoral process by which the President of the United States is elected; provides for the appointment, by the President of the Senate, of the 7-member panel to consist of 4 members of the majority party and 3 members of the minority party, upon the recommendation of their respective leaders; empowers the committee to make a complete investigation and study of matters relating to the breaking, entering, and bugging of the Democratic National Committee in the Watergate Building in Washington, D.C., and sets the time for the committee to file a report of its findings at not later than February 28, 1974; authorizes an amount not to exceed $500,000 for committee expenses to be paid from the contingent fund of the Senate; and contains other provisions. S. Res. 60. Senate adopted February 7, 1973.

Amends S. Res. 60 to increase the authorization for expenses of the Select Committee on Presidential Election Campaign Activities through February 7, 1974, from $500,000 to $1 million of which not to exceed $40,000 shall be available for the procurement of the services of individual consultants or organizations thereof. S. Res. 132. Senate adopted June 25, 1973.

Heads of executive departments

Provides that the head of any executive department as defined in 5 U.S.C. 101 (the Departments of State; Treasury; Defense; Justice; Interior; Agriculture; Commerce; Labor; Health, Education, and Welfare; Housing and Urban Development; and Transportation) shall serve for a term of 4 years, subject to Senate confirmation, beginning at noon on January 20 of the year in which the term of the President appointing such department head begins, except that (1) the term of the head of any executive department serving on the date of the enactment of this act shall begin on such date and expire at noon on January 20, 1977, and (2) a person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall serve only for the unexpired portion of that term, thus requiring that Cabinet officials retained by a President serving a second term must be confirmed by the Senate prior to reappointment; provides that nothing in this act shall be construed to affect the power of the President to remove any department head; and contains other provisions. S. 755. P/S May 2, 1973.

**Office of Management and Budget*

Abolishes and reestablishes as new offices the offices of Director and Deputy Director of the Office of Management and Budget and provides that the offices shall be filled by the President by and with the advice and consent of the Senate, with the provisions of this act to take effect 30 days after enactment. S. 518. Vetoed May 18, 1973; Senate overrode veto May 22, 1973; House sustained veto May 23, 1973.

Amends the Budget and Accounting Act, 1921, to provide a 4 year term of office for the offices of Director and Deputy Director of the Office of Management and Budget beginning on January 20 of the year the President's term begins, except that the terms of the present incumbents shall expire January 20, 1977, and provides that an appointment made when a vacancy occurs before the expiration of the incumbent's term shall be made only for the unexpired portion of the term; requires that appointments by the President to fill the offices of Director and Deputy Director be subject to the advice and consent of the Senate; provides that this requirement is to become applicable to either office if the incumbents are reappointed or immediately after the individual holding the office ceases to hold the office; transfers from the President to the Office of Director, Office of Management and Budget, all of the functions which were vested by law in the Bureau of the Budget, and its Director, and transferred to the President by Reorganization Plan No. 2 of 1970; and contains other provisions. S. 37. P/S June 25, 1973.

Establishes a 4 year term of office for the offices of Director and Deputy Director of the Office of Management and Budget beginning on January 20 of the year the President's term begins, except that the terms of the present incumbents shall expire January 20, 1977, and provides that an appointment made when a vacancy occurs before the expiration of the incumbent's term shall be made only for the unexpired portion of the term; requires that appointments by the President to fill the offices of Director and Deputy Director be subject to the advice and consent of the Senate, and provides that this requirement is to become applicable to either office upon expiration of the term or immediately after the individual holding the office ceases to hold the office; requires that the Executive Director of the Domestic Council and the Executive Secretary of the National Security Council shall be appointed by the President by and with the advice and consent of the Senate, and provides that this requirement shall apply to appointments made to these offices after the date of enactment of this act. S. 2045. P/S June 25, 1973.

CRIME-JUDICIARY

Civil remedies for victims of racketeering activity and theft

Amends title 18 of the United States Code to strengthen civil remedies for victims of racketeering activity and provide a civil action for damages resulting from violations of section 659 title 18 of the United States Code, which relates to crime involving property in interstate or foreign commerce. S. 13. P/S March 29, 1973.

Commission on Bankruptcy Laws

Requires the Commission on Bankruptcy Laws of the United States to submit a comprehensive report of its activities, including its recommendations, to the President, the Chief Justice of the United States, and the Congress prior to July 31, 1973; provides for termination of the Commission 30 days after the submission of its final report; and provides that appropriated funds shall remain available until expended or until the Commission ceases to exist. H.J. Res. 499. Public Law 93– , approved 1973.

Crime Control Act of 1973

Extends the Department of Justice Law Enforcement Administration (LEAA) program for five years and authorizes appropriations therefor in equal yearly increments from $1 billion in fiscal year 1974 to $2 billion in fiscal year 1978; vests all policy and administrative authority in the Administrators by a Deputy Administrator for Policy Development and a Deputy for Administrative Management; strengthens Federal supervision over the States' planning process; requires a comprehensive program for the improvement of juvenile justice as part of the comprehensive State plan, with a minimum of 20 percent for the first year, and 30 percent thereafter, of Federal assistance for action and corrections improvements grants to be allocated to the juvenile justice program; increases the minimum planning allocation to each State from $100,000 to $200,000 to assure the continued flow of adequate funds to cities; requires regional planning boards to include a majority of local executive officials; places time limits on plan approval in order to expedite funds flow; revises the matching fund requirements to eliminate non-cash matching; reduces the non-Federal matching share from 25 to 10 percent with the new 90 to 10 matching ratio to apply to all grants requiring matching-planning, action, and corrections improvements grants; requires, with a limited transition time for waiver, States to contribute in the aggregate, at least 50 percent of the local share of the costs of both planning and action programs by increasing the State "buy-in" for action grants from 25 to 50 percent, and from 0 to 50 percent for planning grants, and adds "buy-in" provisions regarding corrections grants; authorizes grants from discretionary funds to private non-profit organizations; retains and strengthens the law enforcement education program; authorizes a Federal victim of crime grant program; and contains other provisions. H.R. 8152. P/H June 18, 1973; P/S amended June 28, 1973. In conference.

Methadone Diversion Control Act of 1973

Amends the Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law 91–513, commonly called the Controlled Substances Act, to provide new authority for the regulation of the use of narcotic drugs in the treatment of narcotic addicts; provides definitions of "maintenance treatment" to enable the Attorney General to establish more specific and comprehensive regulatory control over the handling of narcotic drugs used in the treatment of narcotic addicts; requires practitioners who dispense or administer narcotic drugs in the treatment of narcotic addicts to obtain a special registration predicated on the approval of treatment standards by the Secretary of Health, Education, and Welfare and the approval of security standards by the Attorney General; enables the Attorney General to deny, revoke, or suspend *the special registration for failure* to comply with the new standards; makes the full range of civil remedies and felony penalties available under the Controlled Substances Act applicable to practitioners who provide narcotic drugs without obtaining the special registration, in violation of the registration, or after revocation of the registration; and requires the special registered practitioners to keep complete records of narcotic drugs directly administered to patients in their presence. S. 1115. P/S June 8, 1973.

Public Safety Officers' Benefits Act of 1973

Amends the Omnibus Crime Control and Safe Streets Act of 1968 to provide a gratuity of $50,000 to the dependents of public safety officers killed in the line of duty where the crime or death occurs on or after October 17, 1972, and authorizes the Law Enforcement Assistance Administration to make an interim payment, not to exceed $3,000, to an entitled dependent when it is determined such person is eligible to receive the gratuity under the provisions of this act. S. 15. P/S March 29, 1973.

Public Safety Officers' Group Life Insurance Act of 1973

Amends the Omnibus Crime Control and Safe Streets Act of 1968 to establish a means of meeting the financial needs of public safety officers or their surviving dependents through group life, accidental death, and dismemberment insurance (the amount of coverage to be based on individual salary with a minimum coverage of $10,000 and a maximum coverage of $32,000) and to assist State and local governments to provide such insurance. S. 33. P/S March 29, 1973.

Revision of the jurisdiction of three-judge courts

Amends sections 2281, 2282, 2284, and 2403 of title 28, United States Code, to eliminate the requirement for special three-judge courts in cases seeking to enjoin the enforcement of State or Federal laws on the grounds of unconstitutionality; provides for the retention of three-judge courts when otherwise required by act of Congress or in any case involving apportionment of congressional districts or the apportionment of any statewide legislative body; clarifies the composition and procedure of three-judge courts in cases where they will continue to be required; and insures the right of States to intervene in cases seeking to enjoin State laws on the ground of unconstitutionality. S. 271. P/S June 14, 1973.

Runaway Youth Act

Authorizes the Secretary of Health, Education, and Welfare to make grants and to provide technical assistance to localities and nonprofit private agencies for the purpose of developing local facilities to deal primarily with the immediate needs of runaways in a manner which operates outside the law enforcement structure and juvenile justice system which are designed to shelter young people for a short period of time, rather than on a long-term basis, and supply such medical care and counseling as needed, and are equipped to provide a program of field counseling for the runaway and his family after the runaway has moved to permanent living facilities; authorizes funds to conduct research on the scope of the runaway problem in this country focusing on but not limited to "the age, sex, socioeconomic background of the runaway children, the places from which and to which children run, and the relationship between running away and other illegal behavior;" authorizes therefor the appropriation of $10 million for each of fiscal years 1974, 1975, and 1976; and contains other provisions. S. 645. P/S June 8, 1973.

Territorial franchises in the soft-drink industry

Amends the Federal Trade Commission Act and the anti-trust laws to clarify the circumstances under which exclusive territorial licenses to manufacture, distribute, and sell trademarked soft-drink products shall not be deemed unlawful; provides that if the requirements of this bill are met, relevant territorial provisions in which a trademark owner grants licensees the right to manufacture, distribute, and sell trademarked soft-drink products in specifically defined geographic areas are not only lawful but enforceable through judicial proceedings; makes lawful license provisions which have the effect of precluding indirect evasions of the license agreement, thus protecting the exclusive territorial rights of one licensee from direct or indirect sales by the licensor or any of its other licensees into his defined geographic area so long as there is substantial and effective competition within his territory; and contains other provisions. S. 978. P/S June 11, 1973.

Victims of Crime Act of 1973

Amends the Omnibus Crime Control and Safe Streets Act of 1968 to establish a direct Federal crime compensation program for territorial areas of direct Federal concern to provide a means of meeting the financial needs of the innocent victims of violent crime, intervenors acting to prevent the commission of a crime or assisting in the apprehension of suspected criminals, or their surviving dependents; establishes an independent board to administer the program; defines the acts or omissions considered to be crimes for purposes of the program; sets the amount of $100 as the minimum amount for which a claim may be filed and the amount of $50,000 as the maximum amount of a claim; creates a Criminal Victim Indemnity Fund in the Treasury to consist of moneys from (1) criminal fines paid in the various courts of the United States, (2) additional appropriated funds, and (3) contributed funds; authorizes the appropriation of $5 million for fiscal year 1973 and, until specific appropriations are made, authorizes the use of funds appropriated for the Department of Justice or the Law Enforcement Assistance Administration; authorizes the use, through the established mechanisms of the Law Enforcement Assistance Administration, of LEAA grant funds on the usual 75–25 percent basis to assist substantially comparable State programs. S. 300. P/S March 29, 1973.

Victims of Crime Act of 1973—Omnibus

Establishes a Federal crime compensation program for territorial areas of direct Federal concern for innocent victims of violent crime, intervenors, or their surviving dependents, and provides for Federal assistance to substantially comparable State programs; provides group life insurance coverage for public safety officers or their surviving dependents, and assistance to States and local governments to provide such insurance; provides gratuities for dependents of public safety officers killed in the line of duty; strengthens civil remedies for victims of racketeering activity; provides for additional sentences for persons convicted in a United States court of a felony threatening life or property when a firearm is used or carried during the commission of the felony; provides for additional sentencing of persons as a public menace who are convicted of the manufacture, distribution, or dispensing of one-tenth or more of pure heroin or morphine, who are not addicts at the time of the offense; and contains other provisions. S. 800. P/S April 3, 1973.

DEFENSE

Coast Guard authorization, 1974

Authorizes a total appropriation of $109,239,000 for the Coast Guard for fiscal year 1974 for the procurement of vessels and related pollution abatement programs and an additional helicopter and helicopter search and rescue station, and for construction of shore and offshore establishments and bridge alterations; continues the LORAN–A electron navigation system and authorizes the replacement of equipment for the LORAN–C and approves expansion of the LORAN–C West Coast Project; authorizes an end year strength of 37,607 for active duty personnel; and contains other provisions. H.R. 5383. Public Law 93– . approved 1973.

Dependents Assistance Act of 1950 Amendments

Makes permanent in the law certain provisions of the Dependents Assistance Act of 1950, as amended, which expire July 1, 1973, as follows: (1) continues the current monthly rates for quarters allowances for junior enlisted members, (2) removes the provision in title 37, U.S.C., that junior enlisted members are considered at all times to be without dependents, (3) removes the requirement that junior enlisted members must allot part of their pay before they can receive the higher quarters allowance authorized for members having dependents, (4) provides secretarial authority to grant hardship discharges for certain enlisted members with dependents, (5) establishes procedures for determining dependency of parents, (6) provides that aviation cadets receive the same quarters allowance as an E–4, and (7) provides that monthly quarters allowance to dependents of members shall not, for such period as the Secretary may prescribe, be contingent on a pay status thus permitting payment when an enlisted member is AWOL or incarcerated by a foreign government prior to trial; authorizes a basic allowance for quarters for junior enlisted members in the reserve and guard while on active duty for training for less than 30 days; repeals section 207 of the Career Compensation Act of 1949 which contains obsolete provisions regarding the reenlistment bonus; eliminates certain other provisions of law which are either obsolete or are covered elsewhere in existing law; extends for two years, to July 1, 1975, the authority to pay special pay to physicians, dentists, veterinarians, and optometrists; permits a member to claim as a dependent an unmarried, acknowledged, illegitimate child; extends for one year, to July 1, 1974, the bonus authority for certain enlistments in the combat arms of the armed forces; extends until December 31, 1973, the date after which members in the rank of colonel or equivalent (0–6), or above, in noncombat assignments are no longer entitled to flight pay; provides that the act shall become effective July 1, 1973; and contains other provisions. H.R. 8537. Public Law 93– , approved 1973.

Disposals from national stockpiles

Authorizes the disposal from the national stockpile of various materials, as follows:

ABACA—at 25 million pounds. H.R. 4682. Public Law 93–48, approved June 22, 1973.

SISAL—at 100 million pounds. H.R. 4682. Public Law 93–48, approved June 22, 1973.

Promotions of military personnel in a missing status

Amends section 552(a) of title 37, United States Code, to insure that promotions of personnel carried as missing are valid for all purposes, including Federal benefits to survivors, even when the date of death of the missing member is later determined to have occurred prior to the promotion date. S. 1493. Public Law 93–26, approved April 27, 1973.

Sale of naval vessels stricken from the Naval Register

Amends section 7305 of title 10 United States Code, which permits the sale of naval vessels under strict advertised sealed bid procedures, to provide that no vessel of the Navy may be sold in any manner other than that provided by section 7305, or for less than its appraised value, unless the sale thereof is specifically authorized by law enacted after June 30, 1973, with the exception of a written agreement of sale entered into prior to June 30, 1973, thereby precluding the sale of stricken vessels, including those on loan which may be stricken from the Naval Register prior to loan expiration, to foreign nations under the general category of defense articles under Public Law 90–629, the Foreign Military Sales Act of 1946. S. 1773. P/S May 21, 1973.

DISTRICT OF COLUMBIA

International center complex

Authorizes an additional appropriation of $2.2 million for improvements to the land (streets, sidewalks, water mains, etc.) which was transferred to the Department of State under the authority of Public Law 90–553, for use as sites for foreign chanceries. S. 1235. Public Law 93–40, approved June 12, 1973.

John F. Kennedy Center for the Performing Arts

Authorizes an appropriation of $2,400,000 for fiscal year 1974, and $2,500,000 for fiscal year 1975, to the Secretary of the Interior for maintenance, security, information, inter-

pretation, janitorial, and all other nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. S. 1759. Public Law 93- , approved , 1973.

National Visitor Center Facilities Act of 1968 amendments

Amends the National Visitor Center Facilities Act to authorize the appropriation of $8,680,000 for construction necessary to complete the alteration and renovation of Union Station as a National Visitor Center, and to direct that the Secretary of the Interior provide interpretive transportation services in or between the National Visitor Center, the Capitol Grounds, the Mall, the Ellipse, the John F. Kennedy Center for the Performing Arts, East and West Potomac Park, and such other visitor facilities as may be established pursuant to the National Visitor Center Facilities Act. H.R. 5857. Public Law 93- , approved , 1973.

Robert F. Kennedy Memorial Stadium

Amends section 8 of the Public Buildings Act of 1959 to authorize the Armory Board to borrow $1.5 million to increase the seating capacity of the Robert F. Kennedy Memorial Stadium by up to 8,000 seats for football games and causes 50 percent of the revenues derived from such seats to be the sole security for any loan that the Armory Board might receive. H.R. 6330. Public Law 93- , approved , 1973.

ECONOMY-FINANCE

Ceilings on deposit interest rates and wage and price controls

Extends from June 1, 1973, until August 1, 1974, the authority of the Federal Bank Regulatory Agencies to establish flexible ceiling on the rate of interest payable on time and savings deposits by Commercial Banks, Mutual Savings Banks, and Savings and Loan Associations. S.J. Res. 128. Public Law 92- , approved 1973.

East-West trade policy resolution

Affirms the Congress' general support for increased commercial and non-commercial relations with the nonmarket economy countries, principally the Union of Soviet Socialist Republics, the People's Republic of China, and Eastern Europe. S.J. Res. 131. P/S June 30, 1973.

Economic Stabilization Act Amendments of 1973

Extends for 1 year, to April 30, 1974, the Economic Stabilization Act of 1970 which authorized the President to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, and salaries; gives the President authority to establish, after public hearings, priorities of use and an allocation system of supplies of petroleum products, including crude oil, in order to meet essential needs in various sections of the country and to prevent anticompetitive effects which could develop from shortages of petroleum products; exempts workers earning less than $3.50 an hour from wage controls; states as the intent of Congress that nothing in this act be construed to authorize or require the President to impound or withhold funds appropriated, authorized, or authorized to be obligated by the Congress; requires business enterprises required to make price reports to the Cost of Living Council (firms with annual sales or revenues of $250 million or more) to make public disclosure of reports, except for proprietary information or trade secrets, which cover periods during which the firm charges a price for a substantial product that is 1.5 percent over the price lawfully in effect for such product on January 10, 1973, or on the date 12 months preceding the end of such period, whichever is later; and contains other provisions. S. 398. Public Law 93-28, approved April 30, 1973.

Federal financing bank

Provides for a Federal Financing Bank through which the marketing of Federal and federally assisted borrowing activities can be centralized; provides for advance submission of financing plans to the Secretary of the Treasury and for Treasury approval of the method and source of financing, timing, rates of interest, maturities, and all other financing terms and conditions of certain obligations issued or sold by Federal agencies or guaranteed by Federal agencies in the securities markets; states as the sense of Congress that the United States should take the necessary measures, including appropriate international measures, to enable it to sell gold from its gold stocks to licensed domestic users at desirable times, taking into account international circumstances, to stabilize domestic gold markets and improve our balance of payments; and contains other provisions. S. 925. P/S June 22, 1973.

Financial institution structure and regulation

Extends for 1 year the Authority of the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board to regulate in a flexible manner the interest rates or dividends payable by insured banks on time and savings deposits and by members of the Federal Home Loan Bank system on deposits, shares, or withdrawable accounts; prohibits NOW accounts by which a depositor may remove funds from a savings account through the use of a negotiable order of withdrawal except that such accounts are permitted until June 1, 1974, in the States of Massachusetts and New Hampshire, the only two States in which such accounts are presently being offered; amends the National Housing Act to place, until December 31, 1973, a statutory prohibition on the approval by the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation of conversions from the mutual to stock form by savings and loan associations whose Federal savings and loan associations and national banks to invest in State housing corporations incorporated in the State in which the association or bank is located; establishes a new procedure for payment by insured savings and loan associations of premiums into the reserve fund of the Corporation; and contains other provisions. H.R. 6370. P/H May 9, 1973; P/S amended May 22, 1973; In conference.

Interest Equalization Tax Extension Act of 1973

Extends the application of the interest equalization tax for 15 months, to June 30, 1974; provides, with certain exceptions, that the interest equalization tax exclusion for stock or debt obligations issued by a less developed country corporation shall not apply to stock or debt obligations issued by a less-developed country shipping corporation after January 29, 1973; provides for an exclusion from the interest equalization tax for: original or new issues of stock or debt obligations; stock acquired by conversion of a debt obligation if no additional consideration is paid and the debt obligation itself qualifies for the exclusion; or for a debt obligation issued to refund or refinance an original or new issue which qualified for the exclusion, to finance direct investment in the United States except for the acquisition and exploitation of natural resources, subject to the foreign issuer or obligor agreeing to meet certain conditions with respect to that investment for a period of ten years; provides that a qualified lending or financing corporation, or a U.S. corporation engaged in a lending or financing business through offices located outside the United States, may use domestic source funds to lend for qualified export credit transactions or to buy goods made in the United States for leasing or sale outside of the United States; requires the Secretary of the Treasury to study the effect on international monetary stability of the Canadian exemption from the interest equalization tax and make a report to the Congress not later than September 30, 1973; and contains other provisions. H.R. 3577. Public Law 93-17, approved April 10, 1973.

Istle fiber; agricultural commodities

Continues the existing suspension of duty on certain istle to September 5, 1975; provides that the President shall make appropriate adjustments in the maximum price which may be charged under Executive Order 11723, June 13, 1973, for any agricultural commodity (at any point in the distribution chain) which the Secretary of Agriculture certifies will be reduced to unacceptably low levels of supply as a result of the freeze and that alternative means for increasing the supply are not available. H.R. 2261. P/H June 27, 1973; P/S amended, June 30, 1973.

National banks investment in agricultural credit corporations

Permits a National Bank to purchase for its own account a minority stock interest in an agricultural credit corporation providing the amount invested at any one time shall not exceed 20 percent of the bank's unimpaired capital and surplus. S. 1884. P/S June 28, 1973.

Par value modification

Directs the Secretary of the Treasury to take the necessary steps to establish a new par value of the dollar of $1 equals 0.828949 Special Drawing Right (SDR) or the equivalent in terms of gold of $1 equal 0.023684 of a fine troy ounce of gold, thus devaluating the U.S. dollar by 10 percent and changing the official price of gold from $38 to $42.22 per ounce; requires the President, whenever any funds are impounded by an officer or employee of the United States, to transmit within 10 days to both houses of Congress a special message identifying the amount, date, department or agency affected, period of time, reasons for, and the fiscal, economic and budgetary effect as far as is practicable, regarding the impoundment; requires the cessation of the impoundment within 60 days of continuous session after the message is received by the Congress unless the Congress acts by ratifying the specific impoundment by concurrent resolution, or if the Congress disapproves the impoundment in whole or in part by concurrent resolution, and provides that the effect of failure to ratify or of disapproval shall not only make the obligation of the budget authority mandatory but also preclude the reimpoundment of that specific budget authority; sets a ceiling of $268 billion on expenditures for fiscal year 1974, and provides a mechanism by which the Executive Branch can reduce expenditures by proportional cuts by budget category in order to stay within the ceiling if appropriations exceed it; provides that, after submission of the Budget and upon recommendation of the President, the Congress shall prescribe a ceiling on expenditures every fiscal year; directs the Secretary of the Treasury to prescribe regulations requiring the submission of reports on foreign currency transactions; repeals, effective December 31, 1973, sections 3 and 4 of the Gold Reserve Act of 1934 and provides that no provision of law shall be construed to prohibit any person from purchasing, holding, selling, or dealing in gold; provides that no funds may be obligated or expended to provide assistance of any kind, directly or indirectly, to or on behalf of North Vietnam, unless specifically authorized hereafter by the Congress, and contains other provisions. H.R. 6912. P/H May 29, 1973; P/S amended May 30, 1973; In conference.

Public debt limit extension

Continues the present debt limitation level of $465 billion by extending the current temporary debt limit of $65 billion from June 30,

1973, through November 30, 1973; extends unemployment insurance benefits in States whose rate of insured unemployment is at least 4.5 percent without regard to present eligibility requirements regarding the rate in the prior 2 years or whether 13 weeks have expired since the last State extended benefit period, until such time as the State's insured unemployment rate drops below 4 percent; extends for one year the authorization for project grants under the maternal and child health program scheduled to expire June 30, 1973, and provides for a transition in funding to a State-coordinated program; requires the presidential campaign checkoff provisions on the income tax return form to be placed in a non-partisan form on the front page of the return or by the side of the page where signature is required, and contains other provisions. H.R. 8410. Public Law 93– , approved 1973.

Purchase of U.S. obligations by Federal Reserve banks

Extends for 1 year, from June 30, 1973, to June 30, 1974, the authority of Fededal Reserve banks to purchase U.S. obligations directly from the Treasury. S. 1410. P/S June 27, 1973.

Railroad Retirement Act amendments

Simplifies administration of the social security minimum guaranty provision contained in section 3(e) of the Railroad Retirement Act by permitting the Board to disregard postretirement earnings for purposes of all guaranty provision calculations of an employee benefit; liberalizes the eligibility conditions for children's benefits under the act to conform with the liberalizations provided in such benefits under the Social Security Act by Public Law 92–603 whereby a survivor benefit will be paid as follows: after adoption by anyone, instead of only by a close relative; to a child for a disability which began before age 22 instead of age 18; to a student child after age 22 in some cases; to a dependent grandchild who is treated as a child of his grandparent; and extends kidney disease medicare coverage to railroad employees, their spouses, and their dependent children on the same basis as such coverage is now provided for persons insured under the Social Security Act. H.R. 7357. Public Law 93– —, approved —— 1973.

Securities laws amendments

Amends the Securities Exchange Act of 1934 to establish a clear, congressional policy that membership on national securities exchanges is not to be denied to financial institutions so long as brokerage commission rates on those exchanges remain fixed; also provides that at such time as commission rates become competitive (when national securities exchanges cease to maintain or enforce fixed rates of commission, or April 30, 1976, whichever is later) all members of national securities exchanges must cease executing exchange transactions for their affiliates and the institutional accounts which they manage, and would thus, upon the elimination of fixed commission rates, prohibit financial institutions and securities firms which manage institutional accounts from using exchange memberships for their own benefit or for the benefit of such accounts; provides for a two year transition period following the last date upon which a national securities exchange maintains or enforces fixed rates of commission or April 30, 1976, whichever is later, in order to allow exchange members relying upon the income from performing brokerage for managed institutional accounts to phase out this combination of functions; gives the Securities and Exchange Commission (SEC) the authority to regulate the manner in which members of national securities exchanges may trade from on or off the floor of an exchange for their own account and for the account of their affiliates, which, accordingly, will have the authority to control the trading of financial institutions, as long as it is not inconsistent with the purpose of this proposed legislation, which are exchange members during the period before the elimination of fixed commission rates; amends the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to permit a mutual fund manager or investment adviser to cause a fund or client to pay commissions to a broker in excess of the commissions being charged by other brokers for effecting similar transactions, if that broker provides research services of value to the fund or client and the adviser makes appropriate disclosures concerning such payments, as the SEC may require; amends the Investment Company Act to remove the existing uncertainty as to the legality of the transfer for profit of a controlling interest in a mutual fund management company, and provides that a controlling interest in such a management company may be sold at a profit provided that for three years after the transaction at least 75 percent of the directors of the fund are independent of the new and old investment advisers, and that the transaction does not impose an "unfair burden," as defined, on the fund; and contains other provisions. S. 470. P/S June 18, 1973.

EDUCATION

Education of the Handicapped Amendments of 1973

Extends the Education of the Handicapped Act (Public Law 91–230) for three years, through fiscal year 1976, and authorizes therefor a total appropriation of $643.7 million; adds four new leadership positions at the Bureau of Education for the Handicapped to assist the associate commissioner in carrying out his duties; continues the advisory committee through July 1, 1976, at an annual authorization of $100,000; makes grant authorizations for preschool and school programs to the States of $65 million for fiscal year 1974, $80 million for fiscal year 1975, and $100 million for fiscal year 1976; requires each State to set forth a plan of the procedures it will use to identify, locate and evaluate every handicapped child in that State, to submit the plan to the Commissioner of Education for approval by December 31, 1974, to consider any amendment to the State plan a required portion of the State plan after June 30, 1975, and to establish policies and procedures to protect the confidentiality of data and information collected by the State; provides that no State shall expend funds for doing the plan required unless that State receives an amount greater than the amount allotted to that State in fiscal year 1973 and raises the minimum each State may receive from $200,000 to $300,000, increases the maximum allowable funds for administration and planning from $100,000 to $200,000, and provides that unless the aggregate of the amounts allotted to the States in fiscal year 1974 is $45 million or more these provisions shall not apply; authorizes for the three year period a total of $48 million for deaf/blind centers and services, $75 million for early childhood education, $37 million for regional resource centers, $1.5 million for recruitment and information, $135 million for manpower and personnel training, $42 million for research in the education of the handicapped, $55 million for handicapped persons, and $27.5 million for special programs for children with specific learning disabilities; amends the Higher Education Act of 1965, as amended, by allowing an institution to be eligible for funds if 10 percent of this current undergraduate body is composed of GI bill trainees; provides an entitlement of not less than 90 percent of funds obtained in the preceding year to local educational agencies which qualify for a phaseout of impact aid over a 5 year period if: (a) the local educational agencies experience a 10 percent decrease in the number of federally connected children during either of fiscal years 1974 or 1975, or (b) if such a decrease occurs in the 2 year period beginning July 1, 1973, and if these decreases are due to a cessation or decrease of activities announced after April 16, 1973; and contains other provisions. S. 895. P/S June 25, 1973.

National Commission on the Financing of Postsecondary Education

Extends the authorization of the National Commission on the Financing of Postsecondary Education and changes the date on which it must make its final report from April 30, 1973; provides that if fiscal year 1973 appropriations are $385 million or less for the basic educational opportunity grant program that the basic grants shall be limited to full time freshman students. H.J. Res. 393. Public Law 93–35, approved May 16, 1973.

GENERAL GOVERNMENT

American Revolution Bicentennial Commission

Authorizes an appropriation of $2,868,000 between February 16, 1973, and June 30, 1973, for expenses of the American Revolution Bicentennial Commission, of which not to exceed $1,200,000 would be for grants-in-aid to the States. H.R. 3694. Public Law 93–11, approved March 15, 1973.

Arctic winter games authorization

Authorizes an appropriation of $150,000 to the Secretary of Commerce for the purpose of assisting the financing of Arctic Winter Games to be held in Alaska in 1974 and provides for disbursement of such funds on such terms and under such conditions as the Secretary deems appropriate. S. 907. P/S June 18, 1973.

Atomic Energy Commission authorizations, 1974

Authorizes a total appropriation of $2,429,055,000 for the Atomic Energy Commission for fiscal year 1974 of which $1,740,750,000 is for operating expenses and $688,305,000 for plant and capital equipment including construction, acquisition or modification of facilities, land acquisition, and acquisition and fabrication of capital equipment not related to construction, and contains other provisions. S. 1994. P/S June 22, 1973; P/H amended June 25, 1973.

Commission on Highway Beautification—Extension

Extends to December 31, 1973, the date for the Commission on Highway Beautification to submit to the President and the Congress its final report concerning implementation of the Highway Beautification Act of 1965 and authorizes therefor an additional appropriation of $250,000. S.J. Res. 42. Public Law 93–6, approved February 16, 1973.

Council on International Economic Policy

Amends title II of the International Economic Policy Act of 1972 to provide that, instead of serving as Chairman, the President shall designate a Chairman of the Council on International Economic Policy (CIEP) from among its statutory members; provides that the Executive Director of CIEP may appoint and fix salaries for members of the CIEP staff without regard to the provisions of title 5, U.S.C., governing appointments in the competitive service except, however, for personnel performing functions now performed by career personnel in the Office of the Special Trade Representative (STR) which will, in the future, be merged with CIEP; provides that effective June 30, 1973, the Executive Director of CIEP shall be appointed by the President subject to confirmation by the Senate; and authorizes therefor the appropriation of $3 million for each of fiscal years 1974 and 1975. S. 1636.

P/S June 22, 1973; P/H amended June 28, 1973; In conference.

Department of State Appropriations Authorization Act of 1973

Authorizes a total of $613,666,5000, including $4.5 million for the U.S. share of expenses of the International Commission of Control and Supervision in Vietnam; prohibits the use of funds for further involvement of U.S. forces in hostilities in Indochina or aid to North Vietnam without specific authorization by Congress; establishes a new Bureau of Oceans and International Environmental and Scientific Affairs in the Department of State to be headed by an Assistant Secretary; requires that military base agreements with foreign countries be submitted to the Senate as treaties and also requires that the Azores base agreement with Portugal be submitted as a treaty; requires that funds be cut off for foreign affairs agencies which do not comply with Congressional Committee or General Accounting Office requests for information; prohibits use of funds appropriated pursuant to the act to be used for attempting to influence the outcome of legislation pending before Congress or the outcome of a political election; requires listing by rank order of Foreign Service personnel selected for promotion; provides for the establishment of a Foreign Service grievance procedure consonant with due process; states the sense of Congress that the United States seeks agreement on specific mutual reductions in military expenditures; and contains other provisions. H.R. 7645. P/H June 7, 1973; P/S amended June 14, 1973; In Conference.

DISASTER RELIEF

Emergency disaster bill

Authorizes and directs the President to make grants to units of local government and State and local public agencies for predisaster assistance for fire suppression, tree removal, and reforestation work on public and private lands in the counties of Alameda and Contra Costa, California, to reduce the fire threat caused by a freeze in December of 1972 which killed tens of thousands of eucalyptus trees throughout the area; provides for reimbursement to property owners for actual or reasonable costs in carrying out tree removal activities on private property; and directs the President to exercise the authority conferred on him by section 221 of the Disaster Relief Act of 1970 to carry out the provisions of this act in order to avert or lesson the effects of a major disaster. S. 1697. P/S May 21, 1973.

Emergency loan program for disaster areas

Amends the Farmers Home Administration emergency loan program under the Consolidated Farm and Rural Development Act, which was curtailed by the Department of Agriculture by action announced on December 27, 1972, to provide a source of funds for farmers and ranchers in areas determined to be disaster areas by either the Secretary of Agriculture or the President; eliminates certain features, including the loan forgiveness feature and low interest rates, which became a part of the emergency loan program as a result of the Disaster Relief Act of 1970, Public Law 91–606, and the "Agnes-Rapid City" Act, Public Law 92–385; requires the Secretary to make, insure or guarantee loans to eligible applicants; sets the maximum interest rate on loans at 5 percent; requires that applicants be unable to obtain credit elsewhere at reasonable rates; makes it mandatory that the Secretary designate areas eligible for emergency loans where the criteria for such designation exists; repeals section 232 of the Disaster Relief Act of 1970, which, effective July 1, 1973, requires the Secretary of Agriculture to cancel a part or all of the principal amount of certain loans and charge interest at a rate to be determined by the Secretary of the Treasury; applies the same interest rate to and eliminates the forgiveness feature for Small Business Administration disaster loans made under the Small Business Act in connection with any disaster occurring on or after the date of enactment of this act; and contains other provisions. H.R. 1975. Public Law 93–24, approved April 20, 1973.

Small Business Act amendments

Provides that Farmers Home Administration (FHA) and Small Business Administration (SBA) disaster loans made in connection with disasters occurring prior to April 20, 1973, the enactment date of Public Law 93–24 which amended the emergency loan programs, are to be made on the same loan terms; authorizes, notwithstanding the provisions of Public Law 93–24, loan forgiveness on SBA and FHA disaster loans of up to $4,000 with respect to disasters occurring on or after April 20, 1973; continues the SBA's discretionary authority to refinance mortgages on substantially damaged homes and to suspend disaster loan payments in hardship cases by canceling the present July 1, 1973, expiration date for that authority; and contains other provisions. S. 1672. P/S May 17, 1973.

Emergency Petroleum Allocation Act of 1973

Grants to the President temporary authority until March 1, 1975, to deal with a national energy crisis involving extraordinary shortages of crude oil and petroleum products, or dislocations in their national distribution system, which he may delegate to the Secretary of the Interior or other agency head he deems appropriate; provides that the President shall designate an agency to supervise compliance and promulgate regulations under the act; authorizes that agency to require periodic reports from those subject to the act, subpena witnesses and documents, and to request the Attorney General to bring action to enjoin acts and practices in violation of the act; directs the establishment of an Office of Emergency Fuel Allocation within that agency to receive complaints from State and local governmental units concerning lack of gasoline or fuel oil supplies or price increases in violation of this act, which shall be empowered to order that adequate supplies be made available to communities threatened with the disruption of essential public services; directs the President within 30 days of enactment, after public hearings, to have published priority schedules, plans, and regulations for the allocation or distribution of crude oil and any refined petroleum products which is or may be in short supply nationally or in any region of the United States and authorizes temporary allocation in emergency situations pending their promulgation; provides that the President shall allocate or distribute, pursuant to the priority schedules, plans and regulations, any liquid fuel, whether crude or refined, or imported or domestically produced, which is in extraordinary short supply nationally or regionally; provides that the regulations shall include standards and procedures for determining or reviewing prices of allocated fuels; directs the President to use his authority under this act and existing law to assure adequate crude oil supplies to all refineries; establishes an allocation formula concerning sales to independent refiners and to independent dealers by producers or importers of more than 200,000 barrels per day of crude petroleum and/or natural gas liquids with the provision that this allocation program may be replaced or amended by the priority schedules, plans, and regulations issued to implement this act; provides that actions taken pursuant to the Economic Stabilization Act of 1970, as amended, shall continue in effect until modified or rescinded by or pursuant to this act; contains in sections 108–110 entitled the "Fair Marketing of Petroleum Products Act," provisions for the protection of dealers concerning supply and price and for the protection of franchised dealers in regard to cancellation of a franchise; authorizes suit by a retailer or distributor in the appropriate United States district court, without regard to the amount in controversy, against a distributor or refiner which engages in prohibited conduct; and contains other provisions. S. 1570. P/S June 5, 1973.

Energy Policy Act of 1973

Creates in the Executive Office of the President a three member Council on Energy Policy to be appointed by the President by and with the advice and consent of the Senate which shall serve as the principal adviser to the President on energy policy; be a focal point for the collection, analysis, and interpretation of energy statistics; coordinate the energy activities of the Federal Government and provide leadership for State governments and other persons involved in energy activities; prepare a long-range comprehensive plan (the Energy Plan), to be updated annually, for energy development, utilization, and conservation; and, is to review all legislative recommendations and reports sent to Congress and, if it disapproves, send to the President and the Federal agency involved a statement in writing of its position and reasons therefor; directs the Council to prepare and submit to the President and the Congress on or before January 1, 1974, and annually thereafter, an energy report to accompany the Energy Plan including estimates of energy needs for the ensuing ten-year period, discussion of sources of supply for meeting those needs, and an evaluation of trends in price, quality, management, and utilization of energy resources; authorizes the Comptroller General to monitor and evaluate the operations of the Council and report to Congress with respect to Federal energy programs including his recommendations; authorizes appropriations for the purposes of the act of $1 million for fiscal year 1974, $2 million for fiscal year 1975, and $4 million for each subsequent fiscal year; and contains other provisions. S. 70. P/S May 10, 1973.

Exemption of Federal judiciary from charges for space and services

Relieves the Federal Judiciary and the U.S. Tax Court from all administrative duties in the calculation of charges for service, maintenance, repair, space, quarters or other facilities as required by section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, by requiring the Administrator of the General Services Administration to provide such administrative services. S. 2079. P/S June 28, 1973.

Federal elections

Sets a time for the holding of primary elections or nomination conventions for choosing candidates for election to the offices of U.S. Senator, Representative, Delegate, or Resident Commissioner by providing that they shall be held at any time during the period beginning on the first Tuesday in August; provides that a political party which nominates its candidate for election to the office of President by holding a national nominating convention shall hold that convention beginning on the third Monday of August of the year in which the President and Vice President are elected; makes election day, the first Tuesday next after the first Monday in November, in 1976, and every second year thereafter, a national holiday; provides that the act shall take effect on January 1, 1976; and contains other provisions. S. 343. P/S June 27, 1973.

Flood insurance

Amends the Housing and Urban Development Act of 1968 to increase from $2.5 billion to $4 billion the limitation on the face amount of flood insurance coverage authorized to be outstanding. S.J. Res. 26. Public Law 93–4, approved February 2, 1973.

Increases the authority for the Federal

flood insurance program from $4 billion to $6 billion. S.J. Res. 112. Public Law 93–38, approved June 5, 1973.

Foreign Service Building Act amendments

Authorizes a total of $59,611,000 for fiscal years 1974 and 1975 for the Foreign Buildings program administered by the Department of State of which $13,811,000 is for new construction, acquisition and development, and $45,800,000 is for operations. H.R. 5610. Public Law 93–47, approved June 22, 1973.

Government Printing Office

Provides that certifying officers of the Government Printing Office be responsible for the vouchers they certify for payment to the disbursing officer in the same way as other certifying officers of the Government; and contains other provisions. S. 1794. P/S June 28, 1973.

Grants the Public Printer the authority to adopt an official Government Printing Office seal which would have judicial recognition, and to designate employees to administer and certify oaths. S. 1795. P/S June 28, 1973.

Amends the Act of October 30, 1965, 40 U.S.C. 759(e), known as the "Brooks Bill" to restore full authority to the Joint Committee on Printing in the field of printing and binding, and thereby continue the responsibility for the administration of the contract on marginally punched continuous forms in the Government Printing Office under the direction of the Joint Committee on Printing. S. 1802. P/S June 28, 1973.

Maritime authorization, 1974

Authorizes appropriations for fiscal year 1974 for programs of the Maritime Administration within the Department of Commerce in the amount of $531,315,000, and amends title XI of the Merchant Marine Act, 1936, as amended, to increase the loan guarantee authority of the Maritime Administration from $3 billion to $5 billion. H.R. 7670. Public Law 93– , approved 1973.

Mint buildings

Increases from $45 million to $95 million the authorization of appropriations to the Department of the Treasury for the construction of mint facilities, such funds to be appropriated as may be necessary for each fiscal year beginning after June 30, 1963, and ending before July 1, 1983, with the provision that the aggregate of such sums shall not exceed the $95 million authorization. S. 1901. P/S June 27, 1973.

Motor Vehicle Defect Remedy Act

Amends the National Traffic and Motor Vehicle Safety Act by empowering the Secretary of Transportation to require that the manufacturer of a motor vehicle or an item of motor vehicle equipment (including tires) which contains a safety related defect or a failure to comply with a motor vehicle safety standard to remedy such defect or failure to comply without charge to the consumer; defines the administrative hearing procedure available to such manufacturer; provides for a procedure whereby the Secretary can act immediately to remove an obvious hazard by applying to a District Court for such temporary or permanent relief as may be necessary to protect the public; authorizes therefor an appropriation of not to exceed $46.773 million for fiscal year 1974; and contains other provisions. S. 355 P/S May 17, 1973.

National Commission on Productivity—Extension

Extends for an additional 2 months, to June 30, 1973, the President's Commission on Productivity. S.J. Res. 93. Public Law 93–34, approved May 14, 1973.

National Commission on Productivity and Work Quality

Renames the President's National Commission on Productivity as the National Commission on Productivity and Work Quality; sets the promotion of the productivity of the American economy and improvement of worker morale and work quality as objectives of the Commission and defines its functions; and contains other provisions. S. 1752. P/S May 10, 1973.

National Foundation on the Arts and Humanities Amendments of 1973

Authorizes appropriations at an increased level of funding for the National Endowment for the Arts and the National Endowment for the Humanities, grants-in-aid to States by the National Endowment for the Arts, and matching funds for gifts to the Endowments, in the total amount of $160 million, $280 million, and $400 million for fiscal years 1974, 1975, and 1976, respectively. S. 795. P/S May 2, 1973; P/H amended June 14, 1973; In Conference.

National Historic Preservation Act

Amends the National Historic Preservation Act of 1966; increases authorizations to $15.6 million, $20 million, and $24.4 million for fiscal years 1974, 1975, and 1976 respectively for matching Federal grants to States and the National Trust for Historic Preservation; extends authorizations of $100,000 for each of fiscal years 1974 and 1975 and authorizes $125,000 for fiscal year 1976 for United States participation in the activities of the Rome Centre; and provides that the Advisory Council on Historic Preservation shall continue an existance until December 31, 1985. S. 1201. Public Law 92—, approved 1973.

National Science Foundation Authorization Act of 1974

Authorizes appropriations to the National Science Foundation for fiscal year 1974 in the amount of $643,100,000, and in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, $3,000,000 for fiscal year 1974. H.R. 8510. P/H June 22, 1973; P/S amended June 29, 1973.

Office of Environmental Quality Authorizations

Authorizes (in addition to the standing authorization of $1 million per fiscal year contained in Public Law 91–190) an appropriation of $1.5 million for fiscal year 1974 and $2 million for fiscal year 1975 for the operations of the Office of Environmental Quality and the Council on Environmental Quality. S. 1379. Public Law 93–36, approved May 18, 1973.

Older Americans Comprehensive Services Amendments of 1973

Extends and amends the Older Americans Act of 1965 to enlarge the scope of the services provided therein; improves the organizational structure at the Federal, State, and local level of the agencies having responsibility for the delivery of such services; creates a Federal Council on the Aging to act as an advocate for the elderly with respect to Federal government policies and programs relating to their particular needs and problems; places the Administration on Aging in the Office of the Secretary of Health, Education, and Welfare and assigns primary responsibility for carrying out the act to the Commissioner on Aging; expands the existing program of formula grants to the States by providing funding for a range of social services in accordance with approved State plans; authorizes funds for direct grants to model projects with priority to projects in the areas of housing, education, and special transportation and other services for the physically and mentally impaired elderly; authorizes grants for multidisciplinary centers of gerontology and for multi-purposes senior centers; authorizes grants for training programs for personnel and for research and development projects in the field of aging; provides for a special study and demonstration projects on transportation problems of older Americans; makes surplus commodities available for nutrition programs; authorizes grants to States for older readers services; establishes an Older American Community Service Employment program; and contains other provisions. *Note:* (H.R. 15657 (92d-2d), a measure containing similar provisions, was pocket vetoed by President Nixon on October 30, 1973.) S. 50 Public Law 93–29, approved May 3, 1973.

Peace Corps Act Amendments of 1973

Continues the Peace Corps program on a one year authorization with an authorization of appropriations of $77,001,000 to finance the operation of the Peace Corps during fiscal year 1974, and places the Peace Corps under Federal procurement law. H.R. 5293. Public Law 93–49, approved June 25, 1973.

Preservation of historical and archeological data

Amends a 1960 law under which the Secretary of the Interior, through the National Park Service, conducts archeological salvage programs at reservoir construction to broaden the scope of activity to include all Federal or federally assisted or authorized construction projects which result in alteration of the terrain; authorizes the Secretary to conduct a survey and salvage program upon notification not only by the instigation agency but also by any other Federal or State agency or responsible private organizations or individuals; authorizes construction agencies to use or transfer up to one percent of funds appropriated for a project to the Secretary for survey and salvage work; provides that the costs incurred in connection with public works projects for archeological work under this act would become non-reimbursable project costs; and contains other provisions. S. 514. P/S May 22, 1973.

Public Works and Economic Development Act amendments of 1973

Extends the Economic Development Administration (EDA) programs authorized by the Public Works and Economic Development Act of 1965 to enable disadvantaged local and regional areas to put in place the public facilities essential to economic development, for one fiscal year through June 30, 1974, with a total authorization of $430 million as follows: $200 million for grants under title I for public works and development facilities, of which not less than 25 percent nor more than 35 percent is for newly defined redevelopment areas under section 401(a)(6); $55 million for loan assistance under title II for financing public works and facilities and redevelopment area projects; $35 million for technical assistance under title III for alleviating conditions of excessive underemployment in certain areas; $45 million under title IV for projects in economic development centers and for an increase in grant assistance for projects to redevelopment areas; and $95 million for title V Regional Action Planning Commissions; continues the moratorium on changing the designation of economic development districts for one year; provides for up to 100 percent instead of up to 75 percent funding for administrative expenses of Indian tribes eligible for certain grants-in-aid under title III; and contains other provisions. H.R. 2246. Public Law 93–46, approved June 18, 1973.

Recreation use fees

Amends the Land and Water Conservation Fund Act of 1965 to provide that there will be no charge for the day use or recreational use of certain facilities in recreational areas which most visitors might use. S. 1381. P/S May 16, 1973.

Renegotiation Act Amendments of 1973

Extends to June 30, 1974, the Renogotiation Act of 1951, as amended, which author-

izes the Government to recapture excessive profits on certain Government contracts and subcontracts; provides a social security cost of living benefit increase of approximately 5.6 percent effective June 1, 1974; increases the monthly income guaranteed under the Federal Supplemental Security Income (SSI) program for aged, blind and disabled persons from $130 to $140 for an individual and from $195 to $210 a month for a couple for months after June 1974; increases the earnings limitation for persons drawing social security from $2,100 to $2,400; raises taxable wages under social security from $12,000 in 1974 to $12,600; contains provisions to assure that aged, blind, and disabled persons now receiving cash assistance or eligible for Medicaid are protected from a reduction in benefits or loss of Medicaid eligibility when the SSI program becomes effective next January 1975; suspends for 4 months the Department of Health, Education, and Welfare's authority to issue new social services regulations scheduled to become effective July 1, 1973, unless new changes are proposed by the Department and approved by the Senate Finance Committee and the House Ways and Means Committee; and contains other provisions. H.R. 7445. Public Law 93– , approved 1973.

Service Contract Act extension to Canton Island

Amend section 8(d) of the Service Contract Act of 1965 (which provides labor standards and prevailing wage requirements for employees working under Government service contracts) to extend the jurisdiction of the act to Canton Island in the central Pacific which, in 1939, the United States and the United Kingdom jointly agreed to administer until 1989. H.R. 5157. Public Law 93– , approved —— 1973.

Small Business Act amendments

Amends section 4(c)4 of the Small Business Act to increase the total amount of loans, guarantees, and other obligations or commitments outstanding by the Small Business Administration (SBA); consolidates and expands the present authorities in the Small Business Act provided by the Coal Mine Safety Act of 1969, the Occupational Safety and Health Act of 1970, and the Egg Product Inspection Act of 1970, into a new section authorizing loans to help small business concerns comply with standards imposed under any Federal law in order to provide a uniform approach and single framework for the extension of economic disaster loans to aid small business firms in complying with new Federal environmental, consumer, pollution, and safety standards; provides that Farmers Home Administration (FHA) and Small Business Administration disaster loans made in connection with disasters occurring prior to April 20, 1973, the enactment date of Public Law 93–24 which amended the emergency loan programs, are to be made on the same loan terms; authorizes, notwithstanding the provisions of Public Law 93–24, loan forgiveness on SBA and FHA disaster loans of up to $4,000 with respect to disasters occurring on or after April 20, 1973; continues the SBA's discretionary authority to refinance mortgages on substantially damaged homes and to suspend disaster loan payments in hardship cases by canceling the present July 1, 1973, expiration date for that authority; authorizes loans to persons engaged in the business of raising livestock who suffer substantial economic injury as a result of animal disease; authorizes loans to small businesses which suffer substantial economic damage as a result of the closing or reduction in the scope of operation of military bases; and contains other provisions. S. 1672. P/S May 17, 1973.

Trust territory of the Pacific islands

Authorizes $64 million for fiscal year 1974 for the Trust Territory of the Pacific Islands for civil works and administrative programs; authorizes an additional sum of not to exceed $10 million for fiscal year 1974 to be used if necessary to offset reduction in or termination of Federal grant-in-aid programs or other funds made available to the territory by other Federal agencies; extends the authority of the Federal Comptroller for Guam to the Trust Territory of the Pacific Islands and prescribes his duties and responsibilities; and contains other provisions. S. 1385. P/S May 22, 1973; P/H amended June 19, 1973; Senate concurred in House amendment with an amendment June 21, 1973.

Uniform Relocation Assistance and Real Property Acquisition Policies Act amendments

Amends the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide, until July 1, 1976, for full Federal funding of the first $25,000 for any single relocation payment for persons displaced by federally assisted programs and projects; expands coverage of the act to persons displaced by eight specified Federal programs; authorizes, through June 30, 1973, the head of a Federal agency to pay a State not in compliance with the act such funds as are necessary, in excess of the first $25,000 of cost, to make all payments and provide all benefits required by the act; and contains other provisions. S. 261. P/S February 2, 1973.

United States Travel Service authorization

Authorizes the appropriation of $22.5 million in each of the fiscal years 1974, 1975, and 1976 for the United States Travel Service which is charged with promoting foreign tourism to the United States. S. 1747. P/S June 13, 1973.

Voter Registration Act

Establishes a voter registration system for Federal elections through the mail; establishes within the Bureau of the Census a Voter Registration Administration to administer the program with an Administrator and two Associates of different political parties to be appointed for terms of 4 years by the President and confirmed by the Senate; provides that an individual who qualifies to be a voter under State law and registers as provided under this act shall be entitled to vote in Federal elections in that State; requires States to provide for an applicant to register up to 30 days before a Federal election; provides that the Administration shall prepare voter registration forms designed to provide a simple method to register by mail to be distributed by the Postal Service at least every two years, which the applicant shall mail or deliver when completed to the local registration agent who must then notify the applicant of his acceptance or rejection; provides, in regard to prevention of fraudulent registration, that, in addition to appropriate action under State law, a State official shall notify the Administration which shall provide assistance, and that when a State official or the Administration determines that a pattern of fraudulent registration or attempted fraudulent registration exists, either may request the Attorney-General to bring a civil action, in any appropriate United States district court to enjoin fraudulent registration; includes criminal penalties for the falsifying of voter registration forms or voting more than once; provides for payment to the States of the cost, as determined by the Administration, of processing registration forms under this act, and provides financial assistance to States adopting this system for State elections; and contains other provisions. S. 352. P/S May 9, 1973.

Wagner-O'Day Act Amendment, 1973

Amends the Wagner-O'Day Act of 1938, as amended by Public Law 92–28, to increase the authorization of appropriations to the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped for fiscal year 1974 from $200,000 to $240,000. S. 1413. P/S June 15, 1973.

GOVERNMENT EMPLOYEES

Central Intelligence Agency Retirement Act amendment

Amends section 236 of the Central Intelligence Agency Retirement Act of 1964 for certain employees to (1) increase the quota on retirements from 800 to 2,100 for the period July 1, 1969, to June 30, 1974, and (2) establish a quota of 1,500 for retirements between July 1, 1974, and June 30, 1979. S. 1494. Public Law 93–31, approved May 8, 1973.

Federal employees retirement

Allows Federal employees, who meet the present requirements for retirement upon involuntary separation of 25 years of service, or 20 years of service at age 50, to retire at their own option during a period when the employing agency is undergoing a major reduction in force. H.R. 6077. Public Law 93– approved 1973.

Library of Congress

Provides pay increases for members of the police force of the Library of Congress. S. 1904. P/S June 28, 1973.

HEALTH

Child nutrition programs

Amends section 6 of the National School Lunch Act which authorizes expenditures for commodities to provide a means to enable the Department of Agriculture to meet school lunch and breakfast program needs for this fiscal year; requires the Secretary of Agriculture, for this fiscal year only, to make an estimate as of March 15 of the amount of commodities which the Department will deliver to schools; requires the Secretary (if this estimate is less than 90 percent of the value of the amount the Department originally planned to deliver to schools) to pay the States, no later than April 15, a cash amount equal to the difference between the initial estimate and the amount to be delivered this fiscal year as determined by the March 15 estimate, and to distribute the money to the States according to their ratio of meals served under the school lunch and breakfast program; directs the Secretary to use section 32 funds and funds from section 416 of the Agricultural Act of 1949 for the purposes of this act and to request, if necessary, a supplemental appropriation; waives the matching requirements for the funds distributed under this bill; and contains other provisions. H.R. 4278. Public Law 93–13, approved March 30, 1973.

Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act Amendments of 1973

Extends for 2 years through fiscal year 1976 the State formula grant program originally authorized by the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, Public Law 91–616, maintaining the annual authorization level at $80 million; extends the contract and project grant authority of the Act of 1970 for an additional 3 years through fiscal year 1976, and authorizes therefor appropriations of $90 million for fiscal year 1974, $100 million for fiscal year 1975, and $110 million for fiscal year 1976; adds a new special grant authority providing an additional allotment of $100,000 plus 10 percent of its formula allotment for each State which adopts the Uniform Alcoholism and Intoxication Treatment Act, or legislation substantially similar to that Act, which requires intoxication to be treated as a responsibility of the community's public health and social service agencies rather than of its criminal justice system; prohibits public or private general hospitals receiving funds from Federal agency sources from discriminating in their admissions or treatment

policies against any person solely because of his alcohol abuse or alcoholism; declares the language of the Act of 1970 placing the National Institute on Alcohol Abuse and Alcoholism within the National Institute of Mental Health and substitutes language placing it within the Department of Health, Education, and Welfare, thereby permitting, not requiring, the Secretary to place the Institute elsewhere within the Department; gives the National Institute on Alcohol Abuse and Alcoholism authority for eleven top level positions; places alcoholism project and contract authority under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act; eliminates duplication by deleting section 247 of the Community Mental Health Centers Act; and contains other provision. S. 1125. P/S June 21, 1973.

Emergency Medical Services Systems Development Act of 1973

Amends the Public Health Service Act to add a new Title XII which authorizes the Secretary of Health, Education, and Welfare to provide grants and contracts to States, units of local government, or combinations of local governments to plan, improve, and expand comprehensive and integrated systems for providing emergency medical services, and authorizes therefor the appropriation of $37.5 million, $75 million, and $112.5 million for fiscal years 1974, 1975, and 1976, respectively, of which not less than 15 percent of such sums appropriated yearly shall be made available for grants and contracts for rural areas; requires, as a prerequisite for such funding, the presentation of a plan for a comprehensive and coordinated emergency medical services system (which must meet certain requirements including the training of necessary health care personnel, adequate provisions for transportation of patients, and a plan to meet mass casualties arising from natural disasters), requires the establishment of an Area Emergency Medical Services Planning Council to develop a plan for the emergency medical services system and to monitor and evaluate the operation of the system; establishes the Interagency Technical Committee on Emergency Medical Services to coordinate Federal programs and activities for emergency medical services; authorizes the Secretary of Defense to initiate additional MAST (Military Assistance to Safety and Traffic) programs; establishes a National Emergency Medical Services Advisory Council to advise, consult with, review and make recommendations to the Secretary; authorizes grants and contracts in the case of private entities, for the support of research in emergency medical techniques, methods, devices, and delivery; requires all components of an emergency medical services system supported under provisions of the act to meet standards and criteria established in regulations by the Secretary and permits the waiving of this requirement under certain conditions; requires an annual report to Congress on the administration of programs authorized under this act including an evaluation of the adequacy of the provision on emergency medical services throughout the Nation, a study of legal barriers to the effectiveness of medical care in emergency situations and recommendations for necessary legislation; assures the continuation of operations in certain specified public health service hospitals; and contains other provisions. S. 504. P/S May 15, 1973; P/H amended May 31, 1973. In conference.

Health Maintenance Organization and Resources Development Act of 1973

Defines in Part A of Title I, Health Maintenance Organizations, the functions and requirements for a health maintenance organization and the comprehensive health services to be provided by a health maintenance organization; authorizes funds for use by the Secretary of Health, Education, and Welfare for the fiscal years 1974–1976 for the following: $45 million for grants for planning and feasibility studies of developing or expanding health maintenance organizations; $70 million for grants for initial development costs; $85 million for construction grants; $85 million for grants for initial cost of operation; $60 million for construction loans; $85 million for loans for initial cost of operation; and $100 million for grants and loans to health maintenance organizations or nonprofit entities intending to become HMO's in rural areas; provides, in Part B, for an annual payment to certified health care providers as an initiative award in an amount equal to the administrative costs allowed by the Commission on Quality Health Care Assurance incurred in complying with the requirements of the Commission, and authorizes for this purpose $150 million; authorizes the Secretary to make annual capitation grants to health maintenance organizations during the first 3 years of operation serving persons who cannot meet the expenses of such organizations' premiums; requires that not less than 7.5 percent of the total amount appropriated for Part A of this title be used for this purpose; prohibits transfer of funds within the act; provides for waiver of open enrollment in specified circumstances; requires recipients of Federal funds under this act to keep records of full disclosure of the amount and disposition of funds; and authorizes the Secretary to contract with health maintenance organizations to provide health services to individuals who are eligible for such services from the Indian Health Service; in Title II, Commission on Quality Health Care Assurance Act of 1973, establishes a Commission on Quality Health Care Assurance in the Department of Health, Education and Welfare, composed of 11 members to be appointed by the President with the advice and consent of the Senate; provides that the Commission, among its duties, is to promulgate standards for qualifications of personnel, composition of medical groups, and other characteristics dealing with the adequacy of facilities and equipment; to gather data describing, in statistical terms, the process of health care in various parts of the country; and to monitor and enforce the meaningful and effective consumer disclosure provisions of the legislation; requires the publication of a description of any health care plan covered by this title within 90 days of establishment stating the fees and prices, scope of services, accessibility and availability of services, and a statement of certification by the Commission; authorizes the Commission to suspend certificates of approval of health care providers in certain circumstances; provides for arbitration in malpractice claims; and authorizes a total of $125 million over a three-year period as follows: $15 million for fiscal year 1974, $40 million for fiscal year 1975, and $70 million for fiscal year 1976 to carry out the provisions of title II; and contains other provisions. S. 14. P/S May 15, 1973.

Health Programs Extension Act of 1973

Extends the 12 expiring health authorities in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, for health research and development; health statistics; public health training; migrant health; comprehensive health planning and services; medical libraries; Hill-Burton facilities construction; allied health training; regional medical programs; family planning; community mental health centers; and developmental disabilities for 1 year to June 30, 1974, at a total authorization level of $1,270.6 million; restricts the authorization for project grants under section 304(e)d of the Public Health Service Act to programs respecting neighborhood health centers, family health centers, lead-based paint poisoning prevention, and rodent control, by prohibiting the funding under this section of programs for which an alternative authority is contained in title I of this act; denies any court, public official, or public authority the right to require individuals or institutions to perform abortions or sterilizations contrary to their religious beliefs or moral convictions because an individual or institution had received assistance under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Disabilities Act; and extends to June 30, 1974, the provisions of section 601, title VI, the Medical Facilities Construction and Modernization Amendments of 1970 (Hill-Burton amendments) designed to assure availability of appropriated health funds. S. 1136. Public Law 93–45, approved June 18, 1973.

Lead-Based Paint Poisoning Amendments of 1973

Amends the Lead-Based Paint Poisoning Act, Public Law 91–695, and authorizes therefor an annual appropriation of $75 million for each of fiscal years 1974–1977; expands the authority of the Secretary of Health, Education, and Welfare to make grants to local and State government units for programs to detect and treat incidents of lead-based paint poisoning to include private, non-profit organizations; increases from 75 percent to 90 percent the Federal share for the cost of such programs; provides that no lead based paint shall be applied to any toy, furniture, or cooking, drinking or eating utensil manufactured and distributed in interstate commerce after enactment of the act; provides that, effective January 1, 1974, that lead-based paint means any paint containing more than .06 percent lead, or if the Secretary after completing the study authorized by this act determines that a .05 percent level is safe, the .05 percent level shall be used instead; and contains other provisions. S. 607. P/S May 9, 1973.

Little Cigar Act of 1973

Amends the Federal Cigarette Labeling and Advertising Act (15 USC 1331–1340) as amended by the Public Health Cigarette Smoking Act of 1969 by expanding the prohibition on advertising media to include "little cigars"; defines the term "little cigar" to mean any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco (other than cigarettes) and weighing not more than 3 pounds per 1,000 units; and provides that it shall be unlawful to advertise little cigars on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission. S. 1165, P/S April 10, 1973; Reconsidered and P/S April 30, 1973.

National Institute of Health Care Delivery Act of 1973

Amends the Public Health Service Act to establish a National Institute of Health Care Delivery as a separate agency within the Department of Health, Education, and Welfare to carry out an accelerated multidisciplinary research and development effort to improve the organization and delivery of health care in the nation; authorizes up to eight regional centers and two National Special Emphasis Centers, a Health Care Technology Center, and a Health Care Management Center; authorizes appropriations, for both the Institute and the Centers, of $115 million, $130 million, and $145 million for fiscal years 1974, 1975, and 1976 respectively; establishes a 21 member National Advisory Council on Health Care Delivery to advise the Institute on the development, priorities, and execution of its programs; and contains other provisions. S. 723. P/S May 15, 1973.

INDIANS

Glen Canyon National Recreation Area concession operations

Directs that the annual franchise fee received by the Secretary of the Interior from

the concessioner in connection with the Rainbow Bridge floating concession operation in Glen Canyon National Recreation Area be placed in a separate fund of the Treasury, and authorizes the Secretary to transfer annually such fees from the fund to the Navajo Tribe of Indians, in consideration of the tribe's continued agreement to the use of former Navajo Indian Reservation lands for the purpose of anchoring the Rainbow Bridge floating concession facility. S. 1384. P/S May 23, 1973.

Indian Claims Commission

Authorizes appropriations not to exceed $1.2 million for the expenses of the Indian Claims Commission for fiscal year 1974, and an additional $900 million for the expense assistance revolving loan fund. S. 721. Public Law 93-37, approved May 24, 1973.

Indian Judgment Distribution Act of 1973

Provides that if neither House of Congress, within 60 calendar days from the date of submission of a recommended plan by the Secretary of the Interior regarding the distribution of funds awarded to Indian Tribal groups by the Indian Claims Commission and the United States Court of Claims, passes a committee resolution disapproving such plan and thus requires authorizing legislation, the plan will become effective and the distribution of such funds made upon the expiration of the 60 day period or earlier if waived by committee resolutions by both the House and the Senate Committees on Interior and Insular Affairs, thereby relieving the Committees of the necessity of having to legislate on all judgment awards except for the most complicated. S. 1016. P/S May 22, 1973.

Joint Committee on Navajo-Hopi Administration—Abolishment

Abolishes the Joint Committee on Navajo-Hopi Indian Administration created during the 81st Congress to consider the problems peculiar to the Navajo and Hopi Tribes and oversee the expenditure of funds appropriated for the development of their reservations, construction of facilities, and other needed improvements, work which was principally completed in 1964. S. 267. P/S February 5, 1973.

Klamath Indian tribal land acquisition

Directs the Secretary of Agriculture to acquire by condemnation the remainder of the Klamath Indian Forest lands, for inclusion in the Winema National Forest, which the Klamath Tribe has directed the United States National Bank of Portland, a private trustee, to sell by the terms of its trust agreement and authorizes for this purpose to be appropriated an amount not to exceed $70 million. H.R. 3867. P/H May 7, 1973; P/S amended June 15, 1973.

Publication of material relating to the constitutional rights of Indians

Amends, for technical reasons, section 701 (c) of title VII of Public Law 90-284 to authorize the appropriation of such sums as may be necessary for the Secretary of the Interior (1) to annually revise and republish the document entitled "Indian Affairs, Laws and Treaties," (2) to revise and republish the treatise entitled "Federal Indian Laws," and (3) to have prepared and printed as a government publication an accurate compilation of the official opinions of the Solicitor of the Department of the Interior relating to Indian affairs. S. 969. P/S June 27, 1973.

INTERNATIONAL

Atlantic Union Delegation

Authorizes the creation of a delegation of 18 eminent citizens (6 each to be appointed by the House of Representatives, the Senate, and the President) to meet with similar unofficial delegations "from such North Atlantic Treaty parliamentary democracies as desire to join in the enterprise" in order to explore the possibility of agreement on a "declaration that the goal of their peoples is to transform their present relationship into a more effective unity based on Federal principles," and empowers the convention to invite other parliamentary democracies to participate in the process, which would also explore the possibilties for a timetable and a commission to move toward the goal by stages. S.J. Res. 21. P/S March 26, 1973.

Foreign Military Sales and Assistance Act, 1974

Authorizes a total of $770 million for the foreign military grant assistance and sales programs and the economic supporting assistance program; authorizes $420 million for military grant aid on a country-by-country basis instead of in a lump sum which is allocated by the Executive Branch; requires military grant assistance recipients to pay 10 percent of the amount of the grant in their own currency to pay official U.S. costs; authorizes $200 million for credit sales to current grant recipients on concessional terms from July 1, 1973, to June 30, 1978; requires prior notification to Congress of military sales over $25 million or cumulative sales over $50 million in one year, which may then be made unless either House of Congress adopts a resolution within 30 days of continuous session thereafter disapproving the sale; prohibits the transfer of naval vessels to foreign countries except under the authority of this act; authorizes $25 million for foreign military training purposes; authorizes $125 million for supporting assistance on a country-by-country basis, of which not less than $50 million is to be available to Israel and $65 million to Jordan; prohibits the use of any appropriation for police or related training programs for foreign countries; emphasizes the authority of the Secretary of State over the military assistance and sales policy by authorizing funds directly to the Secretary rather than to the President; authorizes a program of military assistance for Vietnam and Laos to replace that provided through Department of Defense authorization and appropriation bills; authorizes one-for-one replacement of arms and munitions for South Vietnam and Laos in accordance with the cease-fire agreements; authorizes $150 million in military aid for Cambodia with the provision that if a cease-fire is reached in Cambodia any additional arms or munitions shall be in accordance with the terms of the cease-fire; authorizes the President, in the event of a new offensive by North Vietnam, to provide unlimited military aid to South Vietnam; requires quarterly reports from the President on all U.S. assistance to South Vietnam, Laos, or Cambodia, the nature and extent of the official American presence, and the general status of implementation of the cease-fire agreements; and contains other provisions. S. 1443. P/S June 26, 1973.

International Voyage Load Line Act of 1973

Repeals the Foreign Load Lines Act, 1929, as amended, and substitutes this act, which provides the necessary legislation to implement the provisions of the International Convention on Load Lines, 1966, to which the United States is a party and which came into force on July 21, 1968, making it unlawful for a vessel to be so loaded as to submerge the prescribed load line or the point where an appropriate load line should be marked. E. 1352. P/S June 27, 1973.

People's Republic of China—diplomatic privileges

Authorizes the President to extend to the Liaison Office of the People's Republic of China in Washington and to the members thereof the same privileges and immunities subject to corresponding conditions and obligations as are enjoyed by diplomatic missions accredited to the United States and by members thereof. S. 1315. Public Law 93-22, approved April 20, 1973.

Radio Free Europe and Radio Liberty supplemental authorization, 1973

Authorizes additional fiscal year 1973 appropriations of not to exceed $1.5 million for Radio Free Europe and Radio Liberty to provide for increased costs resulting from the devaluation of the dollar on February 12, 1973. S. 1972. Public Law 93- , approved 1973.

Consular convention with Hungary

Establishes consular relations between the United States and the People's Republic of Hungary which will afford American citizens in Hungary a greater degree of consular protection and guarantee quick and unhindered communication between a citizen and his consul and prompt notification to the consul of any detention or other limitation, and provides for the establishment of consulates and the exchange of consular appointments according each country the facilities, privileges, and immunities afforded under similar bilateral consular conventions in force with a number of other countries. Ex. W, 92d-2d. Resolution of Ratification agreed to March 27, 1973.

Consular convention with Poland

Establishes consular relations between the United States and the Polish People's Republic; guarantees early notification of detention of a country's nationals and access thereto; describes consular functions and responsibilities in such fields as the issuance of visas and passports and the performance of notorial services; provides for the inviolability of consular personnel with regard to legal proceedings in the host country; and contains other provisions afforded under similar bilateral consular conventions in force with a number of other countries. Ex. U, 92d-2d. Resolution of Ratification agreed to March 27, 1973.

Consular convention with Romania

Replaces the convention currently in existence between the United States and the Socialist Republics of Romania; improves consular services in both countries to include the issuance of passports and visas, performance of notorial services, and representation of the interests of nationals in estate matters; assures that consuls whose nationals are detained or whose personal freedom is limited will be notified promptly and will have the right to visit and communicate with such nationals; and contains other provisions afforded under similar bilateral consular conventions in force with a number of other countries. Ex. V, 92d-2d. Resolution of Ratification agreed to March 27, 1973.

Convention with Japan for the protection of birds and their environment

Provides for the protection of species of birds which are common to the United States and Japan or which migrate between them, and provides that each country will develop programs to preserve and enhance the environment of the birds protected by this agreement. Ex. R, 92d-2d. Resolution of Ratification agreed to March 27, 1973.

Exchange of notes with Ethiopia concerning the administration of justice

Terminates the notes exchanged on September 7, 1951, concerning the administration of justice and constituting an integral part of the Treaty of Amity and Economic Relations Between the United States and Ethiopia. Termination of the notes, which set forth special commitments on the part of the Ethiopian Government regarding the trial of cases involving American citizens, would be in conformity with the U.S. policy of basing international agreements, in general, on the principles of equality and reciprocity. Ex. B, 93d-1st. Resolution of Ratification agreed to March 27, 1973.

United Nations Environment Program Participation Act of 1973

Authorizes an appropriation of $40 million for the total U.S. contribution to the United Nations Environment Fund and limits the fiscal year 1974 contribution to $10 million. H.R. 6768. P/H May 15, 1973; P/S amended June 8, 1973.

LABOR

Labor-Management Relations Act amendments

Amends section 302(c) of the Labor-Management Relations Act of 1947 to add legal service programs to the specified employer financed fringe benefits which may be established through joint labor-management administration, with the provision that legal services funds may not be used in suits against contributing employers except in workmen's compensation cases, suits against participating labor organizations, or suits against any employer or labor organization where the matter arises under the National Labor-Relations Act or where a labor organization would be prohibited from defraying the costs of legal services by the provisions of the Labor-Management Reporting and Disclosure Act of 1957. S. 1423. P/S May 16, 1973. P/H amended June 12, 1973. In conference.

Penn Central rail dispute

Provides for Federal intervention to bring about a temporary halt in the strike of certain employees of the United Transportation Union against the Penn Central Transportation Company arising out of the Penn Central's plan to eliminate approximately 5,700 train crew positions by applying the final paragraph of section 10 of the Railway Labor Act (45 USC 160) and extends the 30-day period provided for in section 10, to 12:01 A.M., May 9, 1973, in order to secure additional time for an agreement to be reached; requires the Secretary of Transportation, not later than 45 days following enactment, to file a report to the Congress providing a full and comprehensive plan for the preservation of essential rail transportation services in the northeast section of the Nation; requires the Secretary of Labor, not later than 30 days following enactment, to submit to Congress a report detailing the progress, if any, of all negotiations, and any recommendations for a proposed solution; and contains other provisions. S.J. Res. 59. Public Law 93–5, approved February 9, 1973.

Rehabilitation Act of 1972

Amends the Vocational Rehabilitation Act to provide for more services to handicapped individuals; places greater emphasis on research and training of rehabilitation personnel and the development of innovative rehabilitation techniques, equipment, and devices which would make employment more feasible for a handicapped individual; establishes an Office for the Handicapped within the Department of Health, Education, and Welfare; creates a Federal Interagency Committee on Employment of the Handicapped, a National Commission on Transportation and Housing, and an Architectural and Transportation Barriers Compliance Board to continue and expand services to the handicapped and provides for an order of priority to serve those individuals with the most severe handicaps; and contains other provisions. *Note:* (A similar measure, H.R. 8395 [92d–2d], was pocket vetoed by President Nixon on October 27, 1972.) S. 7 Vetoed March 27, 1973. Senate sustained veto April 3, 1973.

MEMORIALS, TRIBUTES, AND MEDALS

Cable car medals

Authorizes the Secretary of the Treasury to strike and furnish to the San Francisco Cable Car Centennial Committee not more than 150,000 medals commemorating the 100th anniversary of the invention of the cable car, and contains other provisions. S. 776. P/S March 14, 1973.

Commemoration of members of the armed services who served in the Vietnam war

States as a sense of the Senate that on Memorial Day, May 28, 1973, special commemoration be accorded the 359,879 dead and wounded members of the Armed Forces whose loss and suffering were occasioned by the war in Vietnam. S. Res. 117. Senate adopted May 21, 1973.

Eisenhower Memorial

Authorizes the use, for grants to Eisenhower College, Seneca Falls, New York, of $1 of the proceeds of the sale of each of the silver dollar proof coins being offered to the public at $10 each which bear the likeness of the late President of the United States, Dwight David Eisenhower. S. 1264. P/S May 2, 1973.

John Wesley Powell Federal Building

Names the headquarters building in the Department of Interior's Geological Survey National Center now under construction in Reston, Virginia, as the "John Wesley Powell Federal Building." S. 1618. P/S June 27, 1973.

Law Day

Pays tribute to the law enforcement officers of the United States on Law Day, May 1, 1973. S.J. Res. 11. P/S March 15, 1973.

Lyndon B. Johnson

Expresses the profound sorrow and deep regret of the Senate on the announcement of the death of Lyndon B. Johnson, a former President of the United States and a former Representative and Senator from the State of Texas, and designates the Presiding Officer of the Senate to appoint a committee to consist of all the members of the Senate to attend the funeral of the former President. S. Res. 24. Senate adopted January 23, 1973. H. Res. 152. House adopted January 23, 1973.

Expresses the sense of the Congress that in recognition of the long and distinguished service rendered to the nation and to the world by Lyndon B. Johnson, 36th President of the United States, his remains be permitted to lie in state in the rotunda of the Capitol from January 24 to January 25, 1973. H. Con. Res. 90. House adopted January 23, 1973. Senate adopted January 23, 1973.

Provides for payment out of the contingent fund of the Senate of all necessary expenses incurred as a result of S. Res. 24, which provides for members of the Senate to attend the funeral of Lyndon B. Johnson. S. Res. 34. Senate adopted January 24, 1973.

Lyndon B. Johnson Space Center

Designates the manned spacecraft center in Houston, Texas, as the "Lyndon B. Johnson Space Center" in honor of the late President. S.J. Res. 37. Public Law 93–8, approved February 17, 1973.

Members of the Armed Forces missing in action in Indochina

Pays special tribute to the members of the Armed Forces who are missing in action in Indochina on Memorial Day, May 28, 1973, and contains other provisions. S. Res. 115. Senate adopted May 15, 1973.

Monument to First Infantry Division

Authorizes the erection, in the District of Columbia, of a monument to the dead of the First Infantry Division, United States Forces in Vietnam. S.J. Res. 66. P/S February 19, 1973.

Roberto Walker Clemente medals

Authorizes the Secretary of the Treasury to strike and furnish to the Chamber of Commerce of Greater Pittsburgh, Pittsburgh, Pa., one gold medal and not more than 200,000 duplicate medals to commemorate the outstanding athletic, civic, charitable and humanitarian contributions of Roberto Walker Clemente, and contains other provisions. H.R. 3841. Public Law 93–33, approved May 14, 1973.

Vietnam War Memorial

Provides for the erection in the District of Columbia of a memorial in honor of those who served in the Armed Forces of the United States in the Vietnam war; and contains other provisions. S.J. Res. 45. P/S April 12, 1973.

NATURAL RESOURCES-ENVIRONMENT

American Falls dam replacement

Authorizes the Secretary of the Interior to enter into appropriate agreements to permit the water-users to arrange for the financing and construction of a replacement for the existing American Falls Dam. Upper Snake River project, Idaho, which has become unsafe as a result of deteriorating concrete, which would be acquired by the Secretary and operated as a feature of the existing Minidoka Reclamation project. S. 1529. P/S June 19, 1973.

Arkansas River basin compact

Grants the consent of the United States to an interstate compact between Arkansas and Oklahoma, signed on behalf of the two States on March 16, 1970, to provide for the equitably apportionment of the waters of the Arkansas River and tributaries between the two States and encourages each State to maintain active programs of anti-pollution controls to further reduce water pollution in the Arkansas River Basin. S. 11. P/S June 28, 1973.

Clean Air Act extension

Extends for 1 year, to June 30, 1974, the Clean Air Act, as amended; authorizes the appropriation therefor of $475 million for fiscal year 1974; and contains other provisions. S. 498. P/S January 26, 1973.

Extends for 1 year, to June 30, 1974, the provisions of the Clean Air Act of 1970 and extends, at constant dollar amounts the authorization of appropriations in the act, which would otherwise expire June 30, 1973, in the total amount of $475 million. H.R. 5445. Public Law 93–15, approved April 9, 1973.

Flood Control Act of 1973

Authorizes development of flood control, multi-purpose and related projects and provides for studies and surveys to determine whether other plans should be developed. Note: (S. 4018 [92d–2d], a similar measure was pocket vetoed by President Nixon on October 27, 1972.) S. 606. P/S February 1, 1973.

Interstate Environment Compact Act of 1973

Provides the congressional consent required for any two or more States to enter into interstate compacts in the field of air pollution as set forth in section 102(c) of the Clean Air Act, as amended, and in the field of water pollution by section 103(b) of the Federal Water Pollution Control Act, as amended, and gives advance consent to interstate agreements called for the Solid Waste Disposal Act, as amended; permits signatories to enter into supplementary agreements not inconsistent with applicable Federal law with each other, with other interstate agencies, and with the Federal Government and its agencies for the purpose of controlling interstate environmental pollution problems in the fields of land use, coastal zone management, energy production and transmission, and related activities; provides that supplementary agreements are to become binding upon the signatory upon execution of the agreement by the chief executive and signatory legislative action to approve or condition the agreement, and provides that the Congress may by act of law expressly disapprove or condition the agreement within 90 days of congressional session following receipt of the agreement; provides for special supplementary agree-

ments with foreign nations with the advance consent of Congress; provides that a signatory may withdraw from the compact by legislative enactment upon giving notice to all signatories a year in advance of its formal withdrawal; provides that nothing in this act shall affect Federal environmental protection legislation; and contains other provisions. S. 9. P/S June 22, 1973.

Land Use Policy and Planning Assistance Act

Establishes a national land use policy to encourage and assist the States to more effectively exercise their constitutional responsibilities for the planning and management of their land bases through the development and implementation of State land use programs; establishes a grant-in-aid program to assist State and local governments and agencies to hire and train the personnel, collect and analyze the data, and establish the institutions and procedures necessary to develop and implement State land use programs; authorities for grants to states $100 million a year for 8 years; establishes a grant-in-aid program to encourage cooperation among the States concerning land use planning and management in interstate regions and authorizes $15 million a year for 8 years therefor; authorizes $2 million a year for 8 fiscal years for training and research grants and contracts; establishes a grant-in-aid program to assist Indian tribes to develop land use programs for reservation and other tribal lands and to coordinate such programs with the planning and management of Federal and non-Federal lands adjacent thereto, and authorizes for this purpose $10 million a year for 8 years; authorizes the Executive Office of the President to issue guidelines to implement this act; authorizes the Secretary of the Interior to administer the grant-in-aid and other programs established under this act, to review, with the heads of other Federal agencies, statewide land use planning processes and State land use programs for conformity to the provisions of this act, and to assist in the coordination of activities of Federal Agencies with State land use programs; authorizes $10 million each year for five fiscal years to the Secretary for administration of this act; provides that the programs of this act be consistent with anti-pollution regulations and policies already enacted; establishes an Interagency Advisory Board on Land Use Policy to assist in the exchange of data and information pertinent to land use decisionmaking among all levels of government and the public and to recommend to the Congress and legislation it deems appropriate to establish land use policies and any requirement or procedures necessary to assure that such policies are implemented; and contains other provisions. S. 268. P/S June 21, 1973.

National Sea Grant College and Program Act of 1966 amendments

Provides an authorization of $30 million, $40 million, and $50 million for fiscal years 1974, 1975, and 1976 respectively for the National Sea Grant College marine research development programs within the Department of Commerce; authorizes $200,000 for a study of means of sharing, through cooperative programs with other nations, the results of marine research; and authorizes the Secretary to make contracts with and grants to participants for this purpose without matching share requirements; and contains other provisions. H.R. 5452. Public Law 92 —, approved ——— 1973.

Safe Drinking Water Act of 1973

Establishes a program within the Environmental Protection Agency (EPA) to regulate drinking water whereby the Fedral Government will exercise a new responsibility to set standards and provide assistance in order to protect public water supplies from contamination by providing that (1) EPA establish minimum Federal drinking water standards prescribing maximum limits for contaminants as well as standards for the operation and maintenance of drinking water systems and surveillance, monitoring, site selection and construction standards for public water systems to assure safe dependable drinking water; (2) EPA establish recommended standards to assure esthetically adequate drinking water; (3) the States may establish standards which are more stringent than the Federal drinking water standards; (4) the States will be primarily responsible for enforcing the standards, with Federal enforcement if the States fail to act or in cases of imminent hazard; (5) a National Drinking Water Council be established to advise the adminstrator on scientific and engineering matters; (6) EPA conduct and promote research, technical assistance, and training of personnel for water supply occupations; (7) EPA conduct a rural water survey within two years of enactment; (8) EPA make grants for special study and demonstration projects with respect to water supply technology; (9) EPA make grants to the States to defray the costs of State programs; and (10) citizens be authorized to bring injunctive suits against violators of primary drinking water standards and against the Administrator for failing to perform mandatory duties. S. 433. P/S June 22, 1973.

Saline water program authorization, 1974

Authorizes appropriations at an increased level of $9,127,000 for fiscal year 1974 for the Federal Saline Water Conversion programs conducted by the Secretary of the Interior to support a continuing research program into attractive new desalting technologies and to retain a technical capability in the Federal government to support planning and development which involves desalination, and contains other provisions. S. 1386. Public Law 93 —, approved ——— 1973.

Solid Waste Disposal Act extension

Extends for 1 year, to June 30, 1974, the Solid Waste Disposal Act, as amended; authorizes the appropriation of $216 million for fiscal year 1974 to the Administrator of the Environmental Protection Agency and $22.5 million for fiscal year 1974 to the Secretary of the Interior, to carry out the provisions of this act; and contains other provisions. S. 498. P/S January 26, 1973.

Extends for 1 year, to June 30, 1974, the Solid Waste Disposal Act of 1967 (as amended by the Resource Recovery Act of 1970) and extends for 1 year, at constant dollar amounts, the authorization for appropriations therefor in the total amount of $238.5 million. H.R. 5446. Public Law 93–14, approved April 9, 1973.

United States fishing industry

Sets forth congressional resolve to provide all necessary support to strengthen the United States fishing industry and to protect our coastal fisheries against excessive foreign fishing, and to provide interim measures to conserve overfished stocks and to protect our national fishing industry; recognizes, encourages, and supports the key responsibilities of the several states for conservational and scientific management of fisheries resources within the United States territorial waters; and commends Federal programs designed to improve coordinated protection, enhancement, and scientific management of all United States fisheries, both coastal and distant, including presently successful Federal-aid programs under the Commercial Fisheries Research and Development Act of 1964, and the newly developing Federal-State fisheries management programs. S. Con. Res. 11. P/S June 1, 1973.

Wasteland treatment operations training program

Continues through fiscal year 1974 the pilot operator training program for wastewater treatment plants (section 104(g)(1) of the Federal Water Pollution Control Act) at the annual authorization level of $7.5 million. S. 1776. P/S June 28, 1973.

Water Resources Planning Act amendments

Authorizes an appropriation of $3.5 million annually for fiscal years 1974 and 1975 for the Water Resources Council to carry out certain functions assigned to it under the provisions of the Water Resources Planning Act of 1965, as amended. S. 1501. Public Law 93 —, approved———1973.

NOMINATIONS—ACTION BY ROLL CALL VOTE

Nomination of Peter J. Brennan of New York, to be Secretary of Labor: Nomination confirmed January 31, 1973. (81–3)

Nomination of William P. Clements, Jr., of Texas, to be a Deputy Secretary of Defense: Nomination confirmed January 23, 1973. (74–11)

Nomination of Clarence M. Kelley, of Missouri, to be Director of the Federal Bureau of Investigation: Nomination confirmed June 27, 1973. (96–0)

Nomination of Elliot L. Richardson, of Massachusetts, to be Secretary of Defense: Nomination confirmed January 29, 1973. (81–1)

Nomination of Elliot L. Richardson, of Massachusetts, to be Attorney General: Nomination confirmed May 23, 1973. (82–3)

Nomination or James R. Schlesinger, of Virginia, to be Director of Central Intelligence: Nomination confirmed January 23, 1973. (85–0)

Nomination of James R. Schlesinger, of Virginia, to be Secretary of Defense: Nomination confirmed June 28, 1973. (91–0)

Nomination of William L. Springer, of Illinois, to be a Member of the Federal Power Commission: Nomination confirmed May 21, 1973. (65–12)

Nomination of Caspar W. Weinberger, of California, to be Secretary of Health, Education, and Welfare: Nomination confirmed February 8, 1973. (61–10)

PROCLAMATIONS

Digestive Disease Week

Authorizes and requests the President to issue a proclamation designating the week of May 20–26, 1973, as "Digestive Disease Week." S.J. Res. 114. P/S May 17, 1973.

Honor America Day

Declares the twenty-one days from Flag Day, June 14, 1973, to Independence Day, July 4, 1973, as a period to honor America. S. Con. Res. 27. P/S May 31, 1973; P/H June 13, 1973.

International Clergy Week in the United States

Authorizes the President to designate the week of January 28, 1973, as "International Clergy Week in the United States". H.J. Res. 163. Public Law 93–2, approved January 26, 1973.

Jim Thorpe Day

Authorizes and requests the President to issue a proclamation designating April 16, 1973, as "Jim Thorpe Day". S.J. Res. 73. Public Law 93–19, approved April 16, 1973.

Mississippi River

Authorizes and requests the President to issue a proclamation designating June 17, 1973, as a day of commemoration marking the 300th anniversary of the opening of the upper Mississippi River by Jacques Marquette and Louis Joliet. S.J. Res. 102. Public Law 93–41, approved June 14, 1973.

National Arthritis Month

Authorizes and requests the President to issue a proclamation designating the month of May 1973 as "National Arthritis Month", and contains other provisions. H.J. Res. 275. Public Law 93–21, approved April 20, 1973.

National Autistic Children's Week

Authorizes and requests the President to issue a proclamation designating the week which begins on June 24, 1973, as "National

Autistic Children's Week." H.J. Res. 296. Public Law 93–42, approved June 15, 1973.

National Clean Water Week

Authorizes the President to designate the period beginning April 15, 1973, as "National Clean Water Week". H.J. Res. 437. Public Law 93–18, approved April 14, 1973.

National Employ the Older Worker Week

Designates the second full calendar week in March 1973 as "National Employ the Older Worker Week." H.J. Res. 334. Public Law 93–10, approved March 15, 1973.

National Historic Preservation Week

Authorizes and requests the President to issue a proclamation designating the calendar week begininng May 6, 1973, as "National Historic Preservation Week". S.J. Res. 51. Public Law 93–30, approved May 5, 1973.

National Hunting and Fishing Day

Requests the President to declare the fourth Saturday of September 1973 as "National Hunting and Fishing Day". H.J. Res. 210. Public Law 93–23, approved April 20, 1973.

National Moment and Day of Prayer and Thanksgiving

Authorizes the President to issue a proclamation designating the moment of 7:00 P.M. E.S.T., January 27, 1973, a national moment of prayer and thanksgiving for the peaceful end to the Vietnam war and the 24 hours beginning at the same time as a national day of prayer and thanksgiving, and contains other provisions. H.J. Res. 246. Public Law 93–3, approved February 1, 1973.

National Next Door Neighbor Day

Authorizes and requests the President to issue a proclamation designating the fourth Sunday in September of each year as "National Next Door Neighbor Day." S.J. Res. 25. P/S May 22, 1973.

Nicolaus Copernicus Week

Authorizes the President to designated the week of April 23, 1973, as "Nicolaus Copernicus Week" marking the quinquecentennial of his birth. H.J. Res. 5. Public Law 93–16, approved April 9, 1973.

Warsaw ghetto uprising

Authorizes and requests the President to proclaim April 29, 1973, as a day of observance of the 30th anniversary of the Warsaw ghetto uprising. H.J. Res. 303. Public Law 93–20, approved April 20, 1973.

SPACE

NASA authorization, 1974

Authorizes appropriations totaling $3,064,500,000 to the National Aeronautics and Space Administration for fiscal year 1974, as follows: for Research and Development, $2,245,500,000, including for space flight operation, $555.5 million, space shuttle, $475 million, advanced missions, $1.5 million, physics and astronomy, $63.6 million, lunar and planetary exploration, $311 million, launch vehicle procurement, $177.4 million, space applications, $161 million, of which $2 million is provided for NASA to formulate a long-term energy program that would explore options for energy generation and management from the many technologies the agency has developed, aeronautical research and technology, $180 million, space and nuclear research and technology, $72 million, tracking and acquisition data, $244 million, and technology utilization, $4.5 million; for Construction of Facilities, $112,000,000; and for Research and Program Management, $707,000,000; and contains other provisions. H.R. 7528. P/H May 23, 1973; P/S amended June 19, 1973; Senate adopted conference report June 28, 1973.

TRANSPORTATION AND COMMUNICATIONS

Aircraft hijacking

Amends the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy on both the international and domestic levels; implements, in Title I, the Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Convention—Ex. A [92d–1st]) to which the United States is a party and which came into effect on October 4, 1971; provides the President authority to suspend air service between the United States and any foreign nation he determines is not acting consistently with the provisions of the Hague Convention, in effect imposing, unilaterally, a U.S. air transport boycott; permits the Secretary of Transportation, with the approval of the Secretary of State, to restrict, limit, or revoke the operating authority of any foreign air carrier failing to afford necessary security safeguards to the traveling public; provides, in Title II, for the screening of all passengers and carry-on baggage by weapons detecting devices prior to their being boarded on the aircraft; establishes under the Administrator of the Federal Aviation Administration an Air Transportation Security Force to provide Federal law enforcement presence at the nation's major airports; and contains other provisions. S. 39. P/S February 21, 1973.

Airport Development Acceleration Act of 1973

Amends the Airport and Airway Development Act of 1970 and the Federal Aviation Act of 1958 to increase Federal financial assistance for airport development throughout the United States; increases the present minimum annual authorization for airport development grants to air carrier and reliever airports to $275 million, and to general aviation airports to $35 million, for each of fiscal years 1974 and 1975, and the five year limit on obligational authority for the fiscal years 1971–1975 to $1.46 billion, funds which will come from the Airport and Airway Trust Fund; provides that the maximum 50 percent Federal share of project costs will be determined by the total number of passengers enplaned for all air carrier airports operated by the same sponsor and raises the maximum Federal share to 75 percent for general aviation of reliever airports; prohibits the levying by State and local governments of passenger "head" taxes or use taxes on the carriage of persons in air transportation; and contains other provisions. NOTE: (An earlier measure, S. 3755 [92d–2d], was pocket vetoed by President Nixon on October 27, 1972.) S. 38. Public Law 93–44, approved June 18, 1973.

Amtrak Improvement Act of 1973

Amends the Rail Passenger Act of 1970 to upgrade the quality of rail passenger service and put it on a par with quality rail passenger systems operating in other countries; provides for an authorization of appropriations for fiscal year 1974 and for an increase in the ceiling on federally guaranteed obligations of the National Railroad Passenger Corporation; authorizes the Corporation to make all reasonable efforts to insure that elderly and handicapped individuals are given equal opportunity to utilize intercity transportation on passenger trains operated by or on behalf of the Corporation; gives the Corporation the power of eminent domain in order to acquire from owners other than governments and railroads right-of-way, land, or other property, and authorizes an Interstate Commerce Commission (ICC) proceeding through which the Corporation can acquire interests in property owned by a railroad or a government entity; requires the Corporation to initiate one new experimental route each year, and to operate it for a two year period and provides a means of discontinuing such service if it proves unsuccessful; vests jurisdiction over safety-related matters in the Department of Transportation and grants the ICC full and adequate powers to assure that adequate service, equipment, tracks, and other facilities are provided for intercity rail passenger service; allows private firms as well as the Corporation to offer auto-ferry service; prohibits any preclearance of budget requests, legislative recommendations, proposed testimony, or comments on legislation before submission to the Congress, and prohibits the impoundment of any funds authorized and appropriated by the Congress; clarifies the relationship of the Corporation to the Department of Transportation thus giving the Corporation more budgetary freedom and more direct accountability to Congress; and contains other provisions. S. 2016. P/S June 28, 1973; twice reconsidered for amendments and passed June 28, 1973.

Bicentennial Advanced Technology Transportation System Demonstration Act

Authorizes the Secretary of Transportation to make an investigation and study for the purposes of determining the feasibility, social advisibility, environmental impact, and economic practicability, of (1) a tracked air-cushioned vehicle or other high-speed ground transportation system between Washington, D.C., and Annapolis, Maryland, and (2) a surface effect vessel or other high-speed marine transportation system between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia for use as part of the Bicentennial celebration and authorizes therefor an appropriation of not to exceed $300,000; directs the Secretary to report the results of such investigation and study, together with his recommendations, to the President and the Congress, no later than 9 months after enactment of this act; and authorizes the Secretary to enter into such contracts and other arrangements as necessary for the construction and operation of such systems if such study demonstrates their feasibility; and contains other provisions. S. 797. P/S June 14, 1973.

Corporation for Public Broadcasting Authorizations, 1973

Amends the Communications Act of 1934 to authorize appropriations for the Corporation for Public Broadcasting at an increased level for fiscal years 1974 and 1975 of $55 million and up to an additional $5 million in matching funds for gifts for fiscal year 1974 and $65 million and up to an additional $5 million in matching funds for gifts for fiscal year 1975; authorizes appropriations at the present level of $25 million for each of the fiscal years 1974–1977 for funds for construction of educational television and radio broadcasting facilities; requires radio and television stations receiving Federal assistance to make audio recordings of programs involving discussions of important public issues and make them available to the public at cost; and contains other provisions. *NOTE:* (H.R. 13918[92d–2d], a similar bill, was vetoed by President Nixon on June 30, 1972.) S. 1090. P/S May 7, 1973.

Federal-Aid Highway Act of 1973

Reduces the authorization for Interstate highway programs for each of the fiscal years 1974–1976 from the present $4 billion level to $3.25 billion; requires the realinement by June 30, 1975, of the Federal-aid primary, secondary and urban systems based upon functional usage for the year 1980; provides for transfer of Interstate system mileage within a State; strengthens environmental controls over roadbuilding and the highway beautification program; earmarks urban system funds for each urbanized area of 400,000 population or more; allows urban system funds to be "passed-through" to municipalities of 400,000 or more authorized under State law and equipped to manage urban system projects, thus making urban system funds directly available to large cities; authorizes the use of urban system highway funds for fixed rail mass transit systems and the use of urban system and urban extension highway funds for the purchase of buses.

in addition to the use of those funds for the construction of bus lanes, highway traffic control devices, and passenger loading areas and facilities as authorized by the Federal-Aid Highway Act of 1970; provides that equipment purchased for mass transit systems must meet environmental standards set pursuant to the Clean Air Act and the Noise Control Act of 1972, and that the special needs of the elderly and handicapped, as defined in the Urban Mass Transportation Act of 1964, must be considered in planning and designing the mass transit systems; makes highway funds available for bicycle transportation, pedestrian walkways, and equestrian trails; establishes a new toll road reimbursement program; establishes a new special urban high density traffic program; authorizes a rural highway public demonstration program; amends the Urban Mass Transportation Act of 1964 to provide operating subsidies for mass transit systems via contract authority, in an amount not to exceed $800 million through fiscal year 1974, with grants or loans for operating expenses to be made on a two-thirds Federal, one-third local matching basis, and to provide an additional $3 billion in contract authority, for a total of $6.1 billion, through fiscal year 1977 for capital expenditures of mass transit systems and to change the Federal share of cost-sharing for this purpose from two-thirds to 90 percent; prohibits the impoundment or withholding from obligation of highway funds appropriated by Congress for expenditure; and contains other provisions. S. 502. P/S March 15, 1973; P/H amended April 19, 1973; In conference.

Federal Railroad Safety Authorization Act of 1973

Authorizes appropriations of $19,440,000 for implementation of the railroad safety functions under the Safety Act for fiscal year 1974, and authorizes $1,200,000 for implementation of the hazardous materials control functions of the Safety Act for fiscal year 1974. S. 2120. P/S June 30, 1973.

Highway Safety Act of 1973

Authorizes $455 million for fiscal year 1974 and $475 million for fiscal year 1975 for highway safety programs, including $100 million for each of fiscal years 1974 and 1975 for the bridge replacement program; establishes a Federal-aid safer roads system, and authorizes $200 million of the total amounts authorized for each of fiscal years 1974 and 1975, to be available on a 90 percent Federal, 10 percent State matching basis, for the correction of highway hazards on that system; requires States to identify, by June 30, 1974, projects on the Federal-aid safer roads system which have to be corrected and assign priority to the correction of hazards falling within the following three major categories: (1) projects to improve and (3) elimination of hazards at railroad-highway grade crossings; includes bicycle safety in the areas to be covered by highway safety standards and adds bicycle safety to required driver education programs; authorizes the use of appropriated funds for State highway safety programs for use in developing and implementing manpower training and demonstration programs; increases the minimum apportionment to any State for highway safety programs from one-third of one percent to one-half of one percent; authorizes the Secretary to carry out research on the relationship between the consumption of drugs and highway safety and to promulgate a highway safety program standard on drug use and highway safety; and contains other provisions. S. 893. P/S April 12, 1973.

Interim apportionment of interstate and other highway funds

Directs the Secretary of Transportation to apportion, as provided in the act, $1 billion of the sums authorized to be apportioned for fiscal year 1974 for immediate expenditure for the National System of Interstate and Defense highways, and authorizes the appropriation of $500 million from the Highway Trust Fund for fiscal year 1974 funding of the Federal-aid primary and secondary systems and their urban extensions, such funds to be available as follows: 45 percent for projects on the primary system; 30 percent for projects on the secondary system and 25 percent for projects on extensions of the primary and secondary systems in urban areas. S. 1808. P/S May 23, 1973.

Interstate apportionment

Directs the Secretary of Transportation to apportion out of the Highway Trust Fund, $1 billion of the funds authorized for fiscal year 1974 for expenditure on the Interstate and Defense Highway systems. S. Con. Res. 6. P/S March 6, 1973.

Ocean transportation in noncontiguous States and territories

Amends section 607(k)(8) of the Merchant Marine Act, 1936, as amended, to expressly include within the definition of "noncontiguous trade" trade between two or more points within Alaska, Hawaii, Puerto Rico, or any other territory or possession of the United States for the purpose of insuring that vessels trading between points within such States and insular territories and possessions are eligible for assistance from capital construction funds (tax deferred reserve funds) generated by the deposits made by eligible vessel operators under agreements with the Secretary of Commerce, and to make it clear that a vessel which has been built with such funds is legally permitted to between such points. S. 902. P/S June 30, 1973.

Rail freight car shortage

In view of the current railroad transportation crisis caused by a freight car shortage and other factors, declares it to be the sense of the Senate that (1) the Commodity Credit Corporation should make available to farmers the option to reseal loans on farm-stored wheat and feed grains with respect to the 1971 and 1972 crops; and (2) the President is urged and requested to appoint a special committee to conduct a study of the railroad freight car shortage problem and to submit to the President and the Senate Committees on Agriculture and Forestry and Commerce, within thirty days after its appointment, a report along with its recommendations for the most effective and practical means of (A) delivering adequate quantities of wheat to millers and feed grains to farmers and stockmen in the United States dependent upon such grain for feeding their livestock, and (B) alleviating the backup at those ports where numerous ships and railroad cars are waiting to be loaded and unloaded. S. Res. 59. Senate adopted February 19, 1973.

Railroad Retirement Act and Interstate Commerce Act amendments

Increases the tax which railroads are required to pay under the Railroad Retirement Act; provides for retirement eligibility for men at age 60 with 30 years of service; provides for an extension to December 31, 1974, of the temporary railroad retirement benefit increases presently scheduled to expire July 1, 1973; provides for a pass-through of social security benefit increases which might be enacted between July 1, 1973, and December 31, 1974; increases the taxes which railroads are required to pay under the Railroad Retirement Act; provides for the establishment of a labor management committee to recommend a restructuring of the railroad retirement system to insure its actuarial soundness with a final report and recommendations to be submitted to the Congress by April 1, 1974; declares the intent of Congress to enact legislation in 1974, effective not later than January 1, 1975, which will assure the long-term actuarial soundness of the railroad retirement system; amends the Interstate Commerce Act to provide that the Interstate Commerce Commission shall, by informal rule-making under the Administrative Procedure Act, establish the requirements for petitions for adjustments of rates of common carriers occasioned by the tax increases prescribed in this act or by other law on or before January 1, 1975, and provides for expedited freight-rate making procedures applicable to interstate and intrastate rates; and contains other provisions. H.R. 7200. Public Law 93—, approved—— 1973.

Ship construction

Amends section 502(a) of the Merchant Marine Act, 1936, as amended, to extend from June 30, 1973, to June 30, 1976, the authority of the Secretary of Commerce to award subsidies for the construction of vessels on which the price has been established by negotiation between the prospective ship owner and the shipyard. H.R. 6187. Public Law 93—, approved——1973.

VETERANS

Drug and Alcohol Treatment and Rehabilitation Act

Provides for a fully-funded, comprehensive drug and alcohol treatment and rehabilitation program for addicted veterans regardless of service connection or the nature of their discharge; establishes a special medical treatment and rehabilitative services program for any veteran with a drug dependence or drug abuse disability, stressing highly individualized community-based, multimodality, in-house and contract services, including a wide range of vocational and educational counseling and rehabilitative services and job placement assistance; requires the Administrator to carry out a program of vocational rehabilitation for those Vietnam era veterans with addiction disabilities; broadens the eligibility for basic V.A. hospital care and medical services for service-connected disabilities; and contains other provisions. S. 284. P/S March 6, 1973.

Health Care Expansion Act

Improves the ability of the Veterans' Administration (VA) to deliver quality medical care to its beneficiaries by widening the scope of treatment (particularly for ambulatory and nursing care); expands coverage to certain dependents of beneficiaries or former beneficiaries; provides for a voluntary, comprehensive sickle cell anemia screening and counseling program; expands the primary function of the Veterans Administration Department of Medicine and Surgery to include assisting in providing an adequate supply of health care manpower; improves the personnel system of the Department of Medicine and Surgery to provide for major emphasis on recruitment, training and employment by the V.A. of recent veterans with medical military occupation specialities and to make that Department more attractive to skilled health care personnel; improves the staff-to-patient ratio in V.A. medical facilities; ensures that V.A. facilities are structurally safe; and contains other provisions. *NOTE:* (H.R. 10880 [92d–2d], a similar measure, was pocket vetoed by President Nixon on October 27, 1972.) S. 59. P/S March 6, 1973.

National Cemeteries Act

Establishes within the Veterans' Administration (V.A.) a National Cemetery System consisting of those cemeteries presently under the jurisdiction of the V.A. and those to be transferred by September 1, 1973, to the V.A. from the Department of Army with the exception of certain specified cemeteries, including Arlington National Cemetery and those located at the service academies; directs the V.A. to conduct a comprehensive study and submit its recommendations on or

before January 3, 1974, as to what our National Cemetery System and national burial policy should be; authorizes the Administrator of Veterans' Affairs to permit the flying of the American flag at cemeteries in the national cemetery system 24 hours a day; authorizes a special burial plot allowance of $150 (in addition to the present V.A. allowance for burial and funeral expenses of $250) in any case where a veteran is not buried in a national or other Federal cemetery; authorizes the burial of an unknown soldier from the Vietnam Conflict at Arlington National Cemetery; and contains other provisions. *NOTE:* (H.R. 12674 [92d–2d], a similar measure, was pocket vetoed by President Nixon on October 27, 1972.) S. 49. Public Law 93–43, approved June 18, 1973.

THE SLIDE OF THE DOLLAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Dramatic Slide of the Dollar Creates a Sense of Panic," written by Hobart Rowen, and published in the Washington Post of July 8, 1973.

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

DRAMATIC SLIDE OF DOLLAR CREATES A SENSE OF PANIC

(By Hobart Rowen)

The daily reports of the U.S. dollar weakening in foreign exchange markets are getting frighteningly monotonous. One doesn't have to be an international monetary expert to wonder—where does it all end?

According to economists and money men here and abroad, the dollar has become weaker than it ought to be. That is, looking at the economic performance of the United States and comparing it to the levels of activity elsewhere, the conclusion is that speculation against the dollar has been overdone, largely for psychological reasons. The dollar, simply, has become too cheap.

The main worry, of course, relates to the Watergate scandal. It is not, as John Palmer observed in The Guardian the other day, "that the currency dealers are worried about who bugged whom, but that the scandal has literally paralyzed the U.S. government at a time when it is facing a formidable resurgence of price inflation at home and major international negotiations on monetary and trade reform."

The deterioration of the dollar in the last several weeks has exceeded the most exaggerated notions of the wildest gold bugs. For example, between May 7 and the end of this past week the D-mark appreciated by 19.8 per cent against the dollar—and that was *after* the second devaluation.

The loss of the value of the dollar compared to certain strong currencies has been phenomenal. Going back to June, 1970, just three years ago, this table shows the appreciation of certain other currencies against the dollar as compiled by the Morgan Guaranty Trust Co.:

	Percent
Japanese yen	37.2
German D-mark	60.0
French franc	42.4
Swiss franc	63.1
Dutch guilder	45.2
Belgian franc	45.0
Austrian schilling	54.2
Danish krona	35.8
Norwegian krone	38.8
Swedish krona	30.6
Australian dollar	26.5

The dollar slide is beginning to create a sense of near-panic among Europeans. A cheap dollar gives the U.S. a big advantage against European exports. Moreover, it makes it attractive for European manufacturers to build plants in this country as one way of maintaining a competitive edge. That spells a loss of jobs—and when enough people lose jobs, politicians may lose their own.

That's why you're reading statements like French President Georges Pompidou's that Europe must defend itself against "the pernicious sickness represented by a monetary crisis."

The staggering depreciation of the dollar seems to trigger a vicious cycle. For example, it has tobogganed so far that Europeans and Japan are trying to buy all of the soybeans and steel scrap they can, at bargain dollar prices.

But to protect the domestic supply, the U.S. put on export controls. That limits our ability to improve the trade balance. And everybody agrees that there will be no renewed confidence in the dollar while the balance of payments is badly out of whack.

Meanwhile, inflation runs at a merry pace as the Nixon administration tries to dig itself and the country out of the mess it triggered by the rash abandonment last January of Phase II wage-price controls.

Coincident with planning for a new Phase IV, the Federal Reserve Board has been trying to puncture the boom by tightening the monetary screws, running the discount rate up to 7 per cent, triggering an 8 per cent prime lending rate at banks.

The U.S. economy is already slowing down from the fantastic first-quarter level, and the tight money dose applied by the Federal Reserve medicine men will probably hasten the onset of a recession. In fact—strange as it may seem—the U.S. government will find itself happy to announce some statistics soon that will show real economic growth receding. Unemployment will stay high or increase.

This bad news will probably provide a perverse tonic for the dollar, and even for the stock market. For it will imply that the super-heated demand in the economy is cooling down, and with a more relaxed pace, prices should begin to advance more slowly. Thus, the second half should record a better performance than the recent 7 per cent increase in the consumer price index and the 20 per cent increase in the wholesale price index for the first six months of the year.

But no one looks for sharp reversals in psychological attitudes while Watergate hangs like a noose around Nixon's neck.

The extraordinary instability of currency relationships doesn't bode well for an early agreement on a modernized international monetary system. The 5.5 per cent revaluation of the German mark last week, while advertised as a last-ditch effort to keep alive hopes for a common European currency, reflects more than anything else the continued weakness of the dollar. No one would bet that the mark and perhaps the Swiss franc will not be revalued again.

Europeans, when you talk monetary reform to them, want resumption of dollar convertibility. (They are mindful that because of the new export rules, dollars are not convertible into certain commodities like soybeans, to say nothing of gold.)

But convertibility is a far-out dream in a world where the U.S. deficit, piling up yet more dollars abroad, runs merrily along. The end of the Vietnam war is a plus in the long-term outlook, but that's offset by the grim dollar requirements for Middle East oil.

Perhaps the only realistic prospect is for achieving merely cosmetic progress at the big IMF annual meeting coming up this fall in Nairobi, while concentrating on general guidelines for the so-called "transitional float" now in effect. Rules for intervention could be spelled out, giving the financial world some assurance that the float will be managed well while the tougher problems of convertibility and consolidation of debt are worked on.

IS ARAB OIL AN ECONOMIC ATOM BOMB?

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Arab Oil—Is It an Economic Atom Bomb?" published in the New York Times of July 8, 1973.

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

ARAB OIL—IS IT AN ECONOMIC ATOM BOMB?

(By William D. Smith)

"The day will come when oil will be used as the ultimate weapon in the battle," Libya's mercurial leader, Col. Muammar el Qaddafi warned the Western oil consuming nations in May. Within a month he converted the threat into action, nationalizing Nelson Bunker Hunt, an American company that accounts for 10 per cent of Libya's oil production.

It was the first time a Western-owned property in the Middle East had been nationalized for the explicit reason that the company's country of origin had supported Israel in its confrontation with the Arabs. And it immediately gave rise to three questions: How important is Arab oil to the United States and the rest of the industrialized West? What would be the cost to the Arabs of cutting off oil sales to the West? Are the Arabs willing to pay that price?

There are no simple answers, even though some of the facts are well known. The Arab world and Iran produce about 43 per cent of the non-Communist world's oil and hold about two-thirds of the world's proven reserves. There are about 670 billion barrels in known reserves. Stated in billions of barrels, they are distributed this way: Saudi Arabia, 138; Iran, 65; Kuwait, 64.9; Algeria, 47; Libya, 30.4; Iraq, 29; other Middle Eastern countries, 58.4.

The Middle Eastern dominance of world oil supplies will grow during the rest of the decade. Saudi Arabia, for example, which in 1972 produced 5.2 million barrels daily, by 1980 is likely to be producing more than 10 million barrels a day.

The United States' dependence on Middle Eastern oil is, unfortunately, growing as well. In 1970, the United States obtained less than 3 per cent of its oil from the Middle East. But the demand, expressed, for instance, by the two-car family and the increased use of air conditioning, has risen dramatically. By last year, about 15 per cent of the oil consumed in the United States was imported from the Middle East; by 1980 it could be as much as 35 per cent.

"Arab oil is not just important, it is essential," says John G. McLean, chairman of the Continental Oil Company and head of the National Petroleum Council. "There is no way to replace it now or in the foreseeable future. The situation is such that if the Arabs want to roll the dice against you, it would be a very rough game."

There would appear to be no alternative to Arab oil. Sources such as Canada and Venezuela could not take up the slack if the Middle Eastern flow were cut. In fact, in the past few weeks, Canada has imposed restrictions limiting future exports to the United States so that Canada's own needs can be met before any oil is shipped south.

Given the United States' increasing reliance on Middle Eastern oil, what would the effect be on the Arab nations if they cut off sales to the West?

The old cliché used to hold that "the Arabs can't drink their oil." They still can't, but

a number of them have built up such huge monetary reserves that they could halt all oil sales and still keep their relatively small populations in drink, and food, for quite a while. Libya, for example, with a population of just over 2 million, had reserves of foreign currency and gold of $2.9 billion last year.

Another traditional saw was that for a boycott to work, every producing country had to join. Such was the case in 1967 when an attempted boycott of the United States failed. But now, even the restriction of exports by one major producer would put the world and United States energy situation in turmoil, according to John Lichtblau, of the Petroleum Industry Research Foundation.

Boycotts are crude weapons and, as Senator J. William Fulbright has warned, can invite retaliation. In a recent speech he said the United States might "come to the conclusion that military action is required to secure the oil resources of the Middle East, to secure our exposed jugular." The United States might avoid direct military intervention, he said, and leave the action to "militarily potent surrogates" such as Israel or Iran. The Nixon Administration was quick to deny such an intention, but in the Arab world the possibility is taken as real.

To avoid a direct confrontation, yet still exert pressure on Israel's Western supporters, some Arab leaders are discussing a more subtle squeeze; a deliberate restriction, or total stand-still, in the rate at which they have been expanding production. Dr. Nadim Pachachi, former secretary general of the Organization of Petroleum Exporting Countries (OPEC), the producers' bargaining group, said "In the present seller's market for crude oil, reinforced by the emergence of the United States as a large-scale importer of Arab oil . . . this would be quite sufficient to cause a world-wide supply crisis in a fairly short period of time."

He is probably right, but eventually the producing nations would face severe economic problems despite their reserves of gold and cash. Are the Arab leaders bitter enough about American support of Israel to accept such consequences?

Some of them—Libya's Colonel Qaddafi for one—undoubtedly are. The Libyan Government is officially seeking the immediate takeover of three larger oil companies, in addition to Bunker Hunt. Negotiations resumed last week between with the companies, Occidental; the Oasis group (Continental, Marathon, Amerada Hess and Shell); and the Amoseas group (Texaco and California Standard). Compensation—how the Libyans will pay for the installations they take over—is the sticking point.

The Libyans have offered payment equal to the net book value of the installations; the companies seek reimbursement equal to the cost of duplicating the installations today, a much higher figure. Bunker Hunt, like the others unable to reach agreement, has "blacklisted" or threatened to take court action against anyone dealing in oil extracted from its Libyan field before the dispute is settled.

There is no clear sign that other Arab nations are ready to follow Libya's lead; most experts are optimistic in believing that oil will not become a diplomatic weapon. Prof. Charles F. Stewart, of Columbia University's Graduate School of Business and a specialist in international economics, lists a number of factors that will limit the Arab militance. Among them: inter-Arab rivalries, such as that between Iraq and Libya; the fact that damage to the American economy would imperil the Arabs' huge holdings of American dollars; and the differing political inclinations of the various Arab and Moslem governments. Although such nations as Iraq are pro-Communist and hostile to the United States, Saudi Arabia and non-Arab Iran, key countries in providing future oil supplies, are conservative and friendly towards Washington. Even the Soviet Union, in a developing détente with the United States, could be a restraining influence on such states as Iraq and Syria.

But, the problem is not simple. Last week, King Faisal declared that Saudi Arabia would find it "difficult" to continue to cooperate with the United States if American support for Israel remains at its present level.

To the American motorist, newly aware that there is not an endless string of Texas oil wells at the other end of his filling station pump, Middle Eastern oil is a crucial commodity. And therefore, although it is also a risky commodity, some Americans are still prepared to venture their capital in getting Middle Eastern oil to American markets.

Ten days ago, Kidder, Peabody & Co., Bechtel Corp., and First National City Bank of New York announced a $400-million plan to build an oil pipeline in Egypt beside the Suez Canal, the tanker artery severed by the 1967 Arab-Israel war.

RETIREMENT OF JOHN KAMPS

Mr. MANSFIELD. Mr. President, last week one of the distinguished journalists of the Press Gallery, Mr. John Kamps, a former student of mine at the University of Montana, an outstanding reporter, and a man of impartiality and understanding, retired.

John Kamps will be missed not only on the basis of my personal and long-time friendship with him, but also because of the diligence and integrity with which he covered the States which were under his supervision.

I wish John well. I shall miss him, and I am sure that those of us from the West and from Alaska who have been under his wing, so to speak, will miss him.

In his retirement, I hope that he will have the opportunity to get in a little fishing, a little loafing, and a little rest. He has earned it.

ORDER OF BUSINESS

Mr. SCOTT of Pennsylvania. Mr. President, I shall not use my time this morning; I do not want to wake anybody up.

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 of not to exceed 30 minutes, with statements therein limited to 3 minutes each.

THE LEGISLATIVE SCHEDULE AHEAD

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader and myself, I wish to state that due to the fact that the Senate has a very heavy workload on the calendar—and there will be a sizable number of appropriation bills to consider—the Senate may look forward to the distinct possibility of Saturday sessions during the 4 weeks we shall be in session. The reason is that we will have to be on top of our work. Come August 3, 4, or 5, or thereabouts, we shall be taking 4 or 5 weeks off.

So I wish to serve notice, with the concurrence of the distinguished minority leader, that Senators should be in Washington, or close to Washington, prepared to face up to their responsibilities on a 6-day-a-week basis from now on.

Mr. SCOTT of Pennsylvania. Mr. President, I agree with what the distinguished majority leader has said.

PHASE IV—JUDGE IT ON SIX PRINCIPLES

Mr. PROXMIRE. Mr. President, the construction of phase IV is the single toughest domestic peacetime problem faced by the Government in years. It comes at a time where there has been a colossal increase in wholesale prices, heavy pressures on the economy, and shortages of both food and fuel at home. The increase in the demand for food is worldwide and in some industrial areas production is near or at capacity. The difficulty in erecting an effective phase IV cannot, therefore, be underestimated.

If phase IV is to succeed it must have the cooperation and approval of the American people. It must not only be vigorously enforced but must also be constructed on the right principles. In these circumstances I believe the program can be tested and judged by the following standards.

JUDGE IT BY THESE STANDARDS

First. Will it work? Will it be effective in holding down price increases and limiting inflationary wage increases? The loopholes, truckholes, and exceptions of phase III, which let almost everyone out from under the program, must be eliminated.

Second. Will it promote an abundance of supply and avoid shortages, especially of food and oil?

Third. Will it be equitable, favoring no group at the expense of all Americans? There must be no loopholes in phase IV which allow corporation executives, for example, to get 100- to 200-percent increases in salaries and bonuses while pay increases to workers in their plants are held to 5.5 percent or less. Last year, while phase II was in operation—and most people considered that to be relatively strict—executives of corporations on the average enjoyed the increases that were three times as high as that of the average worker.

Fourth. Will it promote longrun price and wage stability? If excessive wage or price increases are merely postponed, hitting in later this year, the program will be a failure.

Fifth. Will the program be designed to promote a return to an uncontrolled, free economy soon without disastrous problems of transition?

Sixth. Will the program allow us to improve our balance of trade and reduce our overseas deficits without causing shortages at home?

Some of these principles are contradictory, and obviously they are going to be enormously difficult to achieve. That is why I say it is going to take an effective program, carefully thought out, vigorously administered, and with full co-

operation and understanding on the part of the American people.

These principles can form the main basis for evaluating phase IV. These are the tests which I shall apply to the proposals of both the administration witnesses and outside economic experts when they appear before the Banking Committee 10 days from now, in the hearings we will hold on this matter.

QUORUM CALL

Mr. PROXMIRE. 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. PROXMIRE. 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.

SHARP INCREASE IN INFLATIONARY PRESSURES CALL FOR REDUCTION IN SPENDING CEILING BY AT LEAST $5 BILLION

Mr. PROXMIRE. Mr. President, in view of the colossal increase in interest rates and the sharp and alarming rise in wholesale prices announced Friday, the Government must reduce the $268.7 billion outlay ceiling by at least $5 billion.

WHOLESALE PRICES GOING THROUGH THE ROOF

We now face an entirely new ball game. The wholesale price index released Friday showed that from May to June on a seasonally adjusted annual basis:

The all-commodities wholesale price index rose 27.6 percent.

Farm products and processed foods and feeds rose 60 percent.

Industrial commodities rose 12 percent.

Consumer-finished goods rose 19.2 percent.

In normal years during the decade of the 1960's, the wholesale price index rose at a rate of only 1 to 2 percent per year. June was not just 1 bad month. The quarterly figures—April, May, and June, the 3-month period—were about as bad as was June. The wholesale price index—again on a seasonally adjusted annual basis—was up 23.4 percent. The industrial index was up 14.9 percent. Farm products and food and feed were up 43.2 percent. And consumer finished goods rose at a 15.9 percent rate.

INTEREST RATES UP, TOO

Interest rates have also risen faster and higher than anticipated. The new prime rate established by a number of banks last week was 8¼ percent and may go to 8½ percent shortly. The reason for this is that we have been relying almost entirely on monetary policy, holding down the money supply to fight inflation. It is not enough. We need to rely on controlling the big expansion in Government spending.

CAUSED BY THREE FACTORS

All of this has been caused by at least three major factors; namely, a weak and pusillanimous phase III; excessive Federal spending; and an undue reliance on tight money because of the failure to impose either a tough fiscal policy or tough controls to halt the inflation.

TWO ANSWERS—A TOUGH PHASE IV AND CUT SPENDING

The answer flows directly from these failures.

First, the situation reinforces the necessity for a no-nonsense, hard hitting, we-mean-business phase IV.

Second, Congress and the President must cut spending and impose a lower ceiling so that interest rates and monetary policy do not have to bear the anti-inflationary load all alone.

TIME TO ACT IS NOW

And the time to act is now. None of the major spending bills have yet passed Congress. And the two biggest ones, Defense and HEW could easily absorb the $5 billion cut in spending I propose.

A sharp, clear cut in spending of $5 billion now, first by imposing a $263 billion ceiling and second by slashing the big money bills, plus a tough phase IV, could have the kind of psychological effect this country needs to halt the inflationary spiral.

There is no economic justification for a prime interest rate between 8 and 8.5 percent or to have mortgage interest rates, including points, at the same level. This merely places the burden of fighting inflation on housing, small business, and State and local governments, none of which are the primary or even remote cause of the inflation.

A much better answer is to slash Federal spending and impose an effective phase IV.

It is time for the President of the United States and Congress to act.

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

Mr. PROXMIRE. I yield.

Mr. MANSFIELD. Mr. President, I am delighted that the distinguished Senator from Wisconsin, who knows much more than I do about economic matters, has seen fit to take the floor this morning to discuss the situation which confronts this Nation at this time.

The Senator has mentioned a $5 billion cut. I think that is very reasonable. I would hope that a cut could go a little bit deeper. One place where a cut could be made, in my opinion, is in the stationing of our troops and their dependents overseas. It is my understanding that as far as Germany is concerned, where the greatest proportion of our troops and their dependents are stationed, in less than 2 years, beause of the devaluation of the dollar, the costs have increased in excess of 30 percent. In other words, the dollar goes down and the costs go up.

It is my further understanding that from May 1972 to May 1973 the rate of inflation for that 12-month period was 5.5 percent, but this year, for the first half, if we continue at the present rate, the rate of inflation will be in excess of 9 percent.

This is a situation that has to be faced up to. Frankly, I do not know the economic facts and I have to depend on people with more intelligence and understanding of these matters, such as the distinguished Senator from Wisconsin, who now holds the floor, and some of his colleagues; but it appears to me that one of the ways we can bring about rectification of the situation is through reduction of Government expenditures below the President's budget request. May I say, incidentally, that Congress, in the first 4 years of the Nixon administration, reduced the President's budget requests by $20.3 billion, an average of a little over $5 billion a year. During that period the deficits which this Government piled up in the first 4 years of the present administration amounted to $104.2 billion. So something is sadly out of whack. Inflation is becoming rampant.

I would hope that phase IV would be a tough economic program. I was sorry, I might say, in passing, that phase II was abolished so abruptly when it was working so well. If we do not face up to our responsibilities, and that includes Congress as well as the executive branch, I fear this country is in for a recession, and it may well be only part of a worldwide recession.

I commend the distinguished Senator from Wisconsin and I hope he keeps on pounding away at this matter day after day. If something is not done, the dollar will continue to spiral, inflation will grow worse, and the result could be a recession leading to worldwide recession, and chaos, and we can afford neither one in this country at this time.

Mr. PROXMIRE. Mr. President, the majority leader has hit exactly the point on which I think we should be able at long, long last to get congressional action, when he talks about reducing spending by holding down spending on troops abroad, and particularly in Germany.

One of the most fascinating developments in the last week or so was the revelation that this year for the first time in many, many years this is not the richest country in the world.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, if the Chair will recognize me, I yield to the Senator from Wisconsin.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. I thank the Senator.

In all of my lifetime we have viewed our country proudly as being the richest in the world. That is no longer true. On the basis of some criteria, including per capita income, West Germany is today the richest country in the world, thanks to the devaluation of the dollar, the depreciation of the mark, and their remarkable economic progress in the last 20 years.

Under these circumstances, for us to bear this enormous burden of troops in Europe—which the majority leader pointed out is something on the order of an overall cost of $30 billion, and NATO's burden is $14 billion—and for us to continue to do so year after year when West Germany is a richer country than we are, does not make sense. This fact, which is so hard for us to understand and realize, will come home to the American people. Japan, too, will pass us in 2 or 3 years.

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

Mr. PROXMIRE. I yield.

Mr. MANSFIELD. Is it not true that just last week West Germany again revalued the deutsche mark upward?

Mr. PROXMIRE. The Senator is correct.

Mr. MANSFIELD. Does not that mean, then, that our costs have increased in West Germany as a result?

Mr. PROXMIRE. Yes. It increases the cost of everything we buy in Germany and the cost to supply our troops.

Mr. MANSFIELD. The ordinary GI finds it extremely difficult on his salary to cope with the economic situation which confronts him. In this country—according to the press, at least—some servicemen at certain military posts are on welfare while serving in the Armed Forces. Something in the way of a compensatory factor may have to be arrived at to give the enlisted men in Western Europe an even break.

Incidentally, I asked the Secretary of Defense some months ago at a meeting of the Subcommittee on Defense Appropriations how many general officers and admirals there are in Western Europe. I told him that my recollection was that the number was 123 about 3 years ago. He said he would supply the information. In going over the testimony week before last I found that at the present time we have 130 general officers and admirals in Western Europe. I just cite that fact for the RECORD.

Mr. PROXMIRE. I thank the distinguished majority leader.

The ACTING PRESIDENT pro tempore. The Senator's 3 minutes have expired.

Mr. PROXMIRE. I yield the floor.

ORDER OF BUSINESS

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

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

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

REMARKS OF HON. JAMES R. SCHLESINGER, SECRETARY OF DEFENSE

Mr. HARRY F. BYRD, JR. Mr. President, on Tuesday, July 3, the Hon. James R. Schlesinger assumed the duties of Secretary of Defense. On that occasion he made formal remarks to the Armed Services, and I ask unanimous consent that a copy of the remarks be inserted at this point in the RECORD.

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

REMARKS BY THE HONORABLE JAMES R. SCHLESINGER

On this occasion of formal welcome as Secretary of Defense many thoughts come to mind. I am duly awed by the responsibilities of the office to which the President has called me. I am deeply grateful for the support and encouragement generously given by all members of the Department of Defense. And for the first time as Secretary of Defense I have the privilege of saluting the men and women of our Armed Forces. The United States has called you to great and sometimes onerous duties, which you have unswervingly performed with dedication and skill. A rekindling of the public appreciation of that dedication is a task of high priority.

Our defense establishment exists for but one objective: to protect the national entity, its commitments and interests. Weapons systems, force structure, doctrine concern all of us deeply. Of vital importance is the effective use of resources. But as we contemplate the national entity in the present climate, we may recognize that these instruments are in some sense, secondary. So, let me take this occasion to speak to you about those larger matters that a Secretary of Defense does not normally have the opportunity to discuss.

At this point in our nation's history our social fabric is, sadly, somewhat frayed—reflecting the conflicts over the war in Southeast Asia as well as nagging domestic discontents. We in this Department draw our strength from a healthy and stable society. Restoration of a sense of national unity and purpose must therefore be our highest objective. Consequently, we should be aware of these deeper ailments—social and economic. Some of these stem from substantive imbalances in our society; some from a currently fashionable spirit of nihilistic individualism troubling all of our Western societies.

It is our high obligation to preserve for the future this nation—and to permit the continued flourishing of the free institutions and the social attitudes it represents. Exemplified within the Department of Defense are, I believe, some of those characteristics necessary to a restored sense of national unity and purpose. The members of this Department demonstrate the type of dedication on which the nation must draw. The Armed Forces historically have displayed the discipline and the pooling of effort for common purposes that serve as cure for self-centeredness and for individualism gone away. This example can assist us as our nation strives after a new—dare I use the term?—consensus.

Within the Department we shall be obliged to exhibit patience and self restraint. We must be prepared to accept adjustment and change. There are luxuries that we shall have to do without. There are apparent necessities which, in light of our budgetary restraints, we shall have to acquire more slowly than some would like. There are some aspects of Service parochialism which we shall have to discard—a parochialism, understandable and even defensible, in light of Service pride and the belief of each Service in itself as a separate mission-oriented organization. But we must temper this parochialism, while retaining Service pride and tradition, and subsume it within the broader mission of this nation's military establishment.

Our nation's military posture cannot depend upon atmospherics or the hoped-for goodwill and forbearance of potential foes. It must be based on a sober assessment of the risks and the military capabilities arrayed on the world scene—rather than on soothing words. A structure of peace—which we all ardently seek—requires the maintenance of a force structure which adequately reflects and maintains the military realities and the balance of political power.

This task requires a long term perspective—unperturbed by euphoria or despair. Logically and realistically this perspective should encompass the same time frame as the generation of peace for which we strive. It requires dedication to purpose, steadiness of effort and stability in attitude.

Let me assure you that I shall do my best to contribute to that stability and steadiness in this Department. I call on all of you for your best effort in the challenging period ahead.

Let us go forward with appreciation of our nation's destiny, with a renewed dedication to our mission, and with high hopes for the future and our own role in achieving this nation's common purposes.

ORDER OF BUSINESS

Mr. COTTON obtained the floor.

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

Mr. COTTON. I yield.

Mr. MANSFIELD. Mr. President, I want at this time to assign the time allotted to me on the bill to become the pending business at the conclusion of morning business to the distinguished Senator from New Hampshire (Mr. COTTON).

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

Mr. COTTON. I thank the majority leader. I merely wanted to ask unanimous consent that during the consideration of the airport transportation bill Mr. Arthur Pankopf and Mr. Malcolm Sterrett, of the staff of the Commerce Committee, be allowed the privilege of the floor during the consideration of the bill and the votes thereon.

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

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

Mr. COTTON. I yield.

Mr. SCOTT of Virginia. Mr. President, I ask unanimous consent that my assistant, Mr. Donald Musch, be also permitted the privilege of the floor during the same period.

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

Mr. HARRY F. BYRD, JR. Mr. President, if the Senator from New Hampshire will yield, I make the same request for Mr. John I. Brooks, of my staff.

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

Mr. BEALL. Mr. President, if the Senator will yield, I make the same request for Mr. David Markey, of my staff.

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

ORDER TO CONVENE AT 10 A.M. TUESDAY, WEDNESDAY, THURSDAY, FRIDAY, AND SATURDAY OF THIS WEEK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, and Tuesday, Wednesday, Thursday, and Friday, it stand in adjournment until the hour of 10 a.m. on the morning of Tuesday, Wednesday, Thursday, Friday, and Saturday, respectively.

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

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

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

Mr. CURTIS. 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.

ACTIVITIES ON CAPITOL GROUNDS ON JULY 4

Mr. CURTIS. Mr. President, the other day a letter came to my attention stating briefly the spirit of the "quiet majority" in the United States.

Through the media, we hear of many demonstrations being staged against the ideals and standards of our great country. One such "gathering" was held on the steps of our Capitol, July 4, 1973. The repercussions of this anti-American demonstration resulted in the blocking of numerous citizens from the Capitol grounds, the stealing of money designated for charity by the demonstrators from the fountain at the base of the Capitol, and the littering of the grounds which our taxpayer's money helps to maintain.

While not publicized, as the demonstrators were, I am heartened to know that there are young people who feel a great respect for our country and thus our Capitol grounds. These young people, quietly and without immediate praise, took it upon themselves to clean the litter left behind by the demonstrators. I am pleased that these young people were members of one of the many 4–H Clubs in the State of Nebraska. My sincere gratitude goes to these young citizens, and I feel that the actions of the Nebraska's 4–H'ers should be brought to the attention of my colleagues.

I wish to read a letter bearing on this matter:

JULY 5, 1973.

Senator CARL T. CURTIS,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR CURTIS: I am anxious that you and the people of your great state know of an event that happened on the steps of the U.S. Capitol last night, the 4th of July.

As people began to gather to watch the traditional fireworks a group of disruptors attempted to hold one of their anti-American "demonstrations" at the base of the Capitol. Park police handled the situation well and ran them off quickly, but in their wake was left the rubbish that one might expect from their likes.

Those of us that had come to celebrate the day numbered several thousand, but somehow our spirits had been dampened by the thought that such a display could take place in our own country and that such filth remained to litter the shrubs, the fountain, and the grounds of our Capitol.

While we all sat subdued and silent, a wonderful thing happened. Without any noise or showiness, a group of young people began to move to the area that had been left covered with rubbish. One by one, they picked up the papers, the rags, the boxes, the wire, and the like. One youngster quietly produced a trash can, others fished things out of the fountain, and then a second can was filed and carried away. Within a short time the entire area was clean and beautiful again.

While we all watched with heartfelt respect for the real youth of America they quietly moved back up to their spot on the Capitol steps. Everyone seemed to want to say Thank You to those young people, but no one knew quite how . . . until one of them led the way again. Under the grandeur of the Capitol dome as our flag shone in the evening spotlight one of them started to sing God Bless America. The singing spread quickly throughout the crowd and in seconds we were all on our feet deeply understanding the meaning of each word.

For all of us, the evening of July 4th, 1973, will have a special meaning. It was a moment that made us recognize the potential effect of the mob, but also was a moment of reassurance that America's young people, working more quietly and with more determination, will not let this nation suffer irreparable damage at the hands of those who want it destroyed.

It was truly a night of "rededication" thanks to a group of real Americans—the 4-H Club from Nebraska.

Sincerely,

JACK G. WILSON.

I yield back the remainder of my time.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 3 minutes.

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

ORDER FOR CONSIDERATION TOMORROW OF THE BILL TO PROVIDE AN ELECTED MAYOR AND CITY COUNCIL FOR THE DISTRICT OF COLUMBIA

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business on tomorrow, the Chair lay before the Senate, S. 1435, a bill to provide for an elected Mayor and City Council for the District of Columbia; that the unfinished business be then temporarily laid aside, and that it remain in a temporarily laid aside status until the disposition of S. 1435, or the close of business on tomorrow, whichever is the earlier.

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

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that, on June 30, 1973, he presented to the President of the United States the following enrolled bills and joint resolution:

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;

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;

S. 1972. An act to further amend the U.S. Information and Educational Exchange Act of 1948; and

S.J. Res. 128. Joint resolution to provide for an extension of certain laws relating to the payment of interest on time and savings deposits.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED AMENDMENT TO THE BUDGET, 1974, FOR THE COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT FOR THE CONDUCT OF FOREIGN POLICY (S. DOC. NO. 93–22)

A communication from the President of the United States, transmitting an amendment to the request for appropriations, for the fiscal year 1974, involving an increase in the amount of $1,100,000 for the Commission on the Organization of the Government for the Conduct of Foreign Policy (with an accompanying paper). Referred to the Committee on Appropriations and ordered to be printed.

PROPOSED AMENDMENTS TO THE BUDGET, 1974, FOR THE DEPARTMENTS OF AGRICULTURE AND COMMERCE (S. DOC. NO. 93–23)

A communication from the President of the United States, transmitting amendments to the requests for appropriations transmitted in the budget for the fiscal year 1974, in the amount of $1,628,000 for the Department of Agriculture, and $1,306,000 for the Department of Commerce (with accompanying papers). Referred to the Committee on Appropriations and ordered to be printed.

PROPOSED AMENDMENT TO THE BUDGET, 1974, FOR THE NATIONAL COMMISSION ON WATER QUALITY

A communication from the President of the United States, transmitting a budget amendment for fiscal year 1974 requested by the National Commission on Water Quality (with an accompanying paper). Referred to the Committee on Appropriations and ordered to be printed.

PROPOSED LEGISLATION RELATING TO ENERGY AND NATURAL RESOURCES

A communication from the President of the United States, transmitting a draft of proposed legislation to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Energy and Natural Resources, by reorganizing and consolidating others in a new Energy Research and Development Administration, and for other purposes (with accompanying papers). Referred to the Committee on Government Operations.

INTERIM REPORT ON 1973 SCHOOL FOOD SERVICE EQUIPMENT SURVEY

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, an interim report on 1973 school food service equipment survey (with an accompanying report). Referred to the Committee on Agriculture and Forestry.

REPORT ON THE FEDERAL PLAN FOR METEOROLOGICAL SERVICES AND SUPPORTING RESEARCH

A letter from the Associate Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on the Federal plan for meteorological services and supporting research, fiscal year 1974 (with an accompanying report). Referred to the Committee on Appropriations.

PROPOSED LEGISLATION FROM DEPARTMENT OF THE NAVY

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to permit officers of certain foreign navies to serve aboard vessels of the U.S. Navy (with an accompanying paper). Referred to the Committee on Armed Services.

REPORT OF NATIONAL TOURISM RESOURCES REVIEW COMMISSION

A letter from the Chairman, National Tourism Resources Review Commission, transmitting, pursuant to law, a report of that Commission (with an accompanying report). Referred to the Committee on Commerce.

REPORT OF NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the Vice President, Public and Government Affairs, National Railroad Passenger Corporation (Amtrak), transmitting, pursuant to law, a report of that Corporation, for the month of March 1973 (with an accompanying report). Referred to the Committee on Commerce.

REPORT ON MARINE MAMMAL SPECIES AND POPULATION STOCKS

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on the current status of all marine mammal species and population stocks for which the Department of the Interior has responsibility (with an accompanying report). Referred to the Committee on Commerce.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Progress and Problems in Achieving Objectives of School Lunch Program," Food and Nutrition Service, Department of Agriculture, dated June 29, 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 "Potential for Greater Consolidation of the Maintenance Workload in the Military Services," Department of Defense, dated July 6, 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 "Reduced Requirements for Modular Electronic Equipment for Aircraft," Department of the Air Force, dated July 3, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

WESTERN U.S. WATER PLAN

A letter from the Secretary of the Interior, transmitting, pursuant to law, the 1973 Progress Report on the Western U.S. Water Plan (with an accompanying report). Referred to the Committee on Interior and Insular Affairs.

CONCESSION PERMIT AT COLONIAL NATIONAL HISTORICAL PARK, YORKTOWN, VA.

A letter from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, a proposed concession permit at the Colonial National Historical Park, Yorktown, Va., (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

ENVIRONMENTAL IMPACT STATEMENTS FOR LEGISLATIVE PROPOSALS

A letter from the Acting Administrator of the Environmental Protection Agency transmitting, pursuant to law, environmental impact statements for four legislative proposals (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

REPORT OF THE PACIFIC TROPICAL BOTANICAL GARDEN

A letter from the Counsel to the Pacific Tropical Botanical Garden transmitting, pursuant to law, the annual report of audit for the year ending December 31, 1972 (with an accompanying report.) Referred to the Committee on the Judiciary.

REPORT OF CIVIL AIR PATROL

A letter from the Chairman, National Board, Civil Air Patrol, transmitting, pursuant to law, a report of that organization, for calendar year 1972 (with an accompanying report). Referred to the Committee on the Judiciary.

REPORT OF THE NATIONAL COUNCIL ON RADIATION PROTECTION AND MEASUREMENTS

A letter from the General Counsel for the National Council on Radiation Protection and Measurements transmitting, pursuant to law, a report entitled "National Council on Radiation Protection and Measurements—Report on Examination of Accounts, December 31, 1972" (with an accompanying report). Referred to the Committee on the Judiciary.

ORDERS SUSPENDING DEPORTATION

A letter from the Acting Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, copies of orders suspending deportation (with accompanying papers). Referred to the Committee on the Judiciary.

REPORTS CONCERNING VISA PETITIONS

A letter from the Acting Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, reports concerning visa petitions which have been approved (with accompanying papers). Referred to the Committee on the Judiciary.

REPORT OF THE EQUAL EMPLOYMENT OPPORTUNITY COORDINATING COUNCIL

A letter from the Equal Employment Opportunity Council, pursuant to law, in the nature of a report on the activities of the Council during the fiscal year ending June 30, 1973. Referred to the Committee on Labor and Public Welfare.

NORFOLK, VA., PUBLIC HEALTH SERVICE HOSPITAL

A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, the specific plan for the Public Health Service hospital at Norfolk, Va. (with accompanying papers). Referred to the Committee on Labor and Public Welfare.

REPORT OF THE ENVIRONMENTAL PROTECTION AGENCY

A letter from the Acting Administrator of the Environmental Protection Agency transmitting, pursuant to law, a report concerning the development of systems necessary to implement the motor vehicle emission standards (with accompanying papers). Referred to the Committee on Public Works.

REPORT OF THE ENVIRONMENTAL PROTECTION AGENCY

A letter from the Acting Administrator of the Environmental Protection Agency transmitting, pursuant to law, a report and plan for the creation of a system of national disposal sites for the storage and disposal of hazardous wastes (with accompanying papers). Referred to the Committee on Public Works.

RENEWAL OF LEASEHOLD INTEREST

A letter from the Acting Administrator of the General Services Administration transmitting, pursuant to law, a prospectus which proposes renewal of the leasehold interest at 120 Church Street, New York, N.Y. (with accompanying papers). Referred to the Committee on Public Works.

LIQUID METAL FAST BREEDER REACTOR DEMONSTRATION PROJECT

A letter from the Chairman of the Atomic Energy Commission transmitting proposed legislation relating to the liquid metal fast breeder reactor demonstration project (with accompanying papers). Referred to the Joint Committee on Atomic Energy.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

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

"ASSEMBLY JOINT RESOLUTION No. 8

"Relative to flood protection studies

"Whereas, The flooding of Brannan-Andrus Island during June 1972 resulted in the inundation of the town of Isleton, causing substantial damage and disruption of essential services; and

"Whereas, The town of Isleton is subject to similar flooding at any time in the event of failure of a nonproject levee on Brannan-Andrus Island; and

"Whereas, A levee constructed to project grade and section between the project levee of the Sacramento River and the project levee of Georgiana Slough would protect the town of Isleton and increase flood protection; and

"Whereas, The Army Corps of Engineers is currently authorized to study flood problems of the Sacramento-San Joaquin Delta by Senate Public Works Committee Resolution of June 1, 1948 and by Section 205 of the 1950 Flood Control Act, although no funds are provided for such studies in the President's Budget for fiscal year 1973–74; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Senate and House Committees on Appropriations to augment the 1973–74 budget of the Army Corps of Engineers in an amount determined by their capability for the resumption of the currently authorized Sacramento-San Joaquin Delta sudy, with the view to determining if additional flood protection can be provided for the town of Isleton; and be it further

"Resolved, That such study be undertaken in coordination with the Delta Multiple-Purpose Levee Study now being carried out by the Department of Water Resources of the State of California pursuant to Senate Concurrent Resolution No. 151 of the 1969 Regular Session; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Chief of the Army Corps of Engineers, to the Speaker of the House of Representatives, to the Chairmen of the Senate and House Committees on Appropriations, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California. Referred to the Committeen on Armed Services:

"ASSEMBLY JOINT RESOLUTION No. 46

"Relative to military cutbacks affecting the employment of United States citizens

"Whereas, The recent cutback by the Department of Defense of military installations throughout the United States will leave thousands of civilian workers jobless; and

"Whereas, The present state of unemployment in the United States and California is excessive by any standard of measurement; and

"Whereas, The above-mentioned cutbacks will aggravate an already critical unemployment situation; and

"Whereas, For years, the Joint Committee on Economic Conversion of the California Legislature has urged the federal government to develop a comprehensive plan for minimizing the adverse effects of military cutbacks; and

"Whereas, The California Legislature passed Assembly Joint Resolution No. 30, Resolution Chapter 270 of 1971, which urged a "Defense Employees Bill of Rights Program" for defense employees laid off as a result of Department of Defense action; now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to enact a moratorium on all Department of Defense

military cutbacks affecting employment of United States citizens, until such time as a conversion plan guaranteeing suitable reemployment for the affected employees is completed; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice-President of the United States, 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 Texas Mass Transportation Commission, Austin, Tex., relating to public mass transportation. Referred to the Committee on Commerce.

A resolution adopted by the American Lutheran Church, South Pacific District, Los Angeles, Calif., praying for a conditional amnesty for war objectors. Referred to the Committee on the Judiciary.

A resolution adopted by the American Federation of Musicians of the United States and Canada, endorsing the national health security bill. Referred to the Committee on Labor and Public Welfare.

A resolution adopted by the Borough Assembly of the Greater Anchorage Area Borough, Alaska, praying for the enactment of S. 1305, establishing a National Cemetery at Fort Richardson, Alaska. Referred to the Committee on Veterans' Affairs.

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

S. 2124. A bill to amend the National Labor Relations Act and the Railway Labor Act so as to provide for the certification of representatives only upon vote by secret ballot of 50 percent of employees entitled to vote in the election, and require that employees voting in such elections be afforded an opportunity to vote against representation by any individual or organization. Referred to the Committee on Labor and Public Welfare.

By Mr. DOMENICI:

S. 2125. A bill to amend the act entitled "An act granting land to the city of Albuquerque for public purposes," approved June 9, 1906. Referred to the Committee on Interior and Insular Affairs.

By Mr. EAGLETON (for himself and Mr. INOUYE):

S. 2126. A bill to improve educational quality through the effective utilization of educational technology. Referred to the Committee on Labor and Public Welfare.

By Mr. MONDALE:

S. 2127. A bill for the relief of Mrs. Cecile Dutchin;

S. 2128. A bill for the relief of Donald Christian;

S. 2129. A bill for the relief of Hiroshi Sato; and

S. 2130. A bill for the relief of Yukio Ichikawa. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 2124. A bill to amend the National Labor Relations Act and the Railway Labor Act so as to provide for the certification of representatives only upon vote by secret ballot of 50 percent of employees entitled to vote in the election, and to require that employees voting in such elections be afforded an opportunity to vote against representation by any individual or organization. Referred to the Committee on Labor and Public Welfare.

Mr. DOMINICK. Mr. President, I introduce, on behalf of myself, Mr. BENNETT, Mr. FANNIN, Mr. THURMOND, and Mr. TOWER, for appropriate reference, a bill to amend the National Labor Relations Act and the Railway Labor Act so as to provide for the certification of collective bargaining representatives only upon vote by secret ballot of 50 percent of employees entitled to vote in the election, and to require that employees voting in such elections be afforded an opportunity to vote against representation by an individual or organization.

During the past 38 years much effective and beneficial labor legislation has been enacted. Original labor legislation curtailed the powers and abuses of management by strengthening labor's position through effective labor union machinery. Strengthened labor unions provided sufficient protection from management abuses but created an environment where labor union domination led to union abuse of the workers. Later legislation, principally the Labor Management Reporting and Disclosure Act of 1959, sought to rectify this imbalance by specifically protecting various individual rights from union abuse. The 1959 act was effective but it failed to protect some inviolable individual rights. One such right left unprotected was the democratic principle of majority rule.

One of the important factors in the collective bargaining process is the choice of the union which is to be the exclusive bargaining agent for the whole unit. The present status of labor law is such that a majority of the workers can choose the exclusive bargaining agent. Today, the National Labor Relations Board will recognize a union as the exclusive bargaining agent for a unit if such union presents authorization cards signed by a substantial number of the unit laborers. Certification elections are won by a majority of those voting rather than a majority of the unit. There is no requirement regarding minimum participation in the election by eligible employess.

This bill eliminates such questionable practices by requiring that an election be held in every contest for union representation, thus eliminating the authorization card technique.

It also provides that in order for a union to be certified by the NLRB, at least 50 percent of the employees eligible to vote must participate in the election, and the union must have received a majority of the ballots cast. In the event that a majority preference for a specific union or nonrepresentation is not evinced, then a runoff election will be held in order to determine the final choice of the employees. Finally, the bill requires that each ballot specifically provide a choice for "no union representation," thus making clear to the employee that he does have a choice.

Mr. President, this bill simply guarantees workers the same election rights that all the rest of us take for granted.

By Mr. DOMENICI:

S. 2125. A bill to amend the act entitled "An act granting land to the city of Albuquerque for public purposes," approved June 9, 1906. Referred to the Committee on Interior and Insular Affairs.

Mr. DOMENICI. Mr. President, I introduce for appropriate reference a bill to amend the act entitled "An act granting land to the city of Albuquerque for public purposes," approved June 9, 1906.

This bill is similar to legislation which was introduced in the Senate during the 91st Congress. Unfortunately, no action was taken on the proposal.

The need for this amendatory legislation is now even more urgent because the city has recently condemned 8.42 acres adjacent to Old Town for a park to serve the area and the funds to be received from the sale of the unused land would be needed and would be applied to defray a portion of the cost of acquisition and construction of Old Town Park.

Mr. President, I ask unanimous consent that a letter which I received from Louis E. Saavedra, chairman, City Commission, City of Albuquerque, and the accompanying documentation requesting that this bill be introduced be inserted in the RECORD at this point.

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

CITY OF ALBUQUERQUE,
Albuquerque, N. Mex., June 25, 1973.

Hon. PETE V. DOMENICI,
U.S. Senator, New Senate Office Building, Washington, D.C.

Re Request for reintroduction of S. 4214—a bill introduced by Senator Anderson on August 11, 1970.

References: Chapter 2064, 59th Congress, 1st Session, Public Law 213, 34 Stat. 277 approved June 9, 1906; Land Patent Number 444176, dated November 23, 1914; and Chapter 717, 81st Congress, 2d Session, Public Law 695, 64 Stat. 448–449, approved August 16, 1950.

DEAR SENATOR DOMENICI: As you know, the land area comprising Los Altos Park and golf course is a portion of 640 acres of land conveyed to the City by Act of Congress limited to use as a "park and other public purposes."

In 1906 the Congress enacted Public Law 213, Chapter 3064 (34 Stat. 227), approved June 9, 1906 (attachment "A") which provided for the issuance of a Patent to the City of Albuquerque for the South Half, Section 17 and the North half, Section 20, Township 10 North, of Range 4 east, NMPM, containing 640 acres, upon the payment of $1.25 per acre, said land to be used for park and other public purposes only, and to revert to the United States "whenever it shall not be used for the purposes mentioned." Pursuant to this Act, full payment having been made by the City, the President, on November 23, 1914, issued to the City his patent for the above-described land, with the reversionary clause contained in the Act. (attachment "B")

In 1950, the 81st Congress passed at City's request, Public Law 695, Chapter 717, approved August 16, 1950, 64 Stat. 448, which amended the above-cited Act of June 9, 1906, by adding a Section 2 entitled "Conveyance." This amendment authorized the City

of Albuquerque to convey without restriction as to use, one-half (320 acres) of the land conveyed by the patent, provided that the proceeds derived from such sales *be used for construction of a public auditorium.* (emphasis supplied)—(attachment "C")

Pursuant to authority contained in the Act of August 16, 1950, supra, the City Commission, on September 5, 1950, approved for filing with the Clerk, Bernalillo County, New Mexico, a plat of an area included in and part of the patented lands. This area was designated "Mesa Village Addition" and contained within its exterior boundaries 327.0986 acres (attachments "D" and "E"). This area was divided into 44 blocks, numbered 1 through 44 inclusive, said blocks did not include any of the areas set aside for public streets, alleys and necessary utility easements. The plat "Mesa Village Addition" was filed for record with the County Clerk, Bernalillo County on October 10, 1950. Of the blocks shown on the plat, Block 35 containing 22.114 acres was reserved for Public School and Park purposes and Block 28, containing 1.3533 acres, was reserved for park purposes. On February 10, 1961, Block 35 was conveyed to the Board of Education of the City of Albuquerque for public school purposes. Block 28 was made into a public park and is still used as a public park. On November 15, and 16, 1950, the remaining 42 blocks, containing a total of 205.5485 acres (attachment "D"), were sold at public auction to the highest bidders, as required by law. Proceeds of the sale were used to pay a portion of the cost of construction of the Civic Auditorium. On May 8, 1961, in Cause No. 77938, District Court, Bernalillo County, New Mexico, entitled State of New Mexico, ex rel, State Highway Commission vs. City of Albuquerque, the State obtained a judgment in an eminent domain proceeding in which the State took 40.533 acres of said land for the public purpose of constructing a portion of Interstate Highway 40 through the City of Albuquerque. (attachment "F"). Of the remaining acreage of the patented land, 20.10 acres is under lease to the Department of the Army at $1.00 per year and 16.71 acres is under lease to the New Mexico National Guard at $1.00 per year, all for public governmental purposes—to wit—military training (attachments "H"). The rest is all devoted to park areas and public roads, except 11.841 acres, which on July 30, 1969, was sold on bid to Import Motors Profit Sharing Trust. The funds derived from this sale were used for partial retirement of the bond issue for construction of the Civic Auditorium and to repay the general fund for money used from that account for prior retirement of Auditorium bonds in accordance with an opinion rendered by the Solicitor of the Department of the Interior. (attachment "I"). The corner area at Wyoming and Lomas across from Richardson Ford, and some other small portions, because of their small size and geographical location cannot possibly be put to public use. Accordingly, these remaining small parcels should be sold and the proceeds used for the purchase of other lands for park purposes. Our real estate office is of the opinion that these parcels would sell for about $250,000.

Since the City has not yet sold 320 acres as authorized by Public Law 695, there is no question but the City can sell these remaining parcels without restriction as to *use* under authority contained in the present statute. However, a problem has arisen as to the *application of the proceeds.*

The contract for construction of the Albuquerque Civic Auditorium was awarded by the City on August 23, 1955. The contract price was paid from the proceeds of a bond issue which has all been now retired except for a small remainder which as of July 1, 1973, will be $15,000 plus interest. The funds the City has thus far received from the sale, and condemnation of parcels of the land concerned was used in retirement of a portion of the auditorium bond issue.

The City has now reached the point where the proceeds from the sale of the parcels mentioned above cannot be used for construction of a public auditorium as required by the Act of August 16, 1950 (64 Stat. 448).

In 1970 and 1971, Senator Anderson and Congressman Lujan introduced companion bills amending the Act of August 16, 1950, to permit the City to sell the unused land and devote the proceeds to the acquisition of lands to be used for park purposes. Neither bill was enacted into law. It was a condition, suggested by Senator Anderson, and wholly agreeable to the City, that the proceeds be applied to acquiring parks only. The need for the amendatory legislation is now more urgent because the City has recently condemned 8.42 acres adjacent to Old Town for a park to serve the area and the funds to be received from the sale of the unused land would be needed and would be applied to defray a portion of the cost of acquisition and construction of Old Town Park. The appraised value of the land required is $550,000.

Accordingly, it is respectfully requested that you reintroduce S. 4214, a copy of which is enclosed, along with a copy of H.R. 4738, and do what you can toward securing its passage this session. A similar request is being made of Representative Lujan.

Very truly yours,

LOUIS E. SAAVEDRA,
Chairman, City Commission.

[Fifty-Ninth Congress, Sess. I, Chs. 3064, 3065. 1906.]

JUNE 9, 1906. [H.R. 18333.] [PUBLIC No. 213.]

Chap. 3064.—An act Granting land to the City of Albuquerque for public purposes.

PUBLIC LANDS. GRANT TO ALBUQUERQUE, N. MEX., FOR PARK, ETC.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a patent shall be, and hereby is, authorized to be issued to the City of Albuquerque, in the county of Bernalillo, Territory of New Mexico, for south half of section seventeen and north half of section twenty, in township ten north, of range four east, New Mexico principal meridian, containing six hundred and forty acres, more or less, upon the payment of one dollar and twenty-five cents per acre therefor, and upon the submission of due proof of the incorporation of said city, said land to be used for park and other public purposes only, and the patent to contain the provision that the land shall revert to the United States whenever it shall not be used for the purposes mentioned in this Act.

Approved, June 9, 1906.

[Patent. Dec. 1, 1914, Santa Fe 021141]

UNITED STATES OF AMERICA TO CITY OF ALBUQUERQUE

Whereas, a Certificate of the Register of the Land Office at Santa Fe, New Mexico, has been deposited in the General Land Office, whereby it appears that, according to the provisions of the Act of Congress approved June 9, 1906, entitled "An Act granting land to the City of Albuquerque for public purposes," full payment has been made by the City of Albuquerque, Bernalillo County, New Mexico, for the south Half of Section seventeen and the north half of Section twenty in Township ten north of Range four east of the New Mexico Meridian, New Mexico, containing six hundred forty acres, according to the Official Plat of the survey of the said Land, returned to the General Land Office by the Surveyor-General:

Now know ye, That the United States of America, in consideration of the premises and in conformity with the said Act of Congress of June 9, 1906, has given and granted, and by these presents does give and grant, unto the said City of Albuquerque, the land above described to have and to hold the same, together with all the right, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said City of Albuquerque, and to its successors forever: *Provided,* That said land shall revert to the United States whenever it shall not be used for the purposes mentioned in said Act.

In testimony whereof, I, Woodrow Wilson, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed. Given under my hand, at the City of Washington, the twenty-third day of November in the year of our Lord one thousand nine hundred and fourteen and of the Independence of the United States the one hundred and thirty-ninth.

By the President:

WOODROW WILSON
By M. P. LE ROY,
Secretary.

[August 16, 1950 [S. 3584] [Public Law 695]]

AN ACT TO AMEND THE ACT OF JUNE 9, 1906 (34 STAT. 227), ENTITLED "AN ACT GRANTING LAND TO THE CITY OF ALBUQUERQUE FOR PUBLIC PURPOSES"

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved June 9, 1906 (34 Stat. 227), entitled "An Act granting land to the city of Albuquerque for public purposes", is hereby amended by adding thereto the following:

CONVEYANCE

"SEC. 2. The city of Albuquerque is authorized to convey, without restrictions as to use, not to exceed one-half of the acreage patented under this Act: *Provided, however,* That all the proceeds derived from such sale or sales shall be used for the construction of a public auditorium, erected either under the sole sponsorship of the city of Albuquerque or, if located upon land owned by the University of New Mexico, as a joint project with that university."

Approved August 16, 1950.

AFFIDAVIT

STATE OF NEW MEXICO—COUNTY OF BERNALILLO

Comes now Gisele Gatignol, clerk of the City of Albuquerque, New Mexico and states:

1. That she is the duly appointed, qualified and acting clerk of the City of Albuquerque, New Mexico, a municipal corporation organized and existing under and by virtue of the laws of the State of New Mexico. That as municipal clerk, in accordance with the duties imposed upon her office by Section 14–12–1 N.M.S.A. 1953 as amended, she is responsible for, and is the official custodian of all the records of the City Commission, the governing body of the City of Aubuquerque, including the minutes, ordinances, resolutions, orders, acts and all other official pronouncements of the City Commission. That pursuant to law she has in her custody the original transcript of all minutes, proceedings, ordinances, resolutions, and orders had and adopted by the City Commission with respect to the sale, gift, conveyance or other type of alienation affecting the lands comprising the South ½ of section 17 and the North ½ of section 20, townships 10 North, range E East NMPM, which lands were patented to the City of Albuquerque by the United States of America on November 23, 1914, to be used for parks and other public purposes.

2. That she has examined all the records of the City of Albuquerque pertaining to the above described lands received from the United States and the records in her office disclose the following:

A. The south half of section seventeen and the north half of section twenty, township

ten north of range four east of New Mexico meridian, New Mexico, containing six hundred forty acres, was conveyed to the City of Albuquerque for public purposes by patent number 444176, issued by the President of the United States on November 23rd, 1914, pursuant to an act of Congress (34 stat. 227), said patent having been duly recorded in the land records of Bernalillo County, New Mexico on February 8, 1918.

B. That pursuant to an act of Congress, (64 stat. 448) approved August 16, 1950, the City of Albuquerque was authorized to convey without restriction as to use, one half or 320 acres of the lands conveyed by the above mentioned patent. That pursuant to this authorization the City Commission on September 5, 1950, approved for filing with the County Clerk a plat design drawn by Ross Beyer Engineers of an area included within the lands conveyed by the United States.

C. That said area was designated as Mesa Village Addition and contained within its exterior boundaries 327.0986 acres of land. That the area within the addition set aside for sale was divided into 44 blocks, numbered one through forty four inclusive. That in addition to the blocks shown on the plat an area 130 feet wide was reserved for right of way for Las Lomas Boulevard from Wyoming East to Eubank and other areas were designated for necessary easements, streets and other public ways. That the plat filed for record October 10, 1950.

D. That on October 17, 1950, the City Commission by resolution imposed certain restrictions, designated protective covenants on the use of land in the Mesa Village addition. Included in the restrictions were the following reservations:

Block 35 was reserved for Public Schools and Public Park purposes

Block 28 was reserved for public park purposes

That portion of block 25 north of the drainage easement was reserved for public park purposes.

E. On October 31, 1950, the City Commission authorized the advertising of the lands of Mesa Village for sale and on November 15 and 16, 1950 the blocks shown on the plat, except those reserved for school and park purposes were sold at auction to the highest bidders. The results of the sale were approved and confirmed by the City Commission on November 21, 1950.

F. That on January 5, 1955, the City Commission amended the restrictions on the use of certain blocks of the addition to read as follows:

"That portion of block 4 easterly of the alley and that portion of block 43 westerly of the alley and that portion of block 25 northerly of the drainage easement, shall be used for business, institutional or public purposes only.", and the drainage easement shall be used for park or play ground purposes." shall be corrected to read as follows: "Block 28 shall be used for park or playground purposes." That this amendment was filed with the County Clerk for record on January 10, 1955.

G. That on February 10, 1961, the City of Albuquerque conveyed to the Board of Education of the City of Albuquerque all of block 35 of the Mesa Village addition containing 22.114 acres.

H. That on March 21, 1950, the city leased to the United States of America for a period of fifty years, a tract of land containing 10 acres, located at the intersection of Wyoming Boulevard and Copper Avenue, formerly known as Jemez Road, for the construction of an armory and other Governmental purposes. This tract is a portion of the lands patented by the United States to the City of Albuquerque. That on August 11, 1952, by supplemental agreement to said lease, the area covered by the lease was enlarged to an area containing 50 acres, all to be used for governmental purposes.

I. That on March 26, 1963, the lease to the United States was, with the consent of the United States, further supplemented as follows:

1. A license to occupy a small tract consisting of 0.1102 acre within the area leased to the government was given to Public Service Company of New Mexico for the purpose of installing a 5000 K V A substation.

2. The term of the lease to the government was extended to June 30, 2062.

3. The area leased to the government was reduced from 50 acres to 20.10 acres so that a parcel of the area could be used by the State of New Mexico for National Guard purposes.

J. That on March 26, 1963, the City leased to the State Armory Board, New Mexico National Guard, for a term of 99 years a tract of land containing 16.71 acres for the erection of a National Guard Armory and other National Guard functions. This tract being a portion of that land originally leased to the United States.

K. That on May 8, 1961, the State of New Mexico obtained a decree of condemnation in the case of State ex rel State Highway Commission vs. City of Albuquerque, being Cause No. 77938, District Court of Bernalillo County, in which six parcels of the patented land having a total area of 40.533 acres were condemned for public use in the construction of Interstate Highway 40.

L. That on August 20, 1969, the City sold by bid, 11.841 acres to Imported Motors Profit Sharing Trust.

That the above cited transactions pertaining to the lands patented to the City by the United States, constitute a summary of all the records on file in the office of the Municipal Clerk with respect to sales, leases and condemnations affecting said lands.

GISELE GATIGNOL,
City Clerk,
City of Albuquerque.

CITY OF ALBUQUERQUE,
Albuquerque, N. Mex., May 16, 1969.

To: Thomas J. McMahon, Assistant City Attorney.

Subject: Area of Mesa Village Addition.

Please be advised that a computer run of acreages in the Mesa Village Addition has been completed by the Design Section of the Engineering Division, under the direct supervision of the Assistant City Engineer-Design, with the following results:

Overall area of the Mesa Village Add. based on the exterior boundaries of the plat, as filed on October 10, 1950. 327.0986 Acres.

Total Area of all blocks and parcels, excluding public streets, alleys, easements and other public areas within the Mesa Village Addition, as existed on May 14, 1969, which includes all replats and changes since the original plat was filed. 205. 5485 Acres.

Remaining acreage (streets, alleys, easements, schools and other public areas). 121.-5501 Acres.

WILLIAM T. STEVENS,
City Engineer.

[In the district court of the Second Judicial District sitting within and for Bernalillo County, N. Mex., No. 77,938]

STATE OF NEW MEXICO, EX REL STATE HIGHWAY COMMISSION OF NEW MEXICO, PETITIONER, VS. CITY OF ALBUQUERQUE, NEW MEXICO, A MUNICIPAL CORPORATION, AND THE CITY COMMISSION OF THE CITY OF ALBUQUERQUE, NEW MEXICO, DEFENDANTS

SUBSTITUTE JUDGMENT

This cause coming on to be heard before the Court for entry of judgment in the above-entitled cause in lieu of judgment heretofore entered on March 13, 1961, and the Court being fully advised in the premises finds that the judgment heretofore entered did not describe the properties condemned and that a judgment should issue to replace the judgment heretofore entered.

Judgment be and the same is hereby rendered against the Petitioner and for the Defendants for the taking of all tracts as described in the First Amended Petition and for all damage to the remaining land as follows:

B-14-1	$600.00
B-14-2	261,885.00
B-14-2A	37.00
B-14-2B	120.00
B-14-3	33,835.90

The Court finds that the severance of Tract B-14-3-Q, as described in the First Amended Answer, will render this tract worthless to the defendants and, therefore, assesses the damages to this tract at the full market value of $7,519.30.

It is ordered by the Court that the lands and premises, as described herein by tract number, all owned by Defendant herein. to-wit:

B-14-1 ---------- Estate: Fee simple

CITY OF ALBUQUERQUE, N. MEX.

(B-14-1) A certain tract or parcel of land, lying and being situate in Tract 4 of the Municipal Addition No. 2 to the City of Albuquerque, County of Bernalillo, State of New Mexico, being more particularly bounded and described as follows, to-wit:

Beginning at a point on the northerly line of Tract 4 distant 3691.39 feet easterly from the northwesterly corner of said Tract 4; thence easterly along said northerly line a distance of 273.40 feet; thence S. 0° 23′ W. a distance of 273.40 feet; thence S. 0° 23′ W. a distance of 25 feet; thence westerly on a 3.801° curve (radius=1507.5 feet) thru an arc of 10° 26′ 58″ to the right a distance of 274.91 feet to the point and place of beginning. Containing 0.080 of an acre, more or less.

B-14-2 ---------- Estate: Fee simple

(B-14-2) A certain tract or parcel of land, lying and being situate in Tracts 1 and 4 of the Municipal Addition No. 2 to the City of Albuquerque, County of Bernalillo, State of New Mexico, being more particularly bounded and described as follows, to-wit:

Beginning at a point for the northwesterly corner of Tract 4; thence easterly along the northerly line of said Tract 4 a distance of 1454.69 feet to the true point and place of beginning; thence continuing easterly along said northerly line a distance of 1753.45 feet to a point on curve; thence southerly on an 11.506° curve (radius=498 feet) thru an arc of 57° 29′ 36″ to the left a distance of 499.68 feet to a point of tangent; thence S. 61° 01′ E. a distance of 353.36 feet; thence S. 65° 01′ E. a distance of 815.92 feet; thence N. 85° 47′ 49″ E. a distance of 894.50 feet; thence N. 8° 28′ 53″ E. a distance of 507.17 feet to a point on the easterly line of Tract 4; thence southerly along said easterly line a distance of 2,000 feet; thence N. 9° 13′ 48″ W. a distance of 605.99 feet; thence N. 48° 56′ 26″ W. a distance of 1084.03 feet; thence N. 65° 01′ W. a distance of 1880.96 feet to a point of curve; thence westerly on a 4° 00′ curve (radius=1432.5 feet) thru en arc of 24° 36′ to the left a distance of 615.0 feet to a point of tangent; thence N. 89° 37′ W. a distance of 654.01 feet; thence N. 0° 23′ E. a distance of 226.68 feet to the true point and place of beginning. Containing 34.918 acres, more or less.

B-14-2A ---------- Estate: Fee simple

(B-14-2A) A certain tract or parcel of land, lying and being situate in Tract 4 of the Municipal Addition No. 2 in the City of Albuquerque, County of Bernalillo, State of New Mexico, being more particularly bounded and described as follows, to-wit:

Beginning at a point for the northwesterly corner of Section 20, T. 10 N., R. 4 E., NMPM, County of Bernalillo, State of New Mexico, thence easterly along the northerly line of said Section 20 a distance of 2181.6 feet to a point in the median center line of NMP I–040–3(1)160, County of Bernalillo, State of New Mexico; thence S. 65° 01′ E. along said median center line a distance of 1768.8 feet; thence S. 24° 59′ W. a distance of 125.0 feet to a point on the southerly right of way line of NMP I–040–3(1)160, and the true point and place of beginning; thence S. 65° 01′ E. along said right of way line a distance of 20 feet; thence S. 24° 59′ W. a distance of 12 feet; thence N. 65° 61′ W. a distance of 20 feet; thence N. 24° 59′ E. a distance of 12 feet to the true point and place of beginning. Containing 0.005 of an acre, more or less.

B–14–2B----------Estate: Fee simple

B–14–2B) ALSO, a certain tract or parcel of land, lying and being situated in Tract 4 of the Municipal Addition No. 2, in the City of Albuquerque, County of Bernalillo, State of New Mexico, being more particularly bounded and described as follows, to-wit:

Beginning at a point for the northwesterly corner of Section 20, T. 10 N., R. 4 E., NMPM, county of Bernalillo, State of New Mexico; thence easterly along the northerly line of said Section 20 a distance of 2181.6 feet to a point on the median center line of NMP I–040–3(1)160, County of Bernalillo, State of New Mexico; thence S. 65° 01′ E. a distance of 1768.8 feet; thence N. 24° 59′ E. a distance of 125.0 feet to a point on the northerly right of way line of NMP I–040–3(1)100, and the true point and place of beginning; thence N. 24° 59′ E. a distance of 35.5 feet; thence S. 65° 01′ E. a distance of 20 feet; thence S. 24° 59′ W., a distance of 35.5 feet to a point on the northerly right of way line of I–040–3(1)160; thence N. 65° 01′ W. along said right of way line a distance of 20 feet to the true point and place of beginning. Containing 0.016 of an acre, more or less.

B–14 ---------- Estate: Fee simple

(B–14–3) A certain tract or parcel of land, lying and being situate in Tracts 1 and 4 of the Municipal Addition No. 2 to the City of Albuquerque, County of Bernalillo, State of New Mexico, being more particularly bounded and described as follows, to-wit:

Beginning at a point for the northwesterly corner of Tract 4, thence easterly along the northerly line of Tract 4 a distance of 821.05 feet; thence S. 72° 01′ E. a distance of 109.63 feet to a point of curve; thence southeasterly on a 4.145° curve (radius=1382.5 feet) thru an arc of 22° 38′ to the left a distance of 546.04 feet; thence S. 0° 23′ W. a distance of 135.0 feet to a point of curve; thence southeasterly on a 23.245° curve (radius=246.5 feet) thru an arc of 47° 15′ to the left a distance of 203.27 feet to a point of reverse curve; thence southerly on a 17.550° curve (radius=326.5 feet) thru an arc of 47° 15′ to the right a distance of 269.23 feet; thence N. 89° 37′ W. a distance of 80.0 feet; thence northwesterly on a 23.245° curve (radius=246.5 feet) thru an arc of 47° 15′ to the left a distance of 203.27 feet; thence S. 43° 08′ W. a distance of 10 feet; thence northerly on a 17.028° curve (radius=336.5 feet) thru an arc of 47° 15′ to the right a distance of 277.48 feet to a point of tangent; thence N. 0° 23′ E. a distance of 11.81 feet to a point on curve; thence westerly on a 3.801° curve (radius=1507.5 feet) thru an arm of 18° 44′ 12″ to the right a distance of 492.94 feet to a point of tangent; thence N. 72° 01′ W. a distance of 200 feet to a point of curve; thence westerly on a 4.221° curve (radius=1357.5 feet) thru an arc of 17° 36′ to the left a distance of 416.96 feet to a point of tangent; thence N. 89° 37′ W. a distance of 289.22 feet to a point on the westerly line of Tract 4; thence northerly along said westerly line a distance of 25.0 feet to the point and place of beginning. Containing 4.478 acres, more or less.

B–14–3–Q---------- Estate: Fee simple

(B–14–3–Q) A certain tract or parcel of land, lying and being situate in Tract 1 and Tract 4 of the Municipal Addition No. 2, an Addition to the City of Albuquerque, New Mexico, as the same is shown and designated on the plat of said Addition, filed in the office of the County Clerk of Bernalillo County, New Mexico, on July 12, 1955, being more particularly bounded and described as follows, to-wit:

Beginning at a point for the northwesterly corner of Tract 4; thence easterly along the northerly line of Trace 4 a distance of 821.05 feet to the true point and place of beginning; thence continuing easterly along the northerly line of Tract 4 a distance of 843.64 feet; thence S. 0°23′ W. a distance of 91.68 feet to a point on curve; thence northwesterly on a 4.145° curve (radius=1382.5 feet) thru an arc of 22°38′ to the right a distance of 546.04 feet to a point of tangent; thence N. 72°01′ W. a distance of 109.63 feet to the true point and place of beginning.

be and they hereby are condemned and appropriated for the use and purposes set forth by the First Amended Petition on file in this cause as an Interstate highway, and the Petitioner, the State Highway Commission of New Mexico, is hereby adjudged to be the owner in fee simple.

It is further ordered that Tract B–14–3–Q be and hereby is condemned and appropriated for the use and purposes set forth by the First Amended Petition on file in this cause as an Interstate highway, and the Petitioner, the State Highway Commission of New Mexico, is hereby adjudged to be the owner in fee simple.

It is further ordered that Petitioner shall pay six percent interest from June 15, 1959, to March 15, 1961, amounting to $31,919.68 for a total amount for all tracts and interest of $335,916.68.

ROBERT W. REIDY,
District Judge.
JAMES L. PARMELEE, JR.,
Associate City Attorney.

LEASE

This indenture, made and entered into this —— day of March, A.D., 1963, by and between the City of Alberquerque, New Mexico, a municipal corporation, hereinafter referred to as Lessor, and the State Armory Board, New Mexico National Guard, hereinafter referred to as Lessee,

Witnesseth:

Whereas, the Lessor is the owner of certain real estate, hereinafter more particularly described, and

Whereas, the parties are desirous of entering into a lease so that the said property may be developed and used for a National Guard Armory and Organizational Maintenance Shop for units of the New Mexico National Guard,

Now therefore, it is mutually understood and agreed as follows, to-wit:

I

The Lessor does hereby lease unto Lessee for a period of Ninety-nine (99) years from the date hereof the following described real estate, to-wit:

A tract of land lying and being situate in tract 3 of municipal addition No. 2, an addition to the City of Albuquerque, New Mexico, as said addition is filed and recorded in the office of the county clerk, county of Bernalillo, State of New Mexico, July 12, 1955, and herein more particularly described as follows:

Beginning for a tie at a point, said point being the section corner common to Sections 17, 18, 19 and 20, T. 10 N. R. 4E., N.M.P.M.; thence, S. 6°26′ E. a distance of 1158.32 feet to a point; thence, S. 3°06′ E. a distance of 176.88 feet to a point; thence, S. 2°09′ E. a distance of 177.67 feet to a point, said point being Corner No. 1, the point of beginning of this description; thence

S. 89°57′10″ E. a distance of 1455.71 feet to a point, said point being Corner No. 2; thence

S. 2°09′ E. a distance of 500.00 feet to a point, said point being Corner No. 3; thence

N. 89°57′10′ W. a distance of 1455.71 feet to a point, said point being Corner No. 4; thence

N. 2°09′ W. a distance of 500.00 feet to a point; said point being Corner No. 1, the point of beginning of this description and containing 16.71 acres more or less.

II

The Lessee agrees to pay as rental for the above described premises the sum of One Dollar ($1.00).

III

The Lessee covenants with the Lessor as follows, to-wit:

That the premises shall be used primarily for the operation of a National Guard Armory, Organizational Maintenance Shop, and other New Mexico National Guard functions, and that there will be no discrimination by the Lessee or its successors in interest, as to the use of said property by any person, regardless of race, color or creed.

(b) That it will not assign or sublet the premises without the written permission of the Lessor.

In witness whereof, the City of Albuquerque has caused this Lease to be executed in duplicate by the Chairman, City Commission and its Clerk under authority of its City Commission, and the State Armory Board has caused the same to be executed under authority of the Laws of New Mexico.

By Mr. EAGLETON (for himself and Mr. INOUYE):

S. 2126. A bill to improve educational quality through the effective utilization of educational technology. Referred to the Committee on Labor and Public Welfare.

Mr. EAGLETON. Mr. President, today I am introducing a bill entitled "The Educational Technology Act." Its purpose is to provide the necessary planning and essential training which will lead to a more efficient use of technology in the field of education.

The rapid advancements and substantial improvements in educational media are becoming commonplace. Yet the effective use of these developments in school and college classrooms lags far behind the potential of this growth.

Nearly every school system, college and university has film projectors, slide projectors, recordplayers, television sets, or other technological devices and materials. But the actual use of this equipment plays a very small part in the total educational process. A 1970 report by the Commission on Instructional Technology estimated that no more than 5 percent of the total school time of students at the elementary and secondary levels involves use of instructional media other than books, blackboards, and pictures, charts, and maps hung on the wall. The Commission also estimated the use of instructional media in institutions of higher education to be no greater—and possibly much less—than at the lower grade levels.

In the past, the thrust of school systems has been toward the acquisition of materials and equipment with very little concern toward the development of programs that increase the effectiveness of their use. This bill recognizes that educational technology is too often inefficiently used. It seeks to provide the framework within which education can better keep pace with technological developments so that it can substantially improve the quality of education at all levels.

In his March 3, 1970, message on educational reform President Nixon indicated his concern about the state of educational research and the accompanying lack of understanding of basic educational processes. He said:

> We must stop pretending that we understand the mystery of the learning process, or that we are significantly applying science and technology to the techniques of teaching, when we spend less than one half of one percent of our educational budget on research, compared with 5% of our health budget and 10% of defense.

Thereafter, the administration proposed the creation of a National Institute of Education to focus and expand the national effort in educational research. The Institute was subsequently established by the Education Amendments of 1972 and will soon begin its work in the field of educational technology. Programs relating to development of educational technology which were previously administered by the Office of Education were transferred to the Institute on July 1. The Appalachian, Alaskan, and Rocky Mountain satellite projects will be the major Institute activity in this area. The Institute, working with NASA, will use satellites to bring educational programs into the local communities in isolated areas. It is my hope that the Institute will go beyond this program and devote much of the time and energies of its staff to developing educational technology as part of an overall instructional strategy.

This commitment from the Government for research must be followed with direct application in the schools and colleges. It should be made clear that when we refer to educational technology, we are not talking about hardware or software. We are talking about a systemized approach to education which embraces modern management techniques: Cost-effectiveness, increased productivity and accountability. It is not the purpose of my bill to foster the acquiring of equipment. In fact, the bill bears a 2-year moratorium on any purchase of hardware except where it is essential for training.

The bill is based on two premises.

The first is that educational technology, when used wisely and well, can be instrumental in improving the quality of instruction. John Gardner, former Secretary of Health, Education and Welfare, speaking at the annual conference of the National Committee for the Support of the Public Schools in March 1970, stated:

> In my opinion, judicious use of videotape, programmed instruction, computer-assisted instruction and other new approaches holds promise of a truly immense gain in the availability of the higher quality instruction—instruction that can be individualized, motivating, powerful in impact and grounded in the best of teaching practices. It is in my opinion the only hope for a radical upgrading of educational quality on a massive scale.

This is not to say that use of media techniques and devices is more effective than teachers, but media can convey an idea—repetitively, if necessary—in less time and with less manpower, thus freeing teachers for more individualized instruction. I believe this bill will provide the vehicle for attaining this improved quality of education.

This leads to the second premise—that without adequate training educational technology will rarely prove to be beneficial. Teachers, administrators, and support personnel all need training in the application of technology to education. A large degree of indifference or antipathy toward using technology is found among educators. Many, familiar with the term "teaching machine" used by early programed instruction enthusiasts, believe that use of educational technology will dehumanize and depersonalize all instruction. When used properly, in the proper environment, this is not the case. The statement of Jerrold R. Zacharias, physics professor at MIT, on the subject of educational technology is instructive:

> If [teachers] haven't used it, or if what they've used has been an irrelevant part of their busy schedules, they're sure they don't have time to use it. If, on the other hand, they *have* used it, and it has been a coherent part of a full set of learning aids, they say they don't have time not to use it.

The bill views educational technology as a complete systems approach to education, a tool to be used to enrich the teaching experience through a proper balance of planning, training and implementation. Only with this balance, with an integrated approach to the full range of human and other resources in the educational process, can educational technology carry out its full potential for education.

The Educational Technology Act is designed to assist in this process. It authorizes grants to local educational agencies and to institutions of higher education for the purpose of improving the quality of instruction through the application of technology to education. To be awarded a grant, an applicant must first submit and have approved a long-range program detailing its particular educational needs and indicating how the application of technology will work to meet those needs. In order to obtain continued funding for its long-range project the applicant must submit an annual plan which would detail the extent to which it had incorporated recent research findings in its program. Educators and education officials have talked for too long about the gap between research in education and action in education. This aspect of the Educational Technology Act will go a long way toward closing that gap.

Following approval of a long-range plan, the applicant is free to begin its first operational phase—training of teachers and administrative staff and of ancillary personnel. During the training phase, schools and colleges would be prohibited from using Federal funds for acquisition of equipment or materials unless they were essential to the training process.

After the training phase is completed to the satisfaction of the State agency vested with responsibility for the program, the school or college could use Federal funds for the hiring of staff for the operation of its program and for the acquisition of equipment and materials.

The Educational Technology Act requires a systematic approach to the problems faced by education today. It is my hope that it will be successful in helping to resolve these problems and in substantially improving the quality of all levels of education.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

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

S. 2126

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 "Educational Technology Act".

TITLE I—USE OF EDUCATIONAL TECHNOLOGY IN ELEMENTARY AND SECONDARY EDUCATION

STATEMENT OF PURPOSE

SEC. 101. The purpose of this title is to improve the quality of preschool and elementary and secondary education through the effective utilization of educational technology by (1) encouraging significant applications of existing technology to preschool programs and in elementary and secondary education, (2) the development and demonstration of technological innovations in education, (3) the expansion of the current general application of appropriate technologies and materials for instruction and learning, (4) strengthening the capabilities of teaching, administrative, and ancillary staff in schools, (5) research into educational technology, including statistical and information services, and (6) strengthening the leadership resources of State educational agencies in educational technology.

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. (a) There are hereby authorized to be appropriated such sums as the Congress may deem necessary for the purpose of carrying out this title for the fiscal year ending June 30, 1974, and each of the next four fiscal years. There are further authorized to be appropriated such sums as may be necessary for payment to the States for use by them for making grants under this title for the purposes described in paragraphs (2) and (3) of section 103(a) for years other than the initial year of a grant for such purposes.

(b) Of the sums appropriated pursuant to subsection (a) for each fiscal year, 90 per centum shall be available for carrying out section 103, and 10 per centum shall be available for educational technology research in elementary and secondary education in accordance with section 304.

USES OF FEDERAL FUNDS

SEC. 103. (a) Funds appropriated pursuant to section 102, and available for carrying out this section shall be used only for grants in accordance with applications approved pursuant to this title for—

(1) planning for the development and implementation by local educational agencies of educational technology programs, involving the use of appropriate technologies and materials, designed to change and strengthen the learning process in the elementary and secondary schools served by such agencies;

(2) in the case of local educational agencies which have carried out a planning phase as described in paragraph (1), whether covered by a grant under this title or otherwise, preservice and inservice training and development programs to strengthen the capabilities of professional and nonprofessional teaching, administrative, and anciliary staff in elementary and secondary schools served by such agencies to use and apply technology in the educational process, including the acquisition or rental of technological equipment and materials necessary to reinforce or supplement such training and development;

(3) in the case of local educational agencies which have carried out a planning phase as described in paragraph (1) (whether covered by a grant under this title or otherwise) and have made sufficient progress in an inservice training and development phase as described in paragraph (2), the acquisition or rental of technological equipment and materials (other than supplies consumed in use) and the provision of related services, including the employment of educational technology personnel, which are necessary for carrying out the purposes of this title, but the costs of such related services shall not exceed a reasonable portion of the program budget and in no case shall such costs exceed 20 per centum thereof.

(b) A local educational agency which receives a grant under subsection (a) may enter into a contract or other arrangement with a public or private agency, institution, or organization for the performance of planning, training, or related services necessary for the implementation, in whole or in part, or any of the purposes described in subsection (a).

(c) From the funds available for carrying out this section the Commissioner is authorized to pay to each State amounts necessary to enable the State educational agency to provide for—

(1) the planning, development, and operation of programs designed to strengthen the capability of the State educational agency with respect to the implementation of educational technology in elementary and secondary schools in the State, including the provision of technical assistance, demonstrations, workshops, and similar activities designed to assist local educational agencies in using technological equipment and materials to improve education;

(2) the preparation and dissemination by the State educational agency to elementary and secondary schools, institutions of higher education, and other appropriate agencies, of information, including analyses of research and experimentation, relating to educational technology and improved methods of using and applying educational technology;

(3) the evaluation of the effectiveness of programs and projects supported under the State plan in meeting the purposes of this title, and dissemination of the results of such evaluations and other information pertaining to such programs or projects; and

(4) the administration of the State plan.

STATE PLANS

SEC. 104. (a) Any State desiring to receive payments for any fiscal year under this title shall—

(1) have a State advisory council for educational technology (hereinafter referred to as the "State advisory council") which meets the requirements set forth in section 302;

(2) set dates before which local educational agencies must have submitted applications for grants to the State educational agency; and

(3) submit to the Commissioner, through its State educational agency, a State plan at such time and in such detail as the Commissioner may deem necessary.

The Commissioner may, by regulation, set uniform dates for the submission of State plans and applications.

(b) The Commissioner shall approve a State plan, or modification thereof, if he determines that the plan submitted for that fiscal year—

(1) sets forth a program under which funds granted the State under section 103 and not used for purposes described in section 103(c) will be expended through grants to local educational agencies for the purposes described in section 103(a);

(2) provides that, to the extent consistent with the number of children enrolled in nonprofit private schools in the area to be served by a project whose educational needs are of the type which that project is designed to meet, provision has been made for the participation of such children;

(3) sets forth the administrative organization and procedures, including the qualifications of personnel having responsibility for the operation of programs and projects set forth in such plan, in such detail as the Commissioner may by regulation prescribe;

(4) provides for using 10 per centum of the amount expended for programs described in section 103(a) for each fiscal year for making grants to local educational agencies for planning purposes as described in section 103(a)(1);

(5) sets forth criteria for achieving an equitable distribution of assistance under this title, which criteria shall be based on consideration of—

(A) the size and population of the State,

(B) the geographic distribution and density of the population within the State, and

(C) the relative needs of persons in different geographic areas and in different population groups within the State for the kinds of programs and projects described in section 103, and the financial ability of the local educational agencies serving such persons to provide such programs and projects;

(6) provides for adoption of effective procedures—

(A) for the evaluation by the State advisory council at least annually, of the effectiveness of the programs and projects supported under the State plan in meeting the purposes of this title;

(B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs and projects; and

(C) for adopting, where appropriate, promising educational practices developed through such programs and projects;

(7) sets forth policies and procedures which give satisfactory assurance that Federal funds made available under this title for any fiscal year—

(A) will not be commingled with State funds, and

(B) will be so used as to supplement and to the extent practical, increase the fiscal effort (determined in accordance with criteria prescribed by the Commissioner) that would, in the absence of such Federal funds, be made by the applicant for the purposes described in section 103;

(8) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this title;

(9) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require, including reports of evaluations made in accordance with objective measurements under the State plan pursuant to paragraph (6), and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

(10) provides that final action with respect to any application, or amendment thereof, regarding the proposed final disposition thereof shall not be taken without first affording the local educational agency or agencies submitting such application reasonable notice and opportunity for a hearing; and

(11) contains satisfactory assurance that, in determining the eligibility of any local educational agency for State aid or the amount of such aid, grants to that agency under this title shall not be taken into consideration.

APPLICATIONS FOR GRANTS—CONDITIONS FOR APPROVAL

SEC. 105. (a) An application by a local educational agency for a grant to be used for any of the purposes of section 103(a) may be approved only if such application—

(1) provides that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) sets forth a program for carrying out the purposes set forth in section 103 and provides for such methods of administration as are necessary for the proper and efficient operation of such program;

(3) sets forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 103, and in no case supplant such funds;

(4) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(5) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) An application by a local educational agency for a grant to be used for the purposes of paragraphs (2) and (3) of section 103(a) may be approved only if—

(1) the local educational agency has submitted a long-range program plan, which extends over a period of time of not less than four years, describing the present and projected educational needs and problems of the children in elementary and secondary schools served by the local educational agency, and a schedule for meeting and solving those needs and problems through the implementation of a comprehensive program of educational technology of sufficient magnitude to make a substantial impact on those needs and problems; and

(2) the local educational agency submits for each fiscal year an annual program plan describing the content of, and allocation of funds to programs, services, and activities with respect to the implementation of a comprehensive educational technology program to be carried out during each such year for which Federal funds are sought; indicates how and to what extent such programs, services, and activities will carry out the program of objectives set forth in the long-range program plan provided for in paragraph (1); and indicates the extent to which consideration has been given to the findings and recommendations of the State advisory council in its most recent evaluation report submitted pursuant to section 302 and indicates the extent to which research findings (whether such research is assisted under this Act or otherwise) have been incorporated as part of the annual program plan.

PAYMENTS

SEC. 107. (a) The Commissioner shall pay to each State which has a State plan ap-

proved under this title an amount equal to the total sums expended by the State under the State plan for the purposes set forth therein.

(b) Payments under this section may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(c) Upon approval of an application submitted by a local educational agency for a grant to be used for the purposes of paragraph (1) of section 103(a) the Commissioner shall reimburse the local educational agency for the reasonable costs of preparing the application.

TITLE II—USE OF EDUCATIONAL TECHNOLOGY IN HIGHER EDUCATION

STATEMENT OF PURPOSE

SEC. 201. The purpose of this title is to improve the quality of higher education through the effective utilization of educational technology by (1) encouraging significant applications of existing technology to education in institutions of higher education, (2) the development and demonstration of technological innovations in such institutions, (3) the expansion of the current general application of appropriate technologies and materials for instruction and learning in such institutions, (4) strengthening the capabilities of teaching and ancillary staff in such institutions, and (5) research into educational technology, including statistical and information services.

AUTHORIZATION OF APPROPRIATIONS

SEC. 202. (a) There are hereby authorized to be appropriated for the purpose of carrying out this title such sums as the Congress may deem necessary for the fiscal year ending June 30, 1974, and each of the next four fiscal years. There are further authorized to be appropriated such sums as may be necessary for payment to the States for use by them for making grants under this title for the purposes described in paragraphs (2) and (3) of section 203(a) for years other than the initial year of a grant for such purposes.

(b) Of the sums appropriated pursuant to subsection (a) for each fiscal year, 90 per centum shall be available for carrying out section 203, and 10 per centum shall be available for educational technology research in higher education in accordance with section 304.

USES OF FEDERAL FUNDS

SEC. 203. (a) Funds appropriated pursuant to section 202, and available for carrying out this section shall be used only for grants in accordance with applications approved pursuant to this title for—

(1) planning for the development and implementation by institutions of higher education of educational technology programs, involving the use of appropriate technologies and materials, designed to change and strengthen the learning process in such institution;

(2) in the case of institutions of higher education which have carried out a planning phase as described in paragraph (1) whether covered by a grant under this title or otherwise, preservice and inservice training and development programs to strengthen the capabilities of professional and nonprofessional teaching, administrative, and ancillary staff in such institutions to use and apply technology in the educational process, including the acquisition or rental of appropriate technologies and materials necessary to reinforce or supplement such training and development;

(3) in the case of institutions of higher education which have carried out a planning phase as described in paragraph (1) (whether covered by a grant under this title or otherwise) and have made sufficient progress in an inservice training and development phase as described in paragraph (2), the acquisition or rental of equipment and materials (other than supplies consumed in use) and the provision of related services, including the employment of educational technology personnel, which are necessary for carrying out the purposes of this title.

(b) An institution of higher education which receives a grant under subsection (a) may enter into a contract or other arrangement with a public or private agency, institution, or organization for the performance of planning, training, or related services necessary for the implementation, in whole or in part, of any of the purposes described in subsection (a).

(c) From the funds available for carrying out this section the Commissioner is authorized to pay to each State amounts necessary to enable the State educational agency to provide for—

(1) the evaluation of the effectiveness of programs and projects supported under the State plan in meeting the purposes of this title, and dissemination of the results of such evaluations and other information pertaining to such programs or projects; and

(2) the administration of the State plan.

STATE PLANS

SEC. 204. (a) Any State desiring to receive payments for any fiscal year under this title shall—

(1) have a State advisory council for educational technology (hereinafter referred to as the "State advisory council") which meets the requirements set forth in section 302;

(2) set dates before which institutions of higher education must have submitted applications for grants to the State higher education commission; and

(3) submit to the Commissioner, through its State higher education commission, a State plan at such time and in such detail as the Commissioner may deem necessary.

The Commissioner may, by regulation, set uniform dates for the submission of State plans and applications.

(b) The Commissioner shall approve a State plan, or modification thereof, if he determines that the plan submitted for that fiscal year—

(1) sets forth a program under which funds granted the State under section 203 and not used for purposes described in section 203(c) will be expended through grants to institutions of higher education for the purposes described in section 203(a);

(2) sets forth the administrative organization and procedures, including the qualifications of personnel having responsibility for the operation of programs and projects set forth in such plan, in such detail as the Commissioner may by regulation prescribe;

(3) provides for using 10 per centum of the amount expended for program described in section 203 (a) for each fiscal year for making grants to institutions of higher education for planning purposes as described in section 203(a)(1);

(4) sets forth standards and methods for determining relative priorities among eligible projects in educational technology, which standards and methods shall—

(A) contribute to achieving the objectives of this title while leaving opportunity and flexibility to accommodate the varied needs of institutions in the State; and

(B) give special consideration to applications, submitted by institutions of higher education, (i) for grants to be used by the institution in a program of teacher education, and (ii) for grants to be used for the development of courses in educational technology for persons preparing to serve in teaching, administrative, or ancillary positions in elementary or secondary education;

(5) provides for adoption of effective procedures—

(A) for the evaluation by the State advisory council, at least annually, of the effectiveness of the programs and projects supported under the State plan in meeting the purposes of this title;

(B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs and projects; and

(C) for adopting, where appropriate, promising educational practices developed through such programs and projects;

(6) sets forth policies and procedures which give satisfactory assurance that Federal funds made available under this title for any fiscal year—

(A) will not be commingled with State funds, and

(B) will be so used as to supplement, and to the extent practical, increase the fiscal effort (determined in accordance with criteria prescribed by the Commissioner) that would, in the absence of such Federal funds, be made by the applicant for the purposes described in section 203;

(7) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the States under this title;

(8) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require, including reports of evaluations made in accordance with objective measurements under the State plan pursuant to paragraph (6), and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

(9) provides that final action with respect to any application, or amendment thereof, regarding the proposed final disposition thereof shall not be taken without first affording the institution or institutions of higher education submitting such application reasonable notice and opportunity for a hearing; and

(10) contains satisfactory assurance that, in determining the eligibility of any institution of higher education for State aid or the amount of such aid, grants to that agency under this title shall not be taken into consideration.

APPLICATIONS FOR GRANTS—CONDITIONS FOR APPROVAL

SEC. 205. (a) A grant under this title pursuant to a State plan approved under section 204 may be made only to an institution or institutions of higher education, and only upon application to the appropriate State higher education commission at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. An application by an institution of higher education for a grant to be used for any of the purposes of section 203(a) may be approved only if such application—

(1) provides that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) sets forth a program for carrying out the purposes set forth in section 203 and provides for such methods of administration as are necessary for the proper and efficient operation of such programs;

(3) sets forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 203, and in no case supplant such funds;

(4) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(5) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) An application by an institution of higher education for a grant to be used for the purposes of paragraphs (2) and (3) of section 203(a) may be approved only if—

(1) the institution of higher education has submitted a long-range program plan, which extends over a period of time of not less than four years, describing the present and projected educational needs and problems of students enrolled in such institutions, and a schedule for meeting and solving those needs and problems through the implementation of a comprehensive program of educational technology of sufficient magnitude to make a substantial impact on those needs and problems; and

(2) the institution of higher education submits for each fiscal year an annual program plan describing the content of, and allocation of funds to programs, services, and activities with respect to the implementation of a comprehensive educational technology program to be carried out during each such year for which Federal funds are sought; indicates how and to what extent, such programs, services, and activities will carry out the program of objectives set forth in the long-range program plan provided for in paragraph (1); and indicates the extent to which consideration has been given to the findings and recommendations of the State advisory council in its most recent evaluation report submitted pursuant to section 302 and indicates the extent to which research findings (whether such research is assisted under this Act or otherwise) have been incorporated as part of the annual program plan.

PAYMENTS

SEC. 206. (a) The Commissioner shall pay to each State which has a State plan approved under this title an amount equal to the total sums expended by the State under the State plan for the purposes set forth therein.

(b) Payments under this section may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(c) Upon approval of an application submitted by an institution of higher education for a grant to be used for the purposes of paragraph (1) of section 203(a) the Commissioner shall reimburse the institution of higher education for the reasonable costs of preparing the application.

TITLE III—GENERAL PROVISIONS

DEFINITIONS

SEC. 301. As used in this Act—

(a) The term "Commissioner" means the Commissioner of Education.

(b) The term "elementary school" means a day or residential school which provides preschool or elementary education.

(c) The term "secondary school" means a day or residential school which provides secondary education.

(d) The term "appropriate technologies and materials" means hardware or software, which includes television, radio, electronic classroom instructional devices, still and moving picture projectors; computer-assisted or managed instructional equipment and materials; communications equipment for educational applications; and such other equipment and materials as the Commissioner determines to be necessary to assist the process of learning.

(e) The term "institution of higher education" means an educational institution in any State which—

(1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate,

(2) is legally authorized within such State to provide a program of education beyond secondary education.

(3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree,

(4) is a public or other nonprofit institution, and

(5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (A) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (B) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution to accredited.

Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provision of paragraphs (1), (2), (4), and (5), and, for the purposes of section 203 of this Act, includes a developing institution, as defined in section 302 of the Higher Education Act of 1965. For purposes of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies or association which he determines to be reliable authority as to the quality of training offered.

(f) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school;

(g) The term "Secretary" means the Secretary of Health, Education, and Welfare;

(h) The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(i) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law; and

(j) The term "State higher education commission" means a State agency designated by the Governor or by State law as broadly representative of the public and of institutions of higher education in the State.

STATE ADVISORY COUNCILS ON EDUCATIONAL TECHNOLOGY

SEC. 302. (a) Any State desiring to receive payments for any fiscal year under title I or title II of this Act shall—

(1) establish a State advisory council on educational technology which shall be appointed by the Governor or, in the case of States in which the members of the State board are elected, by such board, and which shall have as a majority of its membership persons experienced in educational technology, including teachers, administrators, and other persons broadly representative of academic or instructional personnel, and

(2) provide that one-third of the funds paid to the State educational agency under section 103(c) and to the State higher education commission under section 203(c) shall be made available for the activities of the State advisory councils, including the costs of obtaining technical, professional, and clerical assistance and the services of experts and consultants to assist such advisory councils in carrying out their responsibilities of disseminating the results of evaluations.

(b) The State advisory council, established pursuant to paragraph (1), shall—

(1) advise the State educational agency or State higher education commission, as the case may be, on the preparation of, and policy matters arising in the administration of, the appropriate State plan, including the development of criteria for approval of applications under such State plan;

(2) review and make recommendations to the State educational agency or State higher education commission, as the case may be, on the action to be taken with respect to each application for a grant under the appropriate State plan;

(3) evaluate programs and projects assisted under this Act;

(4) prepare and submit a report of its activities, recommendations, and evaluations, together with such additional comments as the State educational agency or the State higher education commission, as the case may be, deems appropriate, to the Commissioner and to the National Advisory Council, established pursuant to this Act, at such time, in such form, and in such detail, as the Commissioner may prescribe; and

(5) obtain such professional, technical, and clerical assistance as may be necessary to carry out its functions under this Act.

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL TECHNOLOGY

SEC. 303. (a) The Secretary shall appoint a National Advisory Council on Educational Technology which shall—

(1) review the administration of, general regulations for, and operation of this Act, including its effectiveness in meeting the purposes set forth in sections 103 and 203;

(2) review, evaluate, and transmit to the Congress and the President the reports submitted pursuant to sections 104(b)(9) and 204(b)(8);

(3) evaluate programs and projects carried out under this Act and disseminate the results thereof; and

(4) make recommendations for the improvement of this Act, and its administration and operation.

(b) The Council shall have as a majority of its membership persons experienced in educational technology, including teachers, administrators, and other persons broadly representative of academic or instructional personnel.

RESEARCH

SEC. 304. From the sums made available for the purposes of this section under sections 101(b) and 201(b), the Commissioner is authorized to pay all or part of the cost of research and experimental projects in educational technology carried out by institutions of higher education, State or local educational agencies, or other appropriate public or private agencies, institutions, or organizations.

BUREAU OF EDUCATIONAL TECHNOLOGY

SEC. 305. The Commissioner shall establish at the earliest practicable date not later than December 31, 1973, and maintain with-

in the Office of Education, a bureau of educational technology which shall be the principal agency in the Office of Education for administering and carrying out programs and projects relating to educational technology, including programs and projects for research in educational technology.

WITHHOLDING

SEC. 306. Whenever the Commissioner, after reasonable notice and opportunity for hearing to any State educational agency, or State higher education commission, as the case may be, finds that there has been failure to comply substantially with any provision set forth in the plans of that State approved under title I and title II of this Act, the Commissioner shall notify the agency or commission that further payments will not be made to the State under such title (or, in his discretion, that further payments will not be made under such title to specified local educational agencies or institutions of higher education, whose actions caused or are involved in such failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under such title, or payments by the State educational agency or State higher education commission, as the case may be, whose actions did not cause or were not involved in the failure.

JUDICIAL REVIEW

SEC. 307. (a) If any local educational agency or institution of higher education is dissatisfied with the State's final action with respect to the approval of an application submitted under section 105 or 205, or if any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under section 104 or 204, such local educational agency, institution of higher education, or State may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the State or to the Commission, as the case may be. The State or the Commissioner, as the case may be, thereupon shall file in the court the record of the proceedings on which final action was based, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the State or by the Commissioner, as the case may be, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the State or to the Commissioner to take further evidence, and the State or the Commissioner may thereupon make new or modified findings of fact and may modify previous action taken, and shall certify to the court the record of the further proceedings.

(c) The court shall have jurisdiction to affirm the action of the State or the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

PROHIBITIONS

SEC. 308. (a) Section 422 of the General Education Provisions Act is amended by inserting "Educational Technology Act;" after "Higher Education Act of 1965;".

(b) Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1687

At his own request, Mr. JACKSON was added as a cosponsor of S. 1687, the Menominee Restoration Act.

S. 2020

At the request of Mr. PROXMIRE, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 2020, a bill requiring Senate confirmation for the position of Administrator, Social and Economic Statistics Administration.

SENATE JOINT RESOLUTION 119

At the request of Mr. BUCKLEY, the Senator from Mississippi (Mr. EASTLAND) was added as a cosponsor of Senate Joint Resolution 119, a joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons.

SENATE JOINT RESOLUTION 132

At the request of Mr. GURNEY, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of Senate Joint Resolution 132, to authorize the President to issue annually a proclamation designating that week in November which includes Thanksgiving as "National Family Week".

SENATE RESOLUTION 137—ORIGINAL RESOLUTION REPORTED RELATING TO ADDITIONAL EXPENDITURES BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

(Referred to the Committee on Rules and Administration.)

Mr. JACKSON, from the Committee on Interior and Insular Affairs, reported the following original resolution:

SENATE RESOLUTION 137

Resolved, That the Committee on Interior and Insular Affairs is authorized to expend from the contingent fund of the Senate, during th Ninety-third Congress, $25,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

ELECTED MAYOR AND CITY COUNCIL FOR THE DISTRICT OF COLUMBIA

AMENDMENT NO. 304

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

Mr. COTTON submitted an amendment, intended to be proposed by him, to the bill (S. 1435) to provide an elected mayor and city council for the District of Columbia, and for other purposes.

DESIGNATION OF CERTAIN LANDS AS WILDERNESS—AMENDMENTS

AMENDMENT NO. 305

(Ordered to be printed, and referred to the Committee on Interior and Insular Affairs.)

Mr. CASE. Mr. President, on February 6 of this year, I introduced S. 777, a bill to designate 4,250 acres of the Brigantine National Wildlife Refuge as a wilderness area.

At that time, I emphasized that 4,250 acres was the minimum area of the wildlife refuge which should be given the additional protection as a wilderness area. I said I intended to consider the possibility of proposing additional areas of the refuge that could be appropriately designated as wilderness and that I would offer an amendment to S. 777 when that process had been completed.

Today I am offering, on behalf of Senator WILLIAMS and myself, an amendment to S. 777 to increase the area to be designated as wilderness under the bill. Our amendment will designate a total of about 16,800 acres of the refuge as a wilderness area. This will result in all except about 4,000 acres of the present refuge being designated as a wilderness area.

The principal area to be left as a wildlife refuge contains two artificial impoundments designed to provide habitat for common species of wildlife. This area clearly does not meet the criteria for wilderness because the impoundments represent the work of man. The impoundments should be maintained for future wildfowl management. There is sufficient space available in this area for an additional impoundment if this is deemed necessary in the future.

S. 777 originally proposed wilderness status only for Little Beach Island and a group of associated salt marsh islands each of the intercoastal waterway. There is unanimous agreement, I believe, that this area deserves the highest priority and that it represents the essential core of a wilderness area.

The amendment we are offering today proposes designation of three additional areas—256 acres of the Holgate Peninsula; Shad Island, which lies just to the east of the intercoastal waterway; and the largest part of the refuge, the marshlands on the mainland.

Before offering this amendment, I reviewed carefully the reasons offered by the Bureau of Sports Fisheries and Wildlife for not including these additional areas in its proposal for designating only Little Beach Island and its associated islands as wilderness.

Following are the Bureau's comments about each of these areas and the reasons I believe they deserve designation as wilderness:

First. Holgate Peninsula. The Bureau pointed out that its ownership extends only to mean high tide with the State of New Jersey owning riparian rights. The Bureau said:

Thousands of people use the riparian lands for boating, swimming, sunbathing, fishing and beach buggy use, which eliminates any opportunity for solitude or wilderness-type recreation on this part of the refuge. Further, there are no unique ecological or geological features present on the peninsula. Our plans are to retain this portion of the refuge in a natural state, thus achieving de facto wilderness status without official designation.

It should be pointed out here that the Wilderness Act seeks to preserve areas that show no substantial evidence of the presence of man but does not seek to preserve areas which cannot be used by man.

The area between low and high tide on the Holgate Peninsula is widely used by the public for swimming, sunbathing, fishing and nature walks. Access to the beach area is controlled by Long Beach Township, which prohibits overnight camping. The only vehicles that are permitted to enter are beach buggies that can travel only in the wet sand area, no further than 25 feet above mean high tide.

The management of the area has successfully protected the fragile sand

dunes and beaches which are particularly valuable as a nesting area for skimmers and terns. The fact that the bird population of the peninsula has increased dramatically in the last 2 years demonstrates, I believe, that public use of the beaches has not been, and need not be, detrimental to administering the area as a wilderness.

Second. Shad Island. The Bureau pointed out that Shad Island currently is an approved site for disposition of spoils dredged from the Intracoastal Waterway. The Bureau said:

Continued use of these sites will help safeguard far more valuable estuarine habitat represented in potential alternatives spoiling sites.

The Bureau said:

Until the Corps of Engineers resumed dumping of dredge spoils on Shad Island this summer, the island was undergoing a process of natural succession which was eliminating the evidence of man. Woody plants had taken hold and animal populations had found a favorable habitat there. The processes in operation there were the same as those changing all of man's works across the whole refuge. If Shad Island is protected, in a few years it will be hard to tell that men have touched it at all.

Rutgers, the State University of New Jersey, currently is studying alternative means of disposing dredge spoils under a grant from the Corps of Engineers. All dredging of the Intracoastal Waterway has been stopped because a new New Jersey State law prohibits dumping of dredge spoils on the marshlands which serve as dump sites in most locations.

Those conducting the study at Rutgers have informed me that Shad Island, if it is protected at this time. would provide a valuable site for studying the effects of dumping dredge spoils, a study that could lead to beneficial uses of these spoils in the future.

Third. The mainland marshlands, west of the Intracoastal Waterway. The Bureau pointed out that "literally hundreds of miles of mosquito ditches lace the marshes." The Bureau said it had encouraged maintenance of the system of ditches as a means of biological control.

Further, the Bureau said adjacent nonrefuge estuarine areas are relentlessly being exploited and destroyed by man. It pointed out that this made the marshlands an increasingly important habitat for wildlife and that future demands for this type of habitat might require additional impoundments like those already established at the refuge.

Ditching as part of a mosquito control program has been carried out on the marshland of the refuge even before it was designated as a refuge. Ditching began as far back as the late 1920's, according to the Atlantic County mosquito extermination commission.

At one time or another, the ditching has been carried out on almost all parts of the refuge, including the 4,250 acres proposed by the Bureau for designation as wilderness.

The practice of ditching as a means of mosquito control has not been entirely successful and other means are being employed and sought to supplement this practice. The commissioner of the Atlantic County mosquito extermination commission stated that no mosquito control ditching has been carried out on the Refuge south of Oyster Creek in over 20 years. This area, which is returning to its natural state, represents about three-fourths of the land area of the refuge. There has been no ditching on any of the refuge lands in the past 3 years and there has never been any ditching on about 1,800 acres north of Oyster Creek.

The Atlantic County mosquito extermination commission said it has not done any ditching on the refuge lands in the last 3 years because the Bureau has refused permission for this work.

Cross sections of the ditches vary from less than 1 square foot to less than 4 square feet and the majority of them are the smaller size. They are observable only from the air.

As I already have pointed out, my amendment would exclude from the wilderness area an area of about 4,000 acres which contains two existing impoundments and provides sufficient room for an additional impoundment if that is considered necessary in the future.

But it should also be pointed out that two of the most valued species of wildfowl, Black Ducks and Atlantic Brant, depend on natural estuarine habitat and impoundments would deprive these species of habitat. Therefore, it is important that the existing marshlands be protected in their natural state for these species.

In its comments on the mainland marshes, the Bureau did not refer to the fact that two corridors, known as Oyster Creek and Motts Creek Landing, both contain residences, fishing enterprises and a restaurant.

The corridors are very small parts of the surrounding tidal marshes but they do not meet the criteria for wilderness areas. Therefore, my amendment proposes to exclude these corridors from the wilderness area.

I am happy to have my colleague, Senator WILLIAMS, join me in offering this amendment. We have given careful consideration to the thoughts of the Bureau of Sports Fisheries and those of concerned citizens, many of whom are represented by an amalgamation of citizens groups known as the Brigantine task force. It is my hope that my colleagues in the Senate will be able to give this amendment favorable consideration in the near future.

I ask unanimous consent that the amendment be printed in the RECORD.

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

AMENDMENT No. 305

On page 1, beginning on line 6, strike out the words "four thousand two hundred and fifty" and insert in lieu thereof the words "sixteen thousand eight hundred."

On Page 1, beginning on line 8, strike out the words "August 1971" and insert in lieu thereof the words "July, 1973."

FEDERAL LANDS RIGHT-OF-WAY ACT OF 1973—AMENDMENTS

AMENDMENT NO. 306

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

Mr. JACKSON submitted an amendment, intended to be proposed by him, to the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment.

AMENDMENT NO. 307

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

Mr. STEVENS submitted an amendment, intended to be proposed by him, to Senate bill 1081, supra.

AMENDMENT NO. 308

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

Mr. BUCKLEY submitted an amendment, intended to be proposed by him, to Senate bill 1081, supra.

AMENDMENT NO. 309

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

Mr. BUCKLEY (for himself, Mr. MCCLURE, and Mr. BARTLETT) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 1081, supra.

NOTICE OF HEARINGS ON S. 663, RESPECTING JUDICIAL REVIEW OF DECISIONS OF THE INTERSTATE COMMERCE COMMISSION

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee Subcommittee on Improvements in Judicial Machinery, I wish to announce hearings for the consideration of S. 663, to improve judicial machinery by amending title 28, United States Code, with respect to judicial review of decisions of the Interstate Commerce Commission, beginning at 10 a.m. on July 19, 1973, in room 457 of the Russell Senate Office Building.

This legislation will eliminate the requirement for special three-judge district courts in the review of rules or orders of the Interstate Commerce Commission.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, Dirksen Senate Office Building.

NOTICE OF JOINT HEARINGS TO CONSIDER DEEPWATER PORT FACILITIES LEGISLATION

Mr. JACKSON. Mr. President, on July 23, 24, and 25 the Committees on Interior and Insular Affairs, Commerce, and Public Works will hold joint hearings to receive testimony from representatives of Federal and State Government, industry and environmental organizations and from independent expert witnesses on issues relating to the development of deepwater ports. The hearings will be held in room 5110 of the Dirksen Senate Office Building and are scheduled to begin at 10 a.m. on each day.

On April 18, 1973, the President proposed in his Energy Message to Congress enactment of a measure entitled "The Deepwater Port Facilities Act of 1973." This measure was subsequently introduced, by request, on May 8, 1973, as S.

1751 and jointly referred by agreement of the Chairman to the Committees on Interior and Insular Affairs, Commerce, and Public Works.

To facilitate the consideration of S. 1751 and the issues relating to the development of deepwater ports, the chairmen of the three committees agreed to designate three majority and two minority members of each committee to serve on a special joint subcommittee for the consideration of deepwater port policy.

In accordance with this agreement, the members of the Committee on Interior and Insular Affairs, Commerce, and Public Works who will serve on the joint subcommittee for deepwater port policy are as follows:

Committee on Interior and Insular Affairs: Senators HENRY M. JACKSON, LEE METCALF, BENNETT JOHNSTON, CLIFFORD HANSEN, and MARK HATFIELD.

Committee on Commerce: Senators WARREN MAGNUSON, ERNEST HOLLINGS, RUSSELL LONG, NORRIS COTTON, and TED STEVENS.

Committee on Public Works: Senators MIKE GRAVEL, JOSEPH BIDEN, JR., LLOYD BENTSEN, JAMES BUCKLEY, and WILLIAM SCOTT.

Further information concerning the deepwater port hearings can be obtained by contacting Suzanne Reed of the Interior Committee staff, Bud Walsh of the Commerce Committee staff, or Wes Hayden of the Public Works Committee staff.

ADDITIONAL STATEMENTS

RESOLUTION OF THE PENNSYLVANIA GENERAL ASSEMBLY WITH REGARD TO TREATMENT OF SENIOR CITIZENS

Mr. SCOTT of Pennsylvania. Mr. President, I want to bring to the attention of my colleagues a resolution adopted by the Pennsylvania General Assembly which asks that no senior citizen be discriminated against in any program because he is not a welfare recipient. This was one of my own aims when I introduced legislation which provided needy senior citizens who are not on welfare to participate in the social services program on the same basis that those who are on welfare now do. A similar measure was subsequently adopted by the Senate just before our July 4 recess.

I ask unanimous consent that this resolution be printed in the RECORD.

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

SENATE OF PENNSYLVINIA RESOLUTION

(In the Senate, Mar. 12, 1973)

Resolved (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania memorialize the President and the Congress of the United States that the statutes, policies, programs and rules and regulations of the United States government relating to programs for the assistance of senior citizens be developed, and amended if necessary, so that no senior citizen shall be discriminated against in any program because he is not a welfare recipient; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States and to the presiding officer of each House of Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States.

MAJ. GEN. HARLEY L. MOORE, JR., RETIRES

Mr. NUNN. Mr. President, at this time I would like to recognize the long and distinguished service of one of this Nation's finest soldiers, Maj. Gen. Harley L. Moore, Jr., who will retire from active duty at the end of this month. General Moore is currently the commanding general of Fort Gordon, Ga., and has ably served our country for more than 33 years.

Harley Moore was born in December 25, 1918, at Carthage, Ill., son of the late Mr. and Mrs. Harley L. Moore, who was then a salesman with Standard Oil of Indiana. He was the oldest of five children, having four sisters, Dorothy, Shirley, Betty, and Jacqueline.

Harley attended Coe College, Iowa, where he was an outstanding scholar and athlete, receiving his varisity letter in track and football. In 1940 he received his B.A. degree in education, was commissioned from the ROTC program as a second lieutenant of Infantry and called to active duty 1 month after graduation. The next year he married Catherine M. Timm, daughter of Mr. and Mrs. John M. Timm of Cedar Rapids, Iowa, having met her at Coe College.

Within 4 years of his commissioning, he had served with the 3d Infantry Regiment, become a battalion commander of the 355th Infantry and at age 26 was promoted to lieutenant colonel. This same year he became the father of his first son, Harley L. Moore III, who graduated from West Point in 1965 and is now doing graduate study at Massachusetts Institute of Technology.

In August 1944, the then Lieutenant Colonel Moore was sent to Europe where he was selected to be the Assistant Provost Marshal for Gen. George Patton's 3d U.S. Army. It was during this 15-month tour with General Patton that Moore made his contact with the Corps of Military Police and was awarded his first Legion of Merit. He would return to that Corps 5 years later, change his branch of service from Infantry to Military Police in 1950, and there remain until his current assignment.

Moore returned to the States in early 1946 to command the 101st Training Battalion at Camp J. T. Robinson, Ark. In August of that same year he was selected to be the senior infantry instructor at New York University and the following month his first daughter, Barbara, now Mrs. T. J. Bowers, was born. His son Michael, now a first lieutenant with the U.S. Air Force and a Coe College graduate, was born in 1948 during this same tour of duty.

The year 1949 saw his return to military police duty and the resumption of a most distinguished career in military law enforcement and crime prevention. In July of that year he was assigned first as the Assistant Provost Marshal and later as Provost Marshal, Headquarters, Eighth Army, then located in Japan. In 1950 he was designated Provost Marshal of the Japan Logistical Command where he would serve until 1952. Upon completion of that assignment, this young officer received his second award of the Legion of Merit.

Between his former assignment in Japan and his new duties as Chief of the Operations Division in the office of the Provost Marshal General, Moore attended Military Police Officers Advanced Course at Fort Gordon, Ga., a post to which he would later return on two occasions. It was while he was stationed in Washington that his youngest child, Shirlee, now a freshman at the Georgia Medical College, was born.

After graduation from the Command and General Staff College in 1955 he returned to Europe as Chief of the Operations Branch and Deputy Provost Marshal for Headquarters, U.S. Army, Europe, where he was promoted to colonel in 1954, some 14 years after entering upon active duty. At the age of 40 he successfully completed airborne training and became a qualified parachutist.

Following his graduation from the Industrial College of the Armed Forces, he was back at Fort Gordon in 1959 as the Assistant Commandant of the Provost Marshal General School and Deputy Commander of the Provost Marshal General Center. He left Fort Gordon in 1962 to become the Deputy Provost Marshal General for 2 years then was ordered again to Europe, this time as the Provost Marshal, U.S. Army, Europe. Three months after his arrival, in August 1964 he was promoted to brigadier general.

In January of 1966 General Moore was ordered directly to Vietnam to be Provost Marshal, U.S. Army, Vietnam and concurrently commanding general, 18th Military Police Brigade. Dinty Moore was to remain there for 22 months and receive the Distinguished Service Medal in recognition of his service. In late 1967 he returned to his former assignment in Europe and there remained until his appointment as commanding general of Fort Gordon, Ga., in June 1971. Three months later he was promoted to major general.

General Moore's accomplishments while at Fort Gordon have been notable and numerous. His efforts to improve the welfare and morale of its servicemen and their families include more onpost housing, broader based resident educational centers, an expanded religious program for the three major faiths and for minority denominational and language groups as well.

General Moore and his charming wife, KT, were particularly close to the civilian community where he is known as "Dinty." As a result of his interest, Fort Gordon personnel were afforded an opportunity to participate in civic clubs, cultural events, and the construction of parks and playgrounds. Dinty personally involved himself in the life of the community and was a familiar sight at local meetings and community activities.

Dinty's candor, honesty and integrity have earned him an international reputation among law-enforcement professionals. He is a member of the Association of International Chiefs of Police, International Federation of Senior Police Officers, Military Police Association and the International Police Association.

While stationed in Germany he was president of the Protestant Men of the Chapel.

His talents and service have been recognized by four foreign governments in the form of the Croix de Guerre by France, the National Order First Class and the National Police Honor Medal by the Republic of Vietnam, the Order of Military Merit Chung Mu by the Republic of Korea and the Grand Cross 2d Class of the Order of Merit by the Federal Republic of Germany.

In 1971 in his appearances before a Senate subcommittee investigating corruption in army club operations, General Moore was often cited by its chairman, Senator ABRAHAM RIBICOFF, for his straightforward answers and complete candor.

Accomplished public speaker, golfer and bowler, member of the Augusta Kiwanis Club, and Our Redeemer Lutheran Church, it is in Augusta that the Moores will make their retirement home.

On behalf of his many friends in Georgia. I welcome General Moore and his wonderful family to our State as "permanent citizens" and I congratulate him on a career of dedicated service to his Nation.

SUPPORT FOR S. 1875, HELP FOR THE HANDICAPPED

Mr. DOMENICI. Mr. President, within the next few days it is expected that S. 1875, a bill to help handicapped individuals achieve their full potential for participation in our society, will be presented to the Senate for a vote. The bill was reported out of the Committee on Labor and Public Welfare on June 25.

Mr. President, I am a cosponsor of this legislation which I believe to be an important step toward opening the necessary doors to those who are significantly handicapped—accepting the fact that they have problems which can be solved with cooperation and understanding. I have always been confident we would have a vocational rehabilitation bill which would do what was necessary to help those in need and yet remain within the national budget.

If passed, S. 1875 would establish an Interagency Committee to push a more aggressive hiring policy for handicapped individuals. In addition, training programs would be provided as never before for handicapped persons. Research into the causes and cures of diseases resulting in handicapped persons would be expanded as would additional training for professionals in this field. To properly coordinate these varied activities relating to the welfare of handicapped individuals, this legislation would further create the Office of the Handicapped in the Department of Health, Education, and Welfare with its own Commissioner.

A recent economic study states that for every dollar spent on the medically disabled, $25 will be returned in lifetime earnings. In 1972 alone, earnings received by 12,221 individuals after vocational rehabilitation reached $41,628,860 as compared to $3,613,480 total earnings before rehabilitation.

I believe that not only will the bill benefit the individuals and families of the handicapped, but it will also benefit society as a whole. I am confident that passage of this legislation will contribute to the hope, dignity, and self-sufficiency of our handicapped people who desire such a chance. By supporting this measure we are making an investment in the future of hundreds of thousands of American citizens who will be able to lead more productive lives as a result of vocational training. Many less fortunate citizens need our help; we do not have many chances to extend such assistance. This is one of those opportunities. I hope we seize it with the vigor it deserves.

CHALLENGE TO THE SENATE

Mr. McGOVERN. Mr. President, today's New York Times carries a superb article by Mr. Anthony Lewis, entitled "Another Senate Test."

Mr. Lewis reminds us that the Senate will soon be passing judgment on the nominations of William H. Sullivan to be Ambassador to the Philippines and G. McMurtrie Godley to be Assistant Secretary of State for East Asian and Pacific Affairs.

Mr. Lewis writes:

> Messrs. Sullivan and Godley were successive American Ambassadors in Laos, from 1964 to 1969 and 1969 to this past April. As such they played a decisive part in what must qualify as the most appalling episode of lawless cruelty in American history, the bombing of Laos. Very few Americans have let the story enter their consciousness, but it was even worse than the neighboring horrors in Vietnam.

Mr. Lewis concludes with this question:

> In Washington, confirmation of these two appointments is still considered likely. That would be the easy way, the way of business as usual. But if the committee and the Senate are serious about restoring the constitutional balance of power, can they really approve nominations that are such symbols of the lawlessness and brutality recorded in Presidential war-making?

Mr. President, I agree with the sentiments expressed by Mr. Lewis, and I hope his article will be carefully read by all Senators before they vote on the Sullivan and Godley nominations.

I ask unanimous consent that this article by one of the Nation's greatest journalists be printed in the RECORD.

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

ANOTHER SENATE TEST

(By Anthony Lewis)

LONDON, July 8.—An American woman who has long been concerned at her country's role in Indochina was told about President Nixon's agreement to stop bombing Cambodia on Aug. 15. "Is that A.M. or P.M.?" she asked.

The ironic question exposed the troubling aspect of the Aug. 15 deadline: the way a great issue of American law was compromised at the expense of other people. For it is the villagers of Cambodia who will pay in death and destruction over the next five weeks for that settlement of the dispute between President and Congress.

But whatever one's moral qualms at any more savaging of that once innocent and beautiful country, the fact is that the compromise was an enormous step in restoring the political health of the United States—in returning our system to law. After Aug. 15, the President promised, he would ask Congress before bombing Cambodia. In other words, he agreed to comply with the Constitution.

It took many years for Congress to work up the determination that forced that result—years of irredeemable tragedy for Indochina and of political trauma for the United States. And the fight is not over by any means. The constitutional and moral questions posed by the war will continue to confront Congress, and all of us, in many ways.

The Senate, for example, will shortly face a new test of its seriousness in opposing brutal and unconstitutional Presidential wars. It is posed by two pending State Department nominations—of William H. Sullivan to be Ambassador to the Philippines and G. McMurtrie Godley to be Assistant Secretary of State for East Asian and Pacific Affairs.

Messrs. Sullivan and Godley were successive American Ambassadors in Laos, from 1964 to 1969 and 1969 to this past April. As such they played a decisive part in what must qualify as the most appalling episode of lawless cruelty in American history, the bombing of Laos. Very few Americans have let the story enter their consciousness, but it was even worse than the neighboring horrors in Vietnam.

Between 1964 and 1973, the Sullivan-Godley years, the United States dropped almost two million tons of bombs on that peasant country. That is two-thirds of a ton for every man, woman and child in Laos.

The human results of being the most heavily bombed country in the history of the world were expectably pitiful. They are described without rancor—almost unbearably so—in a small book that will go down as a classic. It is "Voices From the Plain of Jars," edited by Fred Branfman, in which the villagers of Laos themselves describe what the bombers did to their civilization. No American should be able to read that book without weeping at his country's arrogance.

For five years, until 1969, the bombing was kept a secret from the American people. Ambassador Sullivan was directly in charge of all the C.I.A. and mercenary personnel involved, and approved the targets. He concealed the bombing from visiting members of Congress and its committees. When he finally admitted it in 1969, he still falsely denied that civilian targets had been attacked. In fact, villages and towns had been obliterated, as he well knew.

The bombing of Laos mounted under Ambassador Godley, with the regular use of B–52's for the first time. By the time he finished his term in Vientiane, there were 700,000 refugees in Laos—out of a population of three million.

Sullivan and Godley have the blood of more innocent human beings on their hands than just about anyone who has ever served as an American Foreign Service officer. Some would say that they were doing a professional job of what their superiors ordered. But that raises other disturbing questions—questions directly related to the present struggle to bring the war-making process back under the Constitution.

When Sullivan said a while ago that the justification for the bombing of Cambodia was "the re-election of President Nixon," he was thought merely cynical. But the statement in fact reflected his consistent view of Presidential power.

In 1969 when the Laos bombing became known, Senator Symington asked Sullivan whether he thought "the President has the right to put U.S. military troops in airplanes over a foreign country . . . and direct the bombing of that country." Sullivan answered: "Yes, sir."

On May 10, 1973, testifying before the Senate Foreign Relations Committee on his nomination to Manila, Sullivan was asked

by Senator Fulbright whether the United States might intervene militarily in the Philippines if President Marcos asked us to. He replied:

"I think that depends on the decision of the President of the United States. He has the constitutional authority to make that decision."

In Washington, confirmation of these two appointments is still considered likely. That would be the easy way, the way of business as usual. But if the committee and the Senate are serious about restoring the constitutional balance of power, can they really approve nominations that are such symbols of the lawlessness and brutality recorded in Presidential warmaking?

RELIEVING WORLD ECONOMIC TENSIONS: WHAT BUSINESS CAN DO

Mr. SCOTT of Pennsylvania. Mr. President, it is a privilege to introduce for the RECORD today the remarks of one of the United States foremost business leaders, Mr. John T. Gurash, chairman of the INA Corporation of Philadelphia, who accurately and concisely discusses the world's economic tensions and possible remedies for these tensions. As Mr. Gurash points out, the international economic and trade issues facing us will finally be solved by governments, but there are things that businessmen can do to keep economic rivalry from damaging the traditional close ties between countries. And Mr. Gurash adds:

We have to look beyond the complex and technical problems of foreign trade and apply some of the God-given commonsense we businessmen pride ourselves in.

Mr. President, I ask unanimous consent that the remarks of Mr. Gurash before the British-American Chamber of Commerce in London on May 21, 1973, be printed in the RECORD and I commend them to the attention of Senators.

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

RELIEVING WORLD ECONOMIC TENSIONS: WHAT BUSINESS CAN DO

(By John T. Gurash)

". . . the issues will finally be resolved at the highest levels of government . . . but there are things *businessmen* can do to keep economic rivalry from damaging the traditional close ties between countries . . ."

". . . We all have a great deal at stake. Not only the future of our companies. But more important, the future of world peace . . ."

As a businessman whose firm has long-standing international commitments, I'm concerned—as I know you are—about the economic tensions in the world today. We all have a great deal at stake. Not only the future of our companies. But more important, the future of world peace.

That tensions exist is self-evident. The question is, what's behind them? Where have things gone wrong?

I had a clue recently in leafing through a 1946 issue of TIME Magazine, and reading the headlines in that post-war year:

Europe and Japan were on their knees.

America had an unchallenged nuclear monopoly.

Russia and China were a monolithic communist bloc.

And just about the only signs of American business abroad were Hershey bars and nylon stockings.

The advertisements? Every one of them for American products.

And what do we read in TIME Magazine today?

Europe and Japan are at the height of prosperity, with a combined economic clout greater than the United States'.

Dozens of countries are making news. Countries that didn't *exist* in 1946.

And mutual suspicions have divided Russia and China.

The advertisements? Sony and Volkswagen. BOAC and Fiat. Nikon and Volvo. The American products are nearly outnumbered.

Change is what has happened. For years we have been playing by the rules of the post-war period. Now, a quarter-century later, the rules no longer apply.

The early 1970's will probably go down as the time all the changes came to a head. The entry of Britain to the Common Market. The double devaluation of the dollar. The SALT talks. And President Nixon's visits to China and Russia.

The cold war has finally ended. The test now is to make sure an economic war doesn't break out in its place.

Pessimists are predicting that's just what will happen. And on the surface there is plenty of evidence to support them:

An out-of-date monetary system that doesn't seem to work for anyone.

Devastating inflation in almost every major industrial country.

A return of protectionism in the United States.

And an epidemic of economic nationalism in every corner of the globe.

It's not a happy picture. The balance of power—economic power, military power, and political power—has changed. And with it has come a change in the way the countries of the world must deal with each other.

So far as the U.S. is concerned, the American people are coming to the realization that our reign of dominance in the world is at an end.

This has been painful to American pocketbooks, but even more painful to American pride. And some of my countrymen are determined to find simple explanations to a complex problem.

International economics, after all, is not a very stimulating subject to the average citizen.

I recall a story in Sir Harold Macmillan's memoirs about the old Duke of Devonshire who, when he could think of nothing else to say at a public meeting, would shout, "I will stand no tampering with the fiduciary issue."

It always brought great applause from the audience, which hadn't the faintest idea what he meant.

In America the protectionists are playing the same sort of game. Resorting to double-talk and oversimplification to explain away our economic problems.

They are pointing the finger of blame in two directions—at our own multinational corporations on the one hand, and at our allies-turned-economic-rivals on the other.

As for our trading rivals, many Americans feel that Europe and Japan have not accepted responsibility commensurate with their economic power.

These countries have reduced their economic and psychological dependence on the U.S., it is said, without materially reducing the economic barriers that made sense in an earlier time.

Former Treasury Secretary Connally, for example, puts it quite bluntly: "All the major countries with whom we have adverse trade balances," he says, "are imposing competitive disadvantages on the U.S. through quotas, taxes and other restrictions."

As for the multinationals, I don't think I need defend them before this group, or lecture about the evils of the Burke-Hartke bill. But the fact is the great international companies have become a very inviting target. And the critics of multinationalism are using the grossest oversimplifications to make their case.

One referred to the multinationals as "economic arsonists."

Another suggested that if current trends continue, General Motors will cease domestic manufacturing and be simply a U.S. distributor of Japanese automobiles.

And the AFL–CIO charged that with the exodus of U.S. production to overseas plants. "This greatest industrial power in the world's history is in danger of becoming nothing more than a nation of hamburger stands."

With this sort of rhetoric filling the air, one can appreciate the challenge facing President Nixon as he attempts to steer his proposed trade legislation through Congress. Particularly with the domestic political crisis clouding the issue.

I believe the President is an internationalist with a strong commitment to free trade, and his bill is basically a free-trade bill.

But in trying to satisfy many conflicting interests with a single piece of legislation, he has added a fair amount of sugar to help the medicine go down with the protectionists.

Congress has been known to swallow the sugar without swallowing the medicine, so it remains to be seen what happens when the complex issues of international trade are subjected to political barter.

It also remains to be seen whether an angry Congress will set aside its domestic quarrels with the President long enough to grant him the broad new powers he has requested—and needs—in the trade area.

Another question mark is the President's reputation as a tough negotiator, not known for making unilateral concessions. He has declared his intention to treat America's monetary, trade and defense arrangements with Western Europe as an indivisible package, a package that several European leaders have already taken issue with.

The whole climate of economic relations has led to some gloomy prognoses for the future. Someone has called it a "dialogue of the deaf" between the U.S. and Europe.

Hubert Humphrey, ordinarily not a pessimistic man, has said that "The trade wars of the 1920's were child's play compared to what could break out in the 70's."

And Giovanni Agnelli of Fiat, who calls the U.S. and Europe the vital center of the world economy, says, "If this vital center does not hold together, the world economy will break apart."

Let me make it clear, without sounding like Pollyanna, that I do not take the pessimistic view. If I did I would be home building my own economic fallout shelter, instead of visiting with you here in London.

Perhaps it's my insurance background. It breeds optimism. For when you sell an insurance policy against some unforeseen catastrophe, you are betting your money that the catastrophe won't occur.

And that's how I'm betting *my* money on the international business scene. For I think that as long as we keep our heads about us, we'll come out all right.

I believe we have to look beyond the complex technical problems of foreign trade, and apply some of the God-given common sense we businessmen pride ourselves in.

For as Sir Christopher Soames has said, we must have the *will* to reach an understanding if we are to avoid endless bickering on specific issues.

The new round of trade negotiations later this year promises that opportunity. There have been signs of greater flexibility on the European side. And President Nixon's trade bill, plus his scheduled meetings with European and Soviet leaders, certainly offer the possibility of expanded trade opportunities in all directions.

The President's announcement that he will call on Common Market leaders in Brussels is particularly promising. It suggests that the Common Market is coming into its own as a political as well as an economic entity. And it could mean that "the Year of Europe" will

be the beginning of a new and healthy relationship between equals.

Part of the new relationship will be a search by businessmen on both sides for new accommodations, new ways of doing business with each other, in fast-changing markets throughout the world.

We will be experimenting with new forms of overseas investment, as we try to find the formula most appropriate to each time and place.

We have seen a number of experiments already—turnkey arrangements, management contracts, joint ventures and participations.

INA Corporation has pursued one such path—the participation—and we have met with enough success to believe we are on the right track.

Our most significant has been with Compagnie Financière de Suez, one of the largest diversified holding companies in Europe.

The virtue of this relationship has been our ability to cooperate in joint ventures and other opportunities overseas that might not otherwise have been available to an American firm. And since we own a significant but not a *controlling* interest in Suez, we avoid the political and social obstacles one might otherwise encounter in the host country.

One offshoot of our Suez participation has been our 10 per cent interest in Assurances Abeille et Paix, a major French insurance company with operations throughout Europe. For each of us the benefit is improved access to markets in which the other is already established.

Another kind of experiment is typified by a trans-Atlantic relationship between two companies for which INA Corporation was the catalyst.

Through our participation in Suez, we were able to help St. Gobain Pont-a-Mousson, the French industrial company, invest in Certain-teed Products Corporation, an American firm.

The benefit for St. Gobain: improved entry to American markets. For Certain-teed: access to St. Gobain's advanced technology.

It may be premature to talk about trends based on such limited experience. The regulatory situation in the various countries is extremely complex. And INA—highly liquid and not restricted by fixed assets—is better suited to this type of arrangement than perhaps other companies.

But a trend *may* be developing. As all of you know, major transactions of this sort have taken place recently in London and Paris, and more will undoubtedly occur.

I'm certain we will see many experiments like this in the future, as we try to find new ways to increase international trade and investment without jarring political nerves in individual countries.

But experimentation takes time. And time may be the one thing we don't have. For while these new arrangements are evolving, events rush ahead and our governments move quickly to respond to short-term concerns at home.

As a result we face the danger that matters demanding the most urgent attention may be treated in isolation rather than in concert. And the even greater danger that we may find ourselves pushed by national selfishness into a future of perpetual crisis.

Thoughtful men recognize this danger.

From government, Dr. Kissinger has called for "A new Atlantic Charter" to overcome the strains between us.

From academia, Professor Brzezinski of Columbia University has called for trilateral cabinet meetings, with the U.S. and Japanese cabinets sitting down with the European Communities Council of Ministers.

And from business, Signor Agnelli has proposed an Atlantic economic summit meeting bringing together the heads of government of the U.S., Canada, and each of the European Nine.

These proposals have one common thread—resolution of differences at the highest levels of government. This process has already begun with President Nixon's visits with European leaders. And it is at this level that the issues will *finally* be resolved.

But the solutions must *begin* at another level altogether. As they say in Detroit, solutions must begin where the rubber meets the road—among the businessmen of the world who deal with each other on a day-to-day basis.

There are things *we* can do to keep economic rivalry from damaging the traditional close ties between countries.

First, a concerted effort on both sides of the Atlantic to bring direct foreign investment more into balance.

In 1971 U.S. direct investment abroad amounted to $86-billion while foreign direct investment in the U.S. was only $13.7-billion.

I've found it puzzling that while American companies are criticized abroad for overwhelming the world with foreign investment, the major European companies have done little to reverse the flow with foreign investments of their own.

Right now the environment for direct investment in the U.S. could not be more inviting.

The dollar has been devalued twice.

There is a substantial dollar surplus in many countries.

And the shares of many U.S. companies are selling at depressed prices on Wall Street.

Reverse investment flow would do much to restore equilibrium to the world monetary picture, and to relieve pressure on the U.S. balance of payments.

As you well understand, balance-of-payments is not an American problem alone, but a world problem. For if the U.S. deficit continues to worsen, other countries will find themselves holding larger and larger amounts of progressively less valuable dollars.

In addition these trans-national participations—like INA's relationship with Suez, or St. Gobain's with Certain-teed—would ease the entry of European companies to the very lucrative but sometimes difficult American market. And they would make it possible to leapfrog the legislative barriers that could well arise in the U.S. if the protectionists carry the day.

Second, we need a determined effort to make our international corporations more genuinely international, if we are to manage our global businesses successfully. And we must begin with our own people.

The job is twofold.

First, increased understanding by top executives of the complex issues of international trade.

Second, the development of a cadre of truly international executives within our own ranks.

On the first point, I am concerned that many business leaders regard the current monetary and trade issues as technical problems, to be dealt with by so-called international specialists.

But the day is past when international business can be dismissed as a specialty. It is no longer possible to place a neat dividing wall between domestic and international operations.

The global marketplace doesn't function in separate compartments. Neither should our companies.

On the second point, few but the largest multinational companies have made a concerted effort to develop global managers.

True, there are Americans in Paris and Britons in New York, but it seldom goes beyond this. The American or Briton returns home after a few years, having had his international "exposure." By and large foreign operations—yours and ours—are managed by foreign nationals.

The global manager, however, must look at business not from an American point-of-view, or a British point-of-view, but an international point-of-view.

This will take training. It will take travel. And it will take an understanding on the part of top management that international affairs are not a fringe specialty, but the very heart of our business.

It will be a costly undertaking. And going as it does against the grain of strong national feelings, I know it will not happen overnight.

But we must begin. Anything else would be penny-wise and pound-foolish. For if we are going to have a truly integrated world economy, we must begin by integrating and de-tribalizing the people who will make that economy work.

Finally, I suggest the creation of a permanent and continuing forum for the great international corporations of all countries, where we can work together on proposed solutions to our mutual problems.

Organizations such as yours are enormously helpful, for they bring together business leaders in an atmosphere of informality and friendship.

But we also have to focus on the specific issues that threaten to divide us—taxation, currency reform, non-tariff barriers and the like—so that when crises arise, as they inevitably will, we can propose to the governments of the world well-thought-out *international* solutions.

Perhaps I am suggesting the business equivalent of the United Nations—comprising the top businessmen in the world.

Not only the heads of private enterprises in North America, Western Europe, Japan and elsewhere. But the heads of government-run industries as well.

The model for such an organization could be the Committee for Economic Development, a U.S. group which—coincidentally—came into being at about the same time as the United Nations.

It was conceived in the early 1940s by a group of American business leaders concerned about a possible post-war economic crisis. They set about to make specific recommendations to avoid the boom-and-bust cycle that had traditionally followed wars.

Though their fears proved unfounded, their motives have met the test of time. Funded by leading American companies, the CED enjoys the *active* participation of the best executive and academic talent in the United States.

And because it is both non-profit and strictly non-partisan, its studies and recommendations have received attention and action in the highest circles of American government and American business.

I think the time is right for an *international* organization like this, supported by companies in many countries, tapping the best economic thinking in the world and the seasoned judgment of its principal business leaders—then making its findings available to all.

This would not be a mouthpiece for the business point-of-view, but a valuable mechanism for advancing the cause of world trade and world peace.

Such an organization would require no enabling legislation, no referendums by voters, no funding by government.

It requires only the *will* on our parts to discuss the issues in an orderly and intellectually thorough way.

It would give our political leaders the benefit of international business judgment and experience as they grapple with the economic complexities of today's world.

I want to close on a note of optimism. A conviction that the forces pulling us together are much stronger than those pushing us apart.

Mistakes have been made in the past; undoubtedly mistakes will be made in the future. On both sides.

But we are mature enough now to understand that mistakes are part of the learning experience. And together we have learned a great deal.

When Benjamin Franklin, who was equally at home in Philadelphia and London, was representing the U.S. in England, he sent a message to his countrymen at the Continental Congress.

He said: "Now is the time to light the candles of industry and enterprise. Let us light the candles of business too."

We have lit those candles and kept them burning together. I'm certain that with a spirit of cooperation and friendship, they will burn brightly for many years to come.

Thank you very much.

LIMITATIONS OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, during the past week and a half, I have dealt with each of the nine articles of the Genocide Convention in some detail. I have discussed many of the misconceptions that have arisen as a result of not comprehending exactly what this treaty does and does not do. To summarize, the first three articles specifically describe the limitations of the treaty—what constitutes a genocidal act and what acts are punishable:

The contracting parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

In the present convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

The following acts shall be punishable:

(a) Genocide;

(b) Conspiracy to commit genocide;

(c) Direct and public incitement to commit genocide;

(d) Attempt to commit genocide;

(e) Complicity in genocide.

WHAT THE TREATY DOES NOT DO

Understanding, then, the provisions of the convention, I would like to stress what this treaty does not do. The Senate Foreign Relations Committee has listed:

It does not alter the rules of warfare, or the obligations of parties to the Geneva conventions on the treatment of prisoners of war and protection of civilian persons in time of war.

It does not apply to civil wars as such.

It does not apply to persecutions such as the currently headlined Soviet treatment of its Jewish population.

It does not apply to discrimination, racial slurs, and insults, and the like.

It does not apply to voluntary population control measures.

It does not apply to the past.

Because of all the areas not covered by the Genocide Convention, some critics claim that it has no substance. These opponents add that the remedy to this malady can be achieved by having the United Nations renegotiate a "meatier" treaty. Being realistic, though, it is difficult to conceive of an organization comprised of over 130 member nations renegotiating a document that is a quarter-century old.

We cannot be proud of the fact that 25 years have gone by and still we have not added the United States to the list of more than 75 countries that are signatories to the Genocide Convention. There can be—and must be—no further delay.

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

Mr. THURMOND. Mr. President, I note the resignation of Kenneth E. BeLieu as Under Secretary of the Army, effective June 29, 1973. Ken will be sorely missed by the Army and the Government.

For nearly a third of a century Ken has served our country with selflessness matched by few men. Fewer still have served with such distinction in so many responsible positions in Government during this critical period in our Nation's history.

Beginning with a distinguished Army career followed by civilian service with both the legislative and executive branches of Government, his service has been characterized by dedication and achievement in rare measure. As a staff director of both the Preparedness Investigating Subcommittee of the Senate Armed Services Committee and the Senate Aeronautical and Space Sciences Committee, he contributed importantly to the advancement of our defense and space programs. The Navy was the next beneficiary of his talent. As Assistant Secretary and later Under Secretary of the Navy, he provided inspiring leadership and was instrumental in developing new initiatives which greatly benefited our naval air and sea power.

In January 1969, he joined the administration as Deputy Assistant to the President and representative to the Senate. Ken's keen insights, sound judgement and reputation as a dedicated, capable public servant contributed immeasurably to the legislative program.

He was named Under Secretary of the Army in September 1971 where he has played a significant role in the Army during a key period of transition from a combat to a peacetime posture. His extensive experience, and his great love and concern for the soldier and the Army uniquely equipped him to forge many of the soldier-oriented programs so vital to attaining success in the goal of an all-volunteer Army. Ken's standards of excellence, unstinting dedication and superb performance have left their mark on the Army. Ken BeLieu's record of service to our Nation is truly remarkable.

On the occasion of his departure from service as the Under Secretary of the Army, I extend best wishes to him and his family for happiness and good health in the future.

Mr. President, I ask unanimous consent that Mr. BeLieu's biography be printed in the RECORD.

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

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 with 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.

THEY'RE MAKING IT WORK IN KANSAS CITY

Mr. SYMINGTON. Mr. President, Kansas City, Mo., is a city of vitality. In the current issue of Industry Week, the current development in this city is well described.

In an article "They're Making It Work in Kansas City," the author, Charles A. Nekvasil, explains the success of businessmen and government officials as they cooperate to build an even greater community.

At a time when so much attention is devoted to the deterioration of our Nation's cities, it is encouraging to read this success story.

I ask unanimous consent that the Industry Week article be printed in the RECORD.

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

THEY'RE MAKING IT WORK IN KANSAS CITY

(By Charles A. Nekvasil)

Think you know a lot about this country's major cities? What city is in the middle of the largest construction program in the U.S.? What's the fifth-largest city (areawise) in the U.S.? What city has recently opened an airport that should prove a model for other major airports built in the U.S.?

One city can lay claim to all those distinctions. It's Kansas City, on the Missouri side, a major U.S. metropolis that's proving emphatically that business and government can work together. During the 1960s, Atlanta was the hot town, but in the 1970s that honor belongs to Kansas City.

HOW IT GOT STARTED

Kansas City isn't enjoying what you'd call an economic rebirth—because the town never died. It grew steadily but unspectacularly during the postwar years, never losing its "cowtown" image, explains Richard K. Degenhardt, executive vice president, Chamber of Commerce of Greater Kansas City.

Despite that image, though, important things were happening in the Missouri city, observes Ilus W. Davis, Kansas City's mayor during the years (1963–71) when the town's growth accelerated the most.

"This city had a disastrous government during the 1930s—one of the most corrupt machines in the country," he says. "In the early 1940s, business and civic leaders united to throw the machine out."

From that time on, he adds, Kansas City's business leadership realized it couldn't ignore local government. Business didn't want to run the city, but it was interested in who was running it.

Now obviously, most local businesses are concerned about area government, but as Mr. Davis points out, Kansas City's business leaders don't simply confine their efforts to normal bread-and-butter issues such as taxes and urban development.

Instead, business gets involved in community matters. In the early 1960s, for example, Kansas City adopted a controversial civil rights public accommodation ordinance. However, a local group challenged it, and Mayor Davis' administration faced a referendum election on the ordinance.

Civil rights was still a highly emotional issue, and there was far from overwhelming support for the movement in Kansas City, he explains.

Many business leaders would have avoided that controversy, but Kansas City's didn't. Business helped the ordinance's supporters raise money and mounted its own effort to get out the vote. The result: a narrow victory for the public accommodation ordinance.

"Business here isn't afraid to speak out for its interests, or for the community's interests either," Mr. Davis comments.

NO CRISIS

Most U.S. urban economic revivals came as a result of some crisis, notes the chamber's Mr. Degenhardt. Dallas had President Kennedy's assassination, Memphis had Dr. King's, and Atlanta lost much of its business and civic leadership in a disastrous airplane crash.

After these crises, each city's leadership mounted major campaigns to revitalize their towns. Kansas City never suffered a disaster, and for a long time its leaders seemed content with its steady growth.

However, as Mr. Degenhardt explains it, the city simply woke up to the fact that it had a good story to tell and that things happening there could turn Kansas City into one of the country's leading metropolitan centers.

One of those things was the Crown Center, a $200 million total urban community on the fringe of Kansas City's downtown business district. The center, financed entirely by private capital, will eventually add 50 new buildings to the city's skyline.

Crown Center is the brainchild of Joyce C. Hall, founder and chairman of Hallmark Cards Inc., one of Kansas City's largest firms. It was back in 1955 that Mr. Hall first developed the idea of transforming a decaying fringe area into a model business and residential community. After more than a decade of planning, Hallmark formed a subsidiary and announced plans for the center in 1967.

Today, Crown Center is nearing the end of its first of four construction phases. After completion of the final phase in the early 1980's, it will include more than 1 million sq ft of office space, more than 2,200 apartment units, a 730-unit luxury hotel, a 100-unit motor inn, a bank, two retail complexes, a 10-acre central square, various cultural and entertainment facilities, and structured parking for more than 7,000 vehicles.

A LIVING COMMUNITY

One of the most striking aspects of the center is its careful planning, and Donald J. Hall, Hallmark's president and chief executive officer, admits that this was the hardest part.

"From day No. 1, we worked for a living, working community. There are a lot of grandiose buildings and developments around that haven't paid enough attention to people," he explains. Most of those developments, unfortunately, have proved little more than marble and steel monuments to a 9-to-5 existence.

Crown Center typifies Kansas City's boom. A company decided too many firms spent too much time complaining about our cities and too little time trying to improve them. As Don Hall puts it, "We never considered packing up and moving to some wheatfield. We evaluated our downtown location, looked at all the costs, and decided to do something.

"If other companies would revaluate their original locations and try to upgrade them, I think business could make a much larger contribution to revitalizing our cities."

Mr. Hall admits that every firm can't sink millions of dollars into a project like Crown Center, but he does maintain that every company can make some contribution to its city.

Crown Center isn't the only thing changing the face of Kansas City. Today, there's more than $3.4 billion in new construction rising—more than 75% of it financed by private money. The new airport will account for some $250 million of that amount, but most of it is the result of a genuine boom of smaller projects throughout the city.

LET'S CAPITALIZE!

Because Kansas City had a good start on a downtown expansion, its civic leaders saw an opportunity to turn that steady growth into a boom. One important step, they realized, would be building a proper image for Kansas City in the nation's opinion centers.

The result: Kansas City's Prime Time, a three-year program dedicated to telling the city's story. The business community chose the chamber to spearhead Prime Time. Its first phases focused on opinion centers such as Chicago, New York, and San Francisco. Later, the chamber began a local program, building civic pride.

At that time, Kansas City found an unexpected supporter: U.S. Steel Corp. John E. McGrath, sales manager-Kansas City district, attended a Prime Time meeting and saw a natural tie-in with his firm's "We're involved" advertising campaign.

As Mr. McGrath points out, so much of the new construction in Kansas City uses steel—and in some highly innovative applications—that his industry is deeply involved in the city's growth.

"We saw an opportunity to help bring some new business to Kansas City," he explains, but he adds that "we've made no secret of the fact that the name of the game, in our opinion, is selling our products."

U.S. Steel's advertising and public relations staffs developed a detailed communications program designed not only to associate the firm with the city's strong growth, but also to provide an example of how other Kansas City firms could promote their city's renaissance.

For example, it developed a series of five newspaper ads highlighting important Kansas City accomplishments such as the airport, Crown Center, and other major construction projects. Radio and television spots also pushed these messages, while public relations efforts added more impact.

At first glance, it might seem that U.S. Steel is trying to ride on the coattails of Kansas City's boom, but that's not true. What is true is that the firm managed to find a natural connection between its interests and Kansas City's interests—and then developed a program that "showed business and industry that it can help its community develop at the same time it helps build its business," Mr. McGrath says.

The U.S. Steel executive firmly believes that other companies should consider using similar programs, even if they can't tie into a special campaign like Prime Time. "The benefits of our efforts here for both Kansas City and U.S. Steel have been far greater than you'd expect, considering the costs involved," he adds.

CONFIDENCE

Kansas City's business and industry are confident of their city's future, and they're willing to demonstrate that confidence when it counts. A perfect example, observes the chamber's Mr. Degenhardt, is the city's planned convention center.

The Missouri city's central location and growing hotel population make it a natural convention city. Several years ago, the city announced plans for a large convention facility. The plan was to levy a special tax on restaurants, hotels, and motels to support the revenue bonds. However, a taxpayers' group challenged the plan in court, and Kansas City's convention center seemed bogged down while the slow wheels of justice turned.

Fortunately, the city didn't let that happen. Local government leaders came to the chamber and asked the business community to raise $1.25 million so that architectural planning could continue while the court case dragged on. The chamber raised the money from about a dozen local firms.

"There's no guarantee business will ever get its money back," explains Mr. Degenhardt. The court could rule the tax illegal, and that would kill the convention center.

However, the firms realized their city needed that center, and they also realized a long delay could ruin its chances to become a large convention city. Of course, many of the firms that contributed will benefit directly from more conventions, but Mr. Degenhardt is proud to point out that "we even got money from several local insurance companies, and it's hard to see how they'd benefit from more conventions."

SOCIAL RESPONSIBILITY OR GOOD SENSE?

A company that takes a $200 million risk in rehabilitating a large part of downtown Kansas City, other companies that risk more than a million dollars to keep an important project going, and more companies that pour billions of dollars into Kansas City—it sounds as if the old "social responsibility of business" theory has quite a few supporters in Kansas City.

It does, but don't think Hallmark developed Crown Center because someone thought it would be a socially responsible thing to do. And don't think all the other companies building new facilities downtown are doing it, either. As Hallmark's Mr. Hall puts it, "Our first responsibility is to be as strong an economic entity as possible, but within that framework there are many ways we can do things for our community."

The Hallmark executive strongly believes

that "Crown Center has to be run on a profitable basis. I'll admit we probably could have found a slighty higher return on our investment in some other areas, but you've got to look beyond the direct costs and benefits."

Kansas City businessmen have put a realistic dollar value on the investment return they'll get ten or more years from now—when they won't face manpower shortages because workers have left the central city, and when they won't face skills shortages because the city's declining tax base has cut the quality of its educational system.

They've also learned to work closely with government, and government has learned that business can play a valuable role in strengthening a city. As Mr. Hall puts it, "Government can't rebuild our cities. It can build a new building or two, but only private business can design and plan an integrated development program like we've got here in Kansas City."

CONCURRENT RESOLUTION ADOPTED BY THE SOUTH CAROLINA GENERAL ASSEMBLY.

Mr. THURMOND. Mr. President, on June 22, 1973, the South Carolina General Assembly passed a concurrent resolution memorializing the Congress and the Governor of South Carolina to mobilize all resources of Federal and State Governments in aid of South Carolina farmers and agricultural workers who are suffering extreme economic hardships as a result of a continuing pattern of disasterous weather for agricultural production.

On behalf of the junior Senator from South Carolina (Mr. HOLLINGS) and myself, I ask unanimous consent that this resolution be printed in the RECORD.

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

A concurrent resolution to memorialize the Congress of the United States and the Governor of South Carolina to mobilize all resources of Federal and State governments in aid of the farmers and agricultural workers who are suffering extreme economic hardship as a result of a continuing pattern of disastrous weather for agricultural production

Whereas, the weather throughout 1973 has had a disastrous effect on agricultural production in South Carolina; and

Whereas, first snow and ice and now rain and floods have severely damaged many crops and destroyed others completely and have also caused great loss to animals, machinery and farm land; and

Whereas, the farmers of this State, particularly in Sumter, Clarendon and Williamsburg Counties, are in dire need of special long-range assistance to enable them to re-order their lives and farming operations.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

That the Congress of the United States and the Governor of South Carolina are hereby requested to mobilize all resources of the Federal and State Governments to aid the farmers by providing every long-range assistance available to farmers and agricultural workers of this State, particularly in Sumter, Clarendon and Williamsburg Counties, who are suffering extreme economic hardship as a result of the continuing pattern of disastrous weather for agricultural production.

Be it further resolved that copies of this resolution be forwarded to the Governor of this State and to each member of the South Carolina Congressional Delegation.

NATIONAL SPORTS DEVELOPMENT FOUNDATION

Mr. GRAVEL. Mr. President, on May 2 I introduced S. 1690, a bill to establish a National Sports Development Foundation. The proposed Foundation would be concerned with the policy, planning, conduct, and development of all kinds of sports for individuals of all ages. Through the administration of grants-in-aid, the stimulation of research and development, the provision of promotional and managerial assistance, and the dissemination of sports information, the Sports Foundation would strengthen our country's sports program and contribute to the health and physical well-being of our people.

On June 27, the Committee on Commerce agreed to report the Amateur Athletic Act of 1973, which provides in title II for the creation of the National Sports Development Foundation proposed in S. 1690. The contribution such a Sports Foundation could make to the sport and recreation needs of the State of Alaska has been evaluated by a group of Alaskans prominent in athletics. These individuals, who serve as my State advisory committee on the Sports Foundation, have formulated in conjunction with the Alaska Division of Parks a comprehensive Alaska recreation outreach program, which provides a model for applications for funding by the Foundation. I know that Senators will want to study this report of the advisory committee to better understand the significance of a National Sports Foundation.

Mr. President, I ask unanimous consent that there be printed in the RECORD the names of the members of the State advisory committee on the Sports Foundation, as well as their report on an Alaskan recreation outreach program.

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

STATE ADVISORY COMMITTEE—NATIONAL SPORTS DEVELOPMENT FOUNDATION

Mrs. Daisy Bitner, Consultant, Anchorage Borough School District.

Mr. Jim Brown, Chairman, Department of Physical Education, Alaska Methodist University

Mr. David W. Christy, Ski Coach and Professor, Department of Physical Education, Alaska Methodist University.

Dr. John Gilmore, Chairman, Department of Physical Education, University of Alaska at Fairbanks.

Mr. Nat Goodhue. Outdoor Recreation Planner, Alaska Division of Parks.

Mrs. Katherine (Kit) MacInnes, Physical Education Instructor.

Mr. George Mark, Physical Education Consultant, Anchorage Borough Schools.

Mr. Jim Mahaffey, Coach, United States Ski Team and Professor, Department of Physical Education, Alaska Methodist University.

Dr. James Martin, Aquatics Director and Professor, Department of Physical Education, University of Alaska at Fairbanks.

Mr. Lou Struts, Director, Anchorage Borough Park and Recreation Department.

ALASKA RECREATION OUTREACH PROGRAM: A PRELIMINARY PROPOSAL

(Prepared by Division of Parks, Department of Natural Resources, State of Alaska)

A SPECIAL NEED FOR RECREATION

In a land blessed with an abundance of open space, wildlife, and scenic beauty, the lack of recreation opportunities may not be considered one of the major problems. In Alaska, especially rural Alaska, food, shelter, and clothing, all essential for survival, are not taken for granted, and understandably health, housing, education and employment programs receive the high priority in the allocation of funds and other resources. Nevertheless residents of Alaska's rural communities have expressed their interest in greater recreation opportunities and most villages demonstrate this interest with frosty winter carnivals and colorful native dances

Background

The *Alaska Outdoor Recreation Plan* describes the deficiency of recreation opportunities in rural Alaska, "Lack of enough income and time for mobility also tends to restrict these people from participating in the recreational pursuits available to the more affluent residents of Alaska. Nevertheless . . . bush residents have strong needs and desires for recreation, and deserve attention in future recreational development. At present, almost no recreation areas and facilities are provided in these areas. Because of the small population involved, it appears that these outlying areas frequently do not receive adequate attention in the political allocation of funds for recreational development." (Volume II, VII–15).

The Alaska Resident Recreation Demand Survey indicated that there was a lack of recreation programs for students and others in rural communities. This should not be confused with opportunities for wilderness recreation. Most rural communities are adjacent to some of the world's largest and most beautiful primitive areas and consequently the space for hunting, fishing, boating for pleasure and a variety of over-the-snow sports is unlimited.

Meanwhile, back in the village the programs for some of these activities and the facilities for community recreation, easily accessible to students during class periods and conveniently located for all age groups in the dark winter and sunny summer evenings, are limited. The needs range from the little tots who want to play together close to home to the older folks who would like a centrally located passive recreation area for cultural events and just plain talking.

In between these two age groups, are the energetic students, many of whom place a high value on good physical education, intermural and interscholastic sports and cultural programs. In fact, a high percentage of the high school age students prefer to attend high schools in Oklahoma, Oregon and Sitka, because of the abundance of extra-curricular opportunities. These promising young Alaskans stated that if a local or regional high school were to offer opportunities to be on a varsity sports team or other extra-curricular activity and the opportunity to travel to a variety of places for sports competition and other activities, they would prefer to go to school closer to home. Thus, limited financial resources combined with the vast distances which separate Alaska's approximately 180 smaller communities from each other and from the larger population centers are denying these people, most of whom are Indians and Eskimos, from participation in the sports programs which are at least physically accessible to most other Americans.

Recreation and other programs in rural Alaska

Recreation is closely related to some of the high priority programs in rural Alaska cited above, such as health, housing, education and employment. For example, the students consider sports and cultural opportunities to be a vital part of their education and perhaps are ahead of the educators who for too long have considered such

activities as "*extra*-curricular" when in fact for many the physical and emotional experiences of sport, drama, and music may be a superior means of learning. Perhaps being an actor in the performance of an Eskimo legend and in a Gilbert and Sullivan play is a more effective means to understanding both the Eskimo and the western cultures. Perhaps the rugged training program and the joy of becoming the Junior Cross Country Ski Champion of North America is a means of learning how to thrive in the western world and still utilize the quality which enables the northern Indian and Eskimo to survive in a harsh environment.

A recreation program could complement health programs in rural Alaska. Physical exercise contributes directly to good health, and in the process one can learn a great deal about nutrition and other methods of preventing sickness and enjoying a vigorous existence.[1]

The acquisition of knowledge and skills pertaining to specific recreation activities could contribute directly toward meeting qualifications for jobs in the recreation field, or mental attitudes developed as a result of participation in these activities and the knowledge gained about different people and places, and can contribute to meeting the qualifications for a broad spectrum of other major employment opportunities.

Another major program in rural Alaska, village electrification, is now providing the energy which could be used for lighting outdoor and indoor recreational areas during the long winter nights of the Arctic.[2]

Effective coordination of recreation programs with these other programs could make the difference between mediocre and excellent results and perhaps between no program and an excellent program. In other words maximum use must be obtained from all available resources, especially where one program complements others.

Goals. A recreation program along with other programs should meet the basic needs of the people involved. Accordingly, the goals of a recreation program in rural communities and schools includes:

1. Availability of a greater quantity and quality of recreation opportunities.
2. Achievement in activities which Alaskans, especially rural Alaskans, given the climatic conditions, can excel.
3. Preservation of examples of the natural environment within the communities.
4. Preservation of cultural heritage.
5. Promotion of good health.
6. Increased employment and income resulting from acquiring skills and staging events which attract tourists, thereby stimulating the local economy and income levels.

Experience in Northern Canada where challenging sports programs have been made available to Eskimo and Northern Athapaskan Indians indicates that the participants and others benefit in the following ways:

1. That it is possible for indigenous youth to compete successfully in the "modern" world in a field where they have sufficient environment, culture and understanding to excel to greatness.
2. As a result of this success, they can be motivated to strive for greater general achievements and determination in life itself.
3. Positive self-image changes, such as higher self-esteem, which appears to be the kind of quiet, humble, self assurance and acceptance compatible with the sharing, egalitarian, indigenous culture.
4. Gradually taking on the qualities which will stand them in good stead in the more individualistic, future-oriented achievement-type society of the industrial world.
5. At the same time maintaining a very strong commitment to the traditional, egalitarian culture, to the extended family in particular and their home communities in general.
6. Occupational aspirations which involve achievement in leadership roles in the industrial culture and retention of the traditional way of life, thereby being successful in inculating a desire to experience "the best of both worlds".
7. The attainment of fame and honor to themselves, their families, their communities and even their nation.
8. The generation of a great deal of pride among all northern Canadians resulting from the competitive achievements of participants and thereby the provision of an image for all young people to strive toward an image which is vitally important in today's world of rapidly changing values.

(References for the above-cited findings are *Territorial Experimental Ski Training Program—Research Results;* Edmonton, Alberta; January, 1973 and *Territorial Experimental Ski Training Program Annual Report;* 1971–72.)

HOW TO SATISFY THE NEED

An education-recreation or park-school alliance could be the best approach to meet the unsatisfied recreation needs of rural Alaskans. A Choice location for recreation activities would be adjacent to a school because (1) the school curricular and extra-curricular activities would account for most of the use during the week-days and (2) the school often serves as a focal point in the community after school hours and on the weekends for people of all ages.

A park-school is an "outdoor-indoor plant functionally designed to make possible an integrated program for education, recreation, and community activities suitable to the geographic area it serves in addition to the resulting economy in land acquisition and facility use, construction, operation and maintenance; the park-school is designed to integrate both school and community recreation into one overall program." (*Planning Areas and Facilities for Health, Physical Education and Recreation;* revised 1965; American Association for Health, Physical Education and Recreation; Washington, D.C.; page 8.) The concept recognizes that the day-by-day experiences of school children which take place outside the school and many adult recreation activities are educational.

Overall program management

Primary responsibility for the general direction of a recreation program in a specific community would be shared by the local government and school authorities if it is decided that a park-school alliance provides the best means to satisfy recreation-education needs in communities. The responsibility for developing the contents of a recreation program should be delegated to specific sports organizations which have the expertise to create a high quality program. Responsibility for the general administration and coordination of a statewide recreation outreach program should be delegated to a body with statewide and multi-activity interest, such as the Alaska Parks and Recreation Council chaired by the Lt. Governor of the State of Alaska, staffed by personnel of the Alaska Division of Parks.

Cooperative action between school and community authorities is essential if the advantages of a park-school concept are to be realized. "It involves a joint agreement as to the location, development and use of property to be designed for the school physical education program and for the recreation of both school and community groups. Since the park-school concept is based on desirability and economy of dual use it is of the utmost importance that plans be developed jointly by both school boards and municipal authorities." (Ibid.)

The emphasis which has been given to a joint recreation-education approach is not intended to limit the outreach program to school age participants but rather to utilize existing school resources in the rural communities and achieve broad educational benefits. College aged, middle aged, and elderly people should benefit from a recreation program. In fact high priority should be given to assisting programs which will keep the high school graduate involved in sports and thereby cut the drop-out rate among our most promising athletes. Participation by the middle-aged and elderly is even more essential from the point of view of perpetuating good health and physical fitness and could result in the additional benefits of statewide, national and international competition in masters or veterans competition. Sports clubs and institutions of higher education therefore are important agents along with schools and municipalities in the implementation of a recreation program.

Components of a rural community recreation program

Successful implementation of the recreation program involves the provision of the following basic components:

1. *Space* adjacent to schools which can be used by students during a fifty-five minute class period and by entire families during a cold winter evening, thus recreation space which is a part of the community, not apart from the community. The *Alaska Outdoor Recreation Plan* recommends, "Valuable park and open space land and recreation corridors, such as trail rights-of-way, should be selected and acquired before the choicest areas have been lost." (Volume III, II–5)
2. *Recreation Activity and Support Facilities.* The Alaska Outdoor Recreation Plan states that "playfields and winter sports areas are needed immediately." (IBID.) Highest priority should be for those facilities with the highest ratio of benefits to cost, that is, those which provide for large participation at a low cost.
3. *Recreation Equipment* which in some cases may be fabricated locally and in other cases will need to be purchased from an outside source.
4. *Instructional Materials* some of which may be prepared locally and some of which must be purchased from an outside source, including written materials, slides, film strips, movies, video tapes and the apparatus needed to use these aids.
5. *Personnel,* with an emphasis on coaches who can provide the physical skills and inspiration needed to develop the highest degrees of skills and mental development in program participants.
6. *Travel Funds.* To provide a.) participants with the sought-after opportunity to travel to new places and meet new people

[1] Also the construction of central sanitary facilities containing showers, laundromat, and water supply by the U.S. Public Health Service, the Environmental Protection Agency, and the State Department of Environmental Conservation provides the kind of support facilities needed for sports programs as well as generally contributing to village health. Construction of these facilities in conjunction with "area" high schools, as proposed by the State will support the extra-curricular programs which the rural young people desire.

Physical, rhythmical, and musical activity has proven to be of therapeutic value to the physically and mentally handicapped. Recreation activities designed for handicapped people in rural communities would also enable them to participate in the multi-event olympics for the handicapped at the state and even national and international levels.

[2] Many State Operated Schools have enough electricity available from Alaska Village Electrification Cooperatives or their own power plants that outdoor lighting could be provided for winter skating and skiing when darkness comes shortly after noon and lasts until late morning in northern Alaska. AVEC has provided electricity in 48 communities which had no community-wide electrical distribution.

and b.) coaches with the means to teach skills to the inhabitants of the satellite villages surrounding the regional centers where they would be based. The great distances between Alaskan communities and the great distance separating Alaska from other states and Canadian Provinces means that a considerable amount of travel funding will be necessary to maintain a high degree of motivation among program participants.

Criteria for the selection of recreation activities and geographic areas

Initially the program should be inaugurated in those communities which have demonstrated an interest in and if possible at least limited achievements in the area of sports and recreation.

The type of activities selected should be those which are economical in terms of facilities and equipment, appropriate to the physical environment, thereby guaranteeing the likelihood of high levels of achievement, and be physically and mentally stimulating, thereby taking advantage of the physical endurance of Indians and Eskimos and achieving the previously described benefits.

Funding

A major reason that a recreation program such as that described has not developed in rural Alaska is because funds are not available.[3] The availability of the necessary funds would undoubtedly provide the catalyst for a substantial amount of recreation activity.

However, in order to obtain a maximum commitment of the local people responsible for the program, and thereby a high quality program, it would be wise to give them financial, as well as other interests in the program. Therefore the bodies responsible for such a program at the local level should be required to contribute a portion of the cost of the program. Probably a contribution in dollars or "in kind," amounting to 5% to 10% of the costs of the equipment, instructional materials, personnel, and travel time components, and a 50% to 75% of space and facility components, would achieve the benefits of giving them a fiscal stake in the outcome of the program, yet at the same time provide them the financial assistance which is needed.[4]

[3] The State of Alaska, unlike neighboring Yukon and Northwest Territories which have received funds for recreation activity programs from the federal government through the "Sports Canada" Program, has never been involved in an ongoing recreation activity program. Funding from State and Federal sources has been for the acquisition of land and water areas and the development of recreational facilities, leaving any statewide efforts to coordinate and provide instruction for recreational activities in the hands of volunteer sports organizations and the few existing local parks and recreation programs. While the worthy efforts by these groups has done much to expand recreation activity in rural communities, the volunteer sports organizations do not possess the funds to provide all the needed components listed above, and local park and recreation programs must serve their community first, thereby limiting the extent to which they can provide statewide coordination of recreation activities. Once a rural community recreation outreach program is operable, the costs are defined and understood, and the State's financial situation improves, the State government and its political subdivisions would more likely be able to assume some of the costs of the program.

[4] The more favorable matching ratio is for the recreation activity components for which no funding assistance now exists, and is intended to place the emphasis on recreation activity. The availability of funds at a less favorable matching ratio for park space and facilities insures that assistance can provide for any components which might be lacking.

A successful recreation program requires all six of the components described above. A given community, school, or organization may need financial assistance to provide some or all of the components. Therefore the grants should be available to provide any of the components, thereby possessing the flexibility to meet varying areas.

An annual budget broken down by the six components, for inaugurating a recreation outreach program follows:

Recreation outreach budget for fiscal year 1974

Eligible costs:	
Acquisition of land and water areas	$100,000
Development of recreation facilities	50,000
Recreation equipment	15,000
Instructional materials	5,000
Personnel	75,000
Travel for participants and instructors	100,000
Total program	345,000

WHAT'S RIGHT ABOUT AMERICA?

Mr. THURMOND. Mr. President, in the recent Miss South Carolina Teenage Pageant, part of the contest involved the preparation of an essay on the subject "What's Right About America?"

The winner of that essay contest was Miss Laura Anne Tallevast of Kingstree, S.C. Her words were brief but her message was clear. In 100 well-chosen words Miss Tallevast has pointed out the guiding American principles of integrity, trust and freedom. She has rightly observed that the universal freedoms we enjoy, coupled with the unlimited opportunities which are available, make this country strong.

Mr. President, the thoughts conveyed in the essay Miss Tallevast wrote can remind us of the blessings we have as part of our citizenship in the United States. I commend the reading of this essay to all Members of the Senate and accordingly, I ask unanimous consent that it be printed in the RECORD.

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

WHAT'S RIGHT ABOUT AMERICA?

(By Laura Anne Tallevast)

America, our land, can only be as great as her people. We, the people of America, stand for integrity, trust and freedom. We are striving to ever improve ourselves, our environment, and our homeland.

No other people, of any other country, have ever experienced such freedom to express themselves on subjects such as politics and religion.

Regardless of race, creed, or color, a person, *with determination*, has the opportunity of reaching his or her highest goal.

America, the beautiful, is a country of love, togetherness, and understanding.

As a teenager of today, I thank God I was born an American!

POWER FROM THE WIND

Mr. HATHAWAY. Mr. President, this seems to be the year of the energy crisis. Every day we are confronted with headlines about blackouts and oil shortages, pollution alerts and closed service stations. The major oil companies are suspending their regular advertising and Johnny Cash is providing tips on ways to save gas. In the midst of all this, it is encouraging to me that more and more thought is being given to meeting our energy needs from "natural" sources—that is, sources which are nonpollting and which are not consumed during their use as are oil and coal. I have been pushing this point of view ever since I first came to the Congress 9 years ago in trying to bring to reality the Dickey-Lincoln hydroelectric project in northern Maine. I was pleased to learn recently that another Maine man is embarked on a similar kind of project—one which will enable rural families to meet their own energy needs of a free, nonpolluting, endlessly renewable source—the wind.

Henry Clews of East Holden, Maine, is one of this country's leading experts on the practical application of wind power and is the U.S. agent for Australian and Swiss electrical generating windmills. These marvelous machines, when coupled with a set of storage batteries and an inverter to convert the direct current stored in the batteries into household alternating current, can provide the reasonable electrical needs of a family indefinitely at little or no cost after the initial installation. In addition to these "ready-made" wind machines, Mr. Clews has developed plans for a "do-it-yourself" unit which can be constructed from readily available components for about $300. The Clews household utilizes one of their own units which currently provides them with enough power for six or eight 75-watt light bulbs every evening, radio, television, stereo, electric typewriter, blender, toaster, vacuum cleaner, Skil saw, electric drill and a one-third horsepower deepwell pump.

Obviously, this approach is not appropriate for the solution of all of our power needs but it does represent a significant potential resource for the thousands of rural families too far from the nearest power lines to afford the expense of "hooking in" to the existing system. In addition, large-scale use of wind power, particularly in the North Atlantic, is now being given serious study.

Mr. Clews has published a thorough and fascinating booklet on this subject which is available from him in East Holden, Maine. I urge my colleagues to make this information available to their constituents, particularly those in rural areas.

It is only through imagination and professional application that our future energy needs will be met. I am gratified that these qualities are being brought to bear on this problem by a man from the State of Maine.

At this point, Mr. President, I would like to ask unanimous consent that an editorial on this subject from the Portland Evening Express be printed in the RECORD.

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

POWER FROM THE WIND

The wind was one of man's original power sources having had early use in propelling ships across the water and, later, through the windmill, as a labor-saving device on the land.

Over in eastern Maine a fellow who got tired of city life and settled his family on a

farm is using a wind mill to generate electric power.

It's working quite satisfactorily in supplying his needs. When the wind is blowing the power is used directly and when it isn't blowing, power is taken from storage batteries that are charged when there is wind.

Henry Clews told an Associated Press writer he doesn't expect the windmill will put the power companies out of business. At present it isn't a viable economical alternative.

But there are some who believe that generating electric power by use of the wind isn't just a gimmick. They believe that it is an idea that could be made practical for general use sometime in the distant future.

There's no noise pollution from a windmill. There's no consumption of irreplacable natural resources like coal and oil. There's no nuclear hazard and there's no flooding of the land as in the case of hydro power.

For the present, windmill-generated electric power is practical only in the outback beyond the range of power lines, but with oil in shorter supply and environmentalists growing increasingly edgy about nuclear power, the windmill might someday become an acceptable alternative.

What thousands upon thousands of windmills might do to the appearance of the landscape is something else again, however, and they might generate a whole new lobby against sight pollution.

THE ARKANSAS PINK TOMATO MARKET

Mr. FULBRIGHT. Mr. President, in his thorough and inimitable way, Leland DuVall of the staff of the Arkansas Gazette, has put into perspective a very unusual set of circumstances which occurred in Arkansas last week when the Internal Revenue Service, through its agents, created havoc in the Arkansas pink tomato market. Phase 3½ has brought about some extreme dislocations in the food industry and has created severe problems in grains, poultry, beef markets and others, but, because of the nature of the tomato market, the action of the Cost of Living Council and the Internal Revenue Service in this case is unique.

I ask unanimous consent that the article from the Arkansas Gazette of Friday, July 6, written by Mr. DuVall, be printed in the RECORD, and I express the hope that by calling attention to this curious occurrence it will have the effect of avoiding a repetition of such action which was so detrimental to the tomato producers of an area of Arkansas who have suffered enough for 1 year.

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

TOMATO EXEMPT IN PRICE FREEZE; CHECK A CHARADE

(By Leland DuVall)

An April frost nipped or killed the tomato plants in Southeast Arkansas and forced many growers to reset their fields. A July freeze shriveled the ripened fruit and cut sharply into the expected return from a crop that already had been damaged and had become one of the most expensive on record.

Growers who had been in the business for an extended period are accustomed to weather hazards and can prepare to reset fields when floods or cold weather kill the young plants. But even the veterans had taken no precautions against a July freeze.

The experiences of the highly specialized farmers in Bradley and Drew Counties have been well publicized. After having overcome a variety of handicaps early in the season—late frosts, floods, higher prices for production items and dry weather that made irrigation necessary—the growers moved to the auction markets with their earliest pick. Growers in other parts of the country also had experienced difficulties and supplies, on a national scale, were limited. Buyers were eager to bid and growers anticipated some profit, despite the extra cost and the delay in their harvest season.

At the very beginning, prices were good and the tomatoes sold for as much as $9.50 a lug (20 pounds). That works out to 47.5 cents a pound. Prices in stores around the country were at levels that apparently provided an adequate markup for handlers and retailers.

The tomato market follows an unpredictable pattern, but no one in the business is surprised when the early price level is high and when later deliveries command considerably less. The growers have to work on the seasonal average. Early sales at high prices tend to lift the average but they do not assure a profit. If the bidding trails off too soon, so that the latter part of the harvest turns into net losses, the average may work down below the break-even.

Persons who are familiar with costs this year, which are above past levels, estimate that "good" growers would have to receive an average of at least $5 a lug to break even on the crop. During the peak of the harvest, prices have been known to slump far below the average and also well below the break-even point. Growers were prepared to accept this decline if they could sell enough of their crop at profitable levels early in the season.

This year, the freeze—which started June 13 at Washington—hit Bradley and Drew Counties July 3. It stalled the auctions for a day and when the buyers returned they were able to buy the damaged produce at a considerably lower price. In fact, the bidding barely rose above the break-even point for the best growers and, as in all auction markets, there was no assurance that the level would be maintained long enough to provide farmers with a profit for the season.

The whole charade revolved around a couple of mysterious pantomimes.

The Internal Revenue Agents, who showed up as representatives of the Cost of Living Council, had no authority, under the price freeze proclamation, to monitor the market or to check the prices. No violations were possible at Warren, Hermitage and Monticello.

No one is prepared to report how the Council might have become concerned about three small (by national standards) auctions in the piney woods of Southeast Arkansas.

The two points deserve some examination.

First, there is the matter of "authority." The price freeze order, as published in the June 15 issue of the Federal Register, specifically exempts from all controls the "first sale" of farm commodities that reach consumers in their natural or unprocessed form. The matter is covered by a special rule which says:

"The first sale by the producer or grower of those agricultural products which are sold for ultimate consumption in their original physical form are exempt."

The regulation then lists some 60 items, ranging from fresh mint to shell eggs, as examples of those commodities whose "first sale" is not covered. Tomatoes are on the list.

Since the first sale is not covered by the order, the argument over "base periods" and other factors that might govern subsequent sales is moot. The regulation covers provisions for determining the maximum prices of products and, just for the record, here is the way it is figured:

"Part 140–2 (a)—'Freeze base period' means the period June 1–8 [1973]; (b) in the case of a seller who had no transactions during that period, the nearest preceding 7-day period in which he had transactions shall apply. 'Freeze price' means the highest price at which at least 10 per cent of the commodities were priced in transaction with the class of purchasers concerned during the base period."

This section, presumably, would apply at second or subsequent sales of Arkansas tomatoes; it had no connection with the sales at the three auctions.

IRS officials charged with responsibility for administering the price freeze admitted the agents had no authority to quibble about the prices paid farmers at the "first sale" auctions. They said the agents acted in an advisory role. Specifically, the agents asked the buyers if they were aware of the regulations and if they had thought about the price they could afford to pay growers in view of the ceilings that would be applied at the second and subsequent sales.

When the agents raised the question, the buyers simply stopped bidding. Growers, whose trucks were lined up and waiting their turns to unload, fumed while their tomatoes (picked at the "pink" stage) grew progressively riper under the July sun—and lost value by the hour.

When buyers made their calculations and determined the price they wanted to pay—the level at which they could bid and still stay under the ceiling at the next sale and maintain their margin—they had the opportunity to buy from a two-day supply. Growers were in no position to bargain. Their initial advantage had been lost—just as they knew it would be later in the season.

At first glance, it would appear that the IRS agents would have their hands full checking prices in the areas where they were authorized and obligated to investigate without going to a farmers' market, which is specifically exempt.

This brings up the second clue. A charade, by its very nature, is a guessing game and, in this case, the players have to guess how the Cost of Living Council became aware of the Arkansas tomato auction where there was no possibility that a violation could be committed. If a buyer chose to pay $20 a lug for tomatoes that would come under provisions of the freeze at the next sale, neither he nor the seller would be in violation of the regulation as printed in the Federal Register. The transaction is specifically exempt.

Despite the fact that no violation could be committed at the auctions in Southeast Arkansas; despite the manpower shortage that must plague the IRS in its effort to police sellers all over the country; despite the relative obscurity of Hermitage, Warren and even Monticello to those who occupy bureaucratic positions in the nation's capital, somebody at Washington knew the Arkansas farmers had started selling tomatoes. Instead of checking as many as possible of the thousands of stores where violations of the price freeze were theoretically possible, the IRS sent its team to three places where there could be no violation.

The clue in the charade is the alertness of the IRS, coupled with the vulnerable position of those engaged in subsequent sales.

Consider this hypothetical explanation for the speed with which the IRS was able to move to Hermitage, Warren and Monticello on orders from the "highest" level:

The vice president in charge of produce for a corporation that operates a chain of 2,000 friendly supermarkets across the country realizes that the tomato season has moved to the middle region (which includes two counties in Arkansas) but supplies are short. Bidding is likely to be vigorous but the corporation is faced with the difficult problem of maneuvering under a comprehensive price ceiling imposed by a fearless administration.

There is no law governing the amount his agents can pay for a lug of tomatoes; there is a regulation limiting the amount his company can charge when it resells the "love apples" to consumers. Now the vice president-produce is not accustomed to operating in this sort of situation. In order to main-

tain the necessary profit margin in his department, he must buy cheap and sell higher and he must keep a markup that covers the rising cost of doing business. Then, of course, the corporation must have its profit, narrow though it is in the food business.

Obviously, the price at the "first sale" must be knocked down by one means or another but no one can be certain that the bidders will not get carried away by the threat of shortages and pay too much. The hypothetical executive did not become vice president-produce by thinking small. If his company has friends at Washington—connections acquired by the traditional methods—so much the better.

The trick is to pass the word and make certain the Cost of Living Council is aware of the outrageous prices that might be paid for tomatoes at Hermitage, Ark.

Not even the best weathermen can explain how or why a cold front starts but they can follow its course. In the case of the freeze that hit the tomato market, the only thing that can be proved is that it came by way of Washington.

FOOD GRAIN TO BANGLADESH

Mr. SAXBE. Mr. President, on June 20, 1973, I along with 39 of my colleagues urged President Nixon and General Secretary Brezhnev to divert a large quantity of grain under the United States-Soviet grain agreement to the food-short nation of Bangladesh.

I have learned that the White House has increased our commitment of grain from 100,000 to 280,000 tons for the second quarter of 1973. This amount is in addition to the 200,000 tons already delivered. I applaud this decision although there is still a deficiency of 220,000 tons.

The problem is now one of delivering the grain in time to avert a famine. The diversion of some of the Soviet shipments would help alleviate the crisis. The specifics of the crisis are outlined in my speech of June 20, 1973. I ask unanimous consent to have it reprinted at this point in the RECORD along with the letter to the President which was inadvertently omitted and the names of my colleagues who joined me in my appeal. Finally, I ask unanimous consent to have printed a fact sheet outlining the problem and articles regarding the crisis.

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

[From the CONGRESSIONAL RECORD, June 20, 1973]

FOOD GRAIN SHORTAGE IN BANGLADESH

Mr. President, as my colleagues are all aware there has been and there continues to be a desperate foodgrain shortage in Bangladesh. There is agreement among those involved with this program that before the largest of the Bangladesh rice crops is harvested in November there will be foodgrain shortages that if not met will result in the starvation death of literally millions of people.

The chaos of mass starvation will be accompanied by intensely violent political activity that threatens to throw not only Bangladesh, but large parts of West Bengal into political turmoil. Such turmoil may well involve the United States both directly and indirectly.

It has become apparent during the past weeks that there will be two critical food shortage periods this year in Bangladesh. In normal years there is a food scarcity in the period just before the November harvest; that is, from late September through mid-November.

This year there will be an earlier critical food shortage period as well. This period will be from middle July through middle August. This July shortage is the result of the failure of the major rice crop of last year, which usually allows the Bengali population to survive until the rice crop is harvested in mid-August.

In December of last year the United Nations issued the Chandler report which estimated the overall imported food need at 2.5 million tons. One-third of this amount, or 850,000 tons, was to be purchased by the Government of Bangladesh, spending one-third of the national budget for the purchases, and two-thirds or 1.7 million tons was to be donated by the international community.

Earlier this year it became clear to the Government of Bangladesh that the international community was not responding to its commitment. Immediately the Government of Bangladesh began buying even more food than had been asked of them. To date they have purchased over 1.2 million tons of food grains, spending over $140 million from a total government budget of little more than $200 million.

To date the United Nations operation has delivered approximately 700,000 tons of food to Bangladesh, for a deficit in their commitment of nearly 1 million tons.

The United Nations, supported by the United States, has mounted a large importation program that until May of this year was importing an average of over 300,000 tons of food grains into Bangladesh each month. In May, however, the importation fell off precipitously. This is true of the present month as well. Further, as importations schedules now stand, July will also fall to meet the previous importation levels. In total, for the 3-month period of May, June, and July, the total amount of food grains imported will be some 400,000 tons.

This represents a deficit of 500,000 tons from the previous importation rates, which would have delivered more than 900,000 tons in any 3-month period.

The result is that from the middle of July until the middle of August the Bengali population will suffer from a food deficit that will approach 35 percent of their minimal survival need.

This part of the world has suffered famine before. During the 1943 Bengal famine the food deficit was 6 percent, and more than 2 million people starved to death. We are here confronted with a food deficit of 35 percent that threatens a starvation death for many millions of men, women, and children.

In order to prevent the impending starvation and the political upheaval, some 500,000 tons of food grains must be delivered to Bangladesh before the last week in July, with first arrivals reaching Bangladesh as soon as is possible.

As you all know, the United States cannot provide this quantity of food in this short time period, both for lack of wheat and for lack of adequate rail, port, and shipping capacities.

Each month the Soviet Union is receiving more than 1 million tons of food grains from the United States. The diversion of 500,000 tons, then, represents less than 2 weeks of food-grains diversion, and a very small percent of the total Soviet purchase of last year.

The worldwide food grain shortage has made it impossible for normal donor nations to aid the people of Bangladesh at this time. The total available food grains that could arrive in Bangladesh from Canada, Australia, Japan, the EEC, and Thailand within the necessary time would meet only a small part of the 500,000-ton minimum need.

Even at this late date, however, there is a solution to the desperate situation in Bangladesh. The solution is to have wheat presently going from the United States to the Soviet Union diverted to Bangladesh.

It should be appreciated that the present plight of Bangladesh is in part the result of the unavailability of food grains on the international market which was caused by last year's United States-Soviet wheat sales which accounted for 65 percent of all the wheat that moved around the world.

Wheat presently on the seas and being loaded in the ports can get to Bangladesh within the required time, but only if the decision to divert the wheat is made within the next few days.

It is clear that any delay will seriously reduce the possibility that such a diversion will save the people of Bangladesh from mass starvation.

With this in mind, I am calling for your help in bringing this problem and this solution to the immediate attention of the President, so that he may enter immediately into discussions with Chairman Brezhnev and forthwith take the necessary steps to assure that starvation in Bangladesh is prevented and that the people of Bangladesh are helped in their struggle to establish a viable and peaceful society.

While Secretary General Brezhnev is in Washington it would be a humanitarian effort of the first magnitude if he and President Nixon jointly showed their interest to aid Bangladesh by diversion of some shipments.

I will circulate among you a letter to the President and Secretary General Brezhnev calling for this action. I hope you will recognize the severity of the crisis and join in this letter.

U.S. SENATE,
Washington, D.C., June 20, 1973.

Hon. RICHARD M. NIXON,
President of the United States,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: We are extremely concerned with the critical shortage of food in the newly established nation of Bangladesh.

There is a food shortage, and we are alarmed at the prospect that millions will die this summer. The only way we believe this can be averted is by jointly diverting Russian purchased American grain without delay.

Therefore, we respectfully suggest that you consider diversion of a certain quantity of wheat under our Russian grain agreement with Secretary General Brezhnev during your summit talks.

Much has been achieved and will be achieved during the course of the summit, and it would certainly seem fitting that the immediate humanitarian concern for this small nation be a part of your historic meeting with Secretary General Brezhnev.

Sincerely yours,

WILLIAM B. SAXBE,
U.S. Senator.

LIST OF SIGNATORIES

Senators Bartlett, Beall, Bellmon, Brock, Buckley, Case, Chiles, Church, Clark, Cook, Cranston, Domenici, Eagleton, Fannin, Goldwater, Gurney, Hatfield, Hathaway, Helms, Hollings, Hughes, Humphrey, Javits, Kennedy, McGovern, Mathias, Metcalf, Mondale, Moss, Muskie, Nelson, Percy, Roth, Saxbe, Schweiker, Stafford, Stevens, Taft, and Weicker.

SUMMARY OF CURRENT FOOD SITUATION IN BANGLADESH

1. Deficit for calendar year 1973 estimated by UN at the beginning of the year was placed at 2.5 million tons.

2. Bangladesh bought 1.04 million tons while pledges of assistance have totalled 900,000 tons leaving a gap of 600,000 tons more.

3. Current commitments provide for arrivals in Bangladesh between June and December of a total of 1.07 million tons including stock in hand.

4. The current offtake estimates for June to December period is 1.87 million tons.

5. To provide for a build-up of stocks for January '74, minimum imports up to December should be a million tons more.

6. US has agreed to provide 200,000 tons out of grant funds appropriated for Bangladesh relief for fiscal year '73.

7. Bangladesh estimates the deficit for calendar year 1974 at 2 million tons.

8. Bangladesh has asked for 850,000 tons under PL 480–Title I for fiscal year 1974. 400,000 tons out of it must move during July and December.

9. Bangladesh is deficit in edible oil for fiscal year '74 by 140,000 tons. US has been requested to provide 100,000 tons; 60,000 during July and December next.

[From the Washington Post, July 2, 1973]

STARVATION IN WEST AFRICA AND BANGLADESH

In West Africa and Bangladesh, people are starving by the millions, and in Washington, officials are scratching to find quite small amounts of spare food—food not committed to be sold—for relief. This represents a stunning turnabout from the postwar American practice of fighting world hunger and malnutrition. As Lester Brown says in the current New Leader magazine, "For the past 25 years it has been American policy to intervene with our food resources anywhere that famine threatens. Suddenly there is the possibility that we may be abandoning that." Such is the result of the word food squeeze, a condition greatly aggravated in the last year by Soviet grain purchases on a scale which all but erased the United States' (and other exporters') "surpluses." For it was on these "surpluses" that humanitarian food programs had been built.

It could not have happened at a crueler time for the six countries of West Africa being affected now by accumulated years of drought, or for Bangladesh, a grotesquely overpopulated country beset by additional hideous problems arising from its recent turbulent birth as an independent nation. They have had to cope with staggering relief requirements; if these are met, they will then have to face longer-term recovery and development needs even more difficult to contemplate.

Worse yet, there is doubt about whether the relatively modest amounts of food available from the United States will reach West Africa and Bangladesh in a timely fashion. The $20 million worth (156,000 tons) committed in the 1973 fiscal year to the African nations, whose populations total perhaps 25 million, has been almost all delivered. But no decision has yet been made on how much to send in fiscal 1974. American officials, required by law to sell as much food as possible before starting to give away "surpluses," have not yet determined what amounts may be available. Of 700,000 tons of grain pledged to Bangladesh last spring, 200,000 have been delivered and another 100,000 allocated. However, delivery of the rest is uncertain. It should be regarded as unthinkable for the United States to default on any part of that pledge to Bangladesh, or to delay shipments past the period of greatest need. The proposal of Senator Saxbe (R-Ohio) and 38 other senators to divert grain bought by Russia offers one effective way for the United States to do its international duty in this regard.

In the whole area of food exports, humanitarian as well as commercial, American policy appears to be haphazard and careless. Short-range commercial and political considerations have been allowed to undermine the American tradition of helping feed the hungry. No coherent statement has been made which reflects an awareness of all the different values and interests at play. As the possessor of unrivaled agricultural resources in land, technology and related skills, the United States has a commensurate responsibility to assert world leadership in planning the production and distribution of food. Millions of people around the world should not be wasting and starving in 1973.

[From the New York Times, June 26, 1973]

THE RAINS CAME

"The rains have started and the grasses will grow and the herds will come back and grow fat again."

Thus with hope a herdsman in Niger the other day greeted the season's first showers in the Sahel, the sub-Saharan region of Africa where an estimated six million people in six countries face starvation as a result of a five-year drought that has destroyed their crops and decimated their herds of cattle.

Similar hope has been rekindled in India where the 1973 monsoon has arrived on time and in force, apparently ending a drought that directly affected 100 million people and which has sent food prices and political tempers soaring throughout the Indian subcontinent.

If the new rains fulfill their early promise in Africa and India and in other regions which have been afflicted by unusually adverse climatic conditions in recent years, the world may be spared—at least temporarily—from the widespread famine that has been predicted by Addeke Boerma, director general of the United Nations Food and Agriculture Organization. But rain to nourish next fall's crops will not relieve critical current food scarcities in the sub-Saharan region, and in India and Bangladesh. It will in fact wash out roads, impeding the distribution of relief supplies in the afflicted African countries. In Bangladesh, it is too much rain in some areas that is said to have destroyed crops, intensifying the food crisis.

The need for emergency food aid to Africa and the Indian subcontinent remains acute. To forestall the threat of terrible suffering and death, United States support for United Nations-sponsored relief efforts must be sustained, even if it means diverting some supplies for recent Soviet purchases here, as suggested by 39 Senators in an appeal to President Nixon and to Mr. Brezhnev.

Beyond immediate relief requirements, there is an urgent need for international planning and stockpiling to cope with future food emergencies and for concerted local efforts, with strong international backing, to improve agricultural practices in vast areas of the world that are still highly vulnerable to the whims of the weather. In this latter respect, it is encouraging that Indian planners have intensified their research in dry farming techniques and that the leaders of the six sub-Saharan nations will meet in August to organize a regional attack on the encroaching desert. One season's rains must not be permitted to wash away the ominous lessons of the years of drought.

[From the Plain Dealer, June 21, 1973]

SAXBE ASKS RUSSIANS TO DIVERT WHEAT

WASHINGTON.—Sen. William B. Saxbe, R-O., yesterday urged President Nixon and visiting Soviet leader Leonid Brezhnev to agree to divert 500,000 tons of U.S. wheat destined for the Soviet Union to Bangladesh, a nation that is facing starvation.

Saxbe made the appeal in a letter to Nixon, signed by several colleagues, and in a Senate speech.

In the letter, Saxbe said, "The only way we believe (famine in Bangladesh) can be averted is by jointly diverting Russian-purchased American grain without delay."

To prevent starvation, Saxbe said in the Senate, 500,000 tons of foodgrains must be delivered to Bangladesh before the end of July. The United States cannot provide this amount, he said, because of the lack of wheat and shipping capacity.

"Each month the Soviet Union is receiving more than 1 million tons of foodgrain from the United States. The diversion of 500,000 tons, then, represents less than two weeks of foodgrain diversion, a very small per cent of the total Soviet purchase last year," Saxbe said.

Because of the worldwide grain shortage other nations cannot donate at this time, he said, and he pointed out that the plight of Bangladesh is partly the result of the U.S.-Soviet wheat deal last year.

That deal accounted for 65% of all the wheat that moved around the world.

Saxbe said it would be a "humanitarian effort of the first magnitude" if Brezhnev and Nixon were to agree to the diversion.

OLD-FASHIONED APPEAL

It was enough to bring a person up short—Bill Saxbe writing a letter of appeal to President Nixon about the impending famine in Bangladesh and suggesting to him in the midst of Leonid Brezhnez's visit here that it would "certainly seem fitting that the immediate humanitarian concern for this small nation" should be made part of the historic summit meeting by those two leaders.

Here is Ohio Sen. William Saxbe from Mechanicsburg somehow raising a seemingly lost part of the once generous American spirit turned mean by years of national rancor. On the floor of the Senate he has put forward the facts of a Bengal food deficit approaching 35 per cent. He recites that during the famine of 1943 the deficit was 6 per cent when death from starvation claimed two million people.

Last year's rice crop failure has left a shortage that cannot be offset before the mid-August rice harvest this year despite the Bangladesh government's outlay of $140 million from its $200 million budget to import food grains. Senator Saxbe's practical solution is to ask that Soviet leader Brezhnev agree to permit the diversion of ships now at sea and being loaded at eastern ports in the amount of 500,000 tons of food grains. They are part of our big grain deal with the Russians last June. The tonnage is a mere fraction but it would arrive in time, which is the main point.

The United States and the Soviet Union jointly could undertake this humane gesture at a time when the world sorely needs some showing of old-fashioned humanity as once we understood it. Thirty-nine senators—22 Republicans and 17 Democrats covering the whole range of the political spectrum—like and agree with what Bill Saxbe has asked and have joined him in his appeal.

It seems like ages since someone has proposed something that could make all of us feel a little more decent, a litle more American in the ways we used to think of being helpful rather than powerful. Let's hope this can succeed.

JAPAN BUILDING STEEL MILL IN NEW YORK STATE

Mr. BUCKLEY. Mr. President, I ask unanimous consent that there be printed in the RECORD an article which appeared recently in the Wall Street Journal about a Japanese steel mill that is to be built in New York State. The article concerns New York State specifically, and speaks to a point I find myself so often talking about on the floor and in my conversations with constituents. That is the principle of local initiative. Faced with an unemployment rate of more than 7 percent, local officials in Auburn, N.Y., commissioned a study designed to attract industry for Auburn. After the study was prepared, local officials circulated it and pursued any inquiries. Eventually, an agreement was made with Ataka and Kyoei, steel producers of Japan. I commend the people of Auburn for their resourcefulness and determination. The initiative which they have

displayed speaks to the truly vital character of local government.

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

JAPAN, LONG AN EXPORTER OF STEEL TO UNITED STATES, NOW IS BUILDING A MILL IN NEW YORK STATE

(By Michael K. Drapkin)

AUBURN, N.Y.—The Japanese, who for years have shipped steel to this country through Pacific ports, down the Great Lakes, up from Mexico and across the Canadian border, now have found the most direct route yet to U.S. markets: They plan to make the steel here.

Thus, domestic steelmakers, which had begun to breathe a sigh of relief over prospects that surging world demand for the metal and a twice-devalued U.S. dollar would sharply reduce imports later this year, are casting apprehensive glances at this quiet town of 35,000 in upstate New York.

For groundbreaking will begin here next Sunday for the first direct interest in a steel-producing plant in the U.S. by Japanese steel concerns—the most aggressive marketers of steel in the world and long one of the biggest foreign suppliers to the U.S.

Last year, Japan shipped 6.4 million tons of steel to this country, representing more than a third of total U.S. steel imports of 17.7 million tons.

The $18 million plant, including an electric furnace, modern continuous-casting machinery and rolling mill, is to be built in a 190-acre site here, about 30 miles west of Syracuse. It will be a "mini-mill," designed to supply about 150,000 tons a year of concrete-reinforcing bars and bars for construction uses.

(By contrast, big integrated steel plants usually can turn out several million tons of a variety of products. Even bar mills operated by the big producers tend to be larger. U.S. Steel Corp., for example, has opened two bar mills at its Lorain, Ohio, complex, with annual capacity of about one million tons.)

LARGEST SINGLE VENTURE

Town officials here tout the plant as the largest single Japanese venture in the U.S. What's more, it may be just the first in a series of such plants. The U.S. head of one Japanese partner in the mill says confidently: "This is just the beginning."

While the Auburn facility is the first Japanese-owned steel-producing plant in the U.S., it is far from the only Japanese investment in this country. Plants that are either wholly or substantially owned by Japanese interests produce, among other goods, aircraft in Texas, lumber in Alaska, yarn in South Carolina and soy sauce in Wisconsin. Among major Japanese concerns, Sony Corp. builds television sets in San Diego, Hitachi Ltd. owns a controlling interest in a magnet plant in Michigan and Mitsui & Co. holds large tracts of land for possible future development in Seattle, in New Jersey and near Orlando, Fla. And there's more to come. For example, a big Japanese zipper company is building a manufacturing plant in Macon, Ga.

Domestic steelmen, of course, aren't so enthusiastic about the plant here. Privately, they say two aspects of the project are especially galling: It is to be financed entirely by industrial revenue bonds, thus eliminating the need for capital investment by the Japanese. And the ease with which the package was put together, from feasibility study to financing, contrasts sharply with the red tape U.S. executives say ensnarls them when they try to invest in Japan.

"Why the hell are we making it so easy for the Japanese? Imports have been eating us alive for years," one steelman snaps. Another says that when his company proposed a $500,000 investment in Japan. "It took nearly two years to get the required government approval."

The plant here, to be known as Auburn Steel Industries Inc., will technically be owned by the Auburn Industrial Authority, the quasi-government agency that is issuing the bonds. The bonds will be guaranteed by the Japanese companies whose rental payments to the authority will be used to retire the bonds. One of the Japanese firms is Ataka & Co., one of Japan's largest trading companies with a long history as a steel distributor there. The other firm is the steel division of Kyoei Saka Ltd., a big machinery builder.

LOCAL SELF-HELP

Whatever U.S. steelmen think of the plant, the people in Auburn love it. For one thing, unemployment is more than 7% here, and the plant will create at least 200 jobs. For another, local officials claim with undisguised pride that the deal is a classic example of local self-help.

Mayor Paul W. Lattimore, an ebullient second-term Democrat who describes himself as "an insurance man who has spent a lot of time on redevelopment," says he put the package together on his own initiative. He says he began three years ago after reading a newspaper story about another foreign-owned steel plant in the U.S.—the Georgetown, S.C., plant owned by West German interests. "I thought, 'Hell, if they have one, why can't we have one?' " Mayor Lattimore says.

He commissioned a $35,000 study at Batelle Memorial Institute and then circulated the results "at foreign embassies in Washington and around generally," he says.

Responses came from the Japanese and Italians, the mayor says, and "some faint, indirect inquiries" came from domestic steelmakers. A trip to Japan last year by Mayor Lattimore and others from Auburn resulted in the deal with Ataka and Kyoei.

Why didn't Americans take advantage of the attractive financing available? The mayor says he doesn't know, and steelmakers generally decline to talk about the site. But one says privately that U.S. mills in general "haven't seen fit to scatter small plants around the country—it doesn't suit their organization."

The bond package is still in the hands of counsel, but Mayor Lattimore says it will consist of both tax-exempt and fully taxable bonds. There is a $5 million limit on tax-free revenue bonds for plant and equipment spending, but anything that can be included under the label of "pollution-control equipment" also can be financed on a tax-exempt basis. The rest of the costs will be financed by taxable bonds.

A POSSIBLE PROTOTYPE

If the plant proves successful, it could be the prototype for similar Japanese investment elsewhere. Matsuo Tominaga, head of Ataka America Inc., the U.S. arm of the trading company, says that "there are quite a few suitable locations across this nation" for such plants that interest the Japanese. But he declines to say if more are in the works. It is widely believed by domestic producers, however, that Ataka plans at least two more mini-mills, one in the South and another in the West.

The Auburn plant will produce fairly low-profit items that lose their attractiveness if they have to be hauled long distances. (Under usual steel-industry practice the producer absorbs the freight between his customer and the nearest producing point where a competitor can make the same product.)

But Mr. Tominaga believes the market for his plant to be fully satisfactory and, in fact, holds out the hope that some customer-fabricators will choose to locate on the same or adjacent land. Mayor Lattimore says that "some satellites (customers) already are looking around" at Auburn.

POTENTIAL PROBLEMS

Domestic steel executives, though, see what they believe to be a number of potential problems. They say that because Auburn has little in the way of industries that generate heavy scrap, the availability of sufficient scrap to run its electric furnace might be a problem. They also say that such a furnace will take huge quantities of electric power and that expansion of the plant might prove untenable for that reason. One steelman says, "the market for reinforcing bars in all of New York State is such that to survive, in my opinion, Auburn would have to take fully half of it. I'm not sure competitors will let that happen." The implication is that price cutting and thus profit pressure on Auburn Steel might result.

There's a union labor question, too. The United Steelworkers union, which organized the West German mini-mill in South Carolina after a bitter fight, surely would move to organize the Auburn facility. "It's certainly within our jurisdiction," a USW spokesman says.

But Mr. Tominaga is sanguine about these potential problems. "We'll have to see what happens," he says, "but we think this will be a very good plant."

Officials of New York State Gas & Electric Corp., which will supply the power, says the furnace and plant addition will be "the equivalent of adding a very small community" to its present load but will still leave it with "spare capacity" for future growth both at the plant and elsewhere.

THE UNITED STATES AS A GUN MERCHANT

Mr. MONDALE. Mr. President, I would like to bring to the attention of my colleagues a persuasive letter by Rev. John P. Egan to the editor of the New York Times concerning U.S. arms sales to Latin American nations which appeared on Saturday, June 30.

Reverend Egan eloquently criticizes present U.S. policy in selling conventional arms to these less developed countries. He writes:

The most disgusting part of the arms sales is that their purpose is clearly to make money, to profit from the killing of men, women, and children.

Now, for profit's sake, it is all right to sell instruments of death to other countries. Such a philosophy was and is bound to get us a destructive end. Creative means will bring us a creative end.

Mr. President, my amendment to the Foreign Military Sales and Assistance Act would direct the President to convene an international conference on conventional arms to eliminate the kind of situation which Reverend Egan describes. I hope that the President acts promptly and signs this bill into law so that the United States will eventually cease from being a merchant of death.

Mr. President, I ask unanimous consent that Reverend Egan's letter be printed in the RECORD.

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

THE UNITED STATES AS A GUN MERCHANT

TO THE EDITOR:

Very recently, a local paper reported that the United States was struggling to remain the world leader in the sale of arms to other nations.

It is negotiating to sell, among other things, jet aircraft to Kuwait and Saudi Arabia while at the same time claiming to desire to relieve tension in the Mideast. President Nixon has approved the sale of arms to five South American countries.

The Government claims it does not any longer want to be paternalistic. No matter that the Governments of at least Brazil,

Colombia and Argentina treat their peoples paternalistically and military might is not exactly the way to encourage mature political involvement. The reports of torture and repression in Brazil are so constant that it is hard to conceive of any reasonable man denying their presence.

In a Latin-American country where I worked for nearly two years, I witnessed a military coup. It was successful. It snatched power from a legitimately elected President, one chosen by the people, and in their paternalism the armed forces decided what was best for the people. More arms means a greater possibility of war between Latin-American countries where might will decide what is right.

Yet the most disgusting part of the arms sales is that their purpose is clearly to make money, to profit from the killing of men, women and children.

If one man were to sell a gun to another man who he knew was going to use the gun for murder, the seller would be just as guilty as the murderer. Yet when a nation like the United States sells arms capable of mass murder and clearly not intended for target practice, there is hardly a murmur. Do nations act according to a set of morality different from that for individuals? When we make money on the deaths of others, a Watergate comes as no surprise. It is just the top of the iceberg. The corruption is very deep.

This nation has acted as though the means justify the end. In the name of democracy and against real and imaginary enemies, it was all right to spy and to lie and to kill. So it was logical that some in the Administration should see no problem in spying on and in burglarizing the offices of suspected domestic enemies. It was logical to want to put these so-called domestic enemies in jail for life or for a very long time.

The definition of "enemy" began to change and began to mean anyone opposed to the Administration's concept of the Constitution and of democracy. "Enemy" began to mean anyone who effectively confronted the Government on the whole issue of our involvement in the Vietnam war. And so Watergate became a reality.

Now, for profit's sake, it is all right to sell instruments of death to other countries. Such a philosophy was and is bound to get us into serious trouble. Destructive means will bring us a destructive end. Creative means will bring us a creative end.

When will our sorry nation stop destroying and begin creating?

There is so much that is creative in the initial documents of this country. What we need is a return to the Declaration of Independence. We need to live as though we really believe that *all* men are created equal and have a natural right, given by the Creator, to life, liberty and the pursuit of happiness.

FAYETTEVILLE HIGH SCHOOL CHORALETTES RETURN FROM SUCCESSFUL EUROPEAN TOUR

Mr. FULBRIGHT. Mr. President, this week the Fayetteville High School Choralettes returned from a highly successful European tour. During a 3-week stay in Europe the group, which included 13 members plus four accompanists, performed in Meiseheim, Heidelberg, Munich, Garmisch, and Buchs, Germany; Salzburg, Austria; Lucern and Interlaken, Switzerland; and Lyon and Paris, France. They were featured in a special July 4 program in Lyon.

Mr. Don Wright is the director of the Choralettes and accompanied the group on the tour, along with Mrs. Wright, Mr. and Mrs. William E. Carter, Mr. Doug Yates, Mr. Mark Wright, and Miss Sue Ann Brooks, a faculty member at Fayetteville High School.

The Choralettes were organized during the 1962–63 school years as a girls' vocal ensemble to sing in concert and contest events. That marked the beginning of a unique and outstanding high school vocal group. The second year saw the addition of bass and drums to the piano accompaniment and an invitation to perform with the high school band, in Toronto, Canada, for the Lions International convention and at the New York World's Fair.

Since that time the Choralettes have performed for five Lions International conventions, two military tours, the 1969 Presidential Inauguration, Sports Week in Chicago, the Cotton Bowl Parade, beauty pageants, the Breakfast Club in Chicago, and at Atlantic City, Colonial Williamsburg, and Honolulu.

This is a dedicated group of young people who have brought great enjoyment to those who have heard them and I am pleased that we had a fine group such as this representing our country in Europe.

Those members of the Choralettes who made the European tour, after working hard for the money to make the trip, were Teresa Dorman, Cheryl Adams, Patti Ward, Rose Scruggs, Lee Ann Dodson, Laura Chism, Vicky Garton, Cecily England, Jeanie McKinney, Carol Carter, Cosette Bartlett, Teresa Maguire, and Marsha Cravens. The accompanists were Tim Couch, drums; John Sugg, guitar; Paul Duell, bass; and David Bersinger, organ.

Mr. President, I ask unanimous consent to have an article about the Choralettes from the Northwest Arkansas Times of July 5 printed in the RECORD.

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

CHORALETTES TO PERFORM

The Fayetteville High School Choralettes, a singing group of 12 girls has been asked to give a command performance tonight at a Franco-American banquet in Paris, France.

The Choralettes performed to a crowd of more than 1,000 in Lyon, France, last evening as that city celebrated U.S. Independence Day.

The concert, held in the open-air courtyard of the government building, received a standing ovation.

The invitation to give the performance was extended by John Irwin II, the U.S. Ambassador to France. Irwin extended the invitation after hearing the group perform at Lyon. He and many French government officials will attend tonight's banquet.

The Lyon performance was the final scheduled performance of the ensemble on its 21-day European tour.

The group plans to return to Fayetteville at midnight July 12. A spokesman said their reception throughout the tour has been "fantastic" with capacity crowds and requests for encores. Don Wright directs the Choralettes.

RELEASING MORE FACTS ABOUT NUCLEAR ENERGY

Mr. SYMINGTON. Mr. President, one of the more impressive accomplishments in the executive branch of the Government has been further dissemination of information to the people about nuclear energy—nuclear power—as the result of the lifting of some of the unnecessary veil of secrecy about this vital subject, a secrecy that has been so characteristic of the policies and programs of the past.

With the publication of the Smythe report in the mid-1940's—which in itself ended the need for much if not most of this secrecy—savings to the American taxpayer could have run into billions of dollars; and there could have been more progress in the utilization of this vast new force to better lives instead of concentrating on how to destroy, at one time, as much life as possible.

A leader in this loosening of the secrecy lock on nuclear military matters was the former Chairman of the Atomic Energy Commission, now Secretary of Defense James R. Schlesinger; and also the present Chairman, who we understand was recommended by Dr. Schlesinger, Dr. Dixy Lee Ray. Her policies, programs, and actions have been constructive to this end.

In this connection, I ask unanimous consent that Dr. Ray's letter of June 28 on the subject be printed in the RECORD.

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

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., June 28, 1973.

Hon. STUART SYMINGTON,
U.S. Senate,

DEAR SENATOR SYMINGTON: As you know, I feel strongly that the Commission needs to improve its communication with the public on the importance of understanding the nuclear energy program. We have, therefore, initiated some new activities, and I thought you might be interested in a report on these, together with a review of the status of some ongoing efforts in this area.

New activities include:

Establishment of a workshop program on energy and the environment designed primarily for concerned citizens with particular emphasis on the housewife. The program, initiated in April, has been conducted in Boston, San Diego, Los Angeles, San Francisco, and Chicago, and reaction has been very favorable, with TV coverage of two sessions in California. The program includes a lecture, a question and answer period, and a unique electronic "game" which graphically demonstrates the complexities of the fuel resources situation. The programs are open to the public; and the staff participating include, besides AEC, the Oak Ridge Associated Universities, Franklin Institute, and several universities. We expect to put a number of these units on the road next year.

Additional efforts to make use of television, including the production of three-minute public service announcements, the first of which will be distributed later this month. The initial series explains the licensing program and invites the public to write for additional information. We have also produced, in cooperation with the National Science Foundation, a six-minute "mini-documentary" on fusion. The response has been so favorable we will produce similar short films on other aspects of the program.

Production of new motion picture films, both for use on television as well as for general public screening, particularly by school groups. Within the next three months we expect to release new films on the breeder reactor, reactor safety, radiation effects, thermal effects, and a general film on nuclear energy applications.

Ongoing activities, which are being continued or expanded, include:

Recorded programs for radio, which have been widely used in the past (up to 1600 stations have broadcast previous series). We

now have in production an album dealing with energy which will be ready for distribution in July. This consists of 12 talks, each about 10 minutes long, featuring prominent scientists. In addition, I personally hope to complete an album this summer of about 10 shorter talks on ecology and energy.

Booklets produced for the general public. Over the last decade, about 12 million people have been reached through the booklet series. Seven new manuscripts are in various stages of completion, covering matters of current concern, particularly safety, licensing, and the environment. In addition, we are initiating a program of printing shorter pamphlets which can be reproduced and distributed in volume at small cost.

Posters, which are sent to public libraries and schools. Three such posters are in production and will be distributed in late summer.

Exhibits, which range from unmanned package units to those that involve a lecturer. The manned school demonstration program, which has reached 25 million people, will be carried out by Oak Ridge Associated Universities without Federal funding, beginning in Fiscal 1974. In addition, we have: (a) two new unmanned exhibits on energy and on transportation of radioactive cargoes, and (b) a new exhibit on biological and environmental research. We plan a new fusion exhibit in Fiscal 1974, and we now are completing a large new traveling energy exhibit contained in three trailers which will begin exhibition next month.

As part of the exhibits program, you are aware that a new museum in Oak Ridge will open in December 1974, replacing the older facility which has been in operation since 1949. We hope that annual attendance in the new museum will reach 500,000 annually. Further, we are planning a Visitor Information Center at our Germantown Headquarters to start operation in May 1974. The Center will include exhibits which we believe will appeal to the general public.

In addition to the activities outlined above, members of the Commission and senior staff are making a large number of public appearances which we hope are useful as a means of communication and, of course, the AEC continues to maintain an active public information effort to deal with the press.

Overall, I believe we have a reasonable program consistent with the responsibilities of the agency and with the need for increasing public awareness and understanding of the Commission's activities. I will be pleased to provide any additional information you might like to have.

Sincerely,

DIXY LEE RAY,
Chairman.

DRUG PRICES: DOMESTIC VERSUS FOREIGN

Mr. NELSON. Mr. President, on September 29 of last year I presented to the Senate evidence of discrimination by the drug industry against the American people. Drug companies charge higher prices in the United States than in foreign countries for the same drug, manufactured by the same firm in the same plant, and sold under the same brand name.

As expected, some of the pharmaceutical firms as well as their trade association loudly complained over the disclosures. Eli Lilly & Co., for example, issued a statement trying to justify its practice of charging higher prices in this country:

. . . market conditions affecting the prices of products—whether pharmaceutical or other goods—differ from one marketplace to another—Major influences on prices include (variations in) wage rates, distribution costs, price and wage controls, taxes, import duties, revaluations of currency, and sources of raw materials.

The explanations and protestations of the drug industry cave in, however, in light of the recent revelations of the Department of Justice of the dual pricing system maintained by the industry. Many American drug companies sell drugs to domestic wholesalers at different prices depending on where the drug is to be used. If the domestic wholesaler states that the drug will be shipped overseas, his price may be a third to a half lower than if he were to sell it to domestic users. I think it would be quite difficult to find a more glaring case of price discrimination against the American consumer than this one. Furthermore, U.S. District Judge Sylvester E. Ryan specifically found that the practice of the drug companies in enforcing this discriminatory two-price system was a violation of the antitrust laws.

So what happens to the drug industry's glib explanations as to why they charge American consumers up to two or more times the prices they charge foreign consumers, in spite of the added transportation costs to ship drugs overseas?

What is the relevance of differences in import duties, in wages and taxes, as claimed by the drug companies since the products are produced in the United States?

The Monopoly Subcommittee of the Senate Small Business Committee has held hearings on this subject for quite some time. We have heard these explanations before. When pressed to explain differences in prices, the explanation given by the president of the Schering Co., a major drug firm, says:

But the living standards and purchasing power of people abroad differ greatly from those in our country.[1]

In other words, according to this witness, they charge what the traffic will bear. These discriminatory practices have been going on for a number of years, and now Judge Sylvester Ryan has stated that they violate the law.

Differences in the prices charged for use abroad and within the United States can be seen in the following list:

	Wholesale price when used—	
	Overseas	In United States
Bristol-Myers:		
Polycillin caps, 250 mg, 100's	$12.00	$18.20
Polycillin caps, 250 mg, 100's	10.50	18.20
Polycillin caps, 500 mg, 100's	17.00	35.16
Polycillin oral, 125 mg, 60 cm³	1.25	1.58
Polycillin oral, 125 mg, 80 cm³	1.40	2.10
Polycillin oral, 250 mg, 80 cm³	1.95	3.23
Salutensin tabls, 1,000's	35.00	65.16
Travenol:		
Synthroid, 0.1 mg tabs (yellow) 500's	1.75	4.47
Synthroid, 0.2 mg tabs (pink) 500's	2.44	6.28
Norwich Pharmaceutical Co.:		
Furadantin tabs, 50 mg, 100's	8.37	12.08
Furadantin tabs, 50 mg, 500's	38.98	56.25
Furadantin tabs, 100 mg, 100's	16.74	24.17
Pfizer:		
Antivert tabs, 500's	$12.40	$16.96
Diabinese tabs, 1000's	42.75	67.64
Diabinese tabs, 250's	10.60	17.28
Ayerst Laboratories:		
Penbritin, 250 mg. 100's	11.50	18.18
Ortho Pharmaceutical Co.:		
Ortho-novum, 2 mg, dialpak	54.72	86.40
Ortho-novum, 1 mg	51.21	77.04
American Hoechst:		
Lasix tabs, 40 mg. 3,000	25.57	31.37
Lakeside Laboratories:		
Mercuhydrin, 10 cm ³ vials, 100's	63.24	96.80
Norpramin, 25 mg, 500's	11.40	28.80
Norpramin, 50 mg. 500's	17.50	47.50
American Roche:		
Librium, 5 mg, 500's	16.65	20.66
Librium, 10 mg, 500's	18.50	26.78
Librium, 10 mg, 500's	17.50	26.78
Librium, 10 mg, 500's	19.50	26.78
Valium, 2 mg, 500's	18.00	26.69
Valium, 5 mg, 500's	21.00	32.30
Valium, 5 mg, 500's	22.00	32.30
Gantrisin tabs	12.50	20.24
Mallinkrodt:		
Dintensin and Dintensin-R	20.00	32.85
Dorsey:		
Triaminic tabs	10.21	13.80
A. H. Robbins:		
Quinidex extentabs, 250's	22.18	26.67
Dimetapp extentabs, 500's	25.99	31.25
Robaxin-750 tabs, 500's	33.61	40.42
Robaxisal tabs, 500's	19.40	23.34
Donnatal extentabs, 500's	12.61	15.17
Sulla 500's	35.34	42.50
Robaxisal P-H, 500's	19.40	23.34
Robinal P-H	12.82	15.42
Donnatal caps, 1,000's	12.13	14.58
Donnazyme, 500's	12.65	16.17
Robaxin	22.87	27.50
Dimetone ext., 12 mg, 500's	18.02	21.76
Robinal	11.43	13.75
Lederle:		
Declomycin caps, 150 mg, 100's	13.19	15.99
Aristocort, 4 mg, 100's	7.82	14.45

[1] Competitive Problems in the Drug Industry: Hearings before the Monopoly Subcommittee of the Senate Small Business Committee, Part 2, p. 645.

The pattern of exploitation of the American people by the drug industry should now be fairly clear, and can be summarized as follows:

First. On those drugs which are under patent, and which make up the vast majority of drug purchases, the industry sets a high price for consumers in this country and considerably lower prices for consumers in foreign countries, despite added transportation costs. These drugs shipped overseas are prevented from coming back into the United States through litigation and threats of litigation against wholesalers and potential importers. It is this practice which the court in the Southern District of New York has recently condemned as violations of the antitrust laws.

Second. On those drugs which are not covered by patents the drug industry seeks to acquire as large a market as possible through heavy advertising and promotion of brand names. That this has been profitable to the drug industry is manifested by the great number of drugs sold under their brand names even though drugs which perform the same therapeutic function are available at a small fraction of the price. Use of brand names permits the extension of the patent monopoly beyond the statutory 17-year period.

The pricing practices of the drug industry are milking the American public of vast sums of money every year.

I ask unanimous consent that an article on this subject by Morton Mintz of the Washington Post be printed in the RECORD.

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

DUAL DRUG PRICE SYSTEM HIT—FIRMS' CUT-RATE SALES ABROAD CALLED ANTITRUST VIOLATION

(By Morton Mintz)

A U.S. District Judge in New York City charged recently that major pharmaceutical manufacturers selling drugs for higher prices in the United States than abroad has engaged in a "violation of the antitrust laws."

Judge Sylvester E. Ryan made the charge in granting a motion for a directed verdict of acquittal made by the five defendants in a mail-fraud prosecution that had been tried for six weeks.

This was a rare slap at the government as well as the pharmaceutical industry. However, Assistant U.S. Attorney Robert Walton denied that the manufacturers had violated the antitrust laws.

Walton urged Ryan not to discharge the jury, so that the Court of Appeals for the Second Circuit could be asked "to pass on this case, with the option . . . of reopening it if they see fit." The judge refused. The case cannot be appealed.

The heart of the judge's ruling is a little-known pricing practice by which United States manufacturers sell medicines destined for foreign governments and foreign hospitals at prices substantially lower than the prices they set for wholesale buyers of the same medicines in the United States.

Bristol-Myers, for example, sold 100 capsules of an antibiotic trade-named Polycillin, in the 500-milligram dosage, to such foreign buyers for $17. The price to domestic wholesalers was $35.16, according to data compiled by Assistant U.S. Attorney John W. Nields.

Frequently, however, the price spread was smaller, according to the government data that Sen. Gaylord Nelson (D-Wis.) cited to the Senate when he introduced an omnibus drug-reform bill on Feb. 21.

Roche Laboratories, for example, sold certain forms of Librium, a popular tranquilizer, abroad for either $17.50, $18.50 or $19.50, while charging U.S. wholesalers a uniform $26.78. The Furadantin sold by Norwich Pharmacal for $8.37 abroad brought $12.08 here.

A plan to take advantage of such price differentials was devised and executed by the five defendants in the New York case, enabling them in a three-year period ending in July, 1971, according to the government, to pay only $1 million for medicine that otherwise would have cost $1.5 million.

As the government alleged in the indictment, the plan was "a scheme and artifice to defraud" pharmaceutical manufacturers and "to obtain money and property" from them by means of "false and fraudulent pretenses, representations and promises."

The indictment, returned last May, named Hyman Boxer, owner of a wholesale drug company in New Rochelle, N.Y., as the leading defendant. The "vast majority" of purchases were made for his company; others were made for co-defendant Madi Ayachi, who allegedly pretended to be a purchasing agent for the Algerian Minister of Health.

All five defendants were named in 41 mail-fraud counts and in five counts charging interstate transportation of property obtained by fraud. A single count accused Boxer, Joseph Fascenelli and Ayachi of impersonating an official of a foreign government. Four additional counts accused Boxer, Fascenelli, Norman Bank and Joseph Scotto of issuing false bills of lading.

According to the indictment, Boxer, using a fictitious name, and Fascenelli obtained the drugs at bargain prices by claiming to represent the governments of Guyana, Haiti, Algeria and Tunisia, and hospitals in those countries.

Boxer and Fascenelli had drugs shipped to the Permanent mission from Guyana to the United Nations in Manhattan, or to a trucking company operated by Bank and Scotto, the indictment said. Then the medicines were sent directly to Boxer Drug, or to Medical Arts Hospital in Guyana for reshipment to Boxer Drug.

As the government pictured this, the defendants engaged in a massive fraud that enabled Boxer Drug to undersell honest competitors who had to pay higher domestic prices.

Prosecutor Walton, denying that the manufacturers violated the antitrust laws, said none had tried to restrict domestic sales. One did use a business form warning against diversion into domestic channels, and others made inquiries in an effort to verify that the drugs really were going abroad as claimed.

The FBI uncovered and investigated the scheme on its own initiative, government sources said. Possibly after the investigation began, an unidentified foreign government asked the FBI to look into the situation, the sources said.

In court on Feb. 13, according to a stenographic transcript, Judge Ryan noted that the defendants had paid in full the prices at which they were billed, "so there is no charge here of larcency." Rejecting Walton's arguments, he said:

"But what is important about this whole case is that all of these drug companies . . . did control or attempt to control the resale of that merchandise here in the United States. . . .

"The antitrust laws provide that once you have sold merchandise to a purchaser you cannot further restrict the market in which that merchandise is sold or is to be sold. . . .

"I find that the activities of the defendants, as charged by the indictment . . . do not and could not constitute a fraud upon these drug companies and do not sustain the charges in the indictment.

"The fraud charged in the indictment must fall when considered in the context of the antitrust laws. The fraud charge is constructed upon the representation and agreement to restrict the use of drug products in the foreign market, and to consequently proscribe their use in the United States market. It is this restriction that is the crux of all of the counts of this indictment.

"I find that the alleged representations and the alleged agreement predicated on it is illegal and is a per se violation of the antitrust laws; it is a violation in and of itself."

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. The time for morning business has now been concluded.

TRANSIT LINES TO DULLES AND FRIENDSHIP AIRPORTS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. 2047, which the clerk will report by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 2047) to authorize a Federal payment 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.

The Senate proceeded to consider the bill.

The ACTING PRESIDENT pro tempore. Time for debate on the bill is limited to 1 hour, to be equally divided between and controlled by the majority leader and the minority leader, with 1 hour on amendments in the first degree except for an amendment to be offered by the Senator from Missouri (Mr. EAGLETON), on which there will be 2½ hours, and with 30 minutes on any amendment to an amendment, debatable motion, or appeal.

Mr. COTTON. Mr. President, I yield myself 10 minutes on the bill.

Mr. President, I do this because I would like to give a little history behind the bill and make a brief comment on what happens to it in every session of the Congress.

If I may be permitted to list my own connection with this matter, way back when I was still a Member of the House of Representatives, there were groups headed up naturally and properly by Senators and Representatives from Maryland and Virginia, each of which was fulfilling its natural duty to its own constituency as to determining whether the Federal Government should undertake building a second Federal airport to serve the Washington, D.C. area. Some Senators took the position that it would be as distant as the Friendship Airport at Baltimore. They also claimed that the Friendship Airport was capable of development so that spending money to develop a second airport in the area was not justified.

At that time the senior Senator from New Hampshire, then a Member of the House, lined up with the Maryland Members of the Congress against those from Virginia, steadfastly taking the position that it was inexpedient and improvement to spend money to build a new airport when the facilities at Friendship were available. However, Virginia prevailed. The second airport was authorized and subsequently appropriations were made.

To date, the Federal Government has invested a total of $108 million in the construction of what is now known as Dulles International Airport, which was built in Virginia. This $108 million includes $20 million expended to construct the access road to the airport.

In the meantime the Senator from New Hampshire had come to the Senate and was on the Commerce Committee. The following represents a summary of developments concerning the pending bill, S. 2047, since that time:

First. During the 89th Congress, 2d session, the Senator from New Hampshire introduced, and the Senate passed on July 20, 1966, the bill, S. 3523, to authorize the Administrator of the Federal Aviation Agency to undertake a comprehensive study of high-speed ground transportation to Dulles International Airport. The House failed to act on this bill.

Second. Again, in the 90th Congress, the Senator from New Hampshire introduced S. 103, which like S. 3523 provided for a high-speed ground transportation study to Dulles, but on which no action was taken.

Third. On December 9, 1969, the National Capital Transportation Act (Pub-

lic Law 91–143) was approved. Section 7 of that act authorized the Secretary of Transportation to contract with the Washington Metropolitan Area Transit Authority for a feasibility study to extend a transit line to Dulles Airport.

That study, submitted in July 1971, concluded that—

Dulles Airport rail service merits further study as a vital link with what will be the area's most important airport and as an important branch of the metropolitan Washington rapid transit system.

Fourth. On October 4, 1972, the Senate passed S. 2952, as amended, which was sponsored by former Senator Spong, and Senators BAKER, BIBLE, NELSON, DOMINICK, PELL, EAGLETON, CHILES, HOLLINGS, and TUNNEY, and which provided for such "further study," including designing and other necessary planning.

Fifth. S. 2047, the pending measure, is nearly identical to S. 2952 of the 92d Congress noted above.

The Senator from New Hampshire, having first sided with Maryland in not wanting to build the airport in Virginia, has consistently, since 1966, pointed the facts that Dulles is a Federal airport in which we have invested $108 million; that it is a modern airport; that we have a Federal right-of-way from this side of the Beltway all the way out; and that we would not have to buy or condemn a square foot of ground if a rapid transit system was installed so that people from the Washington area could get to Dulles more rapidly.

Mr. President, I want it distinctly understood that I am not saying one word in reproach. Nothing I am saying, I hasten to assure my friend, the Senator from Maryland (Mr. BEALL), who is presently on the floor, is said to imply that the present Senator from Maryland, his father before him, or any other Senator from Maryland has not done what he should do to represent his State in this body on behalf of his constituents' interests. I am not reflecting on what any Senators have done.

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

Mr. COTTON. I yield.

Mr. SCOTT of Virginia. Mr. President, I appreciate the Senator's yielding to me. I assure the Senator that, at least on the part of this Senator from Virginia—and I am sure my colleagues, the senior Senator from Virginia feels the same way—I do not have the slightest intention of interjecting any opposition to the provision of the bill as it relates to Maryland and Friendship Airport.

I commend the distinguished Senator and the chairman of the committee for their action in bringing this bill before the Senate for consideration at this time.

I feel that the question of rapid access to Dulles International Airport, as well as the scheduling of flights, is preventing this airport, which is an airport for the entire country, from developing into its full potential.

I assure the Senator that the bill as reported by the committee is entirely acceptable to me. I do not have any suggestion as to any amendments to the bill. In fact, I intend to oppose an amendment which I understand will be offered.

Mr. COTTON. I thank the Senator. But, Mr. President, my point is this: I am perfectly willing that we should investigate and should consider the study of rapid transit to both airports, the one in Maryland and the one in Virginia. I certainly would not interject myself into any kind of controversy between the Senators from those respective States. But, the whole point is that it does result in such a controversy and one on which this and prior administrations have recommended that Friendship Airport be deleted from any such rapid transit study. For example, I have a letter in my hand from the Department of Transportation which says:

In summary, the Department recommends that S. 2047 be revised to call for a detailed feasibility study of various rapid transit modes to Dulles Airport. The bill should assure participation in the study by local official planning agencies such as the Northern Virginia Transportation Commission and the Washington Metropolitan Area Council of Governments. We recommend that the proposed feasibility study of rapid transit to Friendship Airport be deleted from the bill and Amendment No. 286 not be included in the bill.

So we are right back where we started.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. COTTON. I yield myself 2 more minutes.

I am perfectly willing to have a study conducted on the feasibility of rapid transit to both airports. But, the fact remains that Dulles is a Federal airport. Every cent in Dulles came from the Federal Government, to the tune of $108 million. It sits out there, one of the most modern airports we have in the country. We own the right-of-way; we do not have to buy or condemn a square foot to get it. On the other hand, Friendship is not a Federal airport. It is a State facility.

But what happens is that each year we march up this same hill. Sometimes we pass the bill for both airports and sometimes we do not. But, it never gets anywhere, and each year the danger, in the opinion of this Senator—and I have been on the committee now for nearly 20 years—of a catastrophe at National Airport becomes more real.

I do not want to indulge in any scare tactics or put anything in the record to frighten the public, because I am sure every precaution is being taken for safety. But, the fact remains, and we have to face it, that the congestion at National Airport is very heavy.

I wish we could go forward promptly with the designing and other necessary planning for a rail rapid transit line to Dulles alone. But, I am afraid there is no hope of that. So, there being no hope of it, and knowing the insistence that will be made that it include a feasibility study for Friendship Airport, too, I am willing to vote for the bill, provided it is not loaded down with too many amendments. But, I am afraid it is the same old story. We will march up the hill and down again, Mr. President. We will do it every year. I shall not be here, but Congress will do it every year, until something happens out there at National Airport to stir us into acting to do something to relieve the pressure.

Everyone wants to fly into National. That is natural enough. But, we need to fully utilize the large investment we have made in Dulles International Airport.

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

Mr. COTTON. I gladly yield to the Senator from Wisconsin.

The ACTING PRESIDENT pro tempore. The Senator's 2 minutes have expired.

Mr. PROXMIRE. Just for a question?

Mr. COTTON. Yes; I yield myself 2 minutes more, and yield to the Senator for a question.

Mr. PROXMIRE. I ask the distinguished manager of the bill if it is not true that the administration flatly opposes this bill at this time for two reasons. No. 1, do they not argue that the timing is wrong, that the Dulles line would link up with a Metro K route which will not be completed until 1978, at least; that the Metro K route has been stalled by legal entanglements or for other reasons; and that by 1978 the situation may be entirely different, and there may be changes that would make this either more or less desirable, and therefore the study should be made at a later date than 1973, 5 years before the lines could possibly link up?

The second reason why the administration opposes it is that there is no local involvement and no local cost sharing plans. Under Secretary Beggs, as I understand it, testified that a solution in which the Federal Government provides all the money is very likely to fail, that there should be local cost sharing involved from the beginning, and we do not have that now.

For those two reasons the administration, the Office of Management and Budget and the Department of Transportation, oppose this bill. Is that not correct?

Mr. COTTON. The Senator is essentially correct. However, I would differ with him on minor points. In the first place, with respect to the reference to former Under Secretary of Transportation Beggs, I hasten to point out that Mr. Beggs also said the following:

There is, in our view, really no question as to the overall desirability of improved mass transportation to Dulles.

This Senator—and I want to make this very clear—the Senator from New Hampshire differs very decidedly with the administration on the bill and the issue of timing. It is all right to defer, but I do not like to defer when we are endangering human life. I know the distinguished Senator from Wisconsin will oppose the bill on the grounds of economy. I shall not quarrel with him.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. COTTON. Two minutes more. Whether the administration likes it or not, I would like to see this bill passed, so that at some time in the not very distant future—not 10 years from now, or 15 years from now—we can get some of the pressure off National Airport in the interest of the safety of the traveling public.

I have no quarrel with the study as to Friendship. My only concern is that the bill not fall of its own weight.

Mr. PROXMIRE. Is there any merit, in the Senator's view, in the objection by the administration that, because of the Metro K route being tied up, and it being essential if we are going to get any effective program to have that available. Is there any merit in their argument that they would not be able to proceed with an effective operation for 5 years anyway? Is that true or not?

Mr. COTTON. I cannot quite agree with my friend from Wisconsin. The Metro plans provide for construction of a rapid transit line to National Airport which will be completed by the mid-1970's. That means 2 or 3 years more. The failure to move forward to facilitate a similar rapid mass transit system to Dulles can only serve to aggravate an already serious imbalance in the use of Dulles and National. Therefore, contrary to the administration's argument for delay, this Senator believes we should move forward now.

However, I am not deceiving myself on the situation regarding the bill. I have every respect for the distinguished Senator from Wisconsin and his judgment. However, we seem to manage to come out of the same hole that we went in; and unfortunately, do nothing.

Mr. PROXMIRE. I apologize to the distinguished Senator from New Hampshire for possibly delaying him, but would the Senator feel that it would be a mistake to require that some of the funds for the program be taken from the highway trust fund?

Mr. COTTON. That is a question which is in the Public Works Committee at the present time. They are in conference with the House on it. I did oppose diversion of highway trust funds when the Senate considered S. 502, but a majority of the Senate felt otherwise. It is now a matter to be resolved in conference with the other body.

As for local participation, Dulles is a Federal airport bought by the Federal Government. The right-of-way was also purchased, and the access road cost $20 million. That was bought. That is all Federal. If we are going to get a rapid transit system out to Dulles, I see no reason for local participation.

Mr. PROXMIRE. I thank the Senator from New Hampshire very much.

AMENDMENT NO. 286

Mr. EAGLETON. Mr. President, I call up my amendment No. 286 and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 2, between lines 17 and 18, insert the following:

(e) The Administrator of the Federal Aviation Administration shall not eliminate or reduce any air transportation service between Washington National Airport and any other airport in the United States until either (1) the rail rapid transit line authorized to be planned in this section or (2) the rail rapid transit line authorized to be studied in section 10 is constructed and in operation.

Mr. EAGLETON. Mr. President, this amendment, No. 286, to the pending bill, S. 2047, would preclude the Federal Aviation Administration from eliminating or reducing any air transportation service between the National or any other airport in the United States until either of the two matters being considered in S. 2047 actually have been achieved; namely, a rapid transit system to Dulles, or a corresponding system to Friendship Airport in Maryland.

The FAA, in the Federal Register of January 29, 1973, proposed to discontinue service to National affecting 26 cities. They are located in 20 States. Under the proposed regulation, nonstop service from the following cities to Washington National would be transferred to Dulles:

Nonstop to and from St. Louis, Mo.; Minneapolis-St. Paul; Memphis, Tenn.; Orlando, Tampa, and Miami, Fla. On those six cities, nonstop service will be discontinued to and from National. One stop service beyond a thousand miles to the following cities would be discontinued and transferred:

Seattle, San Diego, Spokane, Las Vegas, Boise, Billings, Albuquerque, Denver, San Antonio, Phoenix, Tucson, Salt Lake City, El Paso, Bismarck, Houston, Dallas, Oklahoma City, Fargo, Tulsa, and Omaha.

Now, Mr. President, the purpose of the instant bill before us is expeditiously to move travelers or passengers from the airports in question to the heart of the metropolitan area. But, as we all know, such passengers and travelers cannot be expeditiously moved at the present time; hence, transfer of these flights to Dulles Airport or to Friendship, as of this time, will cause considerable inconvenience to travelers from the 26 aforesaid cities.

Travel time to Dulles is as much as 1 hour each way in traffic. Time is getting longer each day because the route encompasses the beltway and the parkway. Insofar as costs are concerned, the taxi ride from Dulles is $16. Limousine service is $3.50. Bus service is $2.50.

Without transfers of any kind, that is, if no flight which is now using National is transfered to Dulles, FAA projections at the present time show passengers using Dulles will grow from 2.6 million to 6.6 million.

Friendship, likewise, will have its hands full, as its passengers will grow from an estimated 3 million, which is the current annual passenger load, to 7.1 million by 1980. These statistics are courtesy of the FAA.

National Airport resolved many of its congestion problems with the expansion in 1971 of its terminal at that time, TWA, Northwest, and American Air Lines expanded their facilities and increased the total square footage by one-third.

National's service will also be made more convenient and more expeditious by the opening of its own rapid transit system in July of 1976.

All my amendment seeks to do, Mr. President, is to preserve the vital services which have been in effect at National since 1966. Nothing in my amendment would prevent quieter jets from coming into National. That is certainly permissible under this amendment.

There is nothing in the amendment that will prevent the FAA from channeling future air traffic growth into Dulles or Friendship.

What we are talking about is existing service to the 26 aforementionad cities. If there is to be any growth of service to those cities or other cities in the Nation, that growth can all be channeled by the FAA either to Dulles or to Friendship Airports, or both, if the FAA so desires.

The proposed transfers, it is conceded, and rightly so, by the FAA, will not result in a lessening of traffic at National, but merely absorption by National of a larger share of the expected future growth of air travelers in the Washington area, which growth could double in the next 10 years. So there is nothing, insofar as the transfer of service to these 26 cities away from National is concerned, that would in any way lesson the growth of National, and in no way would my amendment impair the future growth of Dulles or National Airport.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. COTTON. I yield myself 2 minutes on this amendment.

Mr. President, the Department of Transportation's comments on the amendment of the distinguished Senator from Missouri are as follows:

The Department opposes enactment of this amendment because it would seriously restrict the FAA's discretion to respond to changed air traffic conditions at Washington National Airport and it would prevent the FAA from taking necessary steps to insure the safety—I repeat and emphasize "safety"—and convenience of the flying public.

I do not take issue with the distinguished Senator from Missouri about the prospective growth of traffic in all these airports. Dulles is an airport that can readily be expanded. He says that at certain peak times it is carrying its full load now. But, I think those peak periods are comparatively few and far between, and they are only what the words imply—peak periods.

Personally, as a Senator—and I do not say this to frighten anybody—I would not dare take the responsibility of voting for any amendment that tied the hands of the FAA, as it deals with increasing traffic, so as to compel traffic to continue to go into National. We have known for a considerable period of time that, while National may be able to bear the load it is now carrying, it should not be increased. The flexibility and the authority of the FAA, charged with the safety of the public, should not be put in a vise by this amendment.

With all due respect to the Senator from Missouri, I regard this as a dangerous amendment. I could not possibly take the responsibility of voting for it. I therefore must oppose it.

Mr. HARRY F. BYRD, JR. I yield myself 4 minutes, and then I shall yield to my distinguished colleague from Virginia.

Mr. President, I agree thoroughly with the distinguished Senator from New Hampshire. I think this is a dangerous amendment and a very unwise one. I would hope the Senator from Missouri would give consideration to withdrawing it.

Washington National Airport now carries 11 million passengers annually. It handled that many in 1972. Last year, Dulles Airport carried 2,500,000. Dulles was built at a cost to the taxpayers of $110 million. It was meant to be the dominant airport serving the Washington area. National Airport now is at capacity. As the Senator from New Hampshire pointed out, it has reached the point where, if there is expansion of it, an element of danger could be involved.

I think the Senate will want to ponder very carefully before it ties the hands of the FAA in its determination as to how the flights in and out of Washington should be allocated.

After all, the safety and convenience of the flying public should be the foremost consideration, and it is the responsibility and prerogative of the FAA to make that determination.

I would point out that Washington National air operations now average 60 flights per hour. Air operation facilities are already being used to capacity.

Dulles air operations capacity is 100 per hour, and the peak average now is 20 per hour.

So I think that what the Senate would be doing if it adopts the proposal of the distinguished Senator from Missouri would be to tie the hands of the Federal Aviation Administration in determining how best to allocate air flights to the Washington area. That is a highly technical matter. It is one that involves the safety and convenience of the traveling public.

I believe the Senate, instead of trying to determine that question on the floor of the Senate should leave it in the hands of the FAA.

Mr. President, I now yield 20 minutes to my distinguished colleague from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. President, I appreciate my distinguished colleague yielding to me.

I, too, oppose the amendment offered by the Senator from Missouri, and I oppose it for a large variety of reasons. We sometimes think of National Airport as being the more convenient airport for Washington. If we do that, we are thinking about the time it takes to get to National Airport, not the time it takes to get airborne. If we are going out of Washington, oftentimes there is a delay in becoming airborne. If we are coming in, there is a delay in getting back to the ground again. I submit that we are much safer traveling on the ground to Dulles Airport than we are when we are stacked up in the air, trying to get down to National Airport. So convenience is not exactly what it appears to be.

When I heard of the amendment proposed by the Senator from Missouri, I thought, "Well, maybe this is a good way to get Interstate 66 completed from the Beltway into Washington. Maybe it is a good way to get rapid rail transit out to Dulles Airport. The distinguished Senator, by his amendment, only wants to hold this proposal up until these things are completed."

But we do have a safety factor at National Airport. We may get experts to say that it is just as safe at National as it is at Dulles. But that is not what the pilots tell me privately. With as many planes coming in and going out of National Airport as there are, the human factor must be considered. It is altogether possible for an air traffic controller to make a mistake and be scheduling planes to come in and to go out at the same period.

There is also the noise factor. I represented much of northern Virginia in the House before coming to the Senate. A large number of constituents told me that even though planes are supposed to fly over the Potomac River—travel over the Potomac—they deviate from that course. In fact, one gentleman told me he was going to run against me on this count alone; that the noise from aircraft was keeping him awake at night. This threat did not materialize; he did not seek office. But he was extremely serious about the matter. He was urging that something be done to schedule these flights at Dulles.

Mr. President, we have to reflect for a moment on the nature of these two airports. The Dulles International Airport was planned for long range flights. Trees have been planted all around the facility for the purpose of reducing noise that might disturb people who live nearby.

The Senator from Missouri spoke about Dulles International Airport being used to its complete capacity. It is true that during peak hours the terminal facilities are used almost to capacity, but National Airport has that situation all through the day and not just at peak hours. Washington National Airport has a large number of planes going in and out all day. All we have to do is provide the opportunity for Dulles International Airport to increase its facilities in its planned segments.

It is planned as the airport for the future that can accommodate many times the number of flights now being used at Dulles International Airport.

If the amendment of the Senator from Missouri were adopted we would be overruling the Federal Aviation Administration because this is something they have planned. We have created this agency for the purpose of overseeing, together with the Civil Aeronautics Board, the flights of aircraft. They have made an announcement. We should look at portions of the release made by the Department of Transportation, the Office of the Secretary, in January. He said:

> The proposed policy is designed to enhance the short-haul and commuter role of Washington National Airport by phasing out non-stop flights to and from seven cities beyond a 650 mile radius of Washington and one-stop flights to and from points beyond 1,000 miles.

The then Administrator John H. Shaffer, said:

> Our proposal to eliminate long-range nonstop and one-stop flights to and from National reinforces our long-standing policy regarding the proper aeronautical role of that facility in its relationship to Dulles.
>
> Dulles is especially suited for the international and long-haul markets where ground travel time is a less critical factor. Its long runways, large ramp areas and modern terminal facilities were specifically designed for long-range, heavier aircraft and their users.

He goes on to state:

> The 650 mile limit on non-stop flights at National was established by FAA after the airport was opened to two and three-engine jets in April 1966. However, non-stop service to seven cities beyond the 650 mile limit was exempted from the ruling under the provisions of a "grandfather" clause. Four of these seven cities are in Florida—Orlando, Tampa, West Palm Beach and Miami. The remaining three are St. Louis, Memphis and Minneapolis-St. Paul. Together, these seven cities account for 67 flights daily.

We are not talking about a new policy by the Federal Aviation Administration. I can understand the concern of the distinguished Senator representing the State of Missouri, but St. Louis and other cities were excluded from the general policy in April 1966. Now, it is thought by the Federal Aviation Administration that they should no longer be excluded.

I feel when we create an agency and that agency has made a detailed study, it is unwise for us to single out a particular incident and by a floor amendment which has not been considered, insofar as this Senator knows, by the Committee on Commerce, attempt to revoke the action of an administrative agency.

Mr. President, as far as I know all Virginians agree with the actions of the Federal Aviation Administration. We have a Virginia Aviation, Transportation, and Airport Study Commission. They have prepared a very detailed study on the use of National Airport as well as Dulles International Airport, both being located within our State, even though both are Federal airports. The Governor of Virginia issued a statement approving the action of the Federal Aviation Administration. The General Assembly of Virginia by unanimous vote has passed a resolution endorsing the actions. We have within Fairfax County an economic development authority that has written to me and I am sure to other representatives of Virginia in Congress, and they have asked that there be a change in the number of airplane flights from National and that they be transferred to Dulles International Airport. The County of Fairfax also has approved it.

In addition, there has been a preliminary Federal environmental statement made in regard to this matter that I wish to read in part. Today we hear about the environment in the Washington metropolitan area. I hear various Members of this body talk about air pollution, water pollution, and noise pollution. We have a detailed study in which various alternatives in the use of Washington National Airport and the Dulles International Airport are discussed. The study I have before me is 95 pages in length. On page 31 of the report it is stated:

> CONTINUED SCHEDULING PRACTICES VERSUS NEW POLICY
>
> The short haul/long haul future division of air service is the most promising of all of the known alternatives. It would preserve not only our past airport investments, but also preserve the many other positive benefits which economically accrue to the public, both locally and nationally from major airports and the national aviation system.
>
> Therefore the only alternatives that were considered appropriate for full environmental analysis was that of continuing the current scheduling practices and markets or adopting the proposed policy which refines the

dichotomy between DCA and IAD, the short haul businessman's airport and the long haul international airport. This analysis (Section II) showed the new policy to be advantageous environmentally with no adverse environmental effects as a result of the policy change when the total impact was studied.

There are so many reasons it seems to me why we should move some of the flights from Washington National Airport to Dulles International Airport that I join my colleague from Virginia in urging that the Senator from Missouri reconsider the amendment which he has offered. I would hope that he would see fit to withdraw it. In the event he does not, I hope the amendment is rejected.

Mr. President, I feel we should have the yeas and nays on the amendment. I ask for the yeas and nays at this time.

The ACTING PRESIDENT pro tempore. There is not a sufficient second.

Mr. SCOTT of Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. On whose time?

Mr. SCOTT of Virginia. On the time that has been allotted to me.

Mr. EAGLETON. Mr. President, will the Senator withhold his request?

Mr. SCOTT of Virginia. I am glad to withhold.

Mr. EAGLETON. I have been informed by the acting majority leader, the Senator from West Virginia (Mr. ROBERT C. BYRD) that, if possible, he would prefer having no votes on any amendment or on any issue before 2:30 this afternoon.

In his absence, I will propound a unanimous-consent request. I ask unanimous consent that the yeas and nays be ordered.

The ACTING PRESIDENT pro tempore. Is there objection? If there is no objection, it is so ordered.

Mr. EAGLETON. Now that the yeas and nays have been ordered, I ask unanimous consent that a vote on this amendment No. 286 occur at 2:30 p.m. this afternoon.

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

Mr. EAGLETON. Mr. President, does the Senator from Maryland wish the floor?

Mr. BEALL. I was going to ask the Senator from Virginia to yield me 2 minutes so I might speak in opposition to the amendment.

Mr. HARRY F. BYRD, JR. Mr. President, I yield the Senator 5 minutes.

Mr. BEALL. I do not want 5 minutes. I want to speak on the bill itself later, and I do not want to confuse my discussion as between my opposition to the amendment and support of the bill.

I think the ranking Republican member of the subcommittee and the Senators from Virginia have covered the opposition to this amendment quite well. There are many, many good reasons why the amendment should not be adopted.

At the time the FAA announced its decision for transfer of some flights away from National Airport, I objected to the FAA's decision, not as to the reasons for its decision, but as to the way it implemented its decision. I still find fault with the way it implemented its decision, but I cannot find fault with the decision to reduce some flights in and out of National Airport.

It seems to me obvious that there is too much traffic in this overworked facility and that, if possible, this traffic, serving the Metropolitan Washington area, should be moved to other airports in the region.

I cannot find fault with the argument of the Senator from Missouri, because it is quite obvious that National Airport is the most convenient airport to people who travel a great deal in and out of the Nation's Capital, but I can fault the logic of the amendment because it seems to me what we are doing in this amendment is something that the Senate is really not qualified to do. We are making a judgment as to the safety of a particular facility for transporting people in and out of a region, and it seems to me that decision can be made only by the Federal Aviation Administration. I do not think the Senate should be involved in a decision of this kind. We should not be taking over that function in this body.

I hope, in the interest of the people who use the airports of the area, that this amendment is rejected.

Mr. EAGLETON. Mr. President, I shall be reasonably brief in response to the arguments set forth by the Senator from New Hampshire (Mr. COTTON), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Virginia (Mr. SCOTT), and the Senator from Maryland (Mr. BEALL). The main thrust of the arguments of all four Senators just mentioned is the question of safety. I do not know if they are aware that the FAA has repeatedly testified before various, appropriate committees of Congress that Washington National Airport is one of the safest airports in the country for a large metropolitan area. It has a safety record second to none, and that testimony has been given repeatedly by the FAA before various committees of Congress, including the Aviation Subcommittee of the Senate Committee on Commerce.

The FAA testified before the Senate subcommittee 2 years ago that Washington National Airport could safely accommodate as many as 75 flights per hour. It now handles only 40 flights every hour. So, according to the FAA, Washington National Airport is a very, very, very safe airport as it is now functioning and it has the capacity to accommodate additional flights and it could almost double the number of flights it is currently accommodating and still remain a safe airport.

The safety issue raised here, therefore, is a bugaboo. Nevertheless, I will offer a modification of my amendment to clear up the safety question entirely.

Secondly, the junior Senator from Virginia (Mr. SCOTT) pointed out that the Eagleton amendment, in effect would be disagreeing with the findings of the FAA. I say amen. I do disagree with the findings of the FAA when it transfers service to 26 cities away from National but does not transfer flights to or from Chicago. The Senator talks about short-haul, business-special flights. The FAA does not tamper with those precious flights to Chicago, no siree. All hell would break loose if we transferred flights from Chicago away from National Airport to the cornfields in Virginia or near the downtown area of Baltimore. The FAA would not dare think of transferring Chicago flights, but it transferred flights to 26 other cities.

So, I do disagree with the FAA, and the Senator from Virginia (Mr. HARRY F. BYRD, JR.) and the Senator from Virginia (Mr. SCOTT) also disagree with the FAA, because those two Senators are supporting S. 2047, the basic bill in question, and the FAA does not support it. The FAA says it is a "lousy" bill.

The two Senators from Virginia (Mr. HARRY F. BYRD, JR. and Mr. SCOTT) can find time to oppose the FAA on the basic bill, but they cannot find time to oppose the FAA on another facet that is integrally related to this bill.

We are talking about how quickly people can get from an airport in far off Virginia to downtown Washington. People coming from St. Louis or Los Angeles are not flying to Dulles Airport to spend a pleasant afternoon at the Marriott Motel at Dulles Airport. Presumably when they get here they want to get to the Nation's Capital because they have business to transact either up on Capitol Hill, or the Justice Department, or wherever, and they would be seriously inconvenienced in traveling from such an airport as Dulles, to Washington, which would take an hour each way. The nonstop flight from St. Louis to National Airport is 1 hour and 15 minutes. If we add another hour to that time, and then an hour going back on a round trip, we are talking about an important loss of time. Thus, until the rapid rail line from Dulles to downtown Washington or the arterial line from Friendship are in place, it is grotesquely inconvenient to make thousands of passengers travel that extra hour or hour and a quarter, depending on which airport they are using.

So if the Senator from Virginia (Mr. SCOTT) disagrees with the FAA on the basic premise of the bill because the FAA opposes the bill reported out of the Commerce Committee, then I think he should find it equally easy in his heart to disagree with the FAA on the subject matter covered by the amendment.

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

Mr. EAGLETON. I yield.

Mr. SCOTT of Virginia. I think there is a material difference between disagreeing with the Federal aviation agency on access, on rapid rail transit, on access with automobiles, and disagreeing with it with regard to the flight of aircraft. I do not know that the Federal Aviation Agency, as distinguished from the entire department, has a particular expertise with regard to ground transportation. It is a question of judgment as to how soon this road should be completed and how soon the rapid rail line should be completed. I would like to see them completed at the earliest possible moment.

If there is a disagreement with regard to the bill as a whole, it relates to matters that the FAA is not especially well qualified in. Their particular expertise relates to the flight of aircraft, and the Senator's amendment relates to the flight of aircraft. So I do not think there is

anything actually wrong with the judgment of the two Senators from Virginia and the Senator from Maryland. We are talking about two different matters.

Mr. EAGLETON. Mr. President, I must disagree with the observations of the Senator from Virginia. The FAA and the Department of Transportation both oppose the bill—and the FAA is a part of the Department of Transportation with, I hope, some expertise in ground transportation. I hope he is not saying that the agency of the Federal Government which is in charge of transportation, insofar as the Federal Government is concerned, which is in charge of planning Metro systems and other mass transit system, has no expertise in ground transportation.

If that be the case, I am appalled. Before any new airport site can be approved, the FAA must OK access arrangements. For instance, the FAA must consider locating an airport in southern Illinois. That is a wonderful idea. They will consider locating an airport at Waterloo, Ill. And part of the consideration is whether there are access roads and whether the people in the metropolitan area will be able to conveniently get to such airports. To do this, the FAA has to have expertise in ground transportation.

It has to consider the movement of people from airport to airport as well as their being able to fly from one place to another. They cannot do it by parachute. They must do it by monorail, bus, or whatever other means there are of getting to the airport so that they can travel to a different city.

Ground transportation is part of the overall air transportation and is part of locating the airport. And certainly it is part of the consideration given by the Department of Transportation.

The safety issue, originally raised by the Senator from New Hampshire (Mr. COTTON), I think is really a false issue. However, I intend to take care of it by a modification of my amendment.

All I am saying is that if for some reason there ought to be flights from Memphis, Tenn., to Dulles, that is fine. I do not fault the FAA if it puts a flight there, as long as it does not take away the existing flights into National. That is all my amendment would prevent. If there are any additional flights needed to these 26 cities or any other cities, send them to Dulles, and if the people will fly on them, that is fine.

Mr. President, I ask unanimous consent that my amendment at the desk be modified as follows:

On line 4, after the words "United States", insert the following: . . . except for reasons of air safety . . .

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the amendment is so modified.

The amendment, as modified, reads as follows:

On page 2, between lines 17 and 18, insert the following:

(e) The Administrator of the Federal Aviation Administration shall not eliminate or reduce any air transportation service between Washington National Airport and any other airport in the United States except for reasons of air safety until either (1) the rail rapid transit line authorized to be planned in this section or (2) the rail rapid transit line authorized to be studied in section 10 is constructed and in operation.

Mr. EAGLETON. Mr. President, I am prepared to yield back the remainder of my time.

Mr. President, may I say to the distinguished majority leader that during his absence, the assistance majority leader indicated that it would be preferable if no votes were to occur prior to 2 o'clock this afternoon. I therefore obtained unanimous consent that there be a vote on my amendment at 2 o'clock this afternoon.

I am prepared to yield back my time on this amendment.

Mr. MANSFIELD. Mr. President, that is perfectly satisfactory. If there are any amendments or amendments to the amendment, I wish that they would be offered at this time so that they would not be placed in the state of limbo.

Mr. EAGLETON. That was the purpose of my inquiry.

Mr. MANSFIELD. Mr. President, is this the only amendment that will be offered to the pending bill?

Mr. EAGLETON. Mr. President, there are no other printed amendments and no other unprinted amendments at the desk.

Mr. MANSFIELD. Mr. President, if there is to be no further amendment—and a unanimous-consent agreement on the time to vote has been reached which is perfectly satisfactory—I suggest that all time be yielded back on the amendment and that the Senate proceed to the consideration of the Alaskan pipeline bill.

Mr. EAGLETON. Mr. President, I believe that the Senator from Wisconsin (Mr. PROXMIRE) wishes to speak against the bill-in-chief. I wonder if that should occur at this juncture.

Mr. BEALL. Mr. President, I would like to speak briefly for the bill.

Mr. COTTON. Mr. President, I yield whatever time we have remaining on the bill to the Senator from Maryland.

Mr. BEALL. Mr. President, how much time remains on the bill?

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire has 7 minutes remaining on the bill and 26 minutes remain to the other side.

Mr. COTTON. Mr. President, there appears to have been an unfortunate misunderstanding. We allowed an hour on the bill, and an hour on amendments, except that of the Senator from Missouri which had 2½ hours. It was not the intention of the Senator from New Hampshire to use up all the time on the bill. The Senator from Maryland is on the Commerce Committee and has a great interest in the bill. I therefore wonder if the distinguished majority leader would object if I were to ask unanimous consent that the Senator from Maryland have more time?

Mr. MANSFIELD. No. I am sure that the Senator from Missouri would be willing to yield time to him.

Mr. EAGLETON. Mr. President, I ask unanimous consent that my assistant, Mr. Lewis, have the privilege of the floor during the consideration of the pending bill as well as the Alaskan Pipeline bill.

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

Mr. EAGLETON. Mr. President, I yield 5 minutes to the Senator from Maryland.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized for 5 minutes.

Mr. BEALL. Mr. President, I rise to speak in favor of the legislation. I will not speak in regard to the sections dealing with Dulles since that matter has been adequately covered by the distinguished Senator from New Hampshire (Mr. COTTON) and by the Senators from Virginia. However, I would like to say a few words about section 10 which authorizes and directs the Secretary of Transportation to contract with the Transit Authority for a comprehensive study of the feasibility, including preliminary engineering, of extending a rail rapid transit line in the median of the Baltimore-Washington Expressway from the proposed Greenbelt Road Metro Station area near the Baltimore-Washington Expressway to the Friendship International Airport.

Mr. President, the Senator from New Hampshire has quite accurately given the history of this legislation from the time it started in the House of Representatives up to the present time. I think that he is perhaps correct in saying that in previous years the fact that it was sought to include the Friendship Airport may have been a consideration in its defeat. However, that is no longer the case because this legislation came from the Commerce Committee with the Friendship Airport amendment in it.

We are now living in an age of realism, in which we did not live at a previous time.

In Maryland, we are used to considering all matters on a regional area basis. When we deal with health matters, we are asked to deal with them on a regional basis. And when we deal with matters of mass transit, such as we are now dealing with, we deal with them on a regional basis as the problem affects Maryland, Virginia, and the District of Columbia.

When we deal with matters affecting the Potomac River, and most significantly nowadays, the sewage that flows into the river, we do it on a regional basis. And because of that, Maryland is penalized to an extent because we now have a housing moratorium in Maryland that is occasioned by the fact that Maryland is ordered to act on a regional basis with the District of Columbia. That affects the sewage treatment in Montgomery County, and the operation of the Blue Plains Sewerage Plant has the effect of slowing down the progress which Maryland was making in this regard.

We were happy to do it, even though there was some penalty for our State. We are living in an era when we consider our problems on a regional basis.

When we consider air transportation to and from the area, it should be considered on a regional basis. And if we are going to take some of the load off of the National Airport, it is quite logical that in addition to transferring some of the load to Dulles, we also should transfer some of the load to Friendship and put these airports in a position where the public can make a choice as to the air-

port and we can see that the facilities that are there are served.

I was happy to note, just a few minutes ago, that in today's edition of the Washington Evening Star and Daily News, on page B–2, there appears an article the title of which is "Friendship Gets Facelift, 50 Percent Larger Terminal."

I would point out that this is being done mainly at the expense of the taxpayers of the State of Maryland.

The article points out that:

Friendship International Airport is undergoing a $39 million facelift designed to make the 23-year-old facility easier for passengers to use.

Improvements include making the terminal 50 percent larger, adding extra parking areas, enlarging the baggage claim section and changing the configuration of airplane service areas so to handle 747s and other large jets.

Elsewhere the article points out that:

Plans call for expanding the terminal building from its present 350,700 square feet to 514,200 square feet.

It is also pointed out that:

The extra space would give the airport the capacity to handle 11.2 million passengers by 1982. Currently approximately 2.9 million people use the airport located south of Baltimore, between Baltimore and Washington.

I ask unanimous consent that the entire article be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. BEALL. Mr. President, the argument will be made shortly. I think, that this is a costly procedure, that we are authorizing the expenditure of some $10 million under this piece of legislation.

I would point out that section 10 of the bill, which authorizes the feasibility study of the construction of a ground transport facility to Friendship, would cost about $150,000. So of the $10 million authorized in the bill, about $150,000 would be used to undertake and conduct the study of the transit system to Friendship Airport.

I would suggest that this is money well spent.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. EAGLETON. I yield the Senator 2 more minutes.

Mr. BEALL. I would suggest that this is money well spent, because it will help tie together the air transportation system of this region. I would suggest also that if the study proves that such a mass transit system route is feasible, a substantial portion of the cost of construction would be borne by the State of Maryland, and that should come as a great relief to the taxpayers of the United States.

Here we would have a case where the local and State governments were cooperating with the Federal Government to improve accessibility to the air transportation facilities of the entire region. I hope the Senate will look with favor on this measure, because it would improve the flow of traffic to all the major airports of the region, and allow all of the major airports to be considered on an equitable basis. I hope that the Senate will act promptly to pass it.

EXHIBIT 1

[From the Evening Star and Daily News, July 9, 1973]

FRIENDSHIP GETS FACELIFT—50 PERCENT LARGER TERMINAL

Friendship International Airport is undergoing a $39 million facelift designed to make the 23-year-old facility easier for passengers to use.

Improvements include making the terminal larger, adding extra parking areas, enlarging the baggage claim section and changing the configuration of airplane service areas so as to handle 747s and other large jets.

"We're building for the future," said Melvin Mallonee, public information director for the Maryland State Aviation Administration.

He said the work should be finished in time for the 1976 bicentennial celebration.

Plans call for expanding the terminal building from its present 350,700 square feet to 514,200 square feet and changing the T-shape of the terminal into an upsidedown W.

Mallonee said the extra space would give the airport the capacity to handle 11.2 million passengers by 1982. Currently approximately 2.9 million people use the airport located south of Baltimore.

The expansion will enlarge the present baggage claim area seven times. The remodeling also will add seven passenger entrances, making it possible to drive to the entrance where a passengers' ticket counter is located.

"We're trying to reduce the amount of walking a passenger has to do, especially with his baggage," Mallonee said.

The part of the terminal which services planes will be equipped to handle DC10, 747, and Lockheed 1011 airplanes. There is now only one 747 operating out of Friendship but the airport does not have facilities to service it.

The multi-million dollar facelift is being paid for by the department, which assumed control of the airport a year ago.

The department hopes by refurbishing the airport to draw passengers away from already overcrowded National Airport outside of Washington and from Dulles International Airport, both of which are operated by the federal government.

One major renovation concerns parking, which has long been a headache for Friendship users. Last month the airport opened up a 150-car public parking lot for persons wishing to park for a short period. The airport also has a parking lot with more than 3,000 spaces, and a valet lot for people who want to leave their cars for several days.

The airport recently purchased two "planemates" for $600,000. They are to be used to taxi passengers between the terminal and planes while construction is going on. The 150-passenger mobile lounges will also be used to make quicker connections between planes on international flights.

Mallonee said the construction would begin in earnest next spring. Meanwhile the terminal is being repainted, 300 new signs are being erected to direct people to the airport and an IBM computer-based security system is being installed.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

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

(This order was subsequently modified to provide for the Senate to convene at 9:30 a.m. tomorrow.)

AUTHORITY FOR THE SENATE TO REQUEST THE HOUSE OF REPRESENTATIVES TO RETURN H.R. 8619

Mr. MANSFIELD. Mr. President, if I may have the attention of the acting Republican leader, the distinguished Senator from New Hampshire (Mr. COTTON), I ask unanimous consent that the Secretary of the Senate be authorized to request the House of Representatives to return to the Senate H.R. 8619, appropriating funds for agriculture, environment, and consumer protection for fiscal year 1974, together with the accompanying papers.

I understand that there is some difficulty with the figures, in that they were mistranscribed or transcribed wrongly. It is a technical matter.

Mr. COTTON. Mr. President, I note that the chairman of the Appropriations Committee (Mr. MCCLELLAN) is present in the Chamber. I assume that this is a necessary step.

Mr. MANSFIELD. I was going to ask him next.

This is to correct the figures on the appropriation bill. They put the wrong figures on it, apparently. It is a matter of a technical correction of figures, with no substantial difference.

Mr. MCCLELLAN. I have no objection.

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

TRANSIT LINES TO DULLES AND FRIENDSHIP AIRPORTS

The Senate continued the consideration of the bill (S. 2047) to authorize a Federal payment 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.

Mr. HARRY F. BYRD, JR. Mr. President, I yield myself 3 minutes.

There are a few figures that I think should be emphasized in considering the amendment offered by the distinguished Senator from Missouri.

One figure is that the number of passengers who used National Airport during 1972 exceeded 11 million. The number going through Dulles was 2.5 million, and the number utilizing Friendship was 3 million. So, if we are to contain the growth of National Airport to a reasonable figure, the FAA must have the authority to channel the flights between the three Washington area airports as it feels necessary to protect the safety and convenience of the traveling public.

In regard to air operations, Dulles has an air operations capacity of 100 flights per hour. Its peak use now is 20 per hour. That is Dulles International Airport. The Washington National Airport has an air operations capacity of 60 per hour, and that is the rate that National Airport is now experiencing, 60 flights per hour. So National is operating at capacity, while at Dulles they are operating at only 20 percent of capacity.

I say again, I think it would be unwise, by legislative act, to prevent the FAA from arranging the flights in and out of these three local airports as the FAA feels is necessary and desirable to protect the safety and convenience of the traveling public.

Mr. President, I yield to my colleague from Virginia.

Mr. SCOTT of Virginia. Mr. President, I appreciate the distinguished Senator's yielding. I would just like to supplement the remarks that he has made about the

capacities of the various airports.

I am sure that the distinguished Senator from Missouri did not intend to misrepresent the number of flights, but he omitted to mention the 20 general aviation instrument flights per hour that go in and out of National Airport.

I have in my hand a document prepared by the Federal Aviation Agency entitled "Policy Regarding Role of Washington National Airport and Dulles International Airport." Mr. President, I would like to read a portion of that document, because it does confirm the various statements that have been made by my distinguished colleague. In reading it, I shall change the words slightly. In the document, the phrase "DCA" is used to refer to National Airport, and another group of letters, "IAD," is used to refer to Dulles. I shall refer to those airports by name. Except for that change, this is a quotation from the statement made by the Federal Aviation Administration. It says:

National Airport, located four and one-half miles from downtown Washington, is currently the most utilized Washington airport. Nearly 10.4 million air carrier passengers used National during fiscal year 1972. Airside capacity of National Airport is approximately 60 Instrument Flight Rule operations per hour, of which 40 have been allocated to air carrier operations and 20 to other aircraft operations. The air carrier allocation is fully utilized during most hours of the day. Present terminal capacity of National is estimated to be approximately 3,500 passengers per hour. The present capacity is occasionally approached during peak hours. Metro service will facilitate handling of passengers at the airport. To reduce the effects of noise in the surrounding residential areas during the night, jet air carrier flights are not scheduled at National between 10 p.m. and 7 a.m.

The two major access roads to Washington National Airport, Route #1 and the George Washington Parkway, are also major commuting routes and are operating at or near capacity during peak hours. Frequent congestion occurs within the internal traffic system at Washington National Airport.

The main terminal building at Washington National Airport was constructed in the early 1940's, and the north terminal building was added in 1958. Although some significant modernization has been accomplished recently by several air carriers, the aesthetic appearance and internal circulation systems are in need of improvement and modernization.

2. DULLES INTERNATIONAL AIRPORT (IAD)

Dulles International Airport, designed by Fero Saarinen, is generally recognized as one of the most beautiful and efficient airports in the country. The airport is located 26 miles from downtown Washington. Since its opening in November 1962, passenger use of Dulles International Airport has grown to a level of just over 2.2 million air carrier passengers in fiscal year 1972.

Airside capacity of Dulles International Airport is approximately 100 Instrument Flight Rule Operations per hour. Current peak hour air carrier utilization is approximately 20 operations per hour. Terminal capacity of approximately 1,000 passengers per hour is currently approached only during the peak hours. In contrast to Washington National Airport where air terminal utilization is high throughout the day, off-peak usage of Dulles International Airport falls far below 50% of capacity.

Mr. President, I have taken the time of the Senate to read this because it is an official statement of the FAA and highlights the underutilization of Dulles and the full capacity use at National. It points up the need for the transfer of these limited number of flights from National to Dulles.

I appreciate the distinguished Senator's yielding to me.

Mr. EAGLETON. Mr. President, I am prepared to yield back the remainder of my time.

Mr. PROXMIRE. Mr. President, I have an amendment to the amendment of the Senator from Missouri, which is now at the desk, and which I ask to have stated.

The PRESIDING OFFICER (Mr. JOHNSTON). The amendment to the amendment will not be in order until the time on the Eagleton amendment has been yielded back, or done by unanimous consent.

Mr. HARRY F. BYRD, JR. Mr. President, I yield back the remainder of my time.

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

The PRESIDING OFFICER. All time on the Eagleton amendment having been yielded back, the amendment to the amendment offered by the Senator from Wisconsin is in order, and will be stated.

The assistant legislative clerk read as follows:

No. 286

On line 4 of the amendment insert the following after the word "airport" "except Friendship Airport".

Mr. PROXMIRE. Mr. President, I intend to withdraw this amendment and not press it, but wanted time to speak on the bill as I saw no other way in which to secure the appropriate time to do so. I therefore decided to do it in this way and I will withdraw the amendment.

Mr. President, this legislation is wrong. I oppose the entire legislation. It is a Federal giveaway. It is a giveaway that will be transparent to anyone not living in Washington, Virginia, or Maryland.

It is ridiculous for us to provide this kind of special consideration for one or two airports only, just because we fly out of here ourselves. It is, really, self-serving legislation.

It would authorize the expenditure of $10 million for two purposes; namely, one, the planning of a rapid transit system to Dulles and a feasibility study of a rapid transit system to Friendship. It has been flatly opposed by the administration, as I will show in a minute.

We all know that mass transit will be important in relieving some of the pollution and congestion on our highways. But spending $10 million on these two particular projects in this year of budgetary austerity is sheer folly.

Just 2 days ago it was disclosed that we have had another terrific increase in wholesale prices. Interest rates have gone up very sharply. The reason they have done so is that the only weapon we are now using to combat inflation is monetary policy, to hold down the supply of money. What we should be doing is to hold down Federal spending, too. This morning I said that we should cut back our ceiling by $5 billion. It is a small amount we are talking about here, as $10 million could not be considered to have a significant inflationary effect, but it is symbolic. We are spending money here only to make it easier for ourselves, our staffs, friends and neighbors to get out to Dulles or to Friendship a little easier.

This year, when cuts are being made in areas of critical need to many of our citizens—in housing, health, social services programs—we just simply cannot afford this amount of money to help those persons who can afford air travel have a quick and cheap way of getting to two airports to take long-distance flights.

What we are being asked to do in this legislation is take a $10-million step along the way toward providing these rapid-transit links. It is clear from the bill that actual design and construction of the Dulles link would not be far behind, since the legislation would affirm the—

intent of the Congress . . . that the transit line . . . be designed and constructed as soon as practicable following the date of the enactment of this section.

This $10 million authorization, and this commitment to spend many tens of millions more on construction, flies in the face of the recommendations of the Department of Transportation.

The Department of Transportation expressed its opposition to the construction of the Dulles link in hearings 1 year ago. James Beggs, Under Secretary of DOT, stated the main objections very clearly and succinctly:

The responsible course of action is to require the region to go through the hard but necessary process of analyzing this project vis-a-vis its other needs . . . The Federal Government is currently operating under extreme financial strictures, and this is not the time, we believe, for a project which will not become operative until six years hence . . . We believe . . . that the authorization of a rail transit link as envisioned . . . is clearly premature at this time.

That was 1 year ago. This year, the $10 million authorization for planning for the Dulles link, and for a feasibility study for the Friendship link, was reported without hearings. No agency comments were received by the committee. However, conversations between my staff and officials at the Department of Transportation affirm that the Department's objections, as outlined by Mr. Beggs, still stand. The situation has not changed since Mr. Beggs' comments were made.

Undersecretary Beggs was not only concerned about the financial aspect of the Dulles plan, however. He made a number of other points against the proposal which still stand.

First, he said the timing is wrong. The envisioned link to Dulles would connect with the K route of the Metro system. The K route has been tangled in legal complications even during this planning stage. The K route was to be constructed in the median strip of I–66, the construction of which was halted by a court order and is stagnated.

Even if the legal problems are solved, the K route will not be completed until 1978 at the earliest. This is 1973. That is 5 years away. Mr. Beggs concluded:

To construct the airport connection at this time would serve no truly useful purpose. While some costs may be saved by construction now, we may well find in a year or so that newer, faster, and more efficient technology is available for the same

purpose and that the airport system is outdated before it is operational.

We should not start planning now, either, if the plans could be outmoded by advancing technology.

Under Secretary Beggs also questioned the cost, and with good reason. The ultimate cost of the Dulles line alone—this is not including the Friendship line—was estimated in 1969 to be $90 million in 1969 dollars. Construction would not begin until 1978, and by then the price will have inflated to way over $100 million. Why plan now when we would have to wait for the construction, and then find that the construction might be too expensive or the planning outmoded?

Under Secretary Beggs also questioned local involvement. He said:

It has been our experience that transportation projects, if they are to be successfully implemented, must be of local concern and carry with them local commitments.

In other words, Virginia and Maryland should also put out money, but of course, they want it when they do not have to pay any.

Continuing:

A superimposed solution almost always fails; a locally selected solution is normally better suited to the precise needs of the urban area involved . . . The Federal Government . . . should not make the decisions which most properly belong to the local communities themselves. In the area of rapid transit . . . we have found . . . best . . . a funding arrangement which requires the localities to provide one-third of the cost of federally assisted capital projects. . . . We believe that if the local jurisdictions are not sufficiently convinced of the project's merit or importance to contribute a portion of its cost, we may be deceiving ourselves as to its real value.

Mr. President, there have been arguments against the Federal Government putting up $2 for every $1 locally, and I have been one of those critical of it. There have been plenty of arguments against the Federal Government putting up $9 for every $1, as we do with the Federal highway program; but I do not know of any argument for the Federal Government putting up all the money. Under these circumstances, there is no local discipline.

No wonder, then, that the local communities along the proposed Dulles line all testified in favor of it. They are not going to pay 1 cent for its construction. Mr. Beggs' fears would be completely realized if this plan were to go through.

The Chicago airport is one of the busiest in the world, and many of us have flown in there many times. I am sure they would be delighted to have a transit system that would take people from the Chicago Loop out to the airport, paid for 100 percent by the Federal Government. The same would apply to La Guardia Airport, in New York, and Los Angeles airport, and the same is probably true with respect to New Orleans and might be true in a few years in Milwaukee. Why single out Dulles Airport? Is it because we are the ones who make the decision and we are the ones who benefit?

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

Mr. PROXMIRE. I yield.

Mr. SCOTT of Virginia. For the purpose of clarification, I am sure the Senator would agree that Virginia and Maryland, the political subdivisions in both States, are sharing in the cost of the Metro System. I assume the distinguished chairman is talking only about the segment that is on Federal property, that goes up the Dulles Access Road from the place on Nutley Road near the town of Vienna, which is the end of the planned Metro System. The distinguished Senator is not talking about the entire Metro System, that Virginia is not participating in the cost—merely where it leads off at Nutley Road within the town of Vienna and goes over Federal property to the Dulles Airport. Is that the statement of the Senator?

Mr. PROXMIRE. I say to the Senator from Virginia that, of course, Virginia and Maryland do share in the Metro system, and they should. They get great benefit from it. We certainly would not have gone through with it without Virginia and Maryland sharing the cost. I recognize that. But so far as this bill is concerned, so far as this study is concerned, the Federal Government will pay all the $10 million. There will be no matching of $1 million or $5 million or $1 from Virginia or Maryland.

I must say that I have great admiration and respect for the junior Senator from Virginia. The Senator is normally one of the best watchdogs in the Senate on Federal spending, and he must be in a rather embarrassing position.

I do not mean any criticism of the Senator from Virginia; but I hope that other Senators would consider what they are doing to their taxpayers, with no benefit at all to them.

Mr. SCOTT of Virginia. I point out that we are talking about construction or planning in this bill, the planning of construction, over Federal property; so there is a distinction. Whether or not the distinguished Senator feels that that is a sufficient distinction is another matter, but there is a distinction, because we are talking about construction on Federal property. The Dulles access road, where the rapid rail transit would go, is owned by the Federal Government and is under the jurisdiction of the Federal Aviation Agency. So there is a difference between it and the rapid rail transit to any other airport in the country.

Mr. PROXMIRE. The Senator makes a distinction, and I think the distinction is interesting. Technically, it perhaps has some persuasive effect on some. But the fact is that this would be a transit system that would benefit primarily people who live in the District, in Virginia, and in Maryland. That is where the benefit would be. It would not benefit the people in Wausau, Wis., or Port Washington or some of the other towns in Wisconsin which would have to pay for it.

I agree with Mr. Beggs and with the administration when they argue that one of the weaknesses in this proposal is that there is no local participation. That was one of the principal objections that Mr. Beggs, speaking as Under Secretary of Transportation, made against this proposal when it came his opportunity to speak before the committee.

Mr. Beggs' conclusion last year was that more preliminary study is needed before taking the kind of action which would be authorized in the legislation we are now considering. He said we need "a thorough analysis of alternative means of providing public transportation service to Dulles." This $10 million authorization, however, would do just the opposite: It would commit $10 million to one alternative, to one plan.

As I mentioned before, these objections still stand. The staff at DOT confirm that the proposal we are now considering is still "too rigid—it is not flexible enough in providing for alternative designs, routes, or timing of construction." In fact, DOT would like to see a new feasibility study made.

The proposal for a feasibility study for a rapid transit link to Friendship Airport is even more far-fetched. I conclude, on the basis of the thoughtful statement made by the manager of the bill, Mr. COTTON, that this was thrown in because of the objections in the past on the part of the Maryland delegation that Baltimore-Friendship should be considered on the same basis as Dulles. So far as I can tell, this proposal was just tacked on to the Dulles bill which was considered last year. No hearings were held on this matter. This would be a half-million-dollar authorization—the Friendship part of it—made practically blindly.

This Friendship Airport link would connect the Washington Metro system with the Baltimore Metro system. The Baltimore system is still in the planning stage. A spur from Baltimore to Friendship airport is still in the planning stage. So we still have only "plans" as far as Baltimore is concerned. The Senator from Virginia (Mr. SCOTT) made the point—and it may be persuasive with some—that the Dulles part of the operation is on Federal property. No such claim can be made with respect to Friendship. The link to Washington is even weaker. The Washington Metro system is planned to extend to the Greenbelt Road area, adjacent to the Baltimore-Washington Expressway. A further extension toward Baltimore, to the city of Laurel, Md., has also been proposed—only proposed. Can we expect that these plans and proposals are sufficiently concrete to justify a feasibility study—probably costing a significant fraction of a million dollars? We may end up with a feasibility study which is based on assumptions which will never be realized.

In fact, a 1968 study by the Department of Transportation said a Friendship-District of Columbia mass transit link would be economically disastrous.

The chief reason given for constructing rapid-transit links to these two airports, Dulles and Friendship, is that links will alleviate the imbalance in the use of the three Washington-area airports. Statistics were brought out when Senator EAGLETON was discussing his amendment, and Senator BYRD brought out some very interesting statistics about the fact that the traffic at Dulles is about a quarter and the traffic at Friendship is about a third to a quarter of what it is at National. We all know that National gets more use than the other two. We also know that the situation is not critical yet, though eventually correction will be necessary. But this authorization is not the way to do it. It is premature and ill conceived.

Just a few days ago, another mass-transit proposal was reported from committee: the "West Coast Corridor Feasibility Study Act of 1973." That is sponsored aggressively by Senator TUNNEY. It would authorize a feasibility study of a rapid transit link from Tijuana, Mexico to Vancouver, British Columbia.

This preliminary study alone would cost $8 million. I think we are creating with this bill and with the Tunney bill a Federal Government giveaway atmosphere. We do not need a piecemeal approach.

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

Mr. PROXMIRE. Mr. President, I offer another amendment.

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

Mr. PROXMIRE. I yield.

Mr. ROBERT C. BYRD. Mr. President, how much time remains on the bill?

The PRESIDING OFFICER. A total of 31 minutes.

Mr. ROBERT C. BYRD. How is that time divided?

The PRESIDING OFFICER. The proponents have 7 minutes and the opponents have 24 minutes.

Mr. ROBERT C. BYRD. Who is in charge of the time for the opponents?

The PRESIDING OFFICER. The Senator from Pennsylvania, the minority leader.

Mr. ROBERT C. BYRD. I thank the Presiding Officer.

Mr. PROXMIRE. Mr. President, I offer an amendment to my amendment. Is it required that I send the amendment in writing to the desk or can I do it orally?

The PRESIDING OFFICER. The Senator cannot amend his amendment, but the Senator can withdraw his amendment and offer another.

Mr. PROXMIRE. I withdraw my amendment and at the same place in the bill, instead of Friendship Airport, I offer the amendment to read "the Philadelphia International Airport."

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

The Senator from Wisconsin proposes an amendment on line 4 of Amendment 286, insert after the word "airport" the words "except Philadelphia International Airport."

Mr. PROXMIRE. Mr. President, I was pointing out that the argument in favor of the Friendship part of the authorization, the $10 million authorization, is even weaker. We may end up with a feasibility study based on assumptions that may never be realized. Also, we are proceeding on a piecemeal basis instead of the basis of determining what the areas really need. This is why the Department of Transportation so vigorously is against this legislation.

What we really need is not a piecemeal approach to the important problem of improving transportation—we need a comprehensive plan. Let us not establish the precedent of the Federal Government being victimized and picking up the tab for these systems all over the country. If we are going to fund some parts of these rapid transit systems, let us require the Department of Transportation to decide what areas have a need for Federal intervention in planning and construction, and establish priorities among these areas. But the way we would be starting off in approving this authorization, we will be encouraging haphazard funding. This is not good for the country. It certainly is not good when we have so many other pressing needs that are being neglected because we simply do not have enough money to satisfy them all. The reasons for not authorizing this planning and this feasibility study are myriad. Let us recognize the force of those reasons and hold off on this authorization.

We need changes in our transportation methods and we need to expend money; and that money must come from the Federal Treasury, but I ask that it be done in a fair and orderly way and not on a political basis, not on the basis of having affected Senators and Representatives asking for legislation, or having assistance for one particular airport or area of the country. We would be encouraging haphazard funding. It is not good for the country when we have so many other needs. We do not have the money to satisfy all of our needs.

Mr. President, I conclude as I began by pointing out to my colleagues that this is legislation that will benefit the Senators and Congressmen and their friends and neighbors. This will benefit two States, but this legislation cannot be justified in the view of the administration or in the view of any fair, objective study of what this country needs. If we proceed in this haphazard way, more pressure comes on all of us to get similar legislation for our particular States. If Virginia and Maryland are going to have it, then the west coast should have it, then the Gulf States, and the Great Lakes States. This is not proceeding in an orderly fashion, especially in a year with inflation and when Federal spending is such a problem.

Very serious consideration should be given to requiring studies of this kind being financed from the highway trust fund.

Many of us have argued and feel very strongly that much mass transit should be financed from the highway trust fund. We do so for many reasons. The principal reason is that the purpose of mass transit is to relieve pressure on the highways, to make it easier for people who must use the highways to travel without the very heavy traffic, which is such a burden. For that reason, it would seem to me that it would make sense to have this particular study financed by the highway trust fund. I expect to discuss this question at a later time, before we vote on the bill. At this time, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Who yields time on the bill?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time for the quorum call not be charged to either side.

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

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, does the distinguished Senator from Virginia (Mr. SCOTT) yield back the time under the control of the distinguished Senator from New Hampshire (Mr. COTTON)?

Mr. SCOTT of Virginia. Yes. The Senator from New Hampshire has authorized me to yield back the time allocated to this side.

Mr. ROBERT C. BYRD. Mr. President, who is in charge of the time on the other side on the bill?

The PRESIDING OFFICER. The Senator from Montana (Mr. MANSFIELD) gave his time to the Senator from New Hampshire, and the minority leader controls the other time.

Mr. ROBERT C. BYRD. And how much time remains under the control of the minority leader?

The PRESIDING OFFICER. Twenty-four minutes.

Mr. SCOTT of Virginia. Mr. President, I believe I am authorized to yield back all time on behalf of this side of the aisle.

Mr. ROBERT C. BYRD. Very well. I thank the Senator.

Mr. President, I ask unanimous consent that the unanimous consent order for a rollcall vote on the Eagleton amendment be vacated.

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

Mr. ROBERT C. BYRD. Mr. President, there will be a rollcall vote at 2:30 p.m. today on the amendment by Mr. EAGLETON. I have cleared with Mr. EAGLETON the matter of vacating the rollcall vote because it was ordered by unanimous consent, and the leadership feels that only in extreme circumstances should the yeas and nays be ordered on any matter by unanimous consent. There will be a sufficient number of Senators on the floor when 2:30 arrives to get the yeas and nays, I am confident. So there will be a yea-and-nay vote at 2:30 p.m., and there will be a yea-and-nay vote on final passage of the bill immediately upon disposition of the amendment by Mr. EAGLETON.

FEDERAL LANDS RIGHT-OF-WAY ACT OF 1973

Mr. ROBERT C. BYRD. Mr. President, at the present time I ask unanimous consent that the pending measure be set aside temporarily until the hour of 2:25 p.m. today; and that in the meantime the Senate resume the consideration of the unfinished business.

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

The clerk will state the bill by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment.

The Senate proceeded to consider the bill.

Mr. GRAVEL. Mr. President, I ask unanimous consent that in the consideration of S. 1081 four members of my staff be permitted access to the floor, namely: Jan Erickson, Bea Oertel, Howard Hickman, and Robert Mitchell. As further amplification, I do not wish to have them on the floor during rollcall votes.

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 TO 1:40 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 1 hour.

The motion was agreed to; and at 12:40 p.m. the Senate took a recess until 1:40 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. JOHNSTON).

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, after the morning business has been concluded, the Senate proceed to the consideration of S. 1435, to provide an elected Mayor and City Council for the District of Columbia, and that the unfinished business be temporarily laid aside and remain in a temporarily laid aside status until the disposition of S. 1435 or the hour of 1:30 p.m. tomorrow, whichever is earlier.

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

FEDERAL LANDS RIGHT-OF-WAY ACT OF 1973

The Senate resumed the consideration of the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment.

Mr. JACKSON. Mr. President, I ask unanimous consent that during the consideration of S. 1081, the Federal Lands Right-of-Way Act of 1973, Mr. Jerry Verkler, Mr. William Van Ness, Jr., Dr. Arlon Tussing, Mr. James Beirne, Ms. Suzanne Reid, and Mr. Jim Barnes members of the professional staff of the Committee on Interior and Insular Affairs, be accorded the privileges of the floor.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that Mr. Max Gruenberg, Jr., and Mr. Lyell Rushton, of my staff, be accorded the privileges of the floor.

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

Mr. FANNIN. Mr. President, I ask unanimous consent that David Stang, Harrison Loesch, Fred Craft, and Roma Skeen of the minority staff of the Committee on Interior and Insular Affairs, and Joseph Jenckes and George Pritts of my staff, be accorded the privileges of the floor during the consideration of this measure.

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

1. THE URGENT NEED FOR RIGHTS-OF-WAY LEGISLATION

Mr. JACKSON. Mr. President, legislation on the granting of rights-of-way over Federal lands is needed immediately because of the February 9, 1973, decision of the District of Columbia Circuit Court that the Secretary of the Interior has no legal authority to grant rights-of-way across Federal lands for the construction of large modern oil and gas pipelines. This decision has also cast a major cloud of uncertainty over the Interior Department's authority to grant many other kinds of transport or utility rights-of-way. The legal uncertainty now extends to gas pipelines, water lines, electrical transmission lines, communication facilities, roads, and other necessary transportation facilities across Federal lands.

The issue with which the Congress is presented is straightforward and urgent. If the Nation's growing energy requirements are to be met and if the crippling fuel shortages increasingly being experienced are to be avoided, Federal legislation must be adopted to provide the additional authority required by the court's decision and to eliminate the uncertainty that flows from it.

Skelly Wright, in his circuit court opinion, placed this issue squarely before the Congress. He said:

> At the heart of (the) discussion is a very simple point, Congress, by enacting Section 28, allowed pipeline companies to use a certain amount of land to construct their pipelines. These companies have now come into court, accompanied by the executive agency authorized to administer the statute, and have said. "This is not enough land; give us more." We have no more power to grant their request, of course, than we have the power to increase congressional appropriations to needy recipients. Article 4, § 3, Cl. 2 of the Constitution provides that "The Congress shall have power to dispose of and make all needful Rules and Regulations respecting the Territory and other Property belonging to the United States." The power over the public land thus entrusted to Congress is without limitations. "And it is not for the courts to say how that trust shall be administered. That is for Congress, to determine."

2. PROVISIONS OF S. 1081

Mr. President, I request unanimous consent to have reprinted in the RECORD at this point that part of the committee report on the Federal Lands Right-of-Way Act of 1973, detailing the purposes of and need for this legislation, S. 1081.

There being no objection, the excerpts from the Committee report were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM REPORT ON S. 1081, PURPOSES AND NEED

I. PURPOSE

The purpose of S. 1081, the "Federal Lands Right-of-Way Act of 1973," is to establish a comprehensive national policy and procedure for the granting of rights-of-ways across the Federal lands for those transportation and transmission purposes which meet the requirements of the act.

Federal legislation on right-of-way authority is now needed because the recent decision of the Circuit Court of Appeals for the District of Columbia on the proposed Trans-Alaska oil pipeline has cast a cloud of uncertainty over the Secretary of the Interior's legal authority to grant rights-of-way for oil and gas pipelines, water lines, electrical transmission lines, communication facilities, roads, and other necessary transportation facilities across public and Federal lands.

The full reach and effect of the Circuit Court's decision in the case of the *Wilderness Society et al. v. Secretary* Morton is not entirely known. It is clear, however, that many of the existing Federal rights-of-way statutes which have specific width limitations are no longer adequate. Rights-of-way granted in the past for many different purposes may now, in whole or in part, be illegal in view of the court's decision. In addition, the court's ruling means that with respect to proposals for large oil and gas pipelines, the Secretary and the heads of other Federal agencies with land management responsibilities do not now have the legal authority to issue rights-of-way of sufficient width to allow the needed new transportation facilities to be developed.

S. 1081 as reported by the Committee would resolve the major uncertainties which now exist and would vest the Secretary of the Interior and other appropriate Federal agencies with the authority to grant rights-of-way for the purposes provided in the Act and subject to the conditions and terms of the Act which are designed to protect the environment and the Federal lands.

II. NEED

1. Introduction

Federal legislation on authority to grant rights-of-way over Federal lands is needed immediately because the recent decision of the Circuit Court of Appeals for the District of Columbia on the proposed TransAlaska oil pipline* in effect held that there is no authority in Federal law for the Secretary of the Interior to grant rights-of-way across Federal lands for the construction of large oil and gas pipelines. This decision has further cast a major cloud of uncertainty over the Secretary of the Interior's legal authority to grant many other kinds of transport or utility rights-of-way. This uncertainty extends to gas pipelines, water lines, electrical transmission lines, communication facilities, roads, and other necessary transportation facilities across public and Federal lands.

The Secretary of the Interior characterized the urgent need for legislation in an April 12, 1973 letter to the Committee as follows:

> Because of the decision of the United States Court of Appeals in the trans-Alaska pipeline case and the recent denial of certiorari by the Supreme Court, *there is a critical need to quickly enact legislation that will enable the Secretary of the Interior to authorize rights-of-way across the public lands. Coming as it did during a period when*

* *The Wilderness Society, et al.* v. *Morton, et al.*, Nos. 72–1796, 72–1797, 72–1798, United States Court of Appeals for the District of Columbia Circuit, February 9, 1973.

the Nation is facing, indeed is in the midst of, a very real energy shortage, the impact of the decision is magnified greatly. Not only does it affect the proposed Alyeska transAlaska pipeline; it also affects any proposal to construct a trans-Canada pipeline for Alaska North Slope oil and gas. This is so because it affects all major oil and gas pipelines, no matter where located. It now appears that no major pipeline can be constructed under Section 28 of the Mineral Leasing Act under the ruling of the Court of Appeals.

Unfortunately, *the impact of the decision may not stop at pipelines, it may also be applicable to other types of rights-of-way which involve statutory width limitation. Several situations have already been brought to our attention where energy projects may be halted or substantially delayed because of the impact of the Court's decision.* In view of the undoubted need for the legislation, the Department strongly urges that its enactment be expedited. (emphasis added).

(The Secretary's letter appears in full in the "Executive Communications" section *infra* of this report).

2. The responsibility of the Congress

The issue the Congress is presented with is straightforward and urgent. If the Nation's growing energy requirements are to be met and if the crippling fuel shortages increasingly being experienced are to be avoided, Federal legislation to provide the additional authority required by, and to eliminate the uncertainty that flows from the Court's decision, must be adopted.

Skelly Wright, in his Circuit Court opinion, placed this issue squarely before the Congress. He said—

At the heart of (the) discussion is a very simple point, Congress, by enacting Section 28, allowed pipeline companies to use a certain amount of land to construct their pipelines. These companies have now come into court, accompanied by the executive agency, authorized to administer the statute, and have said, "This is not enough land; give us more." We have no more power to grant their request, of course, than we have the power to increase congressional appropriations to needy recipients. Article 4, § 3, Cl. 2 of the Constitution provides that "The Congress shall have power to dispose of and make all needful Rules and Regulations respecting the Territory and other Property belonging to the United States." The power over the public land thus entrusted to Congress is without limitations. "And it is not for the courts to say how that trust shall be administered. *That is for Congress to determine.*" (Emphasis added) *

3. Problems facing the Department of the Interior

Deputy Under-Secretary of the Interior Jared G. Carter stated the Department's position on the need for legislation in an appearance before the Committee on March 9, 1973.

Commenting on the Circuit Court's decision the Deputy Under-Secretary stated:

We disagree with this strict interpretation of the Mineral Leasing Act. *If it is allowed to stand, we believe it will have far-reaching consequences. It will prohibit the construction of any large pipeline over public domain using modern technology. It might even be interpreted to inhibit construction of utility transmission lines and other facilities that cross Federal lands, because the statute governing permits for such lines also contains a width limitation.* In order to give the committee some idea of the consequences of the results of a strict interpretation of right-of-way statutes we have begun a survey of our most recent permits. The preliminary results show that, *during the past 5 years, the Bureau of Land Management has issued 92 rights-of-way for pipelines over 20 inches in diameter, 9 of which were for lines over 30 inches in diameter. Our experts indicate construction of most of these lines would have been affected if the court of appeals' decision had been on the books at the time these right-of-way were granted.*

At this time we have very incomplete data regarding powerlines across public lands that may be affected by the decision. However, there are now major lines under construction in Arizona, which require roads running along the right-of-way, and a special land-use permit, which we believe is valid, has been issued for this purpose. Several major lines that cross public lands are also being constructed in California. *Remedial legislation to remove all doubts about the validity of these efforts is required in the national interest.* This legislation is required, regardless of what position one might hold with respect to the Trans-Alaska pipeline itself.

We must have facilities for transportation of private and public resources to support our expanding economy. To restrict the development of resources by accepting a strict interpretation and failing to modernize a law which did not, and could not be expected to foresee the massive technological developments which have occurred over the past 50 years, would be the height of irresponsibility. (Emphasis added.)

(Page 128, Part I, Hearing Record, Rights-of-way Across Federal Lands, March 9 and 27, 1973).

Later in his testimony the Deputy Under-Secretary stated that:

"The issue before Congress is whether or not we are going to have modern laws to allow the orderly development of resources on the public lands with carefully developed environmental safeguards.

"We have frequently stressed the national importance of prompt development of the petroleum resources on the North Slope. That development, the spread of our electrical transmission line network, and continued access to resources which involve public land rights-of-way in the lower 48, are all in question under the court of appeals ruling. *It is clearly in the national interest to modernize the right-of-way legislation, and to proceed with the orderly consideration of whether the Trans-Alaska pipeline right-of-way or any other right-of-way should be granted on its own merits, in full compliance with the National Environmental Policy Act.*" (Emphasis added.)

The full scope of the problems created by the Circuit Court of Appeals decision was detailed in a letter of April 9, 1973, from the Secretary of the Interior, parts of which are excerpted below:

The problem presented by the width limitations in public lands right-of-way statutes and by the implications of the Court of Appeals decision in *Wilderness Society v. Morton* is not limited to pipelines, but applies also to rights-of-way for powerlines and other facilities. Nor is the problem confined to Alaska; it is truly national in scope, and our ability to grant needed rights-of-way throughout the West is impaired. States such as Washington, Oregon, California, Idaho, Montana, Wyoming, Utah, Colorado, Arizona and New Mexico all are affected.

First, with regard to oil and gas pipelines, we believe only the smallest pipelines may now be authorized across the public lands under the court's interpretation of section 28. During construction of a pipeline anywhere in the United States, all construction equipment is located on one side of the line, with the other side being used for the disposition of spoil. Because the Court of Appeals decision prevents our authorizing the use of additional land during construction—for large pipe laying equipment, passing of large trucks or caterpillar tractors, etc.—*we believe the Court of Appeals decision effectively precludes the construction of any major pipeline on public lands. All this equipment cannot fit within the statutory width.* Special land use permits have also been used in the past in connection with pipeline construction to authorize necessary equipment and supply storage sites, camps, and other similar facilities, as well as for additional construction space. While the court did not rule on the legality of such other permits, our authority to issue them is now at best questionable. Prompt legislation is needed to cure this problem.

We have also used special land use permits to authorize access roads, essentially perpendicular to the right-of-way to allow the transportation of equipment, supplies and material from a public road to a single point on the right-of-way. We do not believe the court's decision bars these permits.

Second, power and utility lines present a somewhat different problem. These rights-of-way, under 43 U.S.C. § 961, can extend to 200 feet on either side of the center line of the lines and poles, and we understand all actual construction activity can take place within the statutory limits. We have issued special land use permits, however, for other purposes in connection with power and utility line construction. These have been for storage sites for towers, supplies and equipment and for construction roads essentially paralleling the right-of-way. These roads, which are used to haul equipment along the right-of-way frequently can be built within the 400 foot statutory limit; but, in rough or mountainous terrain they usually cannot, and they must be routed a distance from the right-of-way. *It is with regard to these permits that there may be a problem.* (Emphasis added)

. . . the decision of the Court of Appeals was not based solely on the quoted language in section 28, but also on the plain meaning of the width limitation and on the legislative history of that act. *It is therefore possible that a court could hold that the rationale of the Court of Appeals in the Wilderness Society case applied equally to the issuance of special land use permits in conjunction with other rights-of-way where the statute specified a maximum width. Because of this possibility, it is essential in our view that legislation be enacted to remove any doubts on this point and to make it clear that we have authority to issue all permits necessary for construction of facilities of the size being built today.*

Third, a problem exists with regard to rights-of-way for tramroads under 43 U.S.C. § 956; these roads are for mining, timber, and water companies. This statute sets a maximum width of fifty feet on each side of the centerline of the road. While in many instances a 100 foot right-of-way is adequate, it is completely inadequate for large mining operations using extremely large trucks for hauling mined material. A case in point here is the road from the coal mine to the Jim Bridger power plant. (Emphasis added)

(The Secretary's letter appears in full in the "Executive Communications" section *infra* of this Report).

As of April 1973, there were pending before the Bureau of Land Management alone 1,236 applications for right-of-way. Approximately 71 percent of these are within four categories: communication sites (18 percent); oil and gas pipelines and associated facilities (17 percent); electrical transmission lines (24 percent); and highways and material sites (12 percent).

4. Problems facing the forest service

In addition to the uncertainty and the legal problems facing the Department of the Interior, the Court's decision has brought to attention a major legal problem facing the Forest Service and the Department of Agriculture.

The problem is well stated in a letter from the Secretary of the Interior to the Committee:

One additional problem, in connection

with question IV–A–7, requires comment. Under section 28 of the Mineral Leasing Act, we have authority to issue oil and gas pipeline rights-of-way across public domain (but not acquired) lands within National Forests. The Forest Service, however, usually authorizes oil and gas pipelines across public domain (as well as acquired) National Forest lands by a revocable special land use permit issued under their organic act, 16 U.S.C. § 551. *We believe their practices under this act are proper. However, section 28 specifically applies to "forest reserves of the United States" that are public lands and provides that "no right-of-way shall hereafter be granted over said lands for the transportation of oil or natural gas except under . . . this section." Thus, it is possible a court could hold that all such pipelines across public domain National Forest lands should have been issued under section 28, and not 16 U.S.C. § 551. Such would be an unfortunate result, and it could be prevented by an appropriate clause in any right-of-way legislation that is enacted.*

The need for prompt right-of-way legislation is a national need, and we greatly appreciate and concur in the importance you have attached to this matter. (emphasis added)

(Letter of April 9, 1973, printed *infra* in the "Executive Communications" section of this report).

The problem presented is whether the rights-of-way granted for oil and gas pipelines by the Department of Agriculture to cross National Forest lands which were originally part of the public domain have any legal validity. The problem is not academic. The Forest Service's response to questions propounded by the Committee on April 3, 1973, indicates that 700 oil and gas pipelines have in the past been authorized by the Forest Service. (See Department of Agriculture Response to Question III–A *infra* in the "Executive Communications" section of this report).

The Forest Service response also indicates that even if the Forest Service *had* legal authority to issue oil and gas pipeline rights-of-way under section 28 of the Mineral Leasing Act, the Court's decision would still create additional legal problems. The response is, in part, as follows:

Nineteen oil and gas pipeline authorizations in the attached listing exceeded the width limitations of Section 28 of the 1920 Mineral Leasing Act. Some of these are wholly or partially across public domain lands and the act would apply. Some are wholly or partially across acquired lands to which the act does not apply.

E. Number and nature of pending right-of-way applications.

Sixty-three proposed projects for major utilities transmission facilities are included in the attached listing. Four of these are oil or gas pipelines crossing public domain lands and will be severely hampered if not blocked by the limited authority provided by Section 28 of the 1920 Mineral Leasing Act.

The Department of Agriculture acknowledges that the validity of previous rights-of-way grants for oil and gas pipelines is uncertain. In a Departmental letter of April 16, 1973, transmitting proposed legislative language to grant grandfather protection to these rights-of-way the Under Secretary of Agriculture stated that:

Under present law, the Secretary of Agriculture has the general authority to issue rights-of-way, easements and use permits affecting National Forest System lands. *A principal exception is the authority of the Secretary of the Interior to grant pipeline rights-of-way across National Forests under section 28 of the Mineral Leasing Act of 1920.*

* * * * *

Because of questions raised by recent litigation, we recommend that legislation be enacted to broaden the Secretary of Interior's authority under section 28 of the Mineral Leasing Act (41 Stat. 449, as amended, 30 U.S.C. 185). This can be accomplished through enactment of S. 1041, which would provide the needed authority regarding oil and gas pipelines on Federal lands and clarify and strengthen other rights-of-way authorities on lands administered by the Bureau of Land Management. *To insure that questions raised in litigation are resolved, we recommend the following perfecting amendments.*

Section 409 in title IV of S. 1041 should be amended to read:

"Nothing in this Act shall have the effect of terminating any right-of-way or right-of-use heretofore issued, granted or permitted by any Federal agency, and such rights-of-way and rights-of-use are hereby confirmed in accordance with their terms. However, with the consent of the holder thereof, the agency head may cancel such a right-of-way and the Secretary may in its stead issue a right-of-way pursuant to the provisions of this Act."

(Department of Agriculture letter and Supplemental Statement of April 16, 1973 *infra* in the "Executive Communications" section of this report).

Under the Circuit Court of Appeals decision the Forest Service advises that the proposed pipelines listed below, which cross National Forest lands which were originally public domain, could *not* be constructed. In each case it is expected that construction cannot be accommodated within a right-of-way twenty-five feet either side of the pipeline. While the first three lines are of local importance, the delivery of Canadian gas to the Los Angeles area is of major significance and is critically needed. Upgrading of this line and construction of the others cannot be accomplished unless appropriate legislation is enacted.

1. Colorado Interstate Gas Company, Northeast Utah to Ault, Colorado. Planned Forest Service permit. Right-of-way needed varies from 25′ to 100′.
2. Arkansas-Louisiana Gas Company, Texas to Oklahoma. Planned Forest Service permit. Right-of-way 40′. Planned 60′ right-of-way during construction.
3. Mountain Fuel Supply Company, Coalville, Utah, to Farmington, Utah. Planned Forest Service permit. Right-of-way 50′.
4. Pacific Gas Transmission, Canada to California. Planned Forest Service permit. Right-of-way 50′.

Mr. JACKSON. Mr. President, title I of the Federal Lands Right-of-Way Act would solve the immediate issue of right-of-way widths posed by the circuit court's decision. It also codifies in one place all legislation concerning right-of-way grants, and in doing so resolves a host of ambiguities and conflicts in present Federal rights-of-way law. The bill provides a uniform and coherent set of standards and Federal policies which would govern all rights-of-way across Federal lands.

S. 1081 continues the requirement of the 1920 Mineral Leasing Act that oil pipelines across Federal lands be operated as common carriers. To help assure that independent producers and refiners can transport their crude oil or products through such pipelines without discrimination, the bill provides new authority for disclosure, review and enforcement regarding common carrier obligations of pipelines and their antitrust implications.

In order to minimize adverse environmental impacts and to prevent the proliferation of separate single use rights-of-way across Federal lands, the act provides for the designation by the Secretary of the Interior of a national system of transportation and utility corridors. Also, wherever practicable, applicants for rights-of-way would be required to make use of common or multiple use rights-of-way.

The legislation deals, in addition, with procedures for granting, suspending or terminating rights-of-way; with protection of the environment, public and private property, and public health and safety; with the liability of right-of-way holders; bonding requirements and with a variety of procedural matters.

3. THE PROPOSED TRANS-ALASKA PIPELINE

The provisions of title I are generally endorsed by the administration and by user and environmental groups. There is, however, continuing debate on the specific right-of-way application pending before the Interior Department for the proposed Trans-Alaska pipeline.

The main public controversies associated with this matter are: First, the merits of alternative transportation routes to carry crude oil from northern Alaska to the Lower 48; second, whether Congress should make a substantive choice between the proposed transportation routes for North Slope oil; third, whether Congress should postpone this choice pending further study and negotiations with Canada; and finally, whether Congress should either waive the requirements of the National Environmental Policy Act or declare them satisfied with respect to the right-of-way for such crude oil transportation system. These issues are addressed by title II of the act.

THE FUELS SHORTAGE

There is no serious question today that it is urgently in the national interest to start North Slope oil flowing to markets. The relative lack of controversy over this issue is in contrast to previous hearings before this and other committees, and reflects rapidly changing public perceptions of the Nation's energy needs.

There is now an obvious and growing deficiency in domestic production of crude oil and natural gas, leading to a rapidly increasing dependence upon insecure Eastern Hemisphere imports. Moreover, imported oil has become more and more expensive; it is no longer the bargain it was several years ago. The low sulfur crude oil from the Prudhoe Bay field has become significantly more valuable as our air quality problems have become more severe. Meanwhile, the risk of environmental damage from development of North Slope oil and its transportation to markets in the "Lower 48" has been substantially lessened as a result of the stricter environmental stipulations, redundant safety systems, contingency planning, and better engineering imposed upon the proposed trans-Alaska pipeline. Finally, until passage of the Alaska Native Claims Settlement Act, many citizens feared—with some justification—that commercial development might leave the Nation without unspoiled scenery, outdoor recreation areas or wilderness in northern and central Alaska. This apprehension was mitigated by the provisions in the Native Claims Settlement Act that at least 80

million acres of land in Alaska will be considered by the Congress for incorporation into new wilderness areas, wild and scenic rivers, national forests, national parks and national wildlife ranges.

THE PROPOSED CANADIAN ALTERNATIVE

Although there now seems to be a broad consensus that Alaska North Slope oil and gas should be developed rapidly, there is still controversy between advocates of a 700-mile, 48-inch oil pipeline to be constructed from the North Slope to Valdez, Alaska, where the oil would be loaded onto tankers for transportation to ports on the west coast, and those favoring a 1,800-mile, 48-inch pipeline overland through Canada to the vicinity of Edmonton, Alberta. This trans-Canada pipeline would join near Edmonton with existing pipelines, whose throughput capacity would have to be increased, in order to deliver the crude oil to the Midwestern States and possibly to the Pacific Northwest.

The Committee on Interior and Insular Affairs and other committees, both in this session and the two preceding Congresses, have heard witnesses from the administration, the State of Alaska, the oil companies, commercial fishermen, Alaska Native and environmental groups, and universities. They have disputed the relative environmental risks of the two routes; the region of the United States which has the most serious crude oil deficiency; and the comparative benefits to the oil companies, the State of Alaska and the national economy. There was debate over the implications of Canadian control, regulation and taxation of an international pipeline, the environmental, economic and scheduling relationships between the crude oil pipeline and a pipeline for gas produced in association with the crude oil; problems of financing; the respective impact of the two pipelines on the U.S. balance of payments; the relative security of the two routes; and their comparative impacts upon competition and market power.

THE COMMITTEE'S DECISION

The committee majority did reach a judgment as to which pipeline should be authorized first. We did not, however, regard any one of the foregoing arguments or any group of them as conclusive in favor of either of the competing pipeline proposals. In some areas of debate the preponderance of evidence and analysis favored one side or another, but each area of controversy had its ambiguous or speculative elements. We realized in addition that even the most expert assessments were likely to be modified by new information or by unforeseen circumstances before either pipeline could be completed.

The majority of the committee concluded that it is in the national interest at this time to go forward with the Trans-Alaska pipeline as rapidly as practical and consistent with the National Environmental Policy Act. We concluded that it was not in the national interest to postpone the delivery of Alaska oil further pending negotiations or studies regarding an alternative route through Canada. Let me be quite blunt about our conclusions, however. We reached our judgment in spite of the testimony and arguments presented by industry and administration spokesmen who advocated construction of the Trans-Alaska pipeline, and not because of that testimony and argument.

Public statements, testimony and exhibits from the industry and the Interior Department over the past 4 years have never taken the trans-Canada pipeline proposal as seriously as it deserves to be taken. Until this committee called it forcefully to their attention, administration and industry spokesmen pretended ignorance of the Mackenzie Valley oil pipeline study, which was sponsored by the very companies which propose to build the trans-Alaska pipeline. Until the most recent hearing of this committee industry and administration witnesses addressed the procedural and political difficulties and uncertainties regarding a pipeline across Canada only in vague, speculative and inexpert terms.

In April of this year, the committee addressed to the Interior Department, the industry and other parties a series of searching questions relating to alternative pipelines for North Slope oil, which I ask unanimous consent to have printed in the RECORD.

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

LIST OF QUESTIONS SUBMITTED TO WITNESSES

(The following list suggests several questions regarding pipelines for Arctic oil and gas that have not yet been adequately dealt with in Senate testimony; however, the list is not intended to cover the full range of issues to be addressed at the present hearings.)

1. What are the most reasonable expectations regarding onstream operation of either proposed pipeline to bring North Slope petroleum to lower 48 markets? Specifically,

(*a*) Assuming that Congress removes the width limitation in the Mineral Leasing Act as an obstacle to granting a right-of-way for the Alyeska pipeline, what further delays can reasonably be expected in authorization, construction or operation of that pipeline? Consideration should be given to the time required for full resolution of issues under the National Environmental Policy Act; antitrust issues; current litigation between the owner companies and the State of Alaska over the right-of-way, regulation and taxation; current or emerging restrictions upon the use of marine terminals in California and Washington State by tankers from Alaska; and any other foreseeable engineering, legal, or financial difficulties.

(*b*) Assuming that the North Slope owner companies eventually determine to ship all or part of their crude oil by an overland pipeline through Canada, what delays can reasonably be expected in authorization, construction or operation of such a pipeline, in addition to the period required for normal planning, engineering and construction? Consideration should be given to political uncertainties, including environmentalist opposition and Indian claims in Canada, as well as the kinds of delays anticipated for the Alyeska pipeline.

Responses to the foregoing should be addressed to probabilities and not solely to the most optimistic or pessimistic scenarios.

(*c*) In which of the issues enumerated above does the Congress have significant influence? What specific actions by Congress could significantly expedite construction of either pipeline?

2. Are the Alyeska and MacKenzie pipelines necessarily alternatives to each other? Specifically,

(*a*) What is the likelihood that sufficient reserves will be proved on the North Slope of Alaska either to justify two pipelines, or to utilize the full capacity of the Alyeska pipeline plus a substantial part of a MacKenzie Valley pipeline that would also carry Canadian crude oil?

(*b*) Assuming that an application to build either pipeline is approved in the near future, how rapidly can additional drilling be expected to increase proved reserves to levels that would justify two pipelines?

(*c*) Assuming that more than one pipeline from the North Slope will be economically warranted, what are the serious economic, environmental or security grounds, if any, for building one or the other *first?*

(*d*) In light of the continuing delay in authorization of the Alyeska pipeline and the continuing widespread advocacy of a Canadian route, what explains the past (and continuing) reluctance of the owner companies to plan and organize—short of actual construction—for both alternatives?

3. In light of the apparent uncertainty about the Canadian government's response to an actual application to build an overland oil pipeline, is there any reason why the U.S. government should not encourage or require the companies to prepare and submit such an application or, if the companies are not interested, why the government should not itself prepare and submit such an application?

4. Industry and government projections indicate that North Slope production can be fully absorbed by (and will be required by) markets in P.A.D. District V (the West Coast). To what extent do these projections take into account the likelihood of large additions to reserves either in the offshore near Santa Barbara, California, or in the Gulf of Alaska?

(*a*) What is the best current information regarding the probable or indicated reserves and oil in place in offshore California?

(*b*) On what assumptions regarding North Slope production and West Coast oil consumption are the interior department's leasing plans for the Gulf of Alaska conditioned?

(*c*) If large discoveries (2 million or more b/d in southern Alaska and/or offshore California should occur within the next 3–5 years, where and how would this oil, together with North Slope oil, be marketed?

5. What is the current status of plans to build natural gas pipelines from the North Slope and from Northern Canada to the lower 48? How are these plans related to progress of oil pipeline construction?

(*a*) To what extent or at what time will the ability to ship gas place a limit on crude oil production from the Prudhoe Bay field?

(*b*) Which of the objections and obstacles that have been raised with respect to an overland oil pipeline across Canada are also relevant to plans for a gas pipeline (and to what extent)?

(*c*) What studies and analyses have been done to indicate whether there is in fact a market in the United States for base load gas at the volumes and city gate prices (one dollar and more per Mcf) required to justify pipelines for Arctic natural gas? Would the response to this question be different if the Federal Power Commission required pipelines to price such gas incrementally rather than rolling it toegther with lower cost domestic supplies?

Mr. JACKSON. Mr. President, one of the companies made a totally unsatisfactory pro forma response, but other advocates of the trans-Alaska pipeline, including the Interior Department, did not bother to answer the committee's questions at all.

The industry and the administration have been evasive, legalistic and less than credible regarding the possibility of an oil surplus on the west coast of the United States, and regarding plans

to export North Slope oil to Japan. Spokesmen of the companies, in evident unwillingness to contemplate such a possibility, have ridiculously downgraded the oil and gas potential of both the Prudhoe Bay field and future North Slope discoveries. In view of this history, the record should show that the committee, although it arrived at similar conclusions, was not persuaded by, and did not adopt the viewpoint of, the Alyeska Pipeline Service Co. or the administration on the two pipeline routes.

The committee's analysis and judgment regarding the two pipeline routes is found in the "Major Issues" section of the report on S. 1081, and I ask unanimous consent to have it printed in the RECORD.

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

EXCERPTS FROM REPORT ON S. 1081 "MAJOR ISSUES"

ALTERNATIVE TRANSPORTATION ROUTES FOR ALASKA NORTH SLOPE PETROLEUM

In hearings before this Committee on S. 1081 and other pending bills no witness seriously proposed that it would be in the national interest to postpone the development of Alaska Arctic oil and gas indefinitely. The relative lack of controversy over this issue is in contrast to previous hearings before this and other committees, and reflects rapidly changing public perceptions of the nation's energy needs.

There is now an obvious and growing deficiency in domestic production of crude oil and natural gas, leading to a rapidly increasing dependence upon insecure Eastern Hemisphere imports. Moreover, the prices of imported oil make it no longer the bargain it appeared several years ago. With passage of the Clean Air Act, the low sulfur crude oil that can be produced from the Prudhoe Bay field has become significantly more valuable. Meanwhile, the risk of environmental damage from development of North Slope oil and its transportation to markets in the "Lower 48" has been substantially lessened as a result of the stricter environmental stipulations, redundant safety systems, contingency planning and better engineering imposed upon the proposed Trans-Alaska pipeline. Finally, until passage of the Alaska Native Claims Settlement Act, many citizens feared—with some justification—that unchecked commercial development might leave the nation without unspoiled scenery, outdoor recreation areas or wilderness in the vast and heretofore remote territory of Northern and Central Alaska. This apprehension was mitigated by the provisions in the native claims settlement act that at least 80 million acres of land in Alaska will be considered by the Congress for incorporation into new wilderness areas, wild and scenic rivers, national forests, national parks and national wildlife ranges.

Although there now seems to be a broad consensus that Alaska North Slope oil and gas should be developed rapidly, there is controversy concerning the manner and route of its transportation. Serious consideration has been given in the past to the use of icebreaking oil tankers, submarine barges, railroads (a proposition recently revived and advocated by the Government of British Columbia), and even aircraft. The principal controversy today, however, is between advocates of (1) a 48-inch oil pipeline to be constructed from the North Slope to Valdez, Alaska, where the oil would be loaded onto tankers for transportation to ports on the west coast, and (2) a similar 48-inch pipeline overland through Canada to the vicinity of Edmonton, where it would join with existing pipelines (whose throughput capacity would have to be increased) in order to deliver the crude oil to the Midwestern United States and possibly to the Pacific Northwest as well.

The precise route of the so-called Trans-Alaska pipeline has been set out in the proposal of the Alyeska Pipeline Service Company to the Department of the Interior; the route of the so-called Trans-Canada pipeline is far less certain. Routes considered to the Canadian border are (1) east along the Arctic Coast (through the Arctic National Wildlife Range), (2) south through the Brooks Range and east along the southern edge of that range toward the headwaters of the Porcupine River, and (3) south to the vicinity of Fairbanks, and then southeast up the Tanana River. Through Canada, a route up the Mackenzie River has been most often discussed, but an alternative generally following the Alaska Highway is also under consideration.

Advocates of the Trans-Alaska pipeline include the oil companies with reserves in the Prudhoe Bay field, industry and trade associations, the Alaska and National Administrations, and (apparently) most Alaskans. Those favoring the Canadian alternative include conservation organizations, commercial fisherman groups, state officials and Members of Congress from the, Midwest academicians and Canadian interests.

Apart from the right-of-way width limitation contained in Section 28 of the Mineral Leasing Act of 1920, the principal legal issue in the Federal courts has been whether or not the Interior Department, in evaluating the Alyeska right-of-way application, has given sufficient consideration to its environmental, economic and national security effects relative to an overland pipeline through Canada.

During the Committee's examination of right-of-way policy and proposals for transportation of North Slope oil, the main points of controversy regarding the competing transportation systems have been the following:

(1) *Environmental Impact*—Proponents of the Canadian pipeline contended that its environmental risks are less serious than those of the Trans-Alaska route. They emphasize the latter's crossing of an active earthquake belt, the danger of marine pollution stemming from the ocean leg of the oil transportation system, and the possible reduction of environmental damage if oil and gas pipelines from the North Slope were confined to the common corridor, rather than two or more routes. Advocates of the Alyeska proposal maintain that there are some aspects in which Trans-Canada oil pipeline would be more damaging or more hazardous to the environment, for example, the very length of the pipeline, the number of miles it would cross the zone for discontinuous permafrost, and the number of major river crossings.

(2) *Markets*—A second point of contention is whether or not the West Coast of the United States (PAD District V) will be able to absorb all the crude oil that would be shipped there upon completion of the Trans-Alaska pipeline. A surplus of crude oil on the West Coast of the United States would have to be marketed east of the Rockies with considerably greater transportation expense or else exported. Advocates of the Alyeska project now acknowledge that the pipeline would have created a crude oil surplus on the West Coast if it had been completed in 1972 or 1973 as originally anticipated. The present throughput schedule, however, is not expected to be sufficient to meet all of the District's petroleum demands unless major new reserves are discovered and developed offshore from California or in the Gulf of Alaska. Accordingly, the likelihood of major new oil discoveries in Southern Alaska or off the California coast and the desirability of exporting Alaska oil to other countries during an era of domestic shortages are both among the critical issues of controversy. (See 2. Exports of Alaskan Oil, below.)

The relative dependency of the two regions (the West Coast and the rest of the United States) upon imports from insecure sources is also a point at issue. The likelihood of additional production from new West Coast areas other than the North Slope is critical to this debate. Since Alaskan oil will at the margin be backing out Middle Eastern oil in either market, however, the principal effect of the choice of routes upon the total level of import dependency would be related to the time at which deliveries of North Slope oil began.

(3) *Economic Benefits*—Supporters of the Canadian pipeline proposal point to the fact that crude oil prices are higher in the upper Midwest than in California, and offer transportation cost calculations indicating that the "netback" value of North Slope oil would be greater if it were delivered to Chicago than to Los Angeles. They conclude, therefore, that the oil companies, the State of Alaska (in terms of the value of its royalties and production taxes) and the national economic welfare would all be served best by the Trans-Canada pipeline. The general assumptions of this argument were accepted by the Interior Department in its *Economic and Security Analysis of the Trans-Alaska Pipeline.* But the Interior Department pointed out, and the independent proponents of this argument acknowledge, that such economic benefits would be more or less wiped out by the discounting of future benefits, if a Trans-Canada pipeline would take two or more years longer to construct than a Trans-Alaska pipeline. Some supporters of the Trans-Alaska pipeline now dispute the earlier estimates both of the relative construction costs for the two pipelines (and thereby crude oil transportation costs) and the expected future price differentials between the Midwest and the West Coast; they assert that the netback value of the oil will actually be higher if it is delivered to western markets.

(4) *Ownerships and Control*—Supporters of the Trans-Alaska pipeline point out that a pipeline across Canada would be regulated by the Canadian government, and that statements of Canadian officials indicate that a controlling equity in such a pipeline would have to be held by Canadian citizens. In addition, oil pipelines in Canada must generally be operated as common carriers; this requirement might result in the backing out of Alaskan oil to make room for oil produced in the vicinity of the pipeline in Canada. In addition, Canada's new controls over oil and gas exports raises the possibility that Alaskan oil destined for U.S. markets could in an emergency be diverted to Canadian customers, leaving the United States short of those supplies.

Advocates of the Canadian pipeline reply, however, that there are now no known Canadian reserves in the Arctic whose production could displace Alaskan oil carried by a Trans-Canada pipeline, and that the pipeline's throughput capacity could be increased by "looping" or other means well in advance of the appearance of any excess supply. They argue, moreover, that to the extent that the existence of a pipeline through Canada from Alaska to the Midwest does encourage the exploration and development of Canadian Arctic resources, any oil exported to the United States via that pipeline is a benefit to United States interests because it would displace oil from less secure foreign sources. The notion that Canada might divert oil of United States origin to her own uses is discounted, both because, in that instance, the United States could simply cease shipping the oil, and because the United States holds a comparable Canadian hostage: most of eastern Canada's own crude oil supply enters that country through pipelines across the State of Maine.

(5) *Other Issues*—Other issues raised in the debate have included the economic and scheduling relationship between alternative pipelines to carry Prudhoe Bay crude oil and the pipelines for the natural gas that will be produced in association with it; the prob-

lems of financing a longer pipeline; the respective impact of the two pipelines on the U.S. balance of payments; the relative physical security of the two routes; the employment, economic and inflationary effects of construction within Alaska; and the comparative impacts upon competition and market power.

The Committee on Interior and Insular Affairs did not regard any one of the foregoing arguments or any group of them as conclusive in favor of either of the competing pipeline proposals. In some areas of debate the preponderance of evidence or analysis seems to favor one side or another, but no area of controversy, however, is without ambiguous or speculative elements. Even the most expert assessments made today are likely to be modified by new information that will become available or by unforeseen changes in circumstances occurring before either pipeline could be completed. Much information can be obtained only in the course of construction.

Any assessment based solely upon the foregoing considerations regarding the relative merits of the two pipeline routes clearly must depend heavily upon subjective judgment. There is, however, one consideration in favor of the Trans-Alaska pipeline that the Committee found compelling. This consideration was the additional delay and uncertainty associated with the Trans-Canada pipeline. Regardless whether the 1969 decision of the owner companies in favor of an all-Alaska route was the wisest or the most consistent with the national interest at that time, and regardless whether the Administration's early commitment in favor of that route was made on the basis of adequate information and analysis, *the Committee determined that the Trans-Alaska pipeline is now clearly preferable, because it could be on stream two to six years earlier than a comparable overland pipeline across Canada.*

The necessary business organization, financial arrangements, engineering design and logistical preparations for the Alyeska project have been completed, so that construction could begin as soon as a right-of-way is granted, while *none* of these necessary preparations has been accomplished for a Trans-Canada route. These tasks are expected to take about two years, quite apart from the legal, political and administrative hurdles that must be crossed before construction of a Canadian pipeline would be authorized. In addition to the delays that could be normally anticipated at each of these steps, a number of them suggest the possibility of indefinite delays or even the project's ultimate impossibility.

In the absence of a complex treaty enabling construction and operation of an international pipeline as a unitary enterprise, the interested private parties would have to organize a separate consortium or business organization on each side of the border for financing, building and operating the two segments of the pipeline, and resolve the complicated relationships between them. Discussions would have to be conducted with, and applications submitted to, several Canadian agencies and the final plan would have to be submitted to the Federal Cabinet. Before approval could be granted numerous modifications and perhaps corporate reorganizations would be necessary. The project would run gauntlets of domestic Canadian opposition, and of attempts to influence the shape of the project by such interests as northern Indians and Eskimos, environmentalists, Canadian economic nationalists, and provincial interests. The prospects of ultimate approval by the Cabinet might well be jeopardized by the minority status in Parliament of the Government's party.

A new pipeline route through Canada would, of course, require a new environmental impact statement and public hearings, and involves the possibility of a new round of litigation within the United States.

Any assessment today of the time required required for approval of a Trans-Canada pipeline project or of the probability of its ultimate approval in any form is purely speculative. *It is, moreover, doubtful whether further study could contribute to the accuracy of such speculations.* The seriousness of the obstacles at each organizational, financial and political step are testable only by an actual attempt to get approval for a specific proposal, and no such proposal exists today.

The listing of difficulties and uncertainties involved in getting approval for construction of a Canadian pipeline should not obscure the remaining difficulties and uncertainties facing the Trans-Alaska project: continuing litigation based upon National Environmental Policy Act requirements; litigation between the owner companies and the State of Alaska over a right-of-way across state-owned land and regarding state taxation and regulation; the possible vulnerability of the project under antitrust laws; and coastal zone legislation and regulation, which might conceivably affect the ability to land Alaska oil at West Coast ports.

Except for uncertainties regarding terminals in Washington and California, however, all the real or potential problems of law or political controversy facing the Trans-Alaska pipeline also face its Trans-Canada counterpart. In assessing the probable completion date of the latter project, the time required to resolve these problems must be added to both the additional time necessary for route selection, design, and logistical preparations, and the time involved in obtaining Canadian government approval. Moreover, to the remaining uncertainty arising from United States and Alaskan law and politics, which affect both pipeline proposals, must be added the uncertainty stemming from Canadian law and politics, and from the complexities of the international relationship.

In light of the existence of significant uncertainties which are unique to each of the two routes, it is arguable that the interested companies and the Federal government should have devoted substantial effort to investigations and preparations leading to development of more than one transportation system. The Committee believes that such a two-option strategy was and is warranted, not only because of uncertainty, but because of the high probability that two or more pipelines will ultimately be required to transport Arctic crude oil.

To a limited degree, the companies operating on the North Slope have in fact seriously explored alternatives to the Trans-Alaskan pipeline. Humble Oil and Refining Company (now Exxon) converted the *Manhattan* into an icebreaking tanker for an experimental journey through the Northwest Passage to Prudhoe Bay and return, while the companies with major interests in North Slope reserves joined to conduct the Mackenzie Valley Pipeline Study, which concluded in 1972 that a Trans-Canada oil pipeline would be physically and financially feasible, and environmentally acceptable.

There has, however, been no actual route selection or engineering design leading to a specific Trans-Canada pipeline proposal. The companies have not formed an organization to design or build a pipeline nor have they initiated discussions with Canadian government agencies leading to a right-of-way application. There seem to be several reasons for their failure to move ahead on both alternatives. First, the companies, the Interior Department and the State of Alaska have tended from the beginning to underestimate the engineering, environmental, legal and political difficulties of their preferred route. Also, the advocates of an all-Alaska pipeline seem to have feared that serious consideration of a Canadian route would, by giving it additional credibility as a potential alternative, undermine their effort to get early approval of the Alyeska right-of-way application. Finally, exploration of the Canadian alternative beyond the present feasibility study (which cost about $7 million) requires selection of a specific route, which in turn necessitates even more costly on-the-ground surveys, including extensive core drilling.

Route selection, engineering design, and preparation of an environmental impact statement would involve tens—perhaps hundreds—of millions of dollars. In the past these costly activities might have been conducted in stages after, or at worst simultaneously with, application for and receipt of the necessary governmental permits, but both United States and Canadian policy now require these steps to be substantially completed before applications will even be considered. The companies cannot privately justify the major expense that would be necessary to prepare an application for the permits required to build a Canadian pipeline, if it were only to serve as a hedge against the possibility they would not be permitted to complete the Trans-Alaska pipeline. Hesitation based upon financial prudence has been reinforced by the fear that any such preparation would be used as political ammunition against the pending Alyeska application (as the Mackenzie Valley Study is indeed now being used).

It is likely, however, that Arctic crude oil resources will be much greater than indicated by present proved reserves estimates. Development of these resources will justify and require more than one 48-inch pipeline within a decade, and argues in favor of an early planning and organizational effort to build two pipelines. The probable future reserve additions, however, have so far played no part in corporate planning for transportation of North Slope oil. The 9.6 billion barrels of proved reserves currently estimated for the Prudhoe Bay field barely exceeds the minimum required for the throughput guarantees necessary to finance a single 48-inch pipeline; it certainly cannot be used as security for two such pipelines.

Proved reserves as estimated by the American Petroleum Institute are an exceedingly restricted concept. There is little question that the reserve estimate for the Prudhoe Bay field will grow substantially, as both exploratory and development drilling delineate the field more completely, and as increased crude oil prices and improved methods make more complete recovery of the discovered oil-in-place commercially feasible. Typically, these two kinds of adjustments ("extensions" and "revisions," respectively) increase the proved reserves estimates for a newly discovered oil field by a factor of three to ten over its lifetime. Moreover, North Slope oil production will not be limited to the Prudhoe Bay field; giant oil fields are seldom found alone, and only a tiny proportion of the Arctic Slope's favorable geology has been explored geophysically, much less tested by the drill. It is worth noting that the Committee is currently considering measures to authorize the exploration and development of the 26 million acre Naval Petroleum Reserve, whose boundary is a few miles west of the Prudhoe Bay field.

The excellent prospect for an early expansion of North Slope oil and gas reserves sufficient to justify a second pipeline will not be realized until the industry is reasonably confident that a first pipeline will in fact be built. Throughput guarantees adequate to finance that pipeline are possible on the basis of present reserve figures, so that there is little justification for costly outlays on development drilling beyond the level (already surpassed) that could be accommodated by the Alyeska pipeline's planned initial throughput of 600,000 barrels per day (recently reported to have been increased to 1,200,000 barrels). Exploration on adjacent lands already under lease is also at a low ebb, and it is understandable that the State of Alaska, the Interior Department, and Alaska Native groups would postpone addi-

tional lease sales to a time when industry interest—and bonus bids—would be higher. A revival of intensive exploration effort depends above all upon the commencement of pipeline construction.

In weighing these manifold considerations, the Committee concluded that it would be a mistake to view the Trans-Alaska pipeline and Trans-Canada pipelines as competitors, except with respect to which of them could actually be completed first. Title II of S. 1081 authorizes the President to undertake negotiations with Canada and other actions leading toward construction of a crude oil pipeline across Canada from Northern Alaska to the Midwest, and it expresses the Committee's judgment that:

1. Federal planning for transportation systems to deliver Arctic crude oil should take account of the likelihood of greatly increased reserves in the Prudhoe Bay field, on other State, Federal, and Native-owned lands in northern Alaska, from Naval Petroleum Reserve No. 4, and from Northwestern Canada.

2. Two or more pipelines for crude oil from Arctic Alaska, or from Alaska and Arctic Canada together, serving different market areas in the United States (and Canada) will be feasible, desirable and necessary in the foreseeable future.

3. Completion of the first crude oil pipeline from Prudhoe Bay is urgently in the national interest, and construction should begin as soon as there is assurance its construction and operation will be environmentally sound.

4. The Trans-Alaska pipeline proposed by the Alyeska group ought to have priority in time, because of the overwhelming probability that it could be completed two to six years sooner than a Trans-Canada pipeline. The Trans-Alaska project is at a far more advanced stage of preparation and avoids the many uncertainties involved in organizing financing and obtaining approval of an international pipeline.

5. Nevertheless, the very likelihood of extended delays in approval and construction of a Trans-Canada pipeline dictates that concrete efforts leading toward construction of such a pipeline should be started now. This beginning ought to be made notwithstanding the present insufficiency of proved reserves to provide private justification for a second oil pipeline, and without prejudice to the Alyeska proposal.

6. In order to protect both United States and Canadian interests in this multi-billion dollar project, and in order to minimize future international conflict and misunderstanding regarding its operation and regulation, detailed and explicit intergovernmental understandings, and perhaps a treaty are necessary regarding ownership, financing, regulation and taxation.

7. It is possible, prior to the development of proved reserve figures adequate to support the private financing of two pipelines, that no competent private entity will take responsibility for the preparations prerequisite to submitting necessary applications to Canadian governmental agencies. In such an instance, appropriate agencies of the United States government should accept this responsibility.

INEVITABLE DELAYS IN THE CANADIAN PROPOSAL

Mr. JACKSON. Mr. President, There was one major consideration in favor of the trans-Alaska pipeline that the committee majority found compelling. This consideration was the additional delay and uncertainty associated with the trans-Canada proposal. We determined that the Alaska route would be clearly preferable, because it could be on stream 2 to 6 years earlier than a comparable overland pipeline across Canada. This conclusion has yet to be rebutted or seriously contested.

The necessary business organization, financial arrangements, engineering design and logistical preparations for the Alyeska project have been completed and construction could begin as soon as a right-of-way is granted. None of these necessary preparations has been accomplished for a Trans-Canada route. These steps are expected to take a minimum of about 2 years, even if there were no legal, political and administrative hurdles to be crossed before construction of a Canadian pipeline would be authorized. There are also opportunities for indefinite delays or even an eventual determination that such a pipeline is impossible for engineering, environmental, legal, political, or other reasons.

Any private parties interested in a trans-Canadian route would have to organize a separate consortium on each side of the border for financing, building and operating the two segments of the pipeline, and resolve the complicated tax, regulatory and financial relationships between them. Applications would have to be submitted to many Canadian agencies and the final plan would require approval by the Canadian Federal Cabinet.

Before any approval might be granted numerous modifications and perhaps corporate reorganizations would be necessary. The project would run the gauntlet of domestic Canadian opposition, and of attempts to influence the shape of the project by Canadian Indians and Eskimos, environmentalists, economic nationalists, and the provinces. The prospects of ultimate approval by the Canadian Cabinet might well be jeopardized by the minority status in Parliament of the Government's party.

I ask unanimous consent to have printed in the RECORD excerpts regarding the "Time Required for Canadian Action on a Trans-Canadian Oil Pipeline," from an excellent review of the issues of Moving Alaskan Oil by the State of Alaska's Pipeline Coordinating Committee, as well as a series of answers by the Canadian Government to State Department operations on the Trans-Canada pipeline.

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

EXCERPTS FROM MOVING ALASKAN OIL: TRANS-CANADA OR TRANS-ALASKA? A STUDY OF THE MERITS

TIME REQUIRED FOR CANADIAN ACTION ON A TRANS-CANADIAN OIL PIPELINE

Canadian governmental approval of an application for a Trans-Canadian oil pipeline would require far longer than the one and a half years claimed by Mackenzie Valley Pipeline Research Limited in its 1972 feasibility study. While the Canadian Government has said that it is willing to entertain an application for such a line, the preparation for that entertainment would take years because of procedural requirements that must be satisfied before an application can even be filed with the Canadian National Energy Board. After that, action by the Board, subsequent approval by the Canadian Cabinet and the resolution of any legal challenges to the decisions of the Canadian officials would take more time. The net result is that a Trans-Canadian oil pipeline to the midwestern United States would not likely be in operation until sometime after 1980, and probably the time would be nearer to 1985.

As the State of Alaska has been able to identify them, these briefly are the steps that must be followed: Those interested in constructing the pipeline must agree on a basic project. They must then engage in extensive "consultations" with various agencies of the Canadian Government to determine what requirements the government will impose on the project. At this stage of the matter there would be international negotiations between the United States and Canada on throughput volumes and other matters, and social and environmental impact statements would have to be developed and an agreement reached in Canadian conditions for financing. The project would have to be modified to conform to the requirements of the various government agencies. Then a formal application would be made to the Canadian National Energy Board, which would review it, hold hearings and approve or dismiss it. If the application were dismissed an amended application might be filed. The Board would recommend an approved application to the Canadian Cabinet, which would review it for consistency with national policy considerations. After Cabinet approval, opponents of a pipeline might well raise legal challenges that would have to be resolved before construction could begin.

To get an idea of the time this process would take, one may consider the experience to date of Canadian Arctic Gas Limited, which started studies of the feasibility of a Trans-Canadian gas line from Prudhoe Bay and the Mackenzie River Delta to Emerson, Manitoba, in 1967, and has not yet filed an application with the Canadian National Energy Board.

William P. Wilder, chairman of the Board of Canadian Arctic Gas Ltd., said in Aril 1973 that, as soon as all the necessary information has been obtained from studies still underway:

We intend later this year, to file applications with Canadian and U.S. Government authorities for approval to construct and operate the proposed pipeline. Regulatory proceedings, including exhaustive examination at public hearings, are expected to take at least one and a half years. By the earliest that we can anticipate approvals—possibly late 1974 or early 1975—Arctic Gas will have invested more than seven years and $50 million. Delivery of materials and construction will take another three or four years.

The Canadian Arctic Gas Limited proposal must make its way through all of the steps discussed here, including formal hearings by the Canadian National Energy Board for a pipeline construction permit and a license to export natural gas if Canadian supplies are involved, as well as a license to import and export Prudhoe Bay gas. The Board must also approve proposed tariffs for the gas line. Considering the procedures involved and the issues they raise, an estimate of 18 months to obtain all necessary governmental approvals, including those from the United States Government, is most optimistic. If the results of the study allow applications for the project to be filed toward the end of this year and governmental approvals take another two years, then the span between the first feasibility study and the start of construction on a Trans-Canadian gas line will have been more than seven years. Adding three or four years for materials acquisition and construction produces a total of approximately 11 years from the initial studies to the initial operation of the gas line.

Although Mackenzie Valley Pipeline Research Limited was formed in early 1969 and completed its initial feasibility study for a Trans-Canadian oil line in 1972, it is likely to take at least a comparable 11-year time span from now to put such a project into operation.

At the present, there is solid agreement among participating oil firms in Alaska that the Trans-Alaska pipeline should be built, not a Trans-Canadian line. This view is supported strongly by both the State of Alaska and the United States Government. The first crucial step toward a Trans-Canadian line is not a study of its feasibility. Rather, it is

to persuade the major holders of leases at Prudhoe Bay to abandon their support for a Trans-Alaska line and attempt to agree in principle upon a specific Trans-Canadian project. The magnitude of the project would make participation of all major leaseholders a necessity. Both the United States Government and the State of Alaska would have to reverse their position and support a Trans-Canadian oil pipeline. For the quickest action, environmental groups in Canada and the United States would have to agree not to oppose the Trans-Canadian line, and that is unlikely since their positions on the matter are split.

Obviously, as long as the Trans-Alaska pipeline is a live possibility, no Trans-Canadian pipeline project can be seriously pursued. As a result, continued consideration of a Trans-Alaska pipeline pushes the completion date of any possible Trans-Canadian line farther and farther into the future.

Assuming that a basic proposal for a Trans-Canadian pipeline were advanced, the United States and Canada would have to reach an agreement on the operation of such an international pipeline. New laws or treaties might be required; the ambit of the Canadian National Energy Board's authority to regulate the pipeline would cause difficult and strenuous negotiations at the least.

It appears that the Board has the authority to force a Trans-Canadian pipeline to carry large quantities of Canadian crude oil on short notice. Such action could summarily shut off Prudhoe Bay oil to the Midwest after that region had become critically dependent upon such oil.

Self-sufficiency in crude oil supplies while much of the world grows ever more dependent upon Middle Eastern crude is a policy goal of the Canadian Government. The United States and Canada have worked for more than two years to reach an understanding on how they might cooperate in the event of an international oil shortage. These efforts have had no apparent success up to this time. A bilateral agreement on the operation of a Trans-Canadian pipeline is an essential starting point for further progress on such a line. Without an operating agreement containing throughput guarantees for Alaskan crude, United States oil companies cannot be expected to join in such a venture, and the multi-billion dollar project would founder.

Our examination of the laws under which rights-of-way across federal lands in Canada and the United States would have to be obtained suggests that no single operating entity would be able to obtain rights-of-way from both countries and further that, assuming vigilant administration of the laws by either government, the separate entities that hold these respective rights-of-way would have to be *substantially* independent of one another. Such a segmented operation is the necessary result of the interplay of mutually inconsistent federal laws and can be avoided only by amendatory legislation in each country and a treaty or other international agreement.

Canadian law (R.S.C. 1970, C.N.–6, the National Energy Board Act) authorizes the National Energy Board to permit companies to operate pipelines in Canada and to exercise the power of eminent domain to obtain private lands for that purpose. Before issuing a certificate permitting these things, the Board is required to consider among other things—

"The financial responsibility and financial structure of the applicant, the methods of financing the line and the extent to which Canadians will have an opportunity of participating in the financing, engineering and construction of the line." R.S.C. 1970, C.N.–6, § 66.

The Board has been authorized to attach terms and conditions to any certificate it issues. According to Secretary of the Interior Morton, Canadian officials have indicated that any National Energy Board certificate for a Trans-Canadian pipeline would certainly contain a condition that control, *i.e.*, voting authority through equity ownership, must reside in Canada.

The United States Mineral Leasing Act, however, may not allow the acquisition of a right-of-way under Section 28 by the same entity that owned and operated a Canadian line. The argument for this proposition is stated succinctly by Judge MacKinnon in the passage from his dissent from the Court of Appeals' Trans-Alaska Pipeline case decision that is quoted at pages 10–11 above. To our knowledge the Department of the Interior has not publicly accepted or refuted Judge MacKinnon's reading of the Act.

Just as the laws of Canada and the United States concerning acquisition of rights-of-way for pipelines are mutually inconsistent, the differing economic regulatory regimes imposed by Canada and the United States, together, could not conceivably be tolerated by a single Trans-Canadian pipeline entity. The Canadian National Energy Board is authorized by Part IV of its Act to supervise pipeline tariffs, as is the United States Interstate Commerce Commission under the Interstate Commerce Act. Unfortunately, because of the different national policies each of these agencies must serve, the complexities of tax treatment, the fact that the pipeline would be charging for carrying its parents' oil and other circumstances, it would be impossible for *both* the National Energy Board and the Interstate Commerce Commission to satisfy their statutory obligations with respect to a unified Trans-Canadian pipeline without destroying the climate for investment. Accordingly, in the framework of existing laws at least two independent entities would have to be created to own and operate a segmented Trans-Canadian pipeline as separate but symbiotic enterprises. Due to the magnitude of the project, these entities would of necessity involve conglomerations or consortia of participants, adding new dimensions of financial and regulatory barriers to the rapid development of a Trans-Canadian project.

Each of the independent owner-operators would have a stranglehold on the other by virtue of throughput control. The leverage in the hands of the owners of the first segment would be enhanced further by their ability to manipulate access to the line and that of the owners of the last segment by their control over terminal facilities and services. Even with the contractual devices that the groups would use to provide an element of stability, the conflicting leverage of each group and of the financial and governmental institutions associated with it would seriously jeopardize financing. Perhaps the only expedient solution would be an international negotiation culminating in omnibus legislation in both the United States and Canada, perhaps coupled with a treaty, to create the optimal economic and regulatory environment for a unified Trans-Canadian pipeline by adjusting the federal land and regulatory laws which now conflict.

Financing for a $6.6 billion Trans-Canadian pipeline would be extremely difficult, if possible at all, in the light of the complex consortia agreements and international arrangements involved and of the extent of proven reserves at Prudhoe Bay. Dr. R. D. Howland, Chairman of the National Energy Board, mentioned in a speech on February 3, 1972, that an applicant for a Trans-Canadian pipeline, "must formulate certain financial aspects of its application after full discussion with the Department of Finance and the Bank of Canada." It is uncertain what conditions these agencies might impose on the financing of a Trans-Canadian line, and whether those conditions would be acceptable to United States participants to the extent that United States participation is allowed.

The member companies financing the Trans-Alaska pipeline are some of the world's largest oil companies including Exxon, the largest. Because of the rapidly increasing costs of construction, the oil pipeline companies during the last 25 to 30 years have increasingly had to use debt financing to allow them to build lines of sufficient capacity to meet market demand. Bond holders require reasonable assurances as to the completion and financial adequacy of the project. Thus, sufficient revenues must be generated each year to pay the interest cost and amortize the bonds. Individual companies will be financing the Trans-Alaska pipeline in many different forms, from short-term lines of credit to longer-term corporate bonds. These bonds will be secured both by a claim on the total assets of the debtor company and by throughput agreements obligating the company to ship a certain amount of oil through the line. Presumably the aggregate amount of oil called for by the several throughput agreements would, at the tariff rates to be charged for transportation, pay for the pipeline over its useful life. This, of course, all assumes that there will be sufficient reserves proven to demonstrate to the bond holders that the pipeline can operate for the term of the financing.

The 9.8 billion barrels of proven reserves at Prudhoe Bay are sufficient to allow for approximately 14 years of full production. The participating member companies in the Trans-Alaska pipeline group are thus able to arrange for the necessary financing on this basis, with each company making its own arrangements to finance its share of the cost, using its other company assets as necessary.

For the additional billions of dollars required to finance a Trans-Canadian line, bond holders naturally would be looking even more carefully at the ability of the project to generate sufficient revenue itself on a long-term basis. Clearly, any financing this large would require the utmost of Canadian and United States participation. It would be very difficult to acquire financing for only one segment of the line. For example, bond holders would not purchase bonds secured by operation of just the Alaska portion of the line or the Canada to Chicago portion of the line, or any other portion without knowing that the full complex network would be operating without interruption.

The lack of greater proven reserves in the North American Arctic could seriously hamper the ability to obtain sufficient long-term capital to finance a Trans-Canadian pipeline costing nearly twice as much as a Trans-Alaska line. While it is true that a lower throughput rate would bring the operating life of a Trans-Canadian pipeline closer to the period of amortization of the borrowed capital, it would also necessitate higher pipeline tariff rates and would further weaken the economic feasibility of the pipeline.

Because of the higher cost of a Trans-Canadian line, the amount of debt to be covered by other assets would be significantly higher and could impair the ability of some of the North Slope companies to borrow funds needed for other high priority company projects. Some companies, Canadian and American, would even find it difficult, if not impossible, to borrow the necessary capital for pipeline construction. Even where company assets are sufficient, finding the $6.6 billion required to finance a Canadian pipeline would require a substantial period.

The speech of Dr. Howland, Chairman of the Canadian National Energy Board, that has been referred to above makes clear the course that must be followed by a pipeline applicant in Canada. That course involves what are euphemistically referred to as "discussions" with various government agencies prior to the filing of an application with the National Energy Board.

In Dr. Howland's words:

"Having obtained a clear assessment of

the requirements of the various agencies of government, the applicant could then proceed with its application with the Board. . . . How else can the Board be in a position to fulfill its statutory duty and consider all aspects of the public interest in reaching its conclusions as to the present and future public convenience and necessity of any particular application for a certificate to construct a pipeline through the north?"

These "discussions" in fact constitute an extended period of study, report filing and negotiation with government agencies so that, according to Dr. Howland, "the applicant is clearly aware of the concerns of each government agency," meaning he has come to terms with it, before he files an application. At that point, the National Energy Board Chairman said, the applicant would know such things as the terms and conditions applicable to its acquisition of a right-of-way for its pipeline, requirements for the employment of Canadian residents, requirements relating to financing and the nature of ownership requirements. In order for a Trans-Canadian pipeline proposal to advance to the stage of a formal application to the National Energy Board, these discussions, whether they constitute informal or formal procedures, would have to result in a project concept that was acceptable to Canadian and United States industry, the United States and Alaskan governments and the Canadian governmental agencies involved. Because of conflicting views on the ownership and operation of a Trans-Canadian pipeline, and perhaps on other matters, this entente cordiale could require some time to come into being.

Many of these informal consultations would be needed during the preparation of the detailed environmental impact statement and social impact statement that are required before an application can be made to the Department of Indian Affairs and Northern Development for a right-of-way permit. The consideration of such an application would entail public hearings. The right-of-way permit must be obtained before an application can be presented to the National Energy Board.

D. S. MacDonald, the Canadian Minister of Energy and Mines, said on January 24, 1973:

"Initially, the decisions as to the actual route to be followed and the leasing of right-of-way for this purpose would be taken by DIAND in conjunction with the territorial governments, who would be particularly concerned wtih respect to the impact of the routing on community development, but also concerned about environment, the impact from sociological and regional economic standpoints, and related questions."

The Mackenzie Valley Pipeline Research Limited feasibility study is in effect only a working outline of the detailed route survey and pipeline design work that must be undertaken in order to prepare an adequate environmental impact statement covering the entire 1738 mile pipeline route. On the basis of Alyeska Pipeline Service Company's experience in Alaska (which included preparation of a 29 volume project description), such work can be expected to take at least two years. Work on a social impact statement could proceed simultaneously.

The Minister of the Department of Indian Affairs and Northern Development, Jean Chretien, said on March 1, 1973, that he had decided that public hearings on a right-of-way application "will be held under the Territorial Lands Act at an appropriate time after the Department receives an application." He stressed that any application "must be based on a viable project proposal and must further be accompanied by detailed documentation of research" in areas of social and environmental concren.

Procedures for these required public hearings necessary to obtain a right-of-way across the Northwest Territories have not yet been spelled out. However, it appears that two laws and their related regulations would apply. The Territorial Lands Act requires the preparation of a detailed environmental impact statement before a right-of-way permit is issued or easements are allowed for road work, surveys and construction. The Northern Inland Waters Act requires that public hearings be held before licenses are granted to cross streams with a pipeline. A Trans-Canadian pipeline would make 77 river crossings and 326 stream crossings. Although some of them are on the Alaska portion of the line, most are in Canada.

The degree to which the Canadian Government is prepared to conduct a thorough review of a Trans-Canadian pipeline project description, the social and environmental impact statements and the stream crossings involved is uncertain. Nonetheless, even with the greatest degree of readinss and competence, evaluating a project two and a quarter times as long as the Trans-Alaska pipeline would require considerable time. And if, as was the case with Alyeska, after public hearings further work and review on the project description and environmental impact statement were required, that would further protract the time required before the Department of Indian Affairs and Northern Development was able to issue the needed right-of-way and stream crossing permits.

A Trans-Canadian pipeline would also face serious legal and political difficulties in the Northwest Territories with respect to native land claims. Native organizations asserting aboriginal title might choose to obstruct the acquisition of pipeline right-of-way as a means of forcing the recognition and settlement of their land claims.

There are essentially two categories of natives in the Northwest Territories, Indians and Eskimos. These groups each comprise approximately 13,000 people, and together they make up about 70 percent of the population of the Territories. About one-half of the Indians are subject to treaties that permit them to assert certain claims to land; the other half are denied this right because their treaty status has been extinguished by acts of their ancestors. The latter group, called "status" Indians, are the constituents of the Indian Brotherhood of the Northwest Territories, which has recently filed claims to vast acreages in the Mackenzie River Valley area. A court in Yellowknife will conduct proceedings in May in litigation generated by the filing of the claims and the decision of officials that the claims have at least *prima facie* validity.

It is not known how long this litigation will continue or what claims will remain unresolved when it is concluded.

The Eskimo organization Inuit Tabirisat of Canada, headquartered in Ottawa, is said to be preparing actions for the assertion of aboriginal claims on behalf of the Eskimos of Northern Canada, some of whom also inhabit the Mackenzie River Valley. In addition, the Yukon Territory is about 50 percent native; nearly all of the natives there are Indians with similar potential claims.

The prognosis seems to be as follows: when the litigation is concluded, status Indians may have acquired the lands that are necessary for the construction of a Trans-Canadian pipeline or rights to select such lands. Even if they do not prevail, there will be other significant categories of claims to be made. As in Alaska, the most expedient means by which to resolve the aboriginal and treaty claim problems is likely to be a national legislative settlement followed by an extended period of administration. Such events could mean that the acquisition of the right-of-way necessary for the construction of a Trans-Canadian pipeline would be indefinitely delayed until the land claims of Canada's natives were resolved.

Once the Department of Indian Affairs and Northern Development hearings were completed, right-of-way and stream crossing permits were issued, and discussions and consultations with other governmental agencies were completed, a formal application would be filed with the National Energy Board. Presumably, earlier negotiations with the Board already would have resulted in an operating agreement guaranteeing that some part of the capacity of the line would be available for Alaskan crude oil.

These earlier negotiations might also have settled the question of licenses to import and export Prudhoe Bay oil and a license to export Canadian oil if any were available for export, in order to provide needed assurance to participating companies and investors. If these licenses had not been issued, the Board would have to issue them now, along with its main task of issuing a pipeline construction permit and approving proposed tariffs. Tariff considerations might prove exceptionally difficult because they would affect not only the costs and profits of the Canadian consortium but the total transportation cost from Prudhoe Bay to the Midwest, thus influencing severance tax and royalty revenues due the State of Alaska and the price at which North Slope crude could be marketed.

The National Energy Board would hold a formal hearing at which any interested party could submit his views. In addition to members of the oil industry, the United States Government and various state governments might wish to be represented, as well as the Canadian Arctic Resources Committee, the Committee for an Independent Canada, environmentalist organizations and indigenous native groups, some of which might oppose the pipeline development or seek modifications of it.

The Board would then consider all arguments and conduct its own evaluation of the application. If it found that the application was not in the public interest, the application would be dismissed in a report detailing the reasons for the Board's decision. The final judgment of the Board could require a modified or new project concept that might be totally unacceptable to the industry. The industry would then have to evaluate the new conditions imposed by the Board and decide whether to file an amended application. At this point three years or more could have gone by since the industry had reached its decision to pursue a Trans-Canadian pipeline. The additional time required to file an amended application and, if necessary, hold hearings on it would depend on the nature of the Board's decision on the original application.

National Energy Board approval of an application for a Trans-Canadian pipeline would come in the form of a recommendation to the Canadian Cabinet. The Cabinet could insist on changes in the project because of either policy or political considerations. The Cabinet would consider again whether the project was really in the Canadian public interest. It would consider the long-term implications of the project for the Canadian nation both politically and economically. And it would consider the attitude of the Canadian public toward the project.

Ironically, one possible recommendation that would be given the most serious study by the National Energy Board and the Cabinet is that the national interest of Canada is best served by encouraging the Government of the United States to take up once again plans for an oil pipeline across Alaska. The Trans-Alaska line would likely still afford the quickest means of developing North Slope oil. Although there is much interest in Canadian Arctic oil, the principal established reserves are gas. But these gas reserves could not be economically developed without the contributing volume of gas from the Prudhoe Bay field. Under long-established conservation practices, gas cannot be produced in Alaska until oil has been in production for at least a year to insure proper repressurization. Accordingly, in the interest of developing known Canadian clean fuel resources at the earliest possible time, it may well be in

the Canadian national interest as well as the United States national interest to develop a "short" oil pipeline across Alaska first to ensure the earliest completion of a Trans-Canada gas line.

Other factors would have to be considered in the Canadian analysis of self-interest. One is whether it is possible to raise the capital for two projects, a gas line and a crude oil line without a significant interval between. Each project in itself would rank as the largest enterprise ever undertaken privately. Second, the Canadian officials must ask whether there are sufficient skilled construction capabilities to undertake two projects at once or to build a Trans-Canadian line simultaneously for its full length. The undisputed testimony filed with the Congress to date is that there are not. Another factor the Canadians would have to deal with is the effect on the whole Canadian economic system and the risks of inflation and the threat to the solidity of the Canadian dollar that result from undertaking an enterprise that, in the case of the crude oil line, constitutes over half of the national budget, and in case two lines were built simultaneously would exceed the national budget.

These and other similar considerations arising from the magnitude of the enterprise make it extremely unlikely that the Canadian national interest would be served by taking on more than one pipeline at the same time and at least very probable that a gas line, to which the Trans-Alaska line is a condition precedent, is the number one Canadian priority.

If at the time of the Cabinet review the Prime Minister's party was in a minority position in the Canadian Parliament, then the attitude of other political parties would also have to be considered. The current ruling Liberal party is in such a minority position and depends on the support of the NDP party, which is opposed to Arctic pipeline development. The provincial power base of the NDP, it should be noted, is British Columbia, whose NDP premier is an advocate of a trans-British Columbia railroad as the means of developing North Slope oil. It is possible that a single party may gain decisive control of the Canadian Parliament by the time the Cabinet considers a Trans-Canadian pipeline application, but Canada has had a minority government for eight of the last 12 years.

Questions of party alignments could become crucial if the passage of special legislation by the Canadian Parliament were necessary for construction of the pipeline, or if on its own initiative the Parliament intervened in the administrative process leading up to Cabinet review of the pipeline proposal.

Once the administrative and executive hurdles had been cleared, pipeline opponents might try to hold up the project on legal grounds, if they had not already put themselves to that task. Environmental and economic groups in Canada opposed to an Arctic pipeline are reported to be fairly well organized.

One of the imponderables that permeate the consideration of a project so massive yet so hypothetical as a Trans-Canadian pipeline is that the behavior of enterprises and governments, and especially the responsiveness of each to the other, cannot reliably be predicted. The sheer size of the project precludes its being undertaken by any single corporate or other institutional entity; at least one consortium (probably two or three) would have to coalesce before even planning and project design could be initiated.

While usually a project would proceed sequentially from the outset through the various processes of planning and governmental consultation to fruition, a massive Trans-Canadian pipeline would be so fraught with popular issues of delicate public policy (the energy crisis, environmental protection, free trade vs. protectionism, etc.) that none of the parties would be capable of substantial independent motion in any direction without appropriate commitments from each other party. While private parties tread water awaiting signals from the public components of the project, those components would balk at making legal and political commitments in the absence of concrete contractual relationships and financial arrangements among the private Trans-Canadian pipeline participants. Instead of ordering hundreds of millions of dollars worth of pipe before necessary governmental approvals were in hand, as the Trans-Alaska pipeline participants had the now dubious judgment to do, Trans-Canadian pipeline participants might not be able to place such orders until the several governments involved had assented to the project.

As a result, major decisions between the initiation of planning for a Trans-Canadian pipeline and the beginning of its construction are likely to be taken very slowly, since each of these decisions would require essentially simultaneous concurrences of the various public and private participants. The interdependent nature of the process by which decisions on a Trans-Canadian pipeline would likely be made casts a cloud of uncertainty over any effort to lay out a timetable for a Trans-Canadian line. Problems of business organization, land acquisition, environmental politics, financing, engineering, treaty formulation and pre-construction purchasing, while they must necessarily be examined serially for the purposes of analysis, cannot be viewed as independent points on a tidy linear scale; many would be developing, or not developing, simultaneously.

The experience of Alyeska Pipeline Service Company with the Trans-Alaska pipeline indicates clearly that, when one is dealing with a project of the novelty and magnitude of a Trans-Canadian oil pipeline, it is not possible to predict with precision the time required for organization, fundamental agreements, research and design, agency discussions and evaluations and the final governmental approval necessary to begin construction. The process, if it were ever to be initiated, could easily take until the late 1970's to complete, putting the completion of pipeline construction somewhere between 1981 and 1983.

Meanwhile, construction of a Trans-Alaska pipeline can be started within 90 days of a go-ahead, and it will be completed three years after that. If allowed to proceed in the near future, the Trans-Alaska pipeline can be moving oil to the West Coast by 1977. Current plans calls for natural gas at Prudhoe Bay to be reinjected during the first years of production in order to insure more efficient oil recovery. Thus gas will be available for marketing by 1978 or 1979. Considering the advanced stage of studies for the Canadian Artic gas line, that means that vast quantities of natural gas could be moved into the midwestern United States starting at that time.

By contrast, the delays inherent in a Trans-Canadian oil line mean that no North Slope oil would be produced until perhaps 1983, putting off the production of natural gas for the Midwest another two years or so beyond that. To meet the petroleum needs of the West Coast and to satisfy the natural gas needs of the Midwest most promptly, the Trans-Alaska pipeline and the Canadian Arctic Gas line should be pressed toward early completion. This situation would encourage further Arctic exploration for oil and gas, increasing the size of proven reserves. It would also allow time for the deliberate pursuit of the more complex international arrangements, and for the compliance with various governmental requirements, necessary to develop an oil pipeline through the Mackenzie Valley during the next decade.

DEPARTMENT OF STATE,
Washington, D.C., July 7, 1973.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, Washington, D.C.

DEAR MR. CHAIRMAN: In my letter of June 22, 1973 I sent you our assessment of possibilities for a Canadian alternative to the proposed Trans-Alaska oil pipeline route. Our judgments were based in part on discussions with Canadian officials undertaken on our instruction by the American Embassy in Ottawa.

In carrying out the Department's instructions, the Embassy posed a number of specific questions to Canadian officials. We have now received from the Embassy detailed written responses to these questions prepared by the appropriate Canadian officials. They set forth in more detail matters which were summarized in my letter to you. I enclose the text of these Canadian responses as of possible interest to you. I believe they bear out our judgment that an oil pipeline through Canada does not offer an alternative to the Alaskan route in terms of the time frame which circumstances require.

We have also just received the text of a speech made on June 20 by the Canadian Minister of Energy, Mines and Resources in which he outlines in some detail the complexity and magnitude of the questions the Canadian Government would have to face in considering a possible Mackenzie Valley oil pipeline. I believe this latest statement further confirms the position we have taken. I enclose a copy of the text.

Sincerely,

MARSHALL WRIGHT,
Assistant Secretary for Congressional Relations.

TRANS-CANADIAN OIL PIPELINE

Q. What is the current status of relevant Canadian environmental studies? What is the expected date of their completion?

A. The Government's environmental social program calls for the publication, as they become available, of 121 reports on all phases of environmental and social concern as related to northern pipelines; of these 39 reports have already been published by Government and an additional 16 by others. It is expected that the complete material thus assembled will place the government in position to adequately assess an application for a pipeline by the end of this year.

Industry has indicated that they expect to file an application for a gas pipeline at the end of 1973 or shortly thereafter.

Q. What is the status of consideration of native claims? What is the expectation as to time required for their settlement?

A. The Indians of the Mackenzie Valley are signatories to Treaties 8 and 11. The Government's obligation under these Treaties has as yet not been fully met; the Government has affirmed that it will meet these obligations and toward this end has offered to set aside the necessary lands. However, recent indications are that the NWT Indian Brotherhood is preparing to advance claims over and above that specified by Treaty. In this respect, the Brotherhood has attempted to file a caveat to protect lands they deem to be covered under the Treaties. The matter is now before the Territorial Courts. The Government has accordingly presented its case, alleging that the caveat by its nature is not registerable. It is expected that the resolution of this specific issue will take a number of months. Although the caveat if registered, would not apply to mining and oil rights, it could affect the granting of a pipeline right-of-way. At the moment it is not clear how and within what time frame this matter could be resolved, should the problem arise.

In the Yukon Territory no treaties are in effect. The Government is, however, in the process of negotiating native claims (In-

dian and Métis) and indications are that a settlement could possibly be reached there within the next two years.

Depending on the route chosen, the pipeline pass through areas of the Mackenzie Delta where the Inuit (Eskimos) may have certain land claims. These have not as yet been fully defined and the Government has made available funds to the Inuit Tapirisat for further research.

In summary, indications are that settlement in the Yukon could be achieved within approximately two years, during which time the application could be heard and construction commenced. The situation regarding the Native Brotherhood in the NWT is not yet sufficiently clear to allow a precise statement; and considerable research must still be carried out before Inuit claims become fully defined and therefore negotiable. It is the Government's intention to proceed with northern development in the best interests of Canada, as a whole, but at the same time the Government is determined to ensure the just settlement of native claims.

Q. What is the Canadian Government's position likely to be with regard to ownership and control?

A. Speaking on this point in the House of Commons on May 22nd, 1973, Minister Macdonald said:

"Mr. Speaker, I have indicated that the objective of the government would be to give an opportunity to Canadians to acquire 51 per cent ownership in any such pipeline and the expectation that it would remain under Canadian control."

In addition, all interprovincial and international pipelines are under National Energy Board control.

Q. When will the Canadian Government be ready to give active consideration to proposals from the private sector?

A. In respect of a gas pipeline, Minister Macdonald said on May 23rd, 1973, in the House of Commons

"Of course, the laws has always been there with regard to the making of an application, but we have indicated within the past 12 months that we are completing our studies for the purpose of evaluating such an application and that we expect about the end of this year to be in a position to evaluate any application that comes forward. For that reason we have not issued any invitation to any specific group, but we have indicated that we are in a position to deal with such an application under the law."

In respect of an oil pipeline the above statement still applies. However, it should be noted that the Canadian Government has not received an application for construction of such an oil pipeline in the north nor is it apparent that any company or any group of companies is preparing to make such an application in the near future.

Substantial work has been completed by Mackenzie Valley Pipe Line Research Limited and much of this work relates to environmental and social matters. However, there undoubtedly would be additional work required by a prospective applicant in respect of environmental considerations. Additional work on details of engineering design would also be required, although these could proceed concurrently with environmental work.

Q. What would the process of consideration entail (e.g.—public hearings and a finding by the National Energy Board prior to consideration by the Government and Parliament) and how long a time would it likely require?

A. An application to build an oil pipeline would be heard by the National Energy Board which would then make its findings known to the Government. If the National Energy Board rejects the application, no further action is required by the Government. However, if the National Energy Board recommends approval of the application, the final decision must then be made by the Government. There is no legal requirement to refer to Parliament either the National Energy Board finding or the decision of the Government.

Further, the Minister of Indian and Northern Affairs, the Honourable Jean Chrétien. has announced that upon receipt of an application for a pipeline right-of-way, an Inquiry will be held under the Territorial Lands Act with the purpose of assessing the regional socio-economic and environmental implications arising out of the construction and operation of a major pipeline in the Territories. These hearings will be held in addition to those under the National Energy Board Act described above.

The time required for a National Energy Board hearing for an oil pipeline is unknown at this time, but might take perhaps up to one and a half years, including time required to arrange financing. The hearings by the Department of Indian Affairs and Northern Development would also be concluded within that time period.

Q. Are there significant Provincial/Federal differences which are likely to delay an eventual Canadian decision? To what extent would differences of view between eastern and western Canadians obstruct or delay decisions?

A. A northern oil pipeline would be a "federal work". As such, the Provincial Governments are not legally involved. The National Energy Board Act grants to a successful pipeline applicant the right to expropriate lands, including Provincial Crown Lands, if such are necessary to complete the project.

Q. What is the status of Canadian governmental consideration of a possible Mackenzie Valley gas pipeline?

A. The answers given above gave the status of the Canadian Government's environmental work in connection with a possible gas pipeline. It should be noted that under the Task Force on Northern Oil Development, six committees have been established and work has been in progress in most of these committees for a number of years. The Advisory Committee on Northern Pipeline Financing was established in early 1973 and results from its considerations should be available by the time an application to build a gas pipeline could be filed.

Q. Would active Canadian consideration of a Mackenzie Valley oil pipeline delay consideration of the prospective application for a gas pipeline? Are there proponents in Canada of the gas pipeline who oppose encouragement of Mackenzie Valley oil pipeline on these grounds?

A. Canada would likely wish to avoid the necessity of building both an oil pipeline and a gas pipeline simultaneously because of the impacts upon the Canadian economy. If it is decided to proceed with active consideration of the Canadian oil pipeline, it is likely that the question of building a gas pipeline would be deferred, for reasons of gas supply to such a pipeline. This is based on the assumption that some 50 percent of the gas supply would be solution gas from the Alaska North Slope. If an approval to build a Canadian oil pipeline was granted and if the Canadian Government did not wish to have the gas pipeline build simultaneously, it is possible that the construction of the gas pipeline could be delayed by some three years compared with the decision to build the Alyeska oil pipeline.

Q. Any other observations deemed relevant?

A. There are a number of other elements to the Canadian position in respect to the northern oil pipeline.

(1) Canada does not now have commercial oil discoveries in the north, although the prospects are rated very high. There could be some 100 to 150 Mbd of natural gas liquids, if the gas pipeline is constructed.

(2) The Government guidelines on northern pipelines are clear in stating that Canada requires that Canadian production have "access" to such pipelines. Undoubtedly such access would be achieved by adding pipeline capacity rather than "backing out" non-Canadian supplies. Thus Canada does not require any fixed percentage of the throughputs of either a gas pipeline or of an oil pipeline.

(3) There would seem to be no reason why the United States would need a "treaty" or agreement with Canada to cover such pipelines which would cross Canadian territory and carry U.S. supplies to U.S. markets. In this connection, the Canadian Government notes that both loops of the Interprovincial-Lakehead pipeline system cross the United States and that throughputs of these loops are vital to Ontario oil markets. The Montreal oil market is entirely dependent on the Portland-Maine to Montreal pipeline. In addition, approximately half of the Canadian gas markets, east of Manitoba, depend on the Great Lakes pipeline which crosses the United States. None of these important pipelines, across United States territory is covered by "treaty" or international agreement.

(4) Canada continues to view with alarm the prospect of large tanker movements into the Puget Sound area of the Pacific northwestern United States. For that reason, Canada is prepared to consider guaranteeing the total supply to the Puget Sound area during the period that a pipeline might be constructed through northern Canada. Such a Canadian guarantee for the Puget Sound supply would, of course, be limited to the present refining capacity in that area. The amount of *added* Canadian oil required for this purpose would be relatively small compared to the total Canadian exports to the United States and would also be relatively small compared with present Canadian deliveries to the Puget Sound area.

(5) If Alyeska is built, Canada would find little attraction in having a second oil pipeline built through Canada to serve U.S. Midwest markets *unless* and *until* sizeable commercial Canadian oil discoveries have been made in the north. Moreover, Canada is aware that the economic attraction of looping an existing TAPS line would undoubtedly militate against construction of a line through Canada. Admittedly, other circumstances such as markets and security of supply might make it attractive to build such a second line through Canada. However, such circumstances are undoubtedly present even in respect of the first oil pipeline.

Mr. JACKSON. Mr. President, a new pipeline route through Canada would, of course, require a new environmental impact statement and public hearings within the United States, and involves the possibility of a new round of litigation.

Any assessment today of the time required for approval of a trans-Canada pipeline project or of the probability of its ultimate approval in any form is purely speculative. Most important, it is doubtful whether further study could improve the accuracy of such speculations. The Canadian Government is, quite understandably and quite correctly, unwilling to approve in advance a project that has not yet been organized and designed. Those Members of the Senate who suppose that the possibility and conditions for building and operating a trans-Canada pipeline can be definitively resolved in 9 months or a year are letting their wishes get the better of them.

To postpone authorizing a trans-Alaska pipeline for further studies and negotiations assures nothing but a delay. We will have no guarantee a year from now that a trans-Canada line can in fact be built. Congress will have no

firmer ground for choosing one route over the other than it has today. The seriousness of the obstacles to a trans-Canada pipeline can be tested only by an actual attempt to get approval for a specific proposal, and no such proposal now exists.

The listing of difficulties and uncertainties involved in getting approval for construction of a Canadian pipeline should not obscure the remaining difficulties and uncertainties facing the trans-Alaska project. But all the real or potential problems of law or political controversy facing the trans-Alaska pipeline also face its trans-Canada counterpart. The time required to resolve these problems must be added to the additional time necessary for route selection, design, and logistical preparations, and the time involved in obtaining Canadian Government approval. And, together with uncertainty caused by U.S. and Alaskan law and politics, which affect both pipeline proposals, we must consider the uncertainty stemming from Canadian law and politics, and from the complexities of the international relationship.

For these reasons, I do not believe that Congress would be acting responsibly in the face of the critical fuel shortages we face if it made a choice now in favor of such a delay or such added uncertainty. Postponing our choice for a year, as some Members propose, will not eliminate either the delay or the uncertainty.

4. NORTH SLOPE OIL RESERVES

Despite self-serving statements from some interested oil companies, belittling the resource potential of the North Slope, almost every independent authority agrees that Arctic crude oil resources will be much greater than indicated by present proved reserves estimates. Development of these resources will probably require more than one 48-inch pipeline within a decade. This argues strongly in favor of an early planning and negotiating effort with the Canadian Government to secure agreement on all of the matters necessary to the authorization and construction of a second pipeline from the North Slope into midwest markets.

The 9.6 billion barrels of proved reserves estimated for the North Slope by the companies and reported to the American Petroleum Institute is an extremely conservative figure, barely exceeding the minimum required for the throughput guarantees necessary to secure the financing of a single 48-inch pipeline. It is clear to me that the reserve estimate for the Prudhoe Bay field will grow substantially, as both exploratory and development drilling delineate the field more completely, and as increased crude oil prices and improved methods make more complete recovery of the discovered oil-in-place commercially feasible. Typically, these two kinds of adjustments increase the proved reserves estimates for a newly discovered oil field by a factor of 3 to 10 over its lifetime.

Some company officials have insisted that there will be no major extensions or upward revisions of the Prudhoe Bay reserves, but this assertion implies that the Prudhoe reservoirs are absolutely unique among the world's oil fields. It is worth noting that in their litigation with the State of Alaska the North Slope owner companies stipulated that they were intending to ship, over the economic life of the trans-Alaska pipeline, a total of 15.3 to 25.6 billion barrels, 1.6 to 2.7 times their current reserve estimate.

The assessment of probable oil and gas reserves is, of course, an art, and estimates by different teams of geologists vary widely. I ask unanimous consent to have printed in the RECORD a summary of authoritative estimates, for the North Slope, which range from 20 to 300 billion barrels.

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

ESTIMATES OF OIL RESOURCES OF THE NORTH SLOPE OF ALASKA

1. AMERICAN PETROLEUM INSTITUTE—PRUDHOE BAY PROVED RESERVES—9.6 BILLION BARRELS

The American Petroleum Institute[1] defines "proved reserves" of crude oil "if economic producibility is supported by either actual production or conclusive formation tests." API reports 9.6 billion barrels of ultimately recoverable oil, based on 24 billion barrels of oil originally in place.

2. NATIONAL PETROLEUM COUNCIL—ARCTIC SLOPE RECOVERABLE RESERVES—5.50 BILLION BARRELS

The National Petroleum Council's report, "Future Petroleum Provinces of the United States,"[2] contains a review of geologic investigations of the petroleum potential of Alaska, coordinated by George Gryc, Chief of the Alaska Geology Branch of the U.S. Geological Survey. Gryc reports that the Arctic, or North, Slope contains at least 70,000 square miles of potentially petroliferous area, with a total volume of 210,000 cubic miles of sedimentary rocks, and cites estimates of 5 to 50 billion barrels of "recoverable reserves" on the North Slope. This report was apparently prepared before the API's proved reserve estimate became available.

3. U.S. GEOLOGICAL SURVEY—NPR–4 PROVED RESERVES: 0.1 BILLION BARRELS NPR–4 POTENTIALLY RECOVERABLE: 10–33 BILLION BARRELS

A review by the General Accounting Office[3] of the capability of the Naval Petroleum and Oil Shale Reserves cites estimates by the United States Geological Survey that Naval Petroleum Reserve #4 on the North Slope of Alaska "could contain as much as 10 billion to 33 billion barrels of oil", based on experience with the adjacent Prudhoe Bay field. Only 100 million barrels are currently considered proved, based on drilling by the Navy through the 1950's.

4. U.S. GEOLOGICAL SURVEY—POTENTIAL ULTIMATE PRODUCTION IN ALASKA—30–117 BILLION BARRELS

A recent compilation by Theobald and others of the United States Geological Survey[4] cites several estimates of total ultimate potential production in Alaska, but does not specifically identify the North Slope segment of resources. (According to Gryc, however, the Arctic Slope and the Arctic Ocean Coastal Shelf contain over 60% of the sedimentary rocks in Alaska[2]). Hubbert estimated potential ultimate production in Alaska as 30 billion barrels[5], Hendricks and Schweinfurth at 117 billion barrels.[6]

5. ARCO: HIGHER RECOVERY POTENTIAL

ARCO officials have indicated that they hope to recover 65% to 70% of the oil originally in place in the Prudhoe Bay field,[7] rather than the 40% assumed by the API. Such recovery would increase the present reserve estimates from 9.6 to 15.6–16.8 billion barrels in the Prudhoe Bay field alone.

6. DE GOLYER AND MAC NAUGHTON: NORTHERN ALASKA RECOVERABLE RESERVES: 25 BILLION BARRELS

An analysis based on broad geological indicators,[8] De Golyer and MacNaughton is a respected petroleum consulting firm.

7. DOME PETROLEUM: RECOVERABLE RESERVES: 45 BILLION BARRELS

The President of Dome Petroleum (a major Canadian oil company with experience in the Arctic) based his estimate of Northern Alaska potential[9] on such estimators as cubic miles of sediment, age of sediment, structural condition, and related factors.

8. W. J. LEVY: 1980 PROVED RESERVES: 15–40 BILLION BARRELS

W. J. Levy, another consulting firm, estimated in 1968 and 1969 that Alaskan North Slope reserves "proved up" by 1975 to 1980 would be from a low of 15–20 billion barrels to a high of 30–40 billion barrels.[10]

9. GOVERNOR EGAN: 150–300 BILLION BARRELS

Governor Egan of Alaska was quoted in *The Oil Daily* (July 7, 1971) as saying he thinks that the North Slope may eventually yield 150 to 300 billion barrels of crude. [This estimate is apparently based upon assessments by the State of Alaska Department of Natural Resources, Division of Oil and Gas.]

FOOTNOTES

[1] American Gas Association, American Petroleum Institute, Canadian Petroleum Association, *Reserves of Crude Oil, Natural Gas Liquids, and Natural Gas in the United States and Canada and United States Productive Capacity as of December 31, 1972*, (vol. 27), May, 1973.

[2] Gryc, George, "Region 1. Alaska and Hawaii", in National Petroleum Council, *Future Petroleum Provinces of the United States, Washington, July, 1970.*

[3] General Accounting Office, "Capability of the Naval Petroleum and Oil Shale Reserves to Meet Emergency Oil Needs," B–66927, October 5, 1972.

[4] Theobald, P.K., S.P. Schweinfurth, and D.C. Duncan, "Energy Resources of the United States," United States Geological Survey Circular 650, Washington, 1972.

[5] Hubbert, M.K., "Energy Resources", in National Academy of Sciences—National Research Council, *Resources and Man*, 1969.

[6] Hendricks, T. A., and S. P. Schweinfurth, unpublished data, 1966.

[7] Oil and Gas Journal, April 17, 1972, p. 40.

[8] DeGolyer and MacNaughton, "Report on Estimates of Additional Recoverable Reserves of Oil and Gas for the United States and Canada", Dallas, June 30, 1969, p. 17.

[9] J. P. Gallagher (President, Dome Petroleum, Ltd.), "The Canadian Petroleum Industry and the New Arctic Frontier", excerpts from an address to the Oil Analysts Group of New York, November 22, 1968.

[10] "A Note on Implications of Alaskan Production" (October, 1968), and "A Further Note on Implications of North Slope Potential" (May, 1969), unpublished documents, W. J. Levy Consultants Corporation, New York.

Mr. JACKSON. Mr. President, may I add parenthetically, we should remember those figures in the context of our total known reserves in the United States.

For this year, it is estimated at this time to be 38.7 billion barrels. The total known reserves outside of the Communist world run about 600 billion barrels. Saudi Arabia has half that number.

We are talking here of estimates running in Alaska to as high as 300 billion barrels. In other words, we are really talking about a junior Persian Gulf.

I believe that the Senate should keep

that fact in mind as we approach the decision here regarding the pipeline.

North Slope oil production will not be limited to the Prudhoe Bay field. Giant oil fields are seldom found alone, and only a tiny proportion of the Arctic Slope's favorable geology has been explored geophysically, much less tested by the drill. It is worth noting that the Interior Committee is currently considering strategic reserves legislation to authorize the exploration and development of the 26 million acre naval petroleum reserve, whose boundary is only a few miles west of the Prudhoe Bay field.

No expansion of North Slope oil and gas reserves sufficient to justify a second pipeline will be realized until the oil industry is reasonably confident that a first pipeline will be built. To the companies, there is no financial justification for costly outlays on development drilling beyond the level that could be accommodated by the Alyeska pipeline's planned initial throughput of 600,000 barrels per day. Exploration on adjacent lands already under lease is also at a low ebb, and it is understandable that the State of Alaska, the Interior Department, and Alaska Native groups would postpone additional lease sales to a time when industry interest and lease bonuses will be higher. A revival of intensive exploration effort depends above all upon the commencement of pipeline construction.

5. THE TWO PIPELINES ARE NOT COMPETITORS

In weighing these manifold considerations, the committee concluded that it would be a mistake to view the trans-Alaska pipeline and trans-Canada pipeline as competitors, except with respect to which of them could actually be completed first. Title II of S. 1081 authorizes the President to undertake negotiations with Canada and other actions leading toward construction of a crude oil pipeline across Canada from northern Alaska to the Midwest, and it expresses the committee's judgment:

First, that Federal planning for transportation systems to deliver Arctic crude oil should take account of the likelihood of greatly increased reserves in the Prudhoe Bay field, on other State, Native-owned and Federal lands in northern Alaska, including Naval Petroleum Reserve No. 4, which is adjacent to the Prudhoe field, and from northwestern Canada.

Second, that two or more pipelines for crude oil from Arctic Alaska, or from Alaska and Arctic Canada together, serving different market areas in the United States and Canada will probably be feasible, desirable, and necessary in the foreseeable future.

Third, that completion of the first crude oil pipeline is urgently in the national interest, and construction should begin as soon as there is assurance its construction and operation will be environmentally sound.

Fourth, that the trans-Alaska pipeline proposed by the Alyeska group ought to have priority in time, because of the overwhelming probability that it could be completed 2 to 6 years sooner than a trans-Canada pipeline. The trans-Alaska project is at a far more advanced stage of preparation and avoids the many uncertainties involved in organizing, financing, and obtaining approval of an international pipeline.

Fifth, that the very likelihood of extended delays in approval and construction of a trans-Canada pipeline dictates that concrete efforts leading toward construction of such a pipeline should be started now.

Sixth, that in order to protect both United States and Canadian interests in such a multibillion dollar project, and in order to minimize future international conflict and misunderstanding regarding its operation and regulation, detailed and explicit intergovernmental understandings, and perhaps a formal treaty, are necessary regarding ownership, financing, regulation, and taxation.

Finally, because it is possible that no competent private entity will take responsibility for the preparations prerequisite to submitting necessary applications to Canadian governmental agencies, appropriate agencies of the U.S. Government should be authorized to accept this responsibility.

6. NEPA WAIVER

This bill does not waive the requirements of section 102 of the National Environmental Policy Act, nor does it constitute a congressional determination one way or another on the adequacy of the environmental impact statement on the trans-Alaska pipeline.

The chief remaining legal issues regarding this pipeline under the National Environmental Policy Act is whether that act required the environmental impact statement to give greater consideration than was given to alternative transportation systems—specifically a Canadian pipeline. The committee majority did not favor congressional intervention at this time to resolve the substantive questions, because such an action would permanently moot the pending lawsuits over the scope of NEPA. To do so now might possibly advance the time of pipeline construction marginally—but it could postpone for years a judicial determination of the meaning of NEPA and a resolution of the uncertainty that this issue now casts over many other kinds of Federal actions which require an environmental impact statement.

Moreover, I am advised that the NEPA waivers which are being proposed here might just muddy the legal waters, and in themselves become a new issue of litigation. My assessment is that the most direct and certain way of resolving the NEPA issue is to resolve the width restriction, which 1081 accomplishes, and then to let the present lawsuits go on to conclusion.

The committee does favor a rapid court decision regarding NEPA's requirement for examination of alternatives. The circuit court's February ruling implies that, until Congress corrects the right-of-way width problem, there is no possibility of resolving this NEPA issue. We want that question tried and resolved finally, as rapidly as possible.

Personally, I do not categorically rule out a judgment by the Congress in the future regarding the adequacy of the environmental impact statement and a formal determination in favor of one pipeline route, if the environmental litigation threatens further delay and the loss of another construction season commencing in the spring of 1974. I am afraid, however, if we once establish such a precedent, that each Member of the Congress will ask and expect a legislative waiver of NEPA on his own special projects, and I do not want to open that door and establish that precedent.

7. LIMITATION ON EXPORT OF NORTH SLOPE OIL

One final issue which is dealt with in section 114 of the committee bill deserves attention of the Members. The question of possible exports of crude oil produced on Alaska's North Slope has been raised repeatedly before the Interior Committee and elsewhere in connection with the alternative pipeline proposals for that oil. Some have contended that, despite the national deficiency in crude oil supply, the oil companies with major reserve interests on the North Slope chose the trans-Alaska alternative in order to be in a position to export a significant fraction of its throughput to Japan.

Despite frequent denials by spokesmen for the companies and the administration, these allegations are not totally implausible. There is a possibility that Alaska and California crude oil production could together exceed consumption in west coast markets during the late seventies and early eighties. With rising world oil prices, Japan will certainly be a commercially attractive outlet for any oil that is allegedly surplus to west coast needs, even in the face of a huge national oil deficit in other parts of the United States.

Three companies control more than 90 percent of the proved reserves of the Prudhoe Bay field, the largest in North America. This field, whose production will account for more than half of west coast oil supplies when it reaches full capacity, will be developed and produced as a single unit pursuant to State conservation law. The same three companies will also own 82 percent of the trans-Alaska pipeline, which is organized as an undivided interest joint venture. In some respects, then, the three companies will operate as a single entity and together exercise nearly monopoly market power in west coast markets. West coast crude oil prices, the companies' profits, the State's revenues and fuel prices for west coast consumers, will all be affected powerfully by the amount of oil that the companies and the State allow to be delivered to that market. There is, at present, no assurance that any oil which might be "surplus" to west coast requirements in the companies' eyes and thereby regarded by them as "available for export" will be truly in excess from the standpoint of consumers, of national security or of the national economy.

Section 114 of the act expresses the committee's concern that the companies which control the North Slope oil reserves might decide to make export sales or exchanges that result in a net reduction of crude oil supplies available to the United States, or an increased dependence of the United States upon insecure foreign supplies.

The committee did not believe that a categorical prohibition of oil exports would be wise, however. There might well be situations in which export-for-

import arrangements would be of benefit to both the United States and its trading partners. For example, Alaskan crude oil surplus to west coast needs might be exchanged for Latin American or Eastern Hemisphere crude oil delivered to the Northeast or the Midwest, but which would otherwise have been transported to Japan.

Under some circumstances import-for-export exchanges might be a better arrangement to bring the Eastern part of the U.S. additional crude oil supplies than either a transcontinental pipeline or a tanker route around the Horn. A total prohibition of exports might, in addition, encourage other countries to retaliate or to restrict exports to the United States, or cripple efforts to provide cooperation or allocation of oil supplies among consuming countries during times of shortages.

Section 114 provides that any export arrangement must be carefully and critically examined in light of the national interest, to assure that a few pennies per barrel in private transportation expense are not saved at a great cost to the security of national energy supplies. Issues that would be scrutinized in any such examination include whether any export at all is in the national interest, the duration of the export contract, the international consequences of diverting such exports to domestic use in an emergency, the availability of transport capacity to do so, and the net impact of any sale or exchange upon the U.S. balance of payments.

The provisions of the section effectively place the burden upon an applicant for an export license to demonstrate that exports of North Slope crude oil are indeed in the national interest, and by requiring an express Presidential finding, compel an examination of that interest at the highest levels.

Mr. FANNIN. Mr. President, I commend the distinguished chairman of the committee, the manager of the bill, for his statement with which I certainly agree. I feel that we must at the earliest time possible pass this legislation. I appreciate the tremendous amount of work he already has contributed in getting this matter satisfactorily resolved.

Mr. President, the legislation we are considering today, the Federal Lands Right-of-Way Act of 1972, represents a new and welcome stage in congressional action concerning our national energy crisis. For several years industrial and academic spokesmen have been warning us that "the days of cheap and abundant energy are over." Until this year the public recognition of the energy problem was nearly nonexistent.

Now we have reached the point where all of us are feeling the pinch of the energy crisis—gasoline, fuel oil, and natural gas shortages, particularly, are being felt right in our own backyard. S. 1081 may well represent a turning point in congressional attitudes toward solving our national energy problem. This bill is the first legislation undergoing floor debate this year to provide specific measures to increase our national energy supply. It is indeed, a significant change.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Secretary Morton.

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

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 5, 1973.

HON. PAUL J. FANNIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FANNIN: I understand that early in the week of July 9 the Senate will take up the Right-Of-Way bill recently reported by the Committee on Interior and Insular Affairs, S. 1081. I also understand that Senator Mondale and others will offer an amendment to prevent issuance of a permit for the Trans-Alaska pipeline until the Congress enacts legislation specifically authorizing a pipeline from Northern Alaska. The amendment envisions that Congress will not act until the Secretary of State conducts negotiations with the government of Canada to determine the feasibility of a Trans-Canada pipeline and the National Academy of Sciences conducts an eleven-month study of this subject.

This legislation can materially affect our energy supply picture, the strength of our dollar, our foreign relations and the strength of our bargaining position, vis-a-vis the oil producing countries in the Middle East. Recent events in Lybia, and the expressed willingness of some Middle East countries to utilize their oil exports for political purposes, require all of us to give their matter our most careful attention. I want to explain why I support S. 1081 and oppose any amendment that will delay the Alaska pipeline.

It is clear, and no one disputes, that following the recent Court of Appeals decision in the *Pipeline* Case, new legislation is required before I can authorize construction of any new, large oil or gas pipeline across any public land in the United States. Large pipelines simply cannot be built within a right-of-way no greater than 25 feet on both sides of the pipe.

While I have not favored every provision of S. 1081, I am convinced that it is constructive legislation that will give me the necessary authority to permit construction of large pipelines that are vital to our economy.

Under S. 1081, I could promptly authorize construction of the Trans-Alaska pipeline; and I have expressed my intention to do so for three basic reasons: (1) our national interest requires the earliest possible delivery of North Slope oil to the "Lower 48," (2) the only feasible alternative delivery system is a pipeline across Canada, and it would involve at least a 3–5 year delay in delivery of oil to the lower 48; and (3) a Trans-Alaska pipeline and tanker delivery system can be built and operated under safeguards that will protect the environment and wildlife of Alaska and the Pacific Ocean.

I, and Administration spokesmen from the Departments of State and Treasury, have explained these points and others in detail during numerous appearances before committees of both Houses and in my letter of April 4, 1973, to every member of Congress. It is not my purpose now to repeat the detailed points I have made. Rather, I want to address specifically the three major arguments being made by those who favor amendment of S. 1081 to deny me authority to issue a permit for the Alaska pipeline and require an eleven-month study by the National Academy of Sciences. Those arguments are (1) that our Environmental Impact Statement did not adequately treat the Canadian alternative, (2) that neither I nor anyone else in the executive branch has seriously assessed the practical and political prospects for a Canada pipeline; and (3) that after an eleven-month study by the National Academy of Sciences the Congress will be able to promptly approve either an Alaskan or Canadian pipeline with no overall delay in the delivery of oil to the lower 48 States.

The impact statement on the Trans-Alaska pipeline contains approximately 150 pages of discussion of possible Trans-Canada pipeline routes. This extensive and detailed treatment is the result of inter-disciplinary studies and official and unofficial exchanges with Canadians that extended over a period of at least a year and a half. I personally have given a great deal of careful attention to the environmental problems presented by the Alaska pipeline, with its marine leg, and those that would be encountered in Canada.

I sincerely believe that the environmental costs and risks of a Canada pipeline would be as great as those of an Alaska line, and that the Alaska system will be safely built and operated under the stipulations I will impose in our permit.

Even more importantly, I want to assure you that the feasibility and prospects of building a line through Canada have received my most careful attention and the attention of all concerned members of the Administration. I have discussed these matters with the President and with Secretary Rogers. We are all convinced that we should not delay the Alaska pipeline to consider further the feasibility of a Canada pipeline. For more than three years the Canadian Government has taken the position that it is not prepared to negotiate with the United States Government on the matter of pipelines from the Arctic. By letter of June 22, 1973, to Senator Jackson, the State Department reported the Administration's assessment as follows:

" . . . the Departments of State and Interior are convinced that there is no Canadian alternative to the proposed Alaskan pipeline at this time. Even if the Canadian Government should move expeditiously to approve such a pipeline, which is unlikely, an Alaskan pipeline could be in operation at least 3–5 years, and perhaps 7–10 years earlier than a Canadian pipeline.

"We do not believe that recent Canadian actions limiting exports to the United States of petroleum and petroleum products have a direct bearing on future Canadian consideration of applications for the construction of Arctic pipelines. However, they do emphasize Canadian determination to follow policies which will husband Canadian resources to the maximum extent deemed necessary to meet Canadian needs projected well into the future. This attitude and recent remarks by Canadian officials give no cause to change our view that the Canadian Government has no strong current interest in the construction of a Mackenzie Valley oil pipeline . . ."

Between May 1969 and March 1972, an inter-agency task force devoted many thousand man-hours, including 8 days of public hearings, to studies that finally produced a 6 volume Environmental Impact Statement and a 3 volume Economic and Security Analysis of the proposed Alaska pipeline and its alternatives. The work was done by experts with many years of relevant experience. The product is objective and comprehensive. It has been available for public scrutiny and debate since March 1972. I am convinced that an eleven-month effort by the Academy will not add materially to the information or analyses bearing on the United States Government's decision to grant permission for an Alaska pipeline or to deny such permission and pursue a Canadian alternative. I suspect that even if Congress should later approve the Alaska line the delay involved will extend well beyond a year because the the Academy's study will require more than eleven months and the companies will have to re-mobilize for construction.

I am as concerned as the members of Congress to provide our Midwest and East Coast with adequate supplies of energy in the years ahead. The President shares this concern. But we are convinced that our increasing demand for petroleum presents serious national issues that transcend regional interests, and that it is in the Nation's interest to increase our

domestic resource base as soon as possible. We hope and expect that Canada will agree to construction of a gas line from the Arctic to our Midwest in the reasonably near future. We anticipate that additional discoveries of oil in Alaska and Northern Canada will justify a second oil line shortly thereafter. And we hope that by the time such a line is required, we will have been able to negotiate terms for its construction through Canada.

Delay of the Alaska pipeline will reduce the total supply of oil available to our economy during the period of delay, thereby increasing all the costs and risks associated with increased dependence on Middle East oil. It is not in the Nation's interest to deny ourselves oil that can safely be delivered by an Alaska pipeline while we further pursue the possibility of building the first pipeline from the Arctic through Canada.

I hope these views will be helpful to you in your consideration of S. 1081.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

Mr. FANNIN. Mr. President, in his letter Secretary Morton said:

I want to explain why I support S. 1081 and oppose any amendment that will delay the Alaska pipeline.

He said:

I want to address specifically the three major arguments being made by those who favor amendment of S. 1081 to deny me authority to issue a permit for the Alaska pipeline and require an eleven-month study by the National Academy of Sciences. Those arguments are (1) that our Environmental Impact Statement did not adequately treat the Canadian alternative, (2) that neither I nor anyone else in the executive branch has seriously assessed the practical and political prospects for a Canada pipeline; and (3) that after an eleven-month study by the National Academy of Sciences the Congress will be able to promptly approve either an Alaskan or Canadian pipeline with no overall delay in the delivery of oil to the lower 48 States.

The impact statement on the Trans-Alaska pipeline contains approximately 150 pages of discussion of possible Trans-Canada pipeline route. This extensive and detailed treatment is the result of inter-disciplinary studies and official and unofficial exchanges with Canadians that extended over a period of at least a year and a half. I personally have given a great deal of careful attention to the environmental problems presented by the Alaska pipeline, with its marine leg, and those that would be encountered in Canada.

For more than three years the Canadian Government has taken the position that it is not prepared to negotiate with the United States Government on the matter of pipelines from the Arctic. By letter of June 22, 1973, to Senator Jackson, the State Department reported the Administration's assessment as follows:

". . . the Departments of State and Interior are convinced that there is no Canadian alternative to the proposed Alaskan pipeline at this time. Even if the Canadian Government should move expeditiously to approve such a pipeline, which is unlikely, an Alaskan pipeline could be in operation at least 3–5 years, and perhaps 7–10 years earlier than a Canadian pipeline.

We are convinced that our increasing demand for petroleum presents serious national issues that transcend regional interests, and that it is in the Nation's interest to increase our domestic resource base as soon as possible. We hope and expect that Canada will agree to construction of a gas line from the Arctic to our Midwest in the reasonably near future. We anticipate that additional discoveries of oil in Alaska and Northern Canada will justify a second oil line shortly thereafter. And we hope that by the time such a line is required, we will have been able to negotiate terms for its construction through Canada.

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Mr. President, as much as I welcome legislation intended to remove obstacles to the construction of a trans-Alaska pipeline, this bill partially misses the mark. The fact that it fails to declare that the National Environmental Policy Act has been satisfied with respect to the trans-Alaska pipeline means that even if this bill is enacted into law additional delays will result due to continuing environmental litigation.

Let me note by way of background that when the U.S. Circuit Court of Appeals ruled that the Secretary of the Interior did not have authority to grant the use of adequate space for construction, operation, and maintenance of a modern pipepline across public lands, an urgent national need for remedial legislation was created. The decision was based upon a narrow interpretation of section 28 of the Mineral Leasing Act of 1920 which provides that rights-of-way for an oil or gas pipeline be limited in width to 25 feet on each side of the pipeline. The practical effect of this holding is to prevent the construction of a modern oil or gas pipeline across public lands, not only in Alaska but anywhere in the United States.

Prior to the Court's decision, the Secretary had operated under section 28 of the Mineral Leasing Act by granting special land use permits for temporary construction purposes. There is no indication that pipelines authorized by the Secretary over the past 50 years have not served the public interest in transporting needed natural resources to the American consumer. All that is needed to remedy the effect of the Court's decision is a simple amendment to permit the use of an adequate amount of public land to insure that modern pipeline construction can continue. I introduced legislation restricted in scope to providing such a remedy.

While S. 1081 is considerably more complex than my bill, it too will solve this problem. Consequently, I feel it merits full support because of the immediate necessity of removing obstacles related to right-of-way limitations to the construction of a trans-Alaska pipeline.

Statistics on how our national energy crisis is shaping up spell out the most convincing argument I know of for enacting legislation regarding the trans-Alaska pipeline.

The United States now must import more than 6 million barrels of oil each day in order to meet current demands for energy. Last year, with imports at less than current levels, the first round balance-of-payments outflow was $16 billion. We face the choice of increasing this dependence on other nations or developing our own domestic resources. The Alaska oilfields are our best hope for increasing domestic production. In 1968 nearly 10 billion barrels of oil—25 percent of U.S. proven reserves—were discovered on the North Slope of Alaska. That amount equals the oil reserves of Louisiana, Oklahoma, Kansas and half of Texas combined. Furthermore, North Slope oil is a high-grade oil with low sulfur content. When burned it will produce less air pollution than some oils currently in use.

To date no means to bring that oil to market has been constructed or begun to operate.

A pipeline to transport that oil has been planned and studied for over 4 years. Extensive environmental and technical analyses have insured that the system will be safe, secure, and efficient. The proposal has been scrutinized in congressional and public hearings, and by Federal task forces and the Department of the Interior.

Initially the pipeline will carry up to 600,000 barrels a day.

By 1980 the system could be transporting 2 million barrels of oil per day, under stringent environmental and technical stipulations, to help relieve this country's energy deficit. By virtue of completion of the pipeline, our import requirements in that year would be reduced by almost 20 percent. Our balance-of-payments deficit at current world prices would be reduced annually by more than $2 billion.

Under these circumstances, there is no question in my mind that the trans-Alaska pipeline should be authorized without further delay. As I see it, proposals to scrap the Alaskan line in favor of a Canadian line or to delay the decision are simply not in the national interest.

It is, of course, in the interest of American consumers that their Government investigate every possibility to supply fuel resources from Alaska and Canada to U.S. markets. Title II of S. 1081 would contribute to that goal by authorizing and requesting the President to undertake the necessary negotiations and other actions leading to construction of oil and gas pipelines across Canada to the Lower 48.

This legislation deals with the Canadian route not as an alternative, but rather as a useful supplement to the trans-Alaska pipeline.

Three factors however, demonstrate that the Alaskan line is the best available alternative for supplying North Slope oil to U.S. markets—if one wishes to compare the two.

First, a Canadian route would not be superior from an environmental point of view, particularly because it would cross four times as much wilderness as the trans-Alaskan pipeline. The Alaskan proposal has been planned to insure both that the pipeline will withstand stresses resulting from movement of underground geologic formations and resist earthquakes as strong as the most severe ever recorded in Alaskan history. Every possible precaution has been planned to prevent leakage and to limit the effects in the event a leak should occur. Safeguards against spillage include remote control cutoff valves and emergency procedures to deal with virtually any

catastrophe. Additionally, provisions have been made to insure that the maritime leg of the Alaskan route will be operated more safely than any other marine transport system functioning to date. The Magnuson amendments will further strengthen environmental controls.

Second, the Alaskan route is economically preferable. The Canadian Government has specified that any pipeline through Canada must be managed by Canadians, 50 percent owned by Canadians, and at least 50 percent devoted to transporting oil to Canadian markets.

Moreover, it would cost billions more to construct, delay revenue to the State of Alaska and to Alaska Natives under the Alaska Native Claims Settlement Act, and deprive Americans of construction and shipbuilding employment. The line is expected to take 3 years to build and will employ between 5,000 and 10,000 men during actual construction—however, a study published last year estimated that the project will result in the employment of a total of 18,000 additional workers in Alaska in 1975.

Third, the 7- to 10-year delay we can expect before a Canadian line can be put into operation is intolerable in light of the urgent need for North Slope oil in the United States, and even that timing is doubtful.

The trans-Alaska pipeline should be built and it should be built now. Accordingly, I support congressional action to widen the right-of-way limitations, declare that the requirements of the National Environmental Policy Act have been satisfied, and preclude further judicial delay of the project.

S. 1081, as reported, however, contains one cause for particular concern articulated in the additional views of Senators BUCKLEY, MCCLURE, and BARTLETT. That feature is the discretionary authority granted to the Secretary of the Interior or agency head to impose terms and conditions on right-of-way permits.

Specifically, section 104(c) of the reported bill authorizes—

> Such terms and conditions as the Secretary or agency head may prescribe regarding extent, duration, survey, location, construction, maintenance, and termination.

Section 104(d) of the reported bill delegates to the Secretary or agency head broad authority to impose stipulations.

Section 104(f) delegates to the Secretary or agency head the authority to decide whether or not an applicant for a right-of-way permit will be required to "reimburse the United States for all reasonable administrative and other costs incurred in processing an application."

Section 104(h) authorizes the Secretary or agency head to require a right-of-way holder to "furnish a bond, or other security, satisfactory to the Secretary or agency head."

Section 105 specifies that "each right-of-way shall contain such terms and conditions as the Secretary or agency head deems necessary."

Other provisions of the reported bill authorize the Secretary to require from the right-of-way applicant unlimited information concerning the nature of the business activity, a part of which happens to involve the need for a right-of-way across Federal lands.

My colleagues pointed out that such wholesale delegation of authority extends far beyond that needed to insure protection of the public lands. This is one feature of the bill which I would hope to see amended. I understand the Senators intend to propose such an amendment.

As the Senator from Oklahoma (Mr. BARTLETT) emphasized in his own additional views, we have delayed far too long on this matter, and have perhaps failed to "set the proper feeling of urgency that should be associated with our energy crisis."

I urge that S. 1081 be seriously and carefully considered and that the Senate pass this bill. I repeat: This is the first legislative measure to reach the floor this year which could potentially have the effect of increasing energy supplies. That reason alone should be sufficient to warrant its passage.

In conclusion, Mr. President, I mention four important considerations.

(1) Early construction of an Alaskan pipeline is in the national interest because (i) it will reduce dependence on Middle East oil during a period when many Arab countries are willing to use their strong bargaining position to affect our foreign policy, (ii) it will reduce the dollar outflow and thereby protect strength of the dollar, (iii) it will create many U.S. jobs in construction and maritime industries (it should be noted that Labor strongly supports Alaska pipeline).

(2) The Canadian pipeline is not a viable alternative because (i) the minority Canadian government cannot grant a permit because of economic, nationalistic, and environmental opposition, (ii) the companies that own Alaska oil don't want to go through Canada and it would take several years to put together a new deal and get prepared to construct the Canada line even if the Canadian government would grant a permit, (iii) *at least a 5-year delay* is involved *if the Alaskan pipeline is disapproved in favor of a non-existent Canadian route.*

(3) Even if a pipeline could be built through Canada it will *not* mean lower prices in the Midwest following changes in the import program effectuated by the President's Energy Message.

(4) The best approach for the entire U.S. is to build first a pipeline through Alaska, which will encourage increased exploration in the Arctic, and then work with Canada for construction of a gas pipeline and then a second oil line to the Midwest as soon as possible.

ORDER FOR YEAS AND NAYS ON EAGLETON AMENDMENT TO S. 2047

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the amendment by the Senator from Missouri (Mr. EAGLETON) to the bill, S. 2047.

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

Mr. ROBERT C. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are ordered.

TRANSIT LINES TO DULLES AND FRIENDSHIP AIRPORTS

The PRESIDING OFFICER. The hour of 2:30 having arrived, the Senate will resume the consideration of S. 2047, to authorize a Federal payment 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.

The PRESIDING OFFICER. The vote on the Eagleton amendment is in order. 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 Alabama (Mr. ALLEN), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Indiana (Mr. HARTKE), the Senator from Colorado (Mr. HASKELL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY), are necessarily absent.

I further announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. McGEE) and the Senator from Alabama (Mr. SPARKMAN), are absent on official business.

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

I further announce that the Senator from North Carolina (Mr. ERVIN) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Florida (Mr. CHILES), the Senator from Washington (Mr. MAGNUSON), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea".

I also announce that the Senator from Illinois (Mr. STEVENSON) would vote "nay".

Mr. SCOTT of Pennsylvania. I announce that the Senator from Kansas (Mr. DOLE) and the Senator from Michigan (Mr. GRIFFIN) are absent on official business.

The Senator from Vermont (Mr. AIKEN), the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Nebraska (Mr. HRUSKA), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS) and the Senator from Illinois (Mr. PERCY) are necessarily absent.

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay".

The result was announced—yeas 29, nays 34, as follows:

[No. 269 Leg.]

YEAS—29

Brock	Hollings	Pastore
Brooke	Huddleston	Proxmire
Burdick	Johnston	Randolph
Cannon	Mansfield	Symington
Clark	McGovern	Taft
Eagleton	Mondale	Talmadge
Fulbright	Montoya	Weicker
Gravel	Muskie	Williams
Gurney	Nelson	Young
Hart	Nunn	

NAYS—34

Bartlett	Domenici	Pearson
Beall	Dominick	Ribicoff
Bentsen	Fannin	Roth
Biden	Hathaway	Saxbe
Buckley	Helms	Schweiker
Byrd, Harry F., Jr.	Hughes	Scott, Fa.
Byrd, Robert C.	Jackson	Scott, Va.
Case	McClellan	Stafford
Cook	McClure	Stevens
Cotton	McIntyre	Thurmond
Curtis	Metcalf	Tower
	Packwood	

NOT VOTING—37

Abourezk	Ervin	Long
Aiken	Fong	Magnuson
Allen	Goldwater	Mathias
Baker	Griffin	McGee
Bayh	Hansen	Moss
Bellmon	Hartke	Pell
Bennett	Haskell	Percy
Bible	Hatfield	Sparkman
Chiles	Hruska	Stennis
Church	Humphrey	Stevenson
Cranston	Inouye	Tunney
Dole	Javits	
Eastland	Kennedy	

So Mr. EAGLETON's amendment was rejected.

The PRESIDING OFFICER. The bill is open to amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2047) was ordered to be engrossed for a third reading, and was read the third time.

Mr. DOMINICK. Mr. President, I rise in support of S. 2047. This bill authorizes funds for use in planning a transit line in the median of the Dulles Airport Road from the vicinity of Virginia Highway Route 7 on the K Route of the Adopted Regional System to Dulles Airport.

As a matter of fact, I testified in favor of this legislation last year before the Senate Commerce Committee.

In order to achieve full utilization of the facilities at Dulles, a means of rapid and inexpensive transportation must be provided. Enactment of the bill would help to accomplish this objective.

Studies indicate that a passenger would be able to travel from downtown Washington to Dulles in 5 minutes at an estimated fare of $1.35 even at times when an automobile might be involved in congested traffic conditions.

This system would extend from the main metro system just north of Falls Church to the airport. Without this method of transportation, the Federal Government will be required to continue large expenditures for the deficits incurred at Dulles.

Present plans provide for a rapid rail to National Airport in the near future. Without a corresponding facility for Dulles, existing problems for the use of both airports would be aggravated. Based on information available, construction of a rapid rail to Dulles would accomplish several desirable objectives:

First. Assure the complete and expanded use of the facilities at Dulles Airport, thereby reducing the annual deficit;

Second. Provide a fast, convenient, and inexpensive link between our Capital and all other areas of national and international transportation; and

Third. Minimize the existing noise and air pollution problems and decrease traffic congestion and safety hazards at National Airport.

Mr. President, as I have said on many occasions on this floor and in committee, Dulles is badly underused and National badly overused. I have even put in a bill banning all but twin-engine jets from using National. As a pilot for some 38 years, it is my opinion that Dulles is the best jet airport in the country and National is the worst. The present bill may be the best method of changing this relationship.

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 second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Alabama (Mr. ALLEN), the Senator from Nevada (Mr. BIBLE), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Indiana (Mr. HARTKE), the Senator from Colorado (Mr. HASKELL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. STEVENSON), the Senator from California (Mr. TUNNEY), and the Senator from Indiana (Mr. BAYH) are necessarily absent.

I further announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), and the Senator from Alabama (Mr. SPARKMAN) are absent on official business.

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Mr. SCOTT of Pennsylvania. I announce that the Senator from Kansas (Mr. DOLE) and the Senator from Michigan (Mr. GRIFFIN) are absent on official business.

The Senator from Vermont (Mr. AIKEN), the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Nebraska (Mr. HRUSKA), the Senator from New York (Mr. JAVITS), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 46, nays 18, as follows:

[No. 270 Leg.]

YEAS—46

Beall	Gurney	Randolph
Bentsen	Hart	Ribicoff
Brock	Hathaway	Saxbe
Brooke	Hughes	Schweiker
Buckley	Jackson	Scott, Pa.
Burdick	Mathias	Scott, Va.
Cannon	McClellan	Stafford
Case	McGovern	Stevens
Clark	McIntyre	Symington
Cook	Metcalf	Taft
Cotton	Mondale	Thurmond
Domenici	Montoya	Weicker
Dominick	Muskie	Williams
Eagleton	Nelson	Young
Fulbright	Packwood	
Gravel	Pearson	

NAYS—18

Bartlett	Helms	Pastore
Biden	Hollings	Proxmire
Byrd, Harry F., Jr.	Huddleston	Roth
Byrd, Robert C.	Johnston	Talmadge
Curtis	Mansfield	Tower
Fannin	McClure	
	Nunn	

NOT VOTING—36

Abourezk	Eastland	Javits
Aiken	Ervin	Kennedy
Allen	Fong	Long
Baker	Goldwater	Magnuson
Bayh	Griffin	McGee
Bellmon	Hansen	Moss
Bennett	Hartke	Pell
Bible	Haskell	Percy
Chiles	Hatfield	Sparkman
Church	Hruska	Stennis
Cranston	Humphrey	Stevenson
Dole	Inouye	Tunney

So the bill (S. 2047) was passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Capital Transportation Act of 1969, approved December 9, 1969 (83 Stat. 320), is hereby amended by adding at the end thereof the following new sections:

"SEC. 9. (a) The Secretary of Transportation shall make payments to the Transit Authority in such amounts as may be requisitioned from time to time by the Transit Authority sufficient, in the aggregate, to finance the cost of designing and other necessary planning for a rail rapid transit line in the median of the Dulles Airport Road from the vicinity of Virginia Highway Route 7 on the K Route of the Adopted Regional System to the Dulles International Airport.

"(b) The transit line authorized to be planned in subsection (a) of this section shall include appropriate station facilities at the Dulles Internatinal Airport and at the point of intersection with the Adopted Regional System.

"(c) Upon completion of the transit line authorized to be planned in this section, all transit facilities and the underlying real estate interests appurtenant thereto shall become the property of the Transit Authority and shall be operated by such Authority.

"(d) It is the intent of the Congress in enacting this section that the transit line

authorized to be planned in this section be designed and constructed as soon as practicable following the date of the enactment of this section.

"SEC. 10. (a) The Secretary of Transportation is authorized and directed to contract with the Transit Authority for a comprehensive study of the feasibility, including preliminary engineering, of extending a rail rapid transit line in the median of the Baltimore-Washington Expressway from the proposed Greenbelt Road Metro Station area near the Baltimore-Washington Expressway to the Friendship International Airport.

"(b) The study to be undertaken pursuant to subsection (a) of this section shall be completed within six months after execution of the contract authorized therein.

"SEC. 11. There is authorized to be appropriated to the Secretary of Transportation, without fiscal year limitation, not to exceed $10,000,000 to carry out the purposes of sections 9 and 10. The appropriations authorized in this section shall be in addition to the appropriations authorized by section 3(c) of this Act.".

Mr. BIDEN subsequently said: Mr. President, I have today voted against a bill, S. 2047, which would authorize $10,000,000 to plan for a high speed rail line to Dulles Airport and to study the feasibility of a similar line to Friendship International Airport. The planning will cost $10 million and the construction of just the Dulles line is expected to be $90 million. Knowing the way construction costs escalate, it will probably be much higher than that. While I have actively supported other proposals before the Senate for mass transit, I could not in good conscience support this one.

This is a year in which the Senate is going to have to make hard decisions as to what the Nation's fiscal priorities should be. With our limited financial resources, we just are not going to be able to do everything we would like to do. Under the circumstances, I felt that this was not a justifiable national priority.

This proposed mass transit project benefits only a specific group of people who use the airways as a means of travel. There are many other mass transit projects throughout the country which would service a significantly larger segment of the population and are more badly needed. In addition all of the other federally assisted transit projects around the country, the local governments bear a portion of the cost. Even Maryland and Virginia have paid for a portion of the regular Metro system, but under this bill would not pay for these proposed extensions of that system.

In the light of the crying need for funds for mass transit throughout the country, I cannot believe that it is right for Congress to completely subsidize one special project which will serve relatively few people. I would much rather see this kind of money made available nationally on a matching basis so that Delaware and other States might have some chance of securing additional funds for mass transit.

I supported the opening of the highway trust fund for mass transit projects and I hope that this provision of the Highway Act will prevail. In fact, if this proposed project were to go forward, I would think it should be financed from highway trust funds. But, frankly, I do not believe it should go forward out of any funds on the basis set forth in S. 2047.

Finally, I would point out that the Highway Act as approved by the Senate (S. 502) contains a provision for a high speed bus demonstration project between Washington and Dulles International Airport. This seems to me to be a more practical approach and one that should be tried before moving to the costly capital improvements required by a rail system.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 275, 278, and 281.

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

AMENDMENT OF THE FEDERAL SALARY ACT OF 1967

The bill (S. 1989) to amend section 225 of the Federal Salary Act of 1967 with respect to certain executive, legislative, and judicial salaries was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 225 of the Federal Salary Act of 1967 is amended as follows:

(1) Strike out the first sentence of subsection (b)(3) and insert in lieu thereof the following: "After the close of the 1969 fiscal year of the Federal Government, persons shall be appointed as members of the Commission with respect to the 1973 fiscal year and every second fiscal year thereafter."

(2) In subsection (f)(A), immediately before "and", insert the following: "Delegates to the House of Representatives,".

(3) In subsection (f), strike out subparagraph (E) and insert in lieu thereof the following:

"(E) the Vice President of the United States, the Speaker of the House of Representatives, the President pro tempore of the Senate, and the majority and minority leaders of the Senate and House of Representatives, except that the review of rates of pay of positions included in this subparagraph shall be made commencing with fiscal year 1975."

(4) In subsection (g)—

(A) strike out "and (D)" and insert in lieu thereof "(D), and (E)"; and

(B) strike out the last sentence and insert in lieu thereof the following: "Commencing with respect to fiscal year 1973, each such report shall be submitted on such date as the President may designate during the period from January 1 through June 30 of the fiscal year in which the review is conducted by the Commission."

(5) Subsection (h) is amended to read as follows:

"(h) RECOMMENDATIONS OF THE PRESIDENT WITH RESPECT TO PAY.—Commencing in 1973, the President shall transmit to Congress, not later than the August 31 first occurring after the submission of the report and recommendations of the Commission under subsection (g) of this section, his recommendations with respect to the exact rates of pay which he deems advisable, for those offices and positions within the purview of subparagraphs (A), (B), (C), (D), and (E) of subsection (f) of this section (including recommendations to be effective in fiscal year 1974 in accordance with subsection (i) of this section with respect to positions included in such subparagraph (E))."

(6) Paragraph (1) of subsection (i) is amended to read as follows:

"(1) Except as provided in paragraph (2) of this subsection, all or part (as the case may be) of the recommendations of the President transmitted to the Congress under subsection (h) of this section shall become effective at the beginning of the first pay period which begins after thirty calendar days of continuous session of Congress following transmittal of such recommendations; but only to the extent that, between the date of transmittal of such recommendations and the beginning of such first pay period—

"(A) there has not been enacted into law a statute which establishes rates of pay other than those proposed by all or part of such recommendations;

"(B) neither House of the Congress has passed a resolution which specifically disapproves all or part of such recommendations; or

"(C) both.

The continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period."

OCEAN POLICY STATEMENT

The Senate proceeded to consider the resolution (S. Res. 82) endorsing the objectives of the President's ocean policy statement which had been reported from the Commitee on Foreign Relations with an amendment on page 3, line 8, after the word "coastal", where it appears the first time, strike out "zone" and insert "State".

The amendment was agreed to.

The resolution, as amended, was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 82

Whereas the oceans cover 70 per centum of the earth's surface, and their proper use and development are essential to the United States and to the other countries of the world;

Whereas Presidents Nixon and Johnson have recognized the inadequacy of existing ocean law to prevent conflict, and have urged its modernization to assure orderly and peaceful development for the benefit of all mankind;

Whereas the United States Draft Seabed Treaty of August 1970 offers a practical method of implementing these goals;

Whereas a Law of the Sea Conference is scheduled to convene in November-December 1973, preceded by two preparatory meetings of the United Nations Seabed Committee;

Whereas it is in the national interest of the United States that this conference should speedily reach agreement on a just and effective ocean treaty: Now, therefore, be it

Resolved, That the Senate endorses the following objectives, envisioned in the President's ocean policy statement of May 23, 1970, and which are now being pursued by the United States delegation to the Seabed Committee preparing for the Law of the Sea Conference—

(1) protection of—

(a) the freedoms of the high seas, beyond a twelve-mile territorial sea, for navigation, communication, and scientific research, and

(b) free transit through and over international straits;

(2) recognition of the following international community rights:

(a) protection from ocean pollution,
(b) assurance of the integrity of investments,
(c) substantial sharing of revenues derived from exploitation of the seabeds particularly for the benefit of developing countries,
(d) compulsory settlement of disputes, and
(e) protection of other reasonable uses of the oceans,
beyond the territorial sea including any economic intermediate zone (if agreed upon);
(3) an effective International Seabed Authority to regulate orderly and just development of the mineral resources of the deep seabed as the common heritage of mankind, protecting the interests of both developing and developed countries;
(4) conservation and protection of living resources with fisheries regulated for maximum sustainable yield, with coastal "zone" *State* management of coastal and anadromous species, and international management of such migratory species as tuna.

SEC. 2. The Senate commends the United States delegation to the Seabed Committee preparing for the Law of the Sea Conference for its excellent work, and encourages the delegation to continue to work diligently for early agreement on an ocean treaty embodying the goals stated in section 1.

RESEARCH ON AGING ACT OF 1973

The Senate proceeded to consider the bill (S. 775) to amend the Public Health Service Act to provide for the establishment of a National Institute on Aging which had been reported from the Committee on Labor and Public Welfare with amendments on page 1, line 5, after the word "of", strike out "1972" and insert "1973"; on page 3, line 10, after the word "National", insert "Institute on Aging"; in line 11, strike out "On Aging"; at the beginning of line 13, insert "Institute on Aging"; in the same line, after the word "Council", strike out "On Aging"; in line 14, after the word "on", strike out "programs relating to the aged which are administered by him and on those"; on page 4, line 8, after the word "to", strike out "programs for the aged" and insert "functions of the Institute"; on page 6, line 7, after the word "program", strike out "designed"; in line 10, after the word "be", insert "designed"; and, at the beginning of line 13, insert "designed to be"; so as to make the bill read:

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Research on Aging Act of 1973".

FINDINGS AND DECLARATION OF PURPOSES

SEC. 2. The Congress hereby finds and declares—
(1) that the study of the aging process, the one biological condition common to all, has not received research support commensurate with its effects on the lives of every individual;
(2) that, in addition to the physical infirmities resulting from advanced age, the economic, social, and psychological factors associated with aging operate to exclude millions of older Americans from the full life and the place in our society to which their years of service and experience entitle them;
(3) that recent research efforts point the way toward alleviation of the problems of old age by extending the healthy middle years of life;
(4) that there is no American institution that has undertaken, or is now capable of undertaking, comprehensive systematic and intensive studies of the biomedical and behavioral aspects of aging and the related training of necessary personnel;
(5) that the establishment of a National Institute on Aging within the National Institutes of Health will meet the need for such an institution.

SEC. 3. Title IV of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART G—NATIONAL INSTITUTE ON AGING

"ESTABLISHMENT OF NATIONAL INSTITUTE ON AGING

"SEC. 461. The Secretary shall establish in the Public Health Service an institute to be known as the National Institute on Aging (hereinafter in this part referred to as the 'Institute') for the conduct and support of biomedical, social, and behavioral research and training relating to the aging process and the diseases and other special problems and needs of the aged.

"NATIONAL INSTITUTE ON AGING ADVISORY COUNCIL

"SEC. 462 (a) The Secretary shall establish a National Institute on Aging Advisory Council to advise, consult with, and make recommendations to him on matters which relate to the Institute.

"(b) The provisions relating to the composition, terms of office of members, and reappointment of members of advisory councils under section 432(a) shall be applicable to the Advisory Council established under this section, except that the Secretary may include on such Advisory Council such additional ex officia members as he deems necessary. The Secretary shall appoint to the Council leading medical or scientific authorities skilled in aspects of the biological and the behavioral sciences related to aging.

"(c) Upon appointment of such Advisory Council, it shall assume all, or such part as the Secretary may specify, of the duties, functions, and powers of the National Advisory Health Council relating to programs for the aged with which the Advisory Council established under this part is concerned and such portion as the Secretary may specify of the duties, functions, and powers of any other advisory council established under this Act relating to *functions of the Institute.*

"FUNCTIONS

"SEC. 463. (a) The Secretary shall, through the Institute, carry out the purposes of section 301 with respect to research, investigations, experiments, demonstrations, and studies related to the aging process and the diseases and other special problems and needs of the aged, except that the Director of the National Institute of Health shall determine the area in which and the extent to which he will carry out such activities in furtherance of the purposes of section 301 through the Institute or another institute established by or under other provisions of this Act, or both of them, when both such institutes have functions with respect to the same subject matter, and shall be responsible for coordinating such activities so as to avoid unproductive and unnecessary overlap and duplication of such functions. The Secretary may also provide training and instruction and establish traineeships and fellowships, in the Institute and elsewhere, in matters relating to study and investigation of the aging process and the diseases and other special problems and needs of the aged. The Secretary may provide trainees and fellows participating in such training and instruction or in such traineeships and fellowships with such stipends and allowances (including travel and subsistence expenses) as he deems necessary, and, in addition, provide for such training, instruction, and traineeships and for such fellowships through grants to public or otner nonprofit institutions. In carrying out his health manpower training responsibilities under the Public Health Service Act or any other Act, the Secretary shall take appropriate steps to insure the education and training of adequate numbers of allied health, nursing, and paramedical personnel in the field of health care for the aged.

"(b) The Secretary shall, through the Institute, conduct scientific studies to measure the impact on the biological, medical, and psychological aspects of aging of all programs and activities assisted or conducted by him.

"(c) The Secretary, through the Institute, shall carry out public information and education programs designed to disseminate as widely as possible the findings of Institute sponsored and other relevant aging research and studies, and other information about the process of aging which may assist elderly and near-elderly persons in dealing with, and all Americans in understanding, the problems and processes associated with growing older.

"SEC. 464. (a) The Secretary, in consultation with the Institute (acting through the Council) and such other appropriate advisory bodies as he may establish, shall within one year after the effective date of this section develop a plan for an aging research program to coordinate and promote research into the biological, medical, psychological, social, educational, and economic aspects of aging. Such program shall be *designed to be* carried out, as to research involving the functions of the Institute, primarily through the Institute, and as to other research shall be *designed to be* carried out through any other institute established by or under other provisions of this Act or through any appropriate agency or other organization unit within the Department of Health, Education, and Welfare.

"(b) The plan required by subsection (a) of this section shall be transmitted to the Congress and the President and shall set forth the staffing and funding requirements to carry out the program contained therein."

The amendments were agreed to.

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

FEDERAL LANDS RIGHT-OF-WAY ACT OF 1973

The Senate resumed the consideration of the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment.

Mr. GRAVEL. Mr. President, before launching into my main statement, I should like to compliment the chairman of the Committee on Interior and Insular Affairs, the Senator from Washington (Mr. JACKSON) for his diligent leadership in this very important area. He has been referred to as "Mr. Energy" in this country and, I think, with great merit. Certainly no one is more knowledgeable of the subject at hand than he. He has been occupied with the subject for many years and has a comprehension of the totality of the needs of this country in that regard.

The legislation he has come forth with today contains two very important

sections, 1 and 2. Section 1 would relieve about 80 percent of the pipelines in this country from the jeopardy they now face. It is a very fine section, as is section 2, which initiates negotiations with our good neighbor, Canada, for the development of a Canadian route in as soon a period as can be arrived at.

DOLLARS AND ENERGY—DOMESTIC AND INTERNATIONAL CRISES

I. THE ENERGY CRISIS TODAY

Mr. President, there can no longer be discussion as to whether the United States is faced with an energy crisis. The crisis is real, tangible, and here with us today. It is a crisis of our own making, to a large extent, and for that reason we must assume an aggressive role in determining early solutions.

With just 6 percent of the world's population, the United States consumes a third of the Earth's total energy and mineral production. Our use of energy has developed without restriction, under no explicit policy and with little attempt made at efficient consumption. So that presently we find the United States a complex nation dependent in so many ways upon quickly diminishing sources of fuel.

If anything, our energy problems remain tremendously understated. Demand for energy, both national and worldwide, is expanding at such an unexpectedly rapid pace that total depletion of nonrenewable resources within this century may be unavoidable. Increases in population and technological progress form the basis of the dilemma.

For the United States a 50-percent increase in the 25- to 35-year-old age group and a 57-percent jump in per capita use of energy, a byproduct of our highly cybernated society, will concentrate the difficulties. Paralleling our domestic consumption explosion is an even more rapidly accelerating demand throughout the developing countries of the world. This rate is double that of the United States.

Some background information is essential before a discussion of the energy crisis may proceed. National energy consumption has increased almost as rapidly as the national economy, at an annual average rate of about 3 percent. But since 1965, the rate accelerated quickly to an average annual rate of 4.8 percent. Consumption is divided accordingly: industrial, 38.8 percent; electricity generation, 25.6 percent; transportation, 25 percent; and household and commercial, 20.6 percent.

Fossil fuels—coal, oil, and natural gas—supply the largest share of energy needs in the United States. Oil and gas have come to replace coal as a major supplier to the point that these fuels now contribute approximately 75 percent of the total gross energy consumption. Nuclear, hydroelectric, geothermal, and other sources make up the rest.

Domestic production of fossil fuels had remained at about the same level for the past few years and has not expanded adequately enough for increased demands. Instead, the United States has come to rely more and more on foreign imports, mostly from the Middle East, for its crude oil. In 1973 1.7 billion barrels, constituting 29 percent of the total national consumption level were imported.

Our estimates of future levels of importing will continue to be underestimated because of our constricted refinery capacity and its attendant lack of flexibility. The continued decrease in domestic gas will also continue to aggravate oil needs; because regulated wellhead price of natural gas has tended to encourage a flight of capital from this production area denying us the vitally needed domestic replacement stocks.

Additionally, environmental concerns have limited the use of high-sulfur fuels such as coal which, at one time, provided half of the Nation's energy needs. Low-sulfur fuels are scarce. The same concerns have delayed the siting and construction of energy facilities, including hydroelectric and nuclear reactor plants.

Experts glibly predict that in a dozen years our energy needs will double those of 1970. Clearly in the coming years we will have to deal with a series of energy crunches. The main effort will have to be a vectoring on the vast untapped reserves of fuel that we have within our own boundaries.

Over half the world's known coal reserves are in the United States. We have the potential resource of 810 billion barrels of recoverable oil, shale oil, and over 2,000 trillion cubic feet of natural gas. But also the effort must be aimed at an understanding of the disaster built into unrestricted growth. We will need considerable more imagination in our public policy if we are to experience the fruits of a cybernated society. In view of the fact that energy is the most important physical element in our society, the present situation could not be more ludicrous.

Schools and factories were closed or put on a three-day week in the Great Plains by power shortages this past winter. Homeowners in the Middle West had no heating fuel. Filling stations were put on such short allotments of gasoline that they could serve only regular customers and the police had to rescue stranded transients. Grain rotted on the ground for lack of propane gas for drying ovens, or was stranded on barges. Scheduled nonstop transcontinental flights took off with such light fuel tanks that they had to make intermediate stops to refuel.

Ironic touches underscored the power famine in this land of affluence. The University of Texas, which is endowed with hundreds of thousands of oil-rich areas, had to postpone the registration of 38,000 students in mid-January because there were insufficient deliveries of natural gas to operate its facilities.

That was last winter. This summer holds the bleak prospect of additional hardships. Electric utilities throughout the country have warned of impending brownouts and admit they will have to be lucky with the weather to prevent the brownouts from turning into blackouts. All sectors of the country have been touched by gasoline rationing; 1,020 filling stations had been closed by June 1.

Efforts are being made to establish that the current dilemma is a contrivance of major oil and gas suppliers. Somehow, there exists the notion that we can place the blame for our energy ills and punish the culprits. Such exercises are futile. An honest assessment of the energy crisis is imperative now so that we may avert a national paralysis that would result from continued shortfalls.

Prices of energy will inevitably increase due not only to extended inflation, but to additional decreases in the value of the dollar and likely increases in the price of crude oil from the Middle East. Knowledgeable sources predict that by 1980 oil from the Eastern Hemisphere may be costing $7.50 per barrel, compared to the present average cost of $3.70 per barrel. It is a reasonable estimate that the United States will be importing 60 percent of its oil from those sources by 1980.

In an effort to thwart these horrendous hikes in the cost of energy, we should not fall prey to hasty shortsighted reactions. The United States can, and should, develop a sound shortrun plan of action, that is, from now until 1990, and a foresighted and an imaginative long-term course of action to meet the energy needs not only of the United States but also of the world by providing the necessary breakthrough to new energy sources.

II. THE MIDDLE EASTERN SITUATION

The change in the U.S. energy posture from sufficiency to dependency forbodes increasing political and economic dangers. The crux of the energy and financial crisis in the United States is the increasing importation of oil and gas from the Middle East.

Statistics show that of our total consumption of petroleum products in 1972, we imported 27 percent. That figure is expected to rise to 33 percent in 1973, and to 60 percent by the end of this decade. Certainly these figures give us cause for grave concern, particularly so since our continued importation from the Middle East has a high degree of uncertainty.

Since 1970, Arab countries have doubled the price of oil. This escalation, which is steadily gaining momentum, was touched off by Col. Muammar al-Qaddafi, who seized power in Libya by a military coup in 1969. The following year Qaddafi demanded sharp increases in oil prices and the tax rates paid by Western European companies holding concessions in Libya. The companies resisted for seven months, but Qaddafi forced them to settle on his terms by cutting production from 3.3 million barrels per day to 800,000.

Arab leaders and their financial advisers are shrewd businessmen. They are the product of the Western world's finest universities. They are no different from American businessmen exercising their Yankee ingenuity and this means taking advantage of an economic situation to maximize their profits. As champions of the free enterprise system we cannot condemn the Arabs for their policies, much as we deplore the cost to us. Looking at the situation realistically, we have been their greatest teachers.

It was in 1959 and again in 1960 reacting to the economies of affluence that American oil companies forced a price reduction upon the Middle East oil producing countries. These actions prompted the reactions that gave birth to the Organization of Petroleum Exporting Countries—OPEC—by Saudi Arabia, Kuwait, Iran, Iraq, and Venezuela. This group, since expanded to include six ad-

ditional Arab countries and sheikdoms, has boosted the price of oil periodically and has issued blunt warnings that further increases will be imposed. In March, 1971 OPEC arbitrarily raised the price of exported oil to compensate for the devaluation of foreign currencies—a crisis exacerbated in no small degree by the OPEC's revenue of $16 billion in 1972. Conservative estimates are that the figure will rise to $50 billion by 1980.

Actually, oil has calmed the troubled waters of the Middle East. Arab governments in that area are more concerned with boosting their oil revenues than going to war with Israel. Propaganda against Israel and the United States for our support of that country is merely rhetoric to salve the injured pride of the Arab masses.

It is significant that Arab leaders retaliate faster and more violently against Palestinian guerrillas who try to disrupt the flow of oil than they do against Israeli attacks on their territory. When terrorists blew up two oil storage tanks owned by American companies in Beirut on April 14, 1973, the Lebanese Government risked a civil war by cracking down harshly on the guerillas who had instigated the sabotage. Similar reprisals were made against the guerrillas who cut the pipeline from Saudi Arabia to the Mediterranean after the clash with Israel in 1967.

A movement fomented by Colonel Nasser to bar oil shipments to the United States after the Six-day War was a dismal failure. Oil producing Arab countries valued American money above venting their frustrations after four military defeats by Israel.

We have, however, no assurance that politics will continue to be subordinated indefinitely to economic objectives. The greater economic independence they acquire the greater will be the temptation to use the oil as a political wedge. In recent months there have been some disturbing signs. Governments are demanding more revenue and control of foreign companies holding oil concessions. There were ominous overtones of an impending showdown in March when Sheik Ahmed Zaki al-Yamani, the very able financial adviser to King Faisal, of Saudi Arabia, declared that resistance to OPEC's price policies will mean "war," in which case "all civilization and industries of consuming countries will be destroyed."

The muscle behind such saber rattling is oil revenues of seven Arab states that stagger belief. Authorities who are not in the habit of making absurd statements estimate the total will run as high as $1 trillion dollars during the next 30 years if the United States, Western Europe, and Japan are forced to rely on the Middle East for their oil.

Something more substantial than sheer fantasy has gone into that appraisal. In 1972, oil purchases in the Middle East added up to $8,777,000, a figure that will snowball in a geometrical progression at the projected rate of oil consumption in heavily industrialized nations. Information from international banking institutions indicate that the Middle East's monetary reserves increased more than 50 percent in 1972 alone. Saudi Arabia has tripled its central bank reserves to more than $2 billion in the last 2 years.

Some Arab governments are amassing more money than they can possibly use domestically. For example, Abu Dhabi, a tiny sheikdom on the Persian Gulf with a population of 49,000, had oil revenues last year of $497 million—a per capita income in excess of $10,000.

The mischief—or misery—such concentrations of wealth can cause if one extremist decides to push the panic button is nightmarish. The threat of an oil embargo hangs over every nation that is dependent on the Middle East. George A. Lincoln, Director of the Office of Emergency Preparedness, told the Senate Interior and Insular Affairs Committee in January:

> Certain of the oil states are acquiring large revenues which will eventually permit them to risk losses of revenue for considerable periods of time for political ends.

If the Arabs' domination of the world petroleum market is not challenged by intensive exploration for new sources, a handful of small states on the Persian Gulf will have every industrialized nation over a barrel—an oil barrel. Arab leaders can sit back and cripple targets of opportunity by refusing to sell them oil, a decision that could ruin the victim's domestic economy and its world trade.

The realization that a handful of rulers on the other side of the globe could cripple our quality of life through energy cutoffs or lay waste our economic system by the deliberate movement of the large quantities of dollar currency they can hold in ransom will have a devastating impact on the American people. I do not believe that they will accept it. The American public tacitly approved for several years—too many years—a bloody war in Southeast Asia for a principle that posed no immediate threat to our freedom and the quality of life we enjoy. It is alarming to contemplate the violent reaction of Americans when they cannot heat their homes adequately or secure enough gasoline to drive to work.

III. ECONOMICS—AND THE BALANCE-OF-PAYMENTS DEFICIT

In 1972 our balance-of-trade deficit totaled $6.1 billion and imported petroleum products accounted for fully 60 percent of it—$4 billion. This year the volume of imported petroleum products is running 20 percent higher and currently is supplying one-third of our consumption. If the present trend continues, there is no doubt that we will be calling upon the Middle East for 60 percent of the oil we need by the end of this decade. Expenditures for it will consequently amount to $10 billion annually. The rate of oil and gas consumption in the United States is increasing in such quantum leaps that by the mid-1980's our payments to the Arab countries could reach an untenable level, unless domestic sources of oil are developed. Sheer volume alone does not explain the rising torrent of dollars flowing to the Middle East. The increase in the price of oil has accelerated our flow of dollars, compounding our balance-of-payments problem.

The United States is particularly vulnerable to a dollar disaster. The Arabs have the power to dump their hoard of dollars on the international money market, setting off a devastating chain reaction. This dumping may not be mischievious since some of our finest American multinational corporations have done the same thing as a hedge toward devaluation of the dollar such as occured in February, causing a severe depression at home which, in turn would send shock waves throughout the world which could conceivably result in a world depression.

There are three possible approaches to the dilemma posed by the dollars we ransom abroad to alleviate our energy dependency.

The first is simply to increase our exports of other products—farm and industrial to offset our energy purchases. This approach is easily implemented with the U.S.S.R. in trade agreements which amount to barter. Also, this will work with nations like Iran, Venezuela, Canada, Kuwait, Iraq, and Libya—if united with Egypt—because their populations have consumptive appetites to essentially bring about a barter-type trade relationship with the United States. This would, however, require a little more aggressive commercialism, particularly in the Middle East, than the United States has exhibited in the past.

An extension of this approach, that is, "aggressive Yankee commercialism" in Europe and the Far East, in order to repatriate our dollars could be very destabilizing to both economic communities and not necessarily be in our own long-term economic interests.

As a footnote to this approach one should speculate as to whether or not the United States has the "elan vital" to become an export nation.

The second approach to our dollar drain would be repatriation through foreign dollar investments in the U.S. economy. This approach is the only viable solution to the problem occasioned by recipient dollar nations with small populations and low consumptive abilities. The United States will be buying the lion's share of its oil imports from these nations, Saudi Arabia and the Trucial States. The United States has very limited options for without these Arab investments in the U.S. economy, their money—or our dollar—will float to the money markets of Europe and intentionally or not raise havoc with the stability of the international dollar.

Mature Arab dollar managers will have to secure U.S. investments just as mature U.S. policymakers will have to permit it. The former has to place in perpetuity "the economic blessing of Allah." The income from a depletable resource has to be transformed into an annuity so that future generations of Arabs can similarly enjoy Allah's blessings. Investments in the stable and mature economies of developed nations affords this opportunity. Or for that matter, capital investments in developing economies requiring American products can also effect stable annuities.

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

Mr. GRAVEL. I yield.

Mr. STEVENS. Mr. President, I ask unanimous consent that Bud Walsh, assistant to the Senator from Washington (Mr. MAGNUSON) may be permitted access to the floor during consideration of the bill.

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

Mr. GRAVEL. Arab fiscal maturity is becoming quite visible

In 1970, the Union des Banque Arabes et Francaises grew out of a partnership formed by 23 Arab banks and Western European institutions. The UBA at last report held more than $700 million in deposits. A subsidiary in London, started only last June with the Midland Bank as a minority partner, already has deposits in excess of $200 million.

These syndicates are underwriting international issues and are reputed to hold a sizable portfolio of bonds, some of which represent the debts of many American companies. Obviously Arab fiscal maturity will have to be complimented by American maturity. In an outburst of monetary chauvinism, Arthur Burns, Chairman of the Federal Reserve Board, expressed grave concern about the burgeoning montary power of the Arab States. He has observed that the oil sheikdoms will be able to take over any U.S. industry simply by going to the stock market and buying up control of it. Saudi Arabia's foreign currency holdings are rising at a rate that could reach $30 billion in monetary reserves today. Through investments, Middle Eastern countries could gain control over sizable amounts of the American economy.

Overreaction to this fear could precipitate public policy measures that could restrict and eventually destroy our free enterprise system.

These fears are groundless for the simple reason that Arab dollar investments in the United States will not have the luxury of gunboat diplomacy to back up irresponsible actions. A luxury, unfortunately, we in the Western World have all too often enjoyed.

Arab dollar managers have no choice but to handle their U.S. investments maturely, a blessing to all parties.

There is, however, a more positive side to this. My recent conversations with Arab leaders convinced me that what they desire most is a classic commercial relationship with the United States—nothing more, nothing less. This requires a relationship between equals.

Businessmen in this country pursue a commercial relationship based on equality. Although the resources of one company may exceed another, they deal with each other because they can fulfill mutual needs. One company has goods or services and the other has money to spend for them.

It is this same type of relationship that the Arabs desire with the United States. One of the biggest roadblocks to this relationship may well be in the United States, not in the Middle East.

A good deal of our foreign policy, both economic and military, has been considerably based on imperialistic attitudes. Our ego, or machismo as some would say, persuades us that we know what is best for ourselves and the rest of the world. Thus, we have been accustomed to getting what we want from other countries at the price we have been willing to pay. A true relationship among equals has been out of character for us.

Although this has changed in recent years with our failures in Southeast Asia, attitudes die hard. Our commercial dealings with European nations, with Japan, and to an extent with the Soviet Union are beginning to develop more realistically. The credit for progress is not all ours since these nations have matured as a product of their own economic successes.

But when we deal with the other so-called developing nations of the world, the relationship among equals vanishes. We expect to get what we want, and what we think they want and need, on our terms, with little or no problem. What a shock it will be to our national ego, to find these tiny Arab nations will have the economic clout to talk to us as equals. Still more shocking is the fact that they want to invest like equals. The vestiges of our imperialism may prevent us from seeing this as a benefit to our Nation and its economy.

For it is our dollars they will use to invest here in the United States. The dollars that have been flowing out of the country to pay for oil we import, will return to this country in the form of capital invested in our industries. That this will improve our balance-of-payments posture should be obvious. But it will also supply us with capital to expand and develop our economy, creating jobs and employment.

Rather than being a danger this will be an insurance policy. We have been accustomed to using the words "deterrence" and "parity" in their military applications. In this case, the words have commercial application. A classic commercial relationship, a relationship of equals, based on a U.S. purchase of Arab oil and on Arab investments in this country, produces a mutuality of interest, a parity. Arab countries would be less likely to nationalize our holdings in their countries knowing that we could, and likely would, in turn, nationalize their interests here. Their investments act as deterrences to the oil blackmail that could take place in an effort to seek unfair advantage in the Arab-Israeli conflict.

This investment of Arab money in the United States can be good for us and for the Arabs. It will make available an investment market for the Arabs that will improve our balance-of-payments posture. It will provide each country with security for its investments. Most importantly, it will bring about commercial relationships between equals.

The key to this occurring is the attitude that must exist here in the United States and in the Arab world. We must both develop the maturity to set aside our outdated baggage. Of course, another and more obvious roadblock to this continuing commercial maturity is the Arab/Israeli conflict. This paper cannot begin to broaden upon that crucible of conflict other than to hope that time and the good will of all parties will someday permit a direct relationship among these Semitic peoples.

But for the goals chartered in this paper let me emphasize that the two approaches outlined above are but minor efforts to the solution of our energy crisis with occasions our financial crisis—the real dilemma before us.

In testifying before the Senate Interior and Insular Affairs Committee on May 3, in support of the trans-Alaska pipeline, the Honorable William E. Simon, Deputy Secretary of the Treasury, stated:

> The United States faces serious economic and monetary problems today because of our rapidly deteriorating balance of payments. We cannot afford to permit these deficits to go on mounting unnecessarily by delaying the development of already proven domestic resources.

We cannot afford to become increasingly dependent upon other countries by deliberately delaying the development of the largest find in U.S. oil history—Prudhoe Bay.

Mr. President, at this point I wish to have printed in the RECORD a table I have had prepared which shows oil transported from Alaska via the trans-Alaskan line, the northwest passage marine route the Canadian pipeline, the Canadian gas line, and the Alaskan gas line.

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

EFFECT OF ACCELERATING PRODUCTION OF NORTH SLOPE OIL AND GAS

	Oil*			Gas*		Dollars lost to foreign markets without Alaskan oil
	Trans-Alaskan Line	Northwest Passage*	Trans-Canadian Line	Canadian Gas Line [5]	Alaskan Gas Line [5]	
1977	[1] 219,000,000					1,095,000,000
1978	219,000,000			[6] 274,000,000		2,465,000,000
1979	[2] 438,000,000	[4] 219,000,000		[6] 274,000,000		4,655,000,000
1980	438,000,000	[4] 219,000,000		[6] 274,000,000		4,655,000,000
1981	[3] 730,000,000	[4] 219,000,000		[6] 274,000,000	[7] 109,500,000	6,662,500,000
1982	[2] 730,000,000	[4] 219,000,000	[1] 219,000,000	[6] 274,000,000	[7] 109,500,000	7,757,500,000
1983	[3] 730,000,000	[4] 219,000,000	219,000,000	[6] 274,000,000	[7] 109,500,000	7,757,500,000
1984	[3] 730,000,000	[4] 219,000,000	[3] 438,000,000	[6] 274,000,000	[7] 109,500,000	8,852,500,000
1985	[3] 730,000,000	[4] 219,000,000	438,000,000	[6] 274,000,000	[7] 109,500,000	8,852,500,000
1986	[3] 730,000,000	[4] 219,000,000	[3] 730,000,000	[6] 274,000,000	[7] 109,500,000	10,312,500,000
1987	[3] 730,000,000	[4] 219,000,000	[3] 730,000,000	[6] 274,000,000	[7] 109,500,000	10,312,500,000
1988	[3] 730,000,000	[4] 219,000,000	[3] 730,000,000	[6] 274,000,000	[7] 109,500,000	10,312,500,000
1989	[3] 730,000,000	[4] 219,000,000	[3] 730,000,000	[6] 274,000,000	[7] 109,500,000	10,312,500,000
1990	730,000,000	219,000,000	730,000,000	274,000,000	109,500,000	10,312,500,000
Total	8,614,000,000	2,628,000,000	4,964,000,000	3,562,000,000	1,095,000,000	104,315,000,000

[1] 600,000 barrels per day.
[2] 1,200,000 barrels per day.
[3] 2,000,000 barrels per day.
[4] 3 supertankers weekly, 1,500,000 barrels' capacity per tanker.
[5] Oil equivalencies.
[6] 4,500,000 000 cu. fl. per day.
[7] 1,800,000,000 cu. fl. per day.

*Estimated reserves in the Prudhoe Bay area are 10 to 40,000,000,000 barrels of oil and 26 to 30,000,000,000,000 cubic feet of gas. Use of the Northwest Passage could be realized as additional fields are opened on the North Slope after pipeline construction begins.

Mr. GRAVEL. Mr. President, the end of the chart shows the translation of this production into dollars from the year 1977 to the year 1990. The total amount of dollars that would be saved to this country by production only in Alaska would be in excess of $100 billion. In other words, production based upon conservative estimates—about 20 billion barrels of oil—we could save $100 billion in balance of payments.

An understanding of this chart and the impact it would have on our balance of payments and the solvency of this Nation should cause the leaders in this country to vote for and support the immediate construction of the Alaskan pipeline.

There is only one way to stop the adverse balance of payments plaguing us that is to stop them. In order for this Nation to avoid bankruptcy, we must avoid the quantity of imports necessitated by our energy needs. We have to produce as much energy as possible domestically.

The significance of our North Slope energy potential is not just the 2 million barrels per day that could someday be delivered through an Alaska pipeline. Nor is it the 10 billion barrel proven reserves in the Prudhoe Bay field. Alaska has far greater potential reserves. Projections indicate that the North Slope has potential reserves of as much as 80 billion barrels. Thus, we might someday achieve an Alaska production of 5 to 8 million barrels per day.

This, in turn, could possibly reduce our first round balance of trade outflows by $7 to $10 billion per year. Production at maximum rates would also materially strengthen our bargaining position with producing countries and increase our ability to meet any supply disruptions with minimum adverse economic consequences. It could, in short, go a long way toward solving our energy and financial problems.

IV. TRANS-ALASKA VERSUS TRANS-CANADA

Contrived obstacles blocking the trans-Alaska pipeline are adding $6 million a day—every day—to this country's balance-of-payments deficits. Oil from Alaska's North Slope can be a tourniquet on the dollar drain that is, and will continue to, bleed the Nation white. Failure to apply the tourniquet is indefensible in view of the worsening situation.

With the background of political problems of the oil producing/exporting countries of the Middle East. our critical energy shortage, the balance of payments dilemma, and Alaska's need for revenue from oil and gas production, the most imperative measure, unquestionably is the immediate start of the construction of oil and gas pipelines from the North Slope of Alaska to the Port of Valdez for transshipment of fuels to the West Coast. The largest oil field ever discovered on this continent was found on the North Slope in February, 1968. Yet more than 5 years later not a single barrel of that oil has been delivered from Alaska despite mounting shortages in the lower 48 States. We are caught up in an energy crunch that is worsening each day.

The trans-Alaska pipeline has been held up through court action to determine the adequacy of an environmental study of the pipeline. The opponents of the trans-Alaska pipeline have recently altered their positions to the extent they are willing to admit that a trans-Canadian pipeline and in so doing have ignored a whole series of problems and constraints that would frustrate construction of an oil line through Canada for a minimum of 10 years.

The Mackenzie Valley Pipe Line Research Ltd. conducted a preliminary feasibility study—and that is exactly what it is, a preliminary feasibility study in 1972 for a trans-Canada line.

The study lists eight conclusions, the third of which states:

> It can be designed, built, and begin operation within a period of four years after a final decision to proceed, providing final approvals are granted within the first year.

Few would argue that a trans-Canada pipeline is not technically feasible and that it cannot be built and operated without major or irreparable damage to the Arctic environment. These conclusions were previously reached in the comprehensive engineering and environmental study conducted on the trans-Alaska pipeline which is the model for Arctic construction, and will undoubtedly be the model for construction of all future pipelines in the United States, if not the world.

The problem of construction of a trans-Canada line is one of timing—against a backdrop of a national energy shortage and our balance-of-payments position. The overriding factor in timing is that construction of the trans-Alaska pipeline can get underway within 90 days after the right-of-way question and environmental roadblocks have been cleared, and completed within 3 years.

The problems and constraints on construction of a Canadian line are many, and time estimates have ranged from 7 to 12 years. While our energy crisis will worsen during the estimated 3 years of construction time for a trans-Alaska pipeline, what will the full impact be to our Nation if we wait 7 years for a trans-Canada line? Or 10 years? Or 12 years?

What are the problems and constraints dealing with the proposed trans-Canada route? They include political, economic, logistic, nationalistic, and environmental considerations involving the Canadian Federal and Provincial Governments and lengthy negotiations between the United States and Canada. Other time-consuming problems will deal with comprehensive engineering and environmental studies, and settlement of Canadian native land claims.

Many proponents of the trans-Canada route have armed themselves with out-dated quotations of responsible Ministers of Canada that appear to favor the building of an oil pipeline down the Mackenzie Delta. There is little doubt in my mind that eventually the Canadians will become convinced that an oil pipelined down the delta is needed. However, at the present time Canada does not even have an energy policy that deals effectively with the question of northern resources and pipeline development, The Canadians, however, have been devising policy options. On January 24, 1973, the Honorable Donald S. Macdonald, Canada's Minister of Energy, Mines and Resources, stated that within the next 6 months he planned to table in Parliament studies which would be the basis of a review of an energy policy for Canada.

In a recent interview with a Canadian oil industry publication, entitled "Oilweek," Minister Macdonald discussed four basic approaches that would be included in the energy statement: first, maximum energy development; second, optimum environmental considerations; third, ultimate conservation; and fourth, continuing development along current lines.

Prime Minister Trudeau has said he expects that the energy policy which will result from discussion of the above options and other studies being presented in the energy policy statements is still a year away. Such a policy must be developed in careful cooperation with the Provinces of Canada when formulating its own. Minister Macdonald specifically points out in his discussions of January 24, when he said:

> Since so much of Canadian energy resources are under the control and jurisdiction of the Canadian Provinces, it is not possible for a Canadian Federal Government to enunciate a comprehensive policy on its own. Rather, what we will be doing is to put before the public, and other levels of government, an analysis of the Canadian energy scene as we see it, the implications in terms of the economy and the environment, and then use this as a basis upon which to attempt to achieve a national concensus on energy objectives.

This was demonstrated forcefully in recent months when a dispute broke out between Alberta, Canada, the main energy-producing Province, and Ontario, the main energy-consuming Province. Alberta successfully denied increased gas exports from that Province to Ontario because they were not satisfied with the current wellhead price in their Province. This illustrates the ability of a single Province to frustrate national objectives and this ability would certainly play a large role in any negotiations that might take place between the United States and Canada.

Aside from the problem of Canada developing a coherent energy policy, it is extremely naive to assume that environmentalists and nationalists will not vigorously oppose the construction of an oil pipeline down the Mackenzie Delta. Such groups will have ample opportunity to make their views known during the lengthy hearings that must take

place before any pipeline—oil or gas—is approved in Canada. There is, in fact, already organized resistance to the proposed gas pipeline from the delta.

An application for a gas pipeline from the Mackenzie Delta is expected to be submitted to Canadian authorities sometime this year, and the group hopes that the line can be started in 1975. An oil pipeline application would be in direct competition with a gas line. It is not well understood in the United States that the size of Canadian capital markets and industry is very small in comparison with our own. It is already felt to be a significant problem in Canada to find enough Canadian capital and supplies to make the gas pipeline truly Canadian.

At this point it might be well to present other comparative information on the two proposed lines, and I ask unanimous consent to have table A printed at this point in the RECORD.

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

	From Prudhoe Bay to—	
	Trans-Alaska, Valdez	Trans-Canada, Edmonton
1. Length of line	789	1,738
2. Cost of line (billions)	$3	$4.2
3. Construction time (years)	3	4
4. Miles of permafrost	355	482
Miles of discontinuous permafrost	375	918
5. Pumping stations	12	22
6. Differential settlement (feet)	1	3
7. Gravel construction pad (feet)	5	2
8. River crossings (major)	1	8
Stream crossings	25	69

Mr. GRAVEL. Mr. President, it is not realistic that a trans-Canada line more than twice the length of the trans-Alaska line could be built with a cost difference of $1.2 billion. Obviously the higher per-mile cost of the trans-Alaska line provides the safer line with the deeper gravel construction pads for line settlement. In construction the greater environmental threats are posed at river and stream crossings. With the trans-Alaska route only major river—the Yukon, 25 smaller rivers—and would be crossed, as compared to 8 major rivers and 69 smaller rivers for the trans-Canada. Both routes have seismic threat; the greater, however, is in Alaska.

It has been pointed out that the Midwest is an oil deficient area. It also happens to be a severely gas-deficient one. While opposition to the trans-Alaska pipeline was originally based on environmental considerations, the opposition has now turned to arguments setting one regional economic interest against another. The longer this argument persists, the more untenable will be the Nation's position in attempting to resolve a part of its energy and balance-of-payments problems. The actual situation in the Midwest is that the current gas shortage is compounding the oil shortage. As more and more prospective gas customers and existing interruptible gas customers are forced to turn to oil, the oil shortage gets more serious. By approving the trans-Alaska pipeline we will be able to get earlier delivery of gas to the midwest area from Canada and Alaska.

In a recent interview with the Canadian publication Oilweek, Mr. William B. Wilder, chairman of the board of the Canadian Arctic Gas Study, Ltd., made the following points:

It would be very helpful if the Alyeska Pipeline is cleared this summer to start construction next winter. The longer it is delayed the longer the delay in finding out whether gas can be released from the North Slope. If no substantial volume is likely to be available from this source, Canadian Arctic will have to depend on more reserves from the Delta to support its ultimate development.

He goes on to later say:

It is important also to integrate the Canadian project with Alaska gas. Alaska gas at this stage is required to provide sufficient reserves. It will also answer to a large extent the public concern over the speed with which Canadian reserves will be used.

An additional delaying factor is that Canada has not settled with the Canadian natives in their aboriginal claims. A total of 7 years was consumed by the Alaskan natives from the time their claims were pressed until Congress finally enacted in December 1971, Public Law 92-746, the "Alaska Native Claims Settlement Act." While it is, of course difficult to predict a time frame for settlement of the Canadian land claims, I think it would be fair to assume that the negotiations and settlement would consume a similar number of years. To think otherwise is simply naive on our part. On May 4, 1973 before the Foundation Francaise D'Etudes Nordiques' Fifth International Congress in Le Harve, France, a statement was delivered by Mr. James Wah-Shee, president of the Federation of Natives North of Sixty Degrees. Mr. Wah-Shee clearly made his point when he said:

We believe that successful land settlements could lead to a development of the North that would benefit us all. But we need our claims recognized and settled by our Government. We think that unless oil companies wish to be caught in the middle of protracted court proceedings between ourselves and the Government, they should begin to meet with us.

The Supreme Court of the Northwest Territories in Yellowknife has ordered a temporary freeze on clear transfer of Federal—Crown—land titles in the territories, in response to a caveat filed with the office of the territorial registrar of land titles by the Northwest Territories Indian Brotherhood. On May 15, the court adjourned until July 9, and the land-freeze is expected to continue to at least the end of July. It would appear that the court's action presents a similar situation to the stages of the Executive freeze on Federal lands in Alaska back in 1966–1968.

The Proponents of trans-Canada pipeline have proceeded on the blithe assumption that the mere agreement by both United States and Canadian officials the line could be constructed and in operation by 1977. Summing up the problems inherent in a trans-Canadian pipeline, and calculating from 1973, the following basic facts are essential in considering the time frame for construction:

	Dating from—	
	Trans-Canada, 1973	Trans-Alaska, 1966
1. 1st the Canadian Government must develop a national energy policy based upon Canadian Parliamentary procedures, which is at least a year away.	1 yr, 1974	
2. Before an application for an oil pipeline across Canada can be entertained comprehensive cost, engineering, environmental, and economic studies will have to be completed, which studies can run concurrently.	3 yr, 1977	4 yr (1969-72).
3. Settlement of Canadian native land claims. A fair estimate is 7 yr, of which 4 can run concurrently with development of national energy policy and completion of required studies.	3 yr, 1980	7 yr, (1965-71).
4. Environmental suits, legal delays.	?	3 yr (1970-73).
5. Conservative estimate of construction time.	4 yr, 1984	3 yr, 1977.
Total years already consumed in cost, engineering, environmental, economic studies and settlement of Alaska native land claims and legal delays.		8 yr (1966-73).
Estimated years for realization of a trans-Canada pipeline (assuming no time is lost in environmental suits and legal delays).	11 yr (1973-84).	
With NEPA and rights-of-way questions resolved immediately, the trans-Alaska pipeline could be realized in.		3 yr (1977).

The time-frame for the trans-Alaska pipeline differs by 4 years because the Alaska Natives began their fight for land claims settlement 8 years ago.

There are a good many IFS involved in a proposed trans-Canada pipeline. We have been talking about problems and constraints facing the Canadian Government with little thought to possible constraints for the United States. Actually, there is a sixth consideration of paramount importance and that is the resolution of U.S. legal constraints involving Canada's requirement for ownership and control of the trans-Canada pipeline. The possible legal complications are many as cited by a study conducted recently by the Alaska Pipeline Coordinating Committee: [1]

A Trans-Canadian project would undoubtedly engender a series of new legal problems in the United States. Significantly, few if any of these anticipated problems lend themselves to resolution by the affected governments until the enterprises that would own and operate a Trans-Canadian Pipeline have come into being and the details of the project have crystallized."

"Rights-of-way over Federal land would be required. Regardless of the action that the Congress takes to alter the width limitation of Section 28 of the Mineral Leasing Act, there is possibility that the acquisition of rights-of-way for a Trans-Canadian over Federal lands would run on the shoals of Federal law just as the Trans-Alaska Pipeline did. If, for example, conflicts with Federal withdrawals accomplished by the Alaska Native Claims Settlement Act were encountered, amendatory legislation might be necessary."

If the international agreement necessary for a Trans-Canadian line took the form of a treaty, Senate ratification would have to be obtained. Depending on the nature of the en-

[1] Moving Alaskan Oil—Trans-Canada or Trans-Alaska? "A study of the merits"—A report of the Pipeline Coordinating Committee, State of Alaska, May 1973.

tities that were created to own and operate a Trans-Canadian Pipeline or any of its components, upon the circumstances of the financing of the project upon the terms of any relevant international agreement, the existing Federal economic regulatory authority of the Interstate Commerce Commission might prove inadequate, requiring Congressional action.

Further, the dissenting judges of the Court of Appeals in the Trans-Alaska Pipeline case pointed out that a significant legal impediment to the acquisition of a Federal permit under Section 28 of the Mineral Leasing Act for a Trans-Canada Pipeline may lie in the Canadian insistence on 51 percent ownership of any pipeline running through Canada. (see p. 20, *infra*.) Judge MacKinnon said for the dissenters:

Since United States laws provide that rights-of-ways for oil pipelines through public lands may only be granted by the Secretary of the Interior to applicants who possess the citizenship and nationality qualifications required by section 181 (of Title 30), a Canadian insistence on 51% control of a pipeline through Canada might mean that a United States pipeline *controlled as to its through-put capacity of Canadian citizens* could not acquire a grant of any right-of-way in the United States because Canadian laws, customs and regulations do not permit a pipeline in Canada to be controlled by United States citizens through Canadian corporation." Wilderness Society v. Morton, D. C. Cir. Nos. 72–1798 etc., decided February 9, 1973, slip op. at 135.

Some opponents of the trans-Alaska pipeline who are supporting a trans-Canada route are proposing that the Congress authorize a study comparing the two. On the basis of the completed study, the Congress would then decide which pipeline should be built.

Two things concern me about this approach. One is the "either-or" nature of the decision. There is sufficient oil to supply both pipelines. Both pipelines are needed.

The other matter for concern is the arrogance with which such a decision would be made. If the Congress opted for the Canadian route over the Alaskan, the decision would say that we do not want a pipeline in our country; we want it in someone else's.

It may be that I am naive, or perhaps my Canadian heritage is coming to the front, but I believe Canada's sovereignty as a nation give it the right to make the first move. Although we should be willing and ready to work with Canada for the building of their pipeline, it is arrogant of us to decide that it should be built.

We should be requesting the President to meet with the Canadians to determine if they are interested in studying a pipeline through their country and offering our assistance in that.

The main point is that Canadians decide if it is in their national interest that the pipeline be built. I have already mentioned some of the factors that will go into their decision. We should not be so arrogant as to assume that the Canadians will build a pipeline through their country to meet our needs and desires, simply because our Congress says that is its wish.

We must use Alaska's huge oil reserves to help meet the energy requirements of the United States in the late seventies and through the eighties. Only in doing so, will we be able to retain some control over the horrendous balance-of-payments deficits that our country will be creating to meet our ever-increasing need for oil.

Today, we are importing more than 6 million barrels of petroleum products daily at an approximate cost of $8½ billion annually. And, as our insatiable needs for these critical energy sources grow, we will by 1985, find ourselves in the chaotic position of spending more than $30 billion a year for imported petroleum products. Our Nation cannot afford to incur deficits of that magnitude. With Alaskan oil, we can reduce that cost drastically.

For example, most energy experts agree that if we can make it through the 1980's then our country will have developed the technical expertise necessary to enable us to meet most of our requirements as a result of major breakthroughs in alternate energy sources. If, during this time, we accelerate production of the Alaskan reserves in order to avoid the financial disaster of the 1980's, we could, through the use of a completed Alaskan pipeline in 1977, a Canadian pipeline in 1982, and a Northwest Passage marine route in 1980 provide our country with more than 20 billion barrels of oil. This will save the United States at least $100 billion in balance of payment deficits.

The more we delve into the imponderables of a trans-Canadian pipeline, the clearer the issue becomes that the only alternative to our dilemma is through the immediate construction of an all-American owned/operated/controlled oil pipeline from Prudhoe Bay to the Port of Valdez. The interests of the United States and the State of Alaska can best be served by such an American owned line with an oil flow at the earliest possible time. To delay action, to further ponder our problems only compounds them. Time is rapidly running out. Construction of the tran-Alaska pipeline is imperative.

V. ALASKA'S NEEDS—AND ECONOMIC SURVIVAL

National needs—the energy shortage and the balance of payments deficits—are, of course the overriding concerns of the Congress. The needs of the State of Alaska are of vital importance and must be given consideration. The rugged grandeur of Alaska camouflages the melancholy fact that it is the poorest State in the Union. The lack of agricultural, commercial, and industrial bases of a modern economy had kept my State on the brink of poverty. By the standards of the Social Security Administration, 14 percent of the families in the State and fully 50 percent of the Native families have incomes below the poverty level.

Alaska is trying to rise above its present status as the Nation's impoverished stepchild, forced to take handouts from the Federal Government. Its State income tax is the highest in the Nation, 16 percent of the Federal assessment. The annual general fund expenditures have grown $41 million in 1959 to more than $300 million in 1972. Education, administration of justice, and welfare comprise approximately 75 percent of the State budget. Alaska's operating deficit of $118 million this year is financed by the principal and the interest from the $900 million that was received in 1969 from the sale of oil leases on the North Slope. But that fund is shrinking at an alarming rate and will be virtually exhausted in 5 years.

The development of Alaska's rich natural resources holds the only hope of its people for attaining the quality of life enjoyed elsewhere in the Nation.

The Honorable William A. Egan, Governor of Alaska, detailed Alaska's needs in testifying before the Senate Interior and Insular Affairs Committee on March 9:

When Alaska became a State in 1959 it did not have the extensive agricultural, manufacturing, transportation, industry, trade and commerce, and population that have been the greatest sources of revenue to other states in our nation. In conferring statehood, Congress acted recognizing that Alaska could become itself, a self-sustaining economic unit *only* by the careful management and timely development of her rich natural resource potential. The promise that Alaskans would be free from the yoke of a territorial form of government in shaping their destiny; it was also a promise by Alaska to the Federal Government that Alaska could develop her resources wisely, so that she would not always be the poor step-child of the States, but could stand on her own, independent of an extraordinary amount of Federal support.

VI. EFFECTS OF DELAYED RESOURCE DEVELOPMENT ON THE ALASKA NATIVES

While further delay in development of Alaska's resources and particularly further delay in the construction of the Trans-Alaska pipeline, will further aggravate the State's economic position, the Natives of Alaska—the people who need help most—are among the principal beneficiaries of further revenue from the pipeline. The Indians, Eskimos and Aleuts of Alaska comprise almost one-fourth of the State's total population. In December 1971, Congress passed the Alaska Native Claims Settlement Act in recognition of their valid aboriginal land claims.

Under the act, village and reginal corporations were established to administer the land and money settlements. Approximately half of that settlement was to have come from a revenue sharing provision of all mineral resources taken in the State of Alaska. Without the Alaska pipeline, revenue sharing from oil production will be nonexistant.

The Native of Alaska are among the most deprived people in the Nation. They have the highest unemployment rate, the lowest educational level, and the lowest average life span of any ethnic group in the United States. In interior and western Alaska, where the majority of Alaska's Natives live, existence is still primarily a subsistence way of life. The primary cause of death in these areas is accidental. The secondary cause is respiratory ailments, particularly pneumonia and tuberculosis. This is due to the harsh environment and the rigorous life they must lead just to survive.

According to the latest Bureau of Indian Affairs statistics, the average unemployment rate is over 65 percent. During the winter months, the unemployment rate can exceed 95 percent in some areas. As late as 1968, one district in Alaska had a median school years completed at 1.6 years. Today, only slightly more than 1 percent of Alaska's Natives have completed college.

The Natives of Alaska were painfully aware of these problems as they negotiated the historic land claims settlement act. It was their hope not only to have the land reserved for them for traditional uses, but to have enough of a cash base so that each village and regional corporation can begin to establish a viable economy. If the funds that they were counting on are not in sufficient amounts, the corporations will fail, and we will not have met our commitment to them when we passed the settlement act.

VII. ENVIRONMENTAL CONSIDERATIONS

The environmental considerations that were triggered by the proposed pipeline are most important, requiring careful study. However, we cannot permit the objections of a handful of individuals to paralyze a project of vital need to the Nation.

I am convinced that the protective measures and devices built into the plans for the pipeline will give full protection to Alaska's environment and wildlife. With the possible exception of the space program, no engineering project ever has been examined more exhaustively than the pipeline from Prudhoe Bay to Valdez.

After the initial discovery of oil and gas fields on the North Slope, the Department of the Interior appointed a task force to study the situation. It spent 2 years and $9 million on the study. An additional $350 million was spent on engineering and environmental studies by the Alyeska Pipeline Service, the private company that will build the pipeline. That was not the full extent of preliminary work before the plans were drawn. The State of Alaska, several Federal agencies and at least a dozen universities and research institutions were involved in investigating all facets of the project. The total expenditure is something in excess of $400 million.

A summary of the features incorporated in the pipeline attests to the overriding concern for protecting the environment, which embraces some of the most hostile, yet delicate, country on the face of the earth. The greater part of the 789-mile pipeline will be underground, even when it crosses three mountain ranges and 350 rivers and streams. The cost of the pipeline has been doubled by putting it below the surface of the tundra to avoid defacing the landscape. When completed, the pipeline and all supporting facilities, requiring one one-hundredth of Alaska's 586,000 square miles, will be as inconspicuous as a line of sewing thread on a golf course extending from the first to the 18th holes.

The entire system will be monitored continuously from a computer-control center in Valdez. Electronic devices will detect any break in the pipeline, immediately, and automatically stop the flow of oil to minimize leaks. Extreme precautions have been taken to control the hazards of earthquakes. The pipeline has been engineered to sustain a horizontal movement of 20 feet and 3 feet vertically. Remote control cutoff values will detect any change in pressure and seal off the line on both sides of a rupture within a few minutes. It should be noted that a gas pipeline across Cook Inlet did not break when Alaska was hit by a violent earthquake in 1964.

Wildlife will not be endangered because of habitat loss since the pipeline will not cross any major breeding areas. One reason for burying or ramping the pipeline is to permit two herds of 400,000 caribou to follow their customary migratory patterns. In widely scattered places where the line is above ground, ramps and underpasses will be built to permit crossing by caribou, moose, bears, and sheep. Experience at Prudhoe Bay has shown that caribou are indifferent to man's presence and use passageways readily. Some small game and fur bearing animals living directly along the route may be disrupted temporarily during the construction, but experts believe they will return after the crews have departed.

A good deal of attention was devoted to studies of fish migration and spawning activities in all rivers and streams crossed by the pipelne. Actually, the pipeline will be buried at least 5 feet under the beds of the waterways and encased in thick concrete to prevent the transfer of heat to the water.

All land excavated for the pipeline will be revegetated with fast growing grasses to prevent erosion and to insulate the permafrost under the tundra. The Institute of Arctic Biology at the University of Alaska agriculture experiment station tested some 40 species of grass at various sites along the route of the pipeline to find the most suitable type at each location.

Finally, in June 1972, the Alaska Legislature passed a bill imposing strict liability, without regard to fault, for any damage caused by oil spills in the water or on the land. The bill also provides compensation for the loss of subsistence resources resulting from the oil spills on land and water by the native population.

The environmental concern about Alaska has been an asset since it now permits us to give assurances to all that oil will be transported in Alaska safer and more sophisticatedly than anywhere else in the world.

Environmentally speaking, the Alaska line will be the model for all. Its construction will provide a new level of environmental attainment for others to strive for. The Alaska line is the environmental position for reasonable environmentalists.

VIII. A SYSTEM FOR SAFE TANKER TRANSPORT

The construction of the pipeline is but one aspect of protection of the environment. Once the oil reaches its terminus at Valdez, I am equally concerned in seeing that it will be transported as safely as modern navigational engineering will allow. To assure this, I have had meetings with the U.S. Coast Guard on that types of navigational systems which could be provided. Information on an ultimate system is now completed, and it should provide tankers moving through Prince William Sound with all-weather, collision/grounding free transit.

Elements of my proposed positive vessel control system include: VHF–FM communications network with complete coverage of Prince William Sound and 30 miles to sea from Cape Hinchinbrook.

Mandatory charted traffic lanes inbound and outbound, with an intervening separation lane;

Augmented aids to navigation;

Complete radar coverage of the tanker route from approximately 30 miles south of Cape Hinchinbrook through Prince William Sound to terminal at Valdez;

Compulsory pilotage;

Positive control of tanker transit including course stray advisories, recommended speed of advance, as well as movement control such as permission to get underway, anchor, et cetera; and

Computerized control center to be located in Valdez with all remote site inputs transmitted by microwave.

To a major extent this system should eliminate the probability of an incident occurring as a result of poor weather, ship master's error, faulty navigational aids, or ice problems.

Cost for installing, operating, and maintaining this system will be returned to the Government out of a fund to be established from moneys paid to the United States equal to one-half cent for each barrel of oil transported. And, to further assure that the most reliable collision avoidance system possible is used, I am also proposing that the ships transporting Alaska's oil to the "Lower '48" be equipped with navigational systems which, through the use of digital computers and display consoles, will provide the ship captains with pictorial displays of the harbor approaches and the dangers around them. This will provide the ship masters with instantaneous assessment of the area and it will further reduce the probability of human error by providing automatic radar fixes in relation to navigational aids, shoal displays, possible collision points and course and speed of ships in the vicinity. This type of system would also include automatic alarm notification to the captain alerting him when the ship is navigating outside of the parameters of its programed course or if it is exceeding its authorized speed.

A most important and unique feature of this type installation is that it allows the ship to use the Navy's navigational satellites to pinpoint its location in any type weather as it journeys from Valdez to Washington or California. This additional equipment, when used with the satellite system, is extremely accurate and will enable the ship to fix its position within 200 yards of its actual location on the ocean's surface.

And, while I am certain that the cost of collision avoidance systems will result in some opposition, I feel that the additional safeguards which they would provide will assure safe, collision-free transit of ships transporting the oil.

IX. NUCLEAR ENERGY: AN UNACCEPTABLE ALTERNATIVE

Obviously our fossil fuels are not going to last forever and alternate sources of energy will have to be developed. The question remains which alternatives are most desirable from variety of standpoints. For years, the United States has assumed that nuclear power will be the future's major source of energy. Billions of dollars have been appropriated by the U.S. Government for research and development of the peaceful use of the atom. Yet after several decades of experi-

mentation with nuclear energy, it is becoming increasingly apparent that we cannot have atomic energy without dangerous risk to public health and safety.

In other words, through peacetime use of nuclear energy, the United States will have the potential of supplying enough radio-activity should a catastrophic accident occur, to annihilate whole populations. No means of assuring against any unforeseen accident or act of sabotage has yet been developed, nor does there appear to be any secure method of perpetual containment of radioactive wastes from our "peaceful" atom.

Presently, 30 nuclear power plants are in operation, providing 1 percent of total U.S. energy. If the program of nuclear plant construction proceeds as now planned, we shall have at least 500 and possibly 1,000 such plants by the turn of the century. Just one of those plants will necessarily generate per year the long-lived radioactive fission products equivalent bombs. By simple arithmetic, we can see that the steady build-up of these deadly materials will over a stretch of time surmount the total megatonnage of all the weapons testing ever performed by the United States, Russia, or Great Britain.

In other words, through peacetime use of nuclear energy, the United States will have the potential of supplying enough radioactivity, should a catastrophic accident occur, to annihilate whole populations. No means of assuring against any unforeseen kind of accident or act of sabotage has yet been developed, nor does there appear to be any truly secure method of perpetual containment of radioactive wastes from our "peaceful" atom.

An unavoidable by-product of the nuclear fission process is strontium–90. A single curie of lethal strontium–90, with a radioactive half-life of about 30 years, will release about 37 billion high-speed particles per second, each with enough energy to break a quarter million chemical bonds in human tissue. Both cancer and genetic defects can start with radiation injury to a single cell. One hundred thousand curies of strontium–90 are produced every year of operation for a 1,000 megawatt power plant.

Another by-product of nuclear fission, plutonium–239, is the most poisonous element ever handled by man. Dispersed as fine insoluble particles, invisible to the naked eye, one pound of plutonium–239 represents the potential for some 9 billion human lung cancer doses. Given the 24,400 year half of plutonium–239, any plutonium dispersed into the biosphere represents a major carcinogenic hazard for more than the next thousand generations. The annual handling of plutonium–239 in a fully developed nuclear power economy will be over the 100-ton category, or some 2 million pounds annually.

The most ordinary observer will have no difficulty in imagining the havoc a small band of political terrorists could wreck by capturing just one atomic powerplant. Enterprising criminals will also be quick to see opportunities in nuclear power blackmail. In order to achieve a minimum amount of public safety under a system of proliferated nuclear powerplants, the United States will, of necessity, require its citizens to restrict their daily habits, open their personal comings and goings to electronic scrutiny, and to submit to pervasive police authority at the least prospect of danger.

We are presently experiencing this police invasion as a result of our dependency on air travel. And this is only when a few hundred lives are at stake. What kind of society will we create when the stakes are millions of lives?

This view may sound like an excerpt from science fiction and many may wish to discount the possibility. But thoughtful analysis will show that all the elements are present. Serious risk is involved in a future society dependent upon nuclear power. Already, minor accidents and a case of sabotage at an unloaded plant have occurred.

The Congress and the general public have yet to take a realistic assessment of the dangers. Hopefully, they will do so soon and demand that a halt be brought to powerplant construction until a high degree of safety can be assured. Legislation to accomplish these ends has been introduced in the Senate. To declare a moratorium at this time would cause little dislocation to our domestic energy network and I believe it imperative to develop necessary safeguards. At the same time, the United States must take the initiative in perfecting cleaner and better ways to produce energy.

X. LONG RUN ENERGY SOURCES

That so much of our resources have been spent on the refinement of dangerous energy sources and so little on cleaning up our dirty energy sources, and little or nothing spent in developing new and compatibly healthy energy sources, are unfortunate commentaries on our society. Many alternative energy sources are known, and many are within the realm of immediate economic possibility.

Prominent among the possibilities is use of the solar energy system. Solar cells have been used with great reliability in the space program for a dozen years. It has been estimated that the total electric energy consumed in the United States in 1969 could have been supplied by the solar energy falling on 0.14 percent of the land area, based on a 10-percent conversion efficiency for the solar cells.

Solar cells are too expensive to use today, but a solar energy panel estimates that the cells could reach public use in 10 to 15 years if some effort is made to reduce the cost.

Again using the sun's energy, we could grow our own clean gas to make electricity. The trick is in conversion to tiny algae plants to methane gas by fermentation, a technology which was demonstrated long ago. A panel appointed by the President's Office of Science and Technology concluded that if solar development programs are adequately supported—synthetic fuels from organic materials could reach public use in 5 to 8 years. The National Science Foundation has said that all the world's energy requirement in the year 2000 could be met by combustion of high energy plants cultivated on only about 4 percent of the world's land surface.

Another governmental study reported in 1970, that domestic animals in this country—cattle, chickens, pigs—produce enough waste every year to make 2 billion barrels of low sulfur oil—or nearly 40 percent of our present consumption. In addition, our cities generate enough organic garbage each year to make another 400 million barrels.

A more exotic form of energy production exists in harnessing the wind. Giant windmills attached to generators and electrolyzers can create storable—and ultimately usable—hydrogen fuel by separating hydrogen and oxygen. Electricity, heat and water can be produced whenever needed. Presently, studies to make use of windpower, particularly along coastal regions are underway.

Perhaps the most promising source of clean, safe energy is underground hot water and steam. By a new method—magmamax—utilizing isobutane to drive a vapor-turbine, heat is exchanged and energy is produced. The production of electricity from geothermal steam is a proven capability. It is being done in California, Russia, Japan, New Zealand, and a number of other countries. Hot springs are prevalent in the western States and even a few are located in the east in Virginia, New York and Arkansas, and along the gulf coast.

We may have a powerhouse at our feet in geothermal energy. The potential electric power of steam and hot water under California's Imperial Valley alone may be as large as 90 percent of the entire country's 1970 electrical production. An additional 1,500 megawatts of geothermal steam is available at the geysers, 75 miles north of San Francisco. That is three times the power of the Hoover Dam.

Presently, Pacific Gas and Electric Co. operate the Geyser geothermal plant north of San Francisco, at 3.05 miles per kilowatt hour. This compares with 3.35 miles at a coal plant in the Pacific system and with nuclear electricity at 5.63 miles from a Humboldt, Calif., plant.

The potential of energy generation which is cheap, pollution free, nonradioactive, and presents little risks to public health and safety is so great that we must plan to make use of those alternatives with all deliberate speed. A brave, new policy of energy research and development should be undertaken.

COORDINATING ENERGY PROGRAMS

A vital step in the direction of a coherent national policy on energy is the establishment of a Federal office charged with the responsibility of directing energy research and development. Such a Federal Energy Administration would develop the technology and information base necessary to support development of the widest possible range of options available for future energy policy decisions.

The administration would not only determine the most effective short term solutions to immediate energy shortage problems but also carry out comprehensive demonstration programs in the fields of nuclear power, geothermal energy, solar, tidal and wind power, and other unconventional sources.

This administration would keep an eye to wise and conservative use of energy with the long-range goal of transferring

our present energy base from nonrenewable sources to renewable, self-perpetuating supplies such as wind, solar, waste, geothermal, and so on. An overall objective of the administration would be to determine and support those energy systems which afford maximum benefit to the American consumer.

The Atomic Energy Commission will be transferred to the new administration so as to obtain a necessary means of checks and balances upon their activities.

A specially established trust fund, financed by an excise tax on energy sources, will underwrite costs of the Federal Energy Administration. I believe that the creation of such an entity at the Federal level to be of primary importance to the secure and orderly development of our Nation.

XI. CONCLUSION

The ability of our Nation to properly address itself to the energy crisis will depend upon its perception of the crisis. This perception is not correct today. Not even the leadership is truly aware of the severity and consequences.

The dismal facts of today's problem are not new or surprising. Nor are they part of some oil industry conspiracy. The oil industry is no better and no worse than any other industry. But because oil and the wealth it has drawn became the elements of a free-wheeling and colorful West, a certain attitude has evolved. Images of a few eccentric personalities like John D. Rockefeller, Clint Murchison, J. Paul Getty and others come to mind. Their legends and scandals have been made popular. As a result, the image of oil is not well accepted in many quarters of this country. This is really too bad for below all the imagery and bravado there exists an industry that has served this Nation well and given us power among nations.

Its technology has brought us to a high level of dependency for our energy. However, the industry lacked the ability to inform the Nation about the future. And the Nation refused to believe the bias projections of oil. This unfortunate disbelief has and continues to impair the accurate development of an intelligent public toward energy.

Interestingly, it is new environmental awareness and the adversary role of small enlightened constituencies that tilt to restore the balance and define the totality of our human needs. These are the new forces that will permit us to meet our energy requirements within the parameters of our ecoeconomic system. Profit alone will no longer be the sole arbiter.

Increased oversight and regulation of our energy suppliers may have to come about. Certainly, we can no longer permit any arrogance of great wealth and power to jeopardize our national well-being. We have long since passed beyond the injustices of a laissez-faire economy.

Our national policy on energy should not be limited by the artificial boundary of our national economy. The issue of sufficient energy is one of vast international implication. Not only does the environmental factor weigh heavily upon our actions, but so does the prospect of an extended "cold war" for adequate energy supplies. The seeds of tremendous political and economic conflict can be found in the unjust distribution of energy resources.

For the time being, we must act realistically. The issue before us is quite simple. We have not planned for our needs in a cybernated society. As a nation, we have not planned properly for what we are most dependent upon—energy.

The United States has moved from self-sufficiency to dependency. The short-run consequences of this would not be so dire except for the skewed nature of our economy. The importation of large quantities of oil to meet our needs will put in jeopardy our free enterprise system. The longrun solution to this problem lies in a national resolve, backed by a financial commitment that must exceed our effort which put man on the moon. Regardless of the cost, it is a pittance, for survival is at stake.

The shortrun solution is equally simple for one solution looms above all others: We must maximize our domestic production not only to satisfy our energy needs but more importantly to ward off bankruptcy. The largest single element in maximizing domestic production is the construction of the Alaskan pipeline. Our Nation is bleeding today and will be hemorrhaging tomorrow. The Alaska line can serve as a tourniquet for this Nation. It strikes me as ridiculous that we do not have the good sense to apply it.

It should be understood that we as a body should not contribute to regional argumentation and that if we were to look at the matter fairly, it would seem eminently proper that the Alaskan oil, initially through the Alaskan pipeline, would help satisfy national energy deficiencies. The Alaska line would bring oil to the west coast of the United States and at the same time permit the construction of the Canadian gas line down the Mackenzie Delta so that we could satisfy the energy needs of the north central and east coast part of the United States.

This, in my mind, would be eminently more fair than for one area of the country to vie for the energy and hold it hostage and delay something that could be of benefit to another part of the country by virtue of trying to grab all the energy coming from Alaska.

Mr. President, I would hope that accommodation would be realized and that we would follow the suggestion of the Environmental Minister of Canada who, in a recent statement, stated that it was probably in the best interest of Canada to have the construction of the Alaskan pipeline, that the Canadians could begin prompt construction of a gas pipeline, which would be in their greater economic interest and have a lesser environmental impact upon the Canadian environment than would the oil pipeline.

Mr. President, I would like to conclude shortly and not take the additional time of this body by addressing myself to the environmental argument in what, I think, is a very simple fashion.

At one point in time, the construction of the Alaskan pipeline would probably not have been the soundest course of action with respect to mitigating the environmental impact in Alaska, or, for that matter, in the United States. However, I think that as a result of our energy needs and as a result of the study done at a cost in excess of $400 million, both by governmental and private sectors, that the Alaskan pipeline represents in my mind the best transportation of oil in the soundest environmental fashion.

It is for that very simple reason that the building of the Alaskan pipeline would not pose the environmental threat that existed before. However, in point of fact, it would be of environmental benefit because with the construction of this new model, we would have before the world an example of how to transport oil safely, an example that I think the remainder of the world would certainly follow and would be compelled to emulate.

So, for that very simple reason, rather than taking a position that the Alaskan pipeline would be a detriment to the environment, I take the position that it would be an asset, and the sooner we get to the construction, the greater import and the greater impact we would have on the improvement of the transportation of oil in this country.

Mr. President, in the course of the debate on this subject, many amendments will come forward. I have several amendments addressing themselves to improvements in the environmental aspects of this project, some that address themselves to the immediacy of the course of action that could be undertaken by Congress.

I think that the American people, who are now suffering from what I think is just the beginning of an energy crisis, are aware of the problem. And I think that the American people are desirous of seeing the Alaskan pipeline constructed as soon as possible.

I would hope that our colleagues would join with us in an effort to bring about the immediate construction of the Alaskan pipeline not only because it has a provincial and strong interest to the State of Alaska, but also because I think it is of great import to the people of this country.

The energy crisis is not nearly as severe as the financial crisis is about to become.

We can limit the amount of energy we choose to expend. However, one of the facts we lose control over is that we cannot make the contribution of this much money—possibly as much as $30 billion annually—and still retain a viable economy and maintain a quality of life that we have come to expect from our free enterprise system.

Yet if we do not look at the prospects of limiting the consumption of energy perhaps by as much as 50 percent, we will be faced with such horrendous balance of payments deficits that the dollar hemorrhage that we will suffer as a result of it could trigger an international monetary crisis, which in turn would trigger a domestic financial crisis, which in turn would trigger a domestic depression, and it in turn a world depression.

The specter of the energy crisis which we face in this Nation is one that is difficult to comprehend at this point in time, because of the horrors it holds. One way that we can begin to demon-

strate our knowledge of this problem and exercise our good offices toward solving the problem would be by maximizing—which of course is the only sound way—domestic production.

Alaska holds the largest potential reserve within our domestic environment. We must redeclare today, in the face of these sinister problems, that we will not fail to pick up the first and initial tool to ward off what is essentially a visible and comprehensible disaster.

Mr. President, Mr. William Randolph Hearst, Jr., editor in chief of the Hearst newspaper, has rendered another great public service in his analysis of our energy shortage and the unrealistic approach which environmentalists are taking in their quest for what appears to be permanent blockage of construction of the trans-Alaska pipeline.

In a statement before the Senate Interior and Insular Affairs Committee on May 3, I spoke of my concern for both the national environment as well as the environment of the State of Alaska. With the great potential of tourism in Alaska, certainly we must exercise great care in management and use of our land resources. We are a realistic people. We recognize the urgency for oil for the lower 48 States and we well understand the seriousness of the Nation's balance-of-payments problem. We also know that construction of the trans-Alaska pipeline would mean a better life for all Alaskans. The revenue which the line would generate would help us meet our responsibilities to our citizens for better housing, roads, airports, schools, hospitals, public service programs for our elderly and disabled, our returning veterans, and cover monetary settlement with the Alaska Natives. A rational balance can be reached.

I offer Mr. Hearst's column, as it appeared in the May 20th issue of the Seattle Post-Intelligencer, and ask the unanimous consent that it be printed in the RECORD.

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

OSTRICH COMPLEX

(By William Randolph Hearst, Jr.)

LOS ANGELES.—Now that Watergate has started spilling out of the tube every day from the Ervin committee hearings, the first order of business for viewers has been trying to get all the names and numbers straight.

Looking at those complicated charts unveiled Thursday to show who's who, along with their relative roles in what's to come, reminded me of a certain Hollywood producer who said of his impending but still unfilmed war epic:

"I don't know yet what the story is going to be, but I sure do have one helluva cast."

Thus, even though we know the general outline of the Senate drama now unfolding—or at least the names of its major figures—we are going to have to wait to the end to see just what final picture develops. Even as Sen. Ervin will.

Meantime, because it is so engrossing and important to Americans, the Watergate story has been having the unfortunate side effect of obscuring other news whose importance—in the long run—could be as great and possibly even greater than our domestic political scandal.

What I have in mind, and want to spotlight here today, are the ominous developments which have been taking recently in the Middle East. At the very least they bode no good at all for this nation's future well-being.

All but buried by the Watergate headlines this week, for example, was an interview in Tripoli with Col. Muammar Khadafy, the fiery young boss man of Libya. In it was summarized an idea which has been making a lot of ever-increasing noise in his world.

"The day is coming," he said, "when Arab oil will be used as a weapon of self-defense in our battle with Israel. You will see."

Couple that with the fact that four Arab countries—Libya, Iraq, Kuwait and Algeria—two days later temporarily halted all flow of oil to the West as a symbolic protest against Israel's existence as a nation.

Couple that with the statement to his Parliament this week by President Anwar Sadat of Egypt:

"We are facing a protracted struggle, and not only the reopening of hostilities with Israel on the Suez Canal. There is the battle of America's interests, the battle of energy, the battle of the Arabs for world position."

Couple that with the article which appeared this week in a Beirut newspaper by Lebanese columnist Faud Matar, regarded as the most knowledgeable and accurate of Arab experts on Egyptian affairs.

"President Sadat's decision for battle with Israel is now irrevocable," he wrote. "There is no certainty about his deadline, but he is not likely to let the June 18 Washington summit meetings between President Nixon and Soviet leader Leonid Brezhnev pass quietly.

"Sadat may somehow blow up the Middle East situation on the eve or during the eight-day summit meeting. His hope would be to force drastic action by the big powers to break the Arab-Israeli deadlock."

Finally, couple THAT with the now-confirmed fact that Syria has secretly transferred to Egypt roughly one-third of the 60 Mirage fighter-bombers it has thus far bought from France, along with their ground equipment, despite a contract agreement to use the jets only for self-defense.

Now all of this may just be more of the same old Mideast sand blowing around, and I certainly hope it is. Israeli Foreign Minister Abba Eban, in fact, not only believes Sadat is bluffing again with his latest war threats, but that it is an even bigger bluff for Arab countries to suggest they might withhold oil from the United States to force a change in our pro-Israel policies.

"There isn't the slightest possibility of that," he said in Miami Beach this week. "The oil-buying countries have alternate places in which to buy. The Arab states have no alternative but to sell their single natural resource."

Despite Mr. Eban's optimism, there is no doubt that Arab leaders—conservative as well as extreme—have been giving the most serious study to the use of their oil riches as an increasingly powerful political tool.

The subject reportedly was discussed at length earlier this year in Cairo at a meeting of the Arab Defense Council, composed of Arab League members. Since then President Sadat has been pushing the idea at both private and public meetings with the chief oil producers including Saudi Arabia, the world's largest.

Saudi Arabia's conservative King Faisal, significantly, was Sadat's guest last weekend before flying to Paris for conferences on oil, arms and politics with French President Pompidou. And Pompidou, significantly, has not canceled Libya's 1970 contract to buy 110 Mirage jets, although the contract terms have flagrantly been violated by the transfer to Egypt of 18 to 20 of the 60 planes thus far delivered.

When Abba Eban made a formal protest on this to France last month, France replied that his evidence was "inconclusive." Yet Pat Sloyan of our Washington office this week was able to get Pentagon confirmation of Eban's claims. An unimpeachable Pentagon source said, flatly, that "a sizable group of those Mirages were moved to Egypt and they remain there now."

When Pompidou was in the U.S. two years ago he assured me in a private talk at the Waldorf-Astoria Hotel in New York that the Mirages were being sold to Libya to preclude the alternative of Russian planes. He said France could guarantee the contract would be honored by the buyer. I believed him, and later even noted with approval the deliberately slow delivery of the planes ordered.

So what now has caused France to look the other way when a really whopping contract violation has occurred? One answer could be that France wants to keep its options open for the big Mideast debate which the United Nations Security Council has called at Egypt's request for June 4—exactly two weeks before Brezhnev's scheduled arrival for the summit meeting with President Nixon.

Maybe France, currently not preoccupied with a domestic political scandal, has put two and two together and suspects the Security Council session has been timed as a prelude to the outbreak of new anti-Israel hostilities threatened by Sadat—an outbreak which surely could cause the direst of consequences for the summit meeting and for a whole lot of other matters also.

Maybe. But what seems basically indisputable to me is that France is primarily interested in maintaining its strong political position in the Arab world—and above all to insure receiving the vital oil it gets as Saudi Arabia's sixth best customer.

France, in a word, already has responded to the great political cloud inherent in Arabian oil and is taking no chances on a cut-off despite Eban's assurance that it would never happen.

Many Americans, meanwhile, don't even realize that their own fuel-hungry country is now importing 2.5 million barrels of Mideast oil every day, and will be needing far more than that in only a few years.

Regular readers of this column may suspect by now that I have been leading up to a further emphasis on last week's theme—the folly of allowing our own vast oil deposits in Alaska to go untapped—and if they have they are dead right.

It is impossible to me to dismiss the thought of those 10 to 40 billion barrels of precious petroleum, resting undisturbed under the waters of Prudhoe Bay while American motorists are wondering if they will be able to get enough gasoline for the summer driving season.

It is impossible for me to forget that we now could be receiving two million barrels a day of that Alaskan oil, especially since that is only a half million less than we are having to buy from people threatening us with a hard time as Number Two on their hate list.

And it is impossible for me to excuse a certain cabal of outrageously single-minded environmentalists, whose unrelenting efforts have been blocking construction of the 800-mile trans-Alaskan pipeline needed to pump out the oil treasure discovered five long years ago.

They are still at it, still working to block the line, still refusing to recognize that laudable protectionist ideals require reasonable attunement to the realities of man's needs—as all practical environmentalists fully realize.

The group of extremists who have been blocking the pipeline, in spite of the negligible effect it would have on the great Alaskan wilderness, are afflicted by what could be called an ostrich complex.

Victims of this disorder have the idea that anything unpleasant to them can be blotted out by burying their heads in the comfortable sands of their illusions.

It has worked so far for the self-blinded lovers of Alaskan caribou, largely because an inattentive public has had its own head

buried in other matters, but it won't work indefinitely.

Our human requirements for oil not only won't go away, they are becoming more urgent all the time as the latest energy shortage news continues to demonstrate.

Meantime fanaties among our environmentalists have been rendering their country a total, grave and immense disservice.

Mr. GRAVEL. Mr. President, I recently came across copies of a newsletter published here in Washington four times a month by a Mr. Muhammad Tahir. The newsletter is called Islamic Items. It covers a variety of subjects relating to business, finance, Middle Eastern oil, and the Palestine question, all of which should be of concern and interest to us.

While we would like to think that any potential problems with oil exports from the Middle East are economically oriented, I think it is well to consider that we are faced with possible retaliation because of our commitments to Israel. There appears to be a high degree of uncertainty of uninterrupted importation of oil from some of the oil producing countries of the Middle East based upon political considerations. If this should happen, the energy crisis as we refer to our situation today, would undoubtedly become a crisis of nightmarish proportions.

Construction of the trans-Alaska pipeline would materially ease a portion of our overall energy problem and balance-of-payments deficit. With a go-ahead signal from the Congress, construction of the trans-Alaska pipeline could begin within 90 days and be completed within 2½ to 3 years. The seriousness of our situation merits the prompt consideration of the Congress.

For the information of my colleagues, I ask unanimous consent to have printed in the RECORD the June 1 and June 8 issues of Islamic Items.

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

[From the Islamic Items, June 1, 1973]

PRESIDENT QADDAFI'S OAU VICTORY

The Organization of African Unity (OAU) celebrated its birth ten years ago with a conference which opened in Addis Ababa May 26th. The conference opened on a note that reflected the deep division between Africa's leadership and her people. Algeria asked the conference to mark this historical occasion by breaking relations with Israel.

President Maummar Qaddafi of Libya sent cables to all African Heads of State and he criticised Ethiopia for "backing Israel" and called for the transfer of the Headquarters of the OAU from Addis Ababa to Cairo. In President Qaddafi's cable, he said that a number of African countries, including Ethiopia, still maintained diplomatic relations with Israel, although it occupies parts of an African country, namely Egypt.

The American press has given much notice to certain "diplomatic setbacks" of President Qaddafi at the recent Organization of African Unity meeting in Ethiopia. They have failed, however, to present any idea of the real victory which President Qaddafi won at the OAU meeting. Namely, that the vast majority of African people are now looking to President Qaddafi for their ultimate liberation from "neocolonialism" and see in him hope for the Africanization of their destiny. A. A. Noordin, Head of the Islamic Union of the Comoro Islands, relates for our readers the true feelings of the vast majority of African people toward the noble efforts of President Qaddafi.

President Qaddafi then reminded his fellow African leaders of all that Libya has done and is doing for the cause of freedom on the continent of Africa, which includes:

Libya is the main source of weapons, funds and men for the African liberation movements.

Libya has closed its airspace to all Portuguese, Rhodesian and South African flights.

Libya had offered military assistance and other aid to Zambia when Rhodesia closed their joint border.

Libya is the only African state that has called for the overthrow of the white minority Rhodesian and South African regimes and declared that it is ready to send armed forces to fight them.

PRESIDENT QADDAFI'S OAU VICTORY

For us of the Islamic Union of the Comoro Islands, President Qaddafi is more than a brave leader of both African and Muslim lands, but he is the only leader committed to helping his brothers in struggle and in faith, financially, militarily and by all other means necessary for the liberation of Africa.

Every Comorian of the Islamic Union looks forward to having a glimpse of President Qaddafi, who is referred to by the members of its youth arm, the Young Elephants of Islam, as *Al-Habeeb-l-Rais*, which means the beloved President.

The members of the Islamic Union and the general population of the Comoro Islands as well as the masses of African people refer to him as the "true hero" and the "brave-hearted leader" of our cause. He is the only Muslim leader who is willing to stand up to the strong enemies of our cause, be they Zionism, Imperialism or Communism.

The Islamic Union of the Comoro Islands extend our deep hearted thanks to President Qaddafi and the Libyan Muslim Community for their hard work which they are doing for the liberation of the Comoro Islands and for the liberation of all Africa and the eventual triumph of Islam throughout the world. We pray unto Almighty God for the protection and long life of our *Al-Habeeb-l-Rais*, President Qaddafi. He has given us the courage to continue on our path till we have achieved victory, freedom, justice and progress for all the brothers and sisters of Africa.

In our struggle for the liberation of Africa, we cannot forget the struggle of the Palestinians. We in Africa feel a common bond with our Palestinian brothers in their effort to liberate their homeland and to achieve and to secure their birthright. We cannot forget that the Jewish settlers who drove the Palestinians from their homes were *white* European Jews. Therefore, the Comorian *Ummah* under their Islamic Union supports fully the Palestinian freedom fighters in their just struggle for the liberation of Palestine.

The recent Beirut operation by the Zionist forces are a reminder to us of the acts of terrorism perpetrated by the British Royal Air Force in Kenya during the Mau Mau struggle. The British carried out the same type of indiscriminate bombardments on innocent African villages as the Zionists are now carrying out against innocent Arab villages.

Although we of the Comoro Islands are still struggling to liberate our land from the forces of imperialism, we know that our liberation cannot be complete without the destruction of Zionism. As long as President Qaddafi lives, the flame of liberation will flicker on in the hearts of the African people and their brothers, the Palestinians.

God's help comes to those who strive
With firmness, as it did at Badr
Much can be learnt from the misfortunes
At Uhud. It is not for us
To question God's plan, which is full
Of Wisdom and Mercy for all: Our duty
Is to stand firm and unswerving
To obey, and in steadfast courage
To perserve, to retrieve our mistakes,
Not in grief and despair, but in firm hope
In God and in contempt of pain and death.
Long live Islam
Long live Africa
Long live Palestine
Long live President Qaddafi.

—A. A. Noordin.

NAIROBI, KENYA, *May 26, 1973.*

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LIBYA: QADAFI PAVES THE WAY FOR AN OIL TAKEOVER

Libya's revolutionary mystic, Chief of State Mu'ammer al Qadafi, drove his battered Volkswagen along Tripoli's palm-lined waterfront last week, jammed on his brakes, and strode into the dilapidated offices of Radio Tripoli. "Libya," he announced in a message to the Middle East, "has been able to activate the oil-producing nations of the world to impose their supremacy on oil."

Western oilmen are in no position to dispute Qadafi. They have seen Libyan militance break up contract after contract. And now, Qadafi appears to be heading for a total split with foreign oil companies. This week he flexed his muscles by cutting off one day's worth of Libyan oil exports: 2-million barrels. Oilmen speculate that the 31-year-old Libyan ruler is looking for an even more dramatic act of independence that would symbolize Libya's approaching political union with Egyipt next September. And, as he has in the past, Qadafi hopes to pull his Arab neighbors along with him.

Qadafi has already demanded 100% ownership of foreign oil concessions in return for "assurance" of continued oil supply at "market value" prices. So far, however, the oil companies—Exxon, Mobil, Occidental, Texaco, Standard Oil of Calif., and the Oasis group of Shell, Continental, Marathon, and Amerada Hess—have refused. But the negotiating climate is growing increasingly hysterical, and some form of takeover seems certain.

LEMON SPIES

During last week's negotiations for devaluator compensation, Libyan oil minister Ezzedine Mabrouk delivered such a harangue that company negotiators retreated to their Tripoli hotel and refused to come out. And this week Qadafi accused the Oasis group of harboring Israel spies. As proof, he displayed some Jaffa lemons found at the Oasis camp.

Some Arab rulers ridicule Qadafi, while others try to ignore him. Indeed, oil negotiators hope to isolate Libya by withstanding Qadafi's demands. But Qadafi's wide popular support in the Middle East could make isolation impossible. If Libya wins its demand for 100% control, oilmen fear that Kuwait may have no choice but to go along and to refuse to ratify its own agreement with British Petroleum and Gulf Oil. Under its present agreement, Kuwait only gets 51% control and must wait for that until 1982. Other oil agreements, for similar terms, could collapse just as quickly. Then Qadafi would think the Middle East even closer to his dream of a united Arab world.

Qadafi is already preparing Libya for that time. To promote Libyan independence, his government is forcing foreign oil companies to train increasing numbers of Libyans as technicians. And to ward off any international oil boycott, Qadafi is stepping up his search for new oil customers. So is Brazil. Its state-owned Petrobras has just signed a long-term oil contract with Libya beginning at 12.7 million bbl. a year.

DEVIATIONISM

On a more symbolic level, Qadafi promotes Arab independence by refusing entry into Libya without passport identification written in Arabic. And last week, Qadafi extended a nationwide ban on alcoholic beverages to foreign oilmen and diplomats. In a conciliatory spirit, the Japanese embassy now serves soda pop.

Qadafi's foreign enemies clearly hope that the chief of state's Arab zeal will overextend itself. Only failure in a confrontation with international oil companies, however, would give Qadafi's opponents any real standing.

Qadafi also has underground opposition within Libya. And he has found it necessary to form revolutionary student groups in Tripoli and Benghazi to "comb Libya for deviationism." In particular, the students are attacking government bureaucrats who are less than enthusiastic about the Arab revolution. Last week, for example, Foreign Minister Mansour Kikhia was forced to resign when his brother was condemned as a "deviationist."

Mr. GRAVEL. Mr. President, I yield the floor.

Mr. STEVENS. Mr. President, before commencing my statement on the bill itself, I wish to offer an amendment that would absolutely prohibit the export of Alaskan North Slope oil.

The Senator from Minnesota (Mr. MONDALE) has again raised the question of the export of our oil to Japan. S. 1081 as reported from the Interior and Insular Affairs Committee dealt with this question, but the committee's version does not absolutely prohibit the export of North Slope oil. My amendment will absolutely prohibit such export.

This question of exporting oil is a red herring. As I will explain later, the economics of shipment of North Slope oil to a foreign nation just does not make sense. What is more, this oil is vitally needed by the west coast of the United States. And, the question should be answered by an absolute prohibition of export of North Slope oil to any foreign nation.

The committee bill was, in my opinion, sufficient to meet this objective. But, if the opponents of the Trans-Alaska pipeline are going to use this red herring to confuse the issue on the Alaska pipeline, then I believe the bill should categorically prohibit the export of North Slope oil.

I send the amendment to the desk for printing.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. STEVENS. Mr. President, every Member of the Senate, I understand, has received today a letter from the Secretary of the Interior, Rogers C. B. Morton, which sets forth once again a very clear statement of the position of the administration on the bill before the Senate. It particularly recites the viewpoint of the Department of the Interior and the present Secretary of the Interior, who has been most forthright and forceful in his support of action to enable the trans-Alaska pipeline to be commenced.

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

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

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 5, 1973.

Hon. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: I understand that early in the week of July 9 the Senate will take up the Right-Of-Way bill recenty reported by the Committee on Interior and Insular Affairs, S. 1081. I also understand that Senator Mondale and others will offer an amendment to prevent issuance of a permit for the Trans-Alaska pipeline until the Congress enacts legislation specifically authorizing a pipeline from Northern Alaska. The amendment envisions that Congress will not act until the Secretary of State conducts negotiations with the government of Canada to determine the feasibility of a Trans-Canada pipeline and the National Academy of Sciences conducts an eleven-month study of this subject.

This legislation can materially affect our energy supply picture, the strength of our dollar, our foreign relations and the strength of our bargaining position, vis-a-vis the oil producing countries in the Middle East. Recent events in Lybia, and the expressed willingness of some Middle East countries to utilize their oil exports for political purposes, require all of us to give this matter our most careful attention. I want to explain why I support S. 1081 and oppose any amendment that will delay the Alaska pipeline.

It is clear, and no one disputes, that following the recent Court of Appeals decision in the *Pipeline* Case, new legislation is required before I can authorize construction of any new, large oil or gas pipeline across any public land in the United States. Large pipelines simply cannot be built within a right-of-way no greater than 25 feet on both sides of the pipe.

While I have not favored every provision of S. 1081, I am convinced that it is constructive legislation that will give me the necessary authority to permit construction of large pipelines that are vital to our economy.

Under S. 1081, I would promptly authorize construction of the Trans-Alaska pipeline; and I have expressed my intention to do so for three basic reasons: (1) our national interest requires the earliest possible delivery of North Slope oil to the "Lower 48," (2) the only feasible alternative delivery system is a pipeline across Canada, and it would involve at least a 3–5 year delay in delivery of oil to the lower 48; and (3) a Trans-Alaska pipeline and tanker delivery system can be built and operated under safeguards that will protect the environment and wildlife of Alaska and the Pacific Ocean.

I, and Administration spokesmen from the Departments of State and Treasury, have explained these points and others in detail during numerous appearances before committees of both Houses and in my letter of April 4, 1973, to every member of Congress. It is not my purpose now to repeat the detailed points I have made. Rather, I want to address specifically the three major arguments being made by those who favor amendment of S. 1081 to deny me authority to issue a permit for the Alaska pipeline and require an eleven-month study by the National Academy of Sciences. Those arguments are (1) that our Environmental Impact Statement did not adequately treat the Canadian alternative, (2) that neither I nor anyone else in the executive branch has seriously assessed the practical and political prospects for a Canada pipeline; and (3) that after an eleven-month study by the National Academy of Sciences the Congress will be able to promptly approve either an Alaskan or Canadian pipeline with no overall delay in the delivery of oil to the lower 48 States.

The impact statement on the Trans-Alaska pipeline contains approximately 150 pages of discussion of possible Trans-Canada pipeline routes. This extensive and detailed treatment is the result of interdisciplinary studies and official and unofficial exchanges with Canadians that extended over a period of at least a year and a half. I personally have given a great deal of careful attention to the environmental problems presented by the Alaska pipeline, with its marine leg, and those that would be encountered in Canada.

I sincerely believe that the environmental costs and risks of a Canada pipeline would be as great as those of an Alaska line, and that the Alaska system will be safely built and operated under the stipulations I will impose in our permit.

Even more importantly, I want to assure you that the feasibility and prospects of building a line through Canada have received my most careful attention and the attention of all concerned members of the Administration. I have discussed these matters with the President and with Secretary Rogers. We are all convinced that we should not delay the Alaska pipeline to consider further the feasibility of a Canada pipeline. For more than three years the Canadian Government has taken the position that it is not prepared to negotiate with the United States Government on the matter of pipelines from the Arctic. By letter of June 22, 1973, to Senator Jackson, the State Department reported the Administration's assessment as follows:

". . . the Departments of State and Interior are convinced that there is no Canadian alternative to the proposed Alaskan pipeline at this time. Even if the Canadian Government should move expeditiously to approve such a pipeline, which is unlikely, an Alaskan pipeline could be in operation at least 3–5 years, and perhaps 7–10 years earlier than a Canadian pipeline.

"We do not believe that recent Canadian actions limiting exports to the United States of petroleum and petroleum products have a direct bearing on future Canadian consideration of applications for the construction of Arctic pipelines. However, they do emphasize Canadian determination to follow policies which will husband Canadian resources to the maximum extent deemed necessary to meet Canadian needs projected well into the future. This attitude and recent remarks by Canadian officials give no cause to change our view that the Canadian Government has no strong current interest in the construction of a Mackenzie Valley oil pipeline . . ."

Between May 1969 and March 1972, an inter-agency task force devoted many thousand man-hours, including 8 days of public hearings, to studies that finally produced a 6-volume Environmental Impact Statement and a 3 volume Economic and Security Analysis of the proposed Alaska pipeline and its alternatives. The work was done by experts with many years of relevant experience. The product is objective and comprehensive. It has been available for public scrutiny and debate since March 1972. I am convinced that an eleven-month effort by the Academy will not add materially to the information or analyses bearing on the United States Government's decision to grant permission for an Alaska pipeline or to deny such permission and pursue a Canadian alternative. I suspect that even if Congress should later approve the Alaska line the delay involved will extend well beyond a year because the Academy's study will require more than eleven months and the companies will have to re-mobilize for construction.

I am as concerned as the members of Congress to provide our Midwest and East Coast with adequate supplies of energy in the years ahead. The President shares this concern. But we are convinced that our increasing demand for petroleum presents serious national issues that transcend regional interests, and that it is in the Nation's interest to increase our domestic resource base as soon as possible. We hope and expect that Canada will agree to construction of a gas line from the Arctic to our Midwest in the reasonably near future. We anticipate that additional discoveries of oil in Alaska and Northern Canada will justify a second oil line shortly thereafter. And we hope that by the time such a line is required, we will have been able to negotiate terms for its construction through Canada.

Delay of the Alaska pipeline will reduce the total supply of oil available to our economy during the period of delay, thereby increasing all the costs and risks associated with increased dependence on Middle East oil. It is not in the Nation's interest to deny ourselves oil that can safely be delivered by an Alaska pipeline while we further pursue the possibility of building the first pipeline from the Arctic through Canada.

I hope these views will be helpful to you in your consideration of S. 1081.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

Mr. STEVENS. Mr. President, this bill is of great importance to the United States; it is not just a bill that concerns the Alaska pipeline. S. 1081 is a positive and direct answer toward clearing up the cloudy situation that now surrounds the Nation's power and communication lines, roads, water routes and other important transportation facilities throughout the Nation.

Of special importance is that this bill provides the way for a development of critical importance—authorization for a right-of-way for the trans-Alaska pipeline.

The energy crisis now facing America is not just one crisis, rather a desperate need for energy presents the United States with a number of critical problems that must be solved.

ECONOMIC PROBLEMS

Because the United States has become addicted to foreign oil we have had to pay a staggering price to meet our foreign oil habit. The price this Nation must pay for foreign oil is mounting day by day. Some economists predict that imported oil from abroad could result in a net balance of payments deficit of $10 billion in less than 7 years. A $10 billion yearly drain attributable to oil imports by 1980 is a widely used figure, but some forecast even higher estimates. For example, the Chase Manhattan Bank predicts at least a $30 billion deficit by 1985 if America continues to sit back idly gorging itself on foreign oil.

But these are modest figures; a deficit of threefold this amount may be plausible as the price of oil increases.

The real significance of our Alaskan North Slope energy potential is not just the 2 million barrels a day that could soon be delivered through an Alaska pipeline. Nor is it the billions of barrels of proven reserves in the Prudhoe Bay field. Alaska has far greater reserves. Projections indicate that the North Slope has potential reserves of as much as 300 billion barrels. Thus some day we might achieve an Alaska production alone of at least 5 to 8 million barrels a day.

Consequently Alaska production could reduce our first round balance-of-trade outflows by at least $7 billion to $12 billion annually. Production at maximum rates could also materially strengthen our bargaining position with producing countries and increase our ability to meet any supply disruptions with minimum adverse economic consequences.

A trans-Alaska pipeline will provide the vehicle for the United States to reduce by one-third the amount of oil the United States will have to import.

I think that is particularly important because so many people point out that North Slope oil that is proved and produced at a rate of 2 million barrels a day would account for about 10 percent of our financial expenditures on petroleum. However, this statistic has been used incorrectly, it does not tell the true story. The right statistic is that the amount of oil now imported to America, 6.4 million barrels a day, can be reduced by one-third by using Alaska oil.

Without Alaska oil that can be brought to the lower 48 States quickly and efficiently, the United States will continue to leave itself open to harassment from a handful of Arab nations who will use America's oil weakness to their own selfish advantage.

Economists have suggested that the Arab governments, the largest producers of oil in the world, will be collecting as much as $40 billion annually from their oil reserves by 1980, up from less than $5 billion in 1970. Conversely, these same nations are expected to gain increased control over production and sales policies. Again, as the price of oil increases our energy bill will also increase.

If one assumes that the Arab oil-producing states can spend 50 percent of their annual oil revenues collected from the United States on economic development and investment, their resources of gold and foreign exchange will rise well over $100 billion in 1985. Taking into consideration that the entire world reserves currently amount to about $150 billion, it becomes obvious the extent to which their power and influence in international finance will grow.

If the Arab nations used these funds to build pyramids the case to some might not be so disturbing. But this is not the case. The Arab nations have been converting the dollars America pays for its oil into deutsche marks, Swiss francs and consequently driving the dollar to record depths on the international monetary markets thereby subverting the value of the dollar and playing havoc with the U.S. economy for their own selfish objectives.

The bill now before the Senate will provide the right of way for the trans-Alaska pipeline—a pipeline that will bring billions of barrels of oil to the lower 48 States and reduce dependence on foreign oil by one-third thus taking away from the Arab states the ability to play havoc with the dollar, damage the U.S. economy and disrupt the delicate international monetary system.

Indeed, Mr. President, the trans-Alaska pipeline not only means a stronger U.S. economy and a stable economy; it also means a stronger U.S. dollar abroad. It will help revive confidence in the dollar and not allow our currency to take the severe beating that we have witnessed just this last week and which is occurring again today. Energy is a vital part of the Nation's economy and the pipeline is the vehicle for insuring that this Nation receives the petroleum lifeblood that it so desperately needs.

Mr. President, I ask unanimous consent to have a series of articles prepared by the Governor of Alaska and published in the Hearst newspapers printed in the RECORD.

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

EVERYMAN'S STAKE IN ALASKA PIPELINE DELAY

(By William A. Egan, Governor of Alaska)

On Alaska's North Slope, in just one field, there are upwards of 16 billion barrels of oil available to help meet our nation's critical energy needs. Construction of the Trans-Alaska pipeline to supply this oil to the nation has been stalled for four years, and a national energy emergency has been building that by now touches the daily life of every American.

This past winter in the United States, because of fuel shortages, some schools were forced to operate on partial weeks. Factories had to be shut down for brief periods. Water commerce on some of America's great rivers was halted temporarily. Airlines had to make intermediate stops to refuel on cross-country flights because fuel supplies were not sufficient for them to completely fill their tanks before departing New York. Gasoline for trucks and passenger cars, as well as heating and diesel fuels, are curerntly in scarce supply. With the vacation season just starting, motorists already are encountering shuttered gasoline stations.

TWO MILLION A DAY

That single oilfield on Alaska's North Slope, the Prudhoe Bay field, could at maximum pipeline production supply the nation two million barrels of oil daily—or about 730 million barrels (12 percent) of the current six billion barrel annual consumption.

Also of great importance, the Alaska oil production would replace about half of the 1.5 billion barrels of foreign oil being imported annually and thus would trim about $2.5 billion a year from the U.S. balance of payments deficit in money now being paid for foreign oil. This would help significantly in easing our nation's steadily increasing, and alarming, dependency on foreign oil.

TALKS TO BURNS

Arthur Burns, chairman of the Federal Reserve System, expressed grave concern about the growing monetary clout of the Arab states, due to their huge oil exports, when I talked to him earlier this year during a trip to Washington, D.C., to push for a start on pipeline construction. Alaskan oil coming into production, he said, would have a great psychological effect regarding possible Arab financial manipulations, because it would at least begin reducing our steadily increasing dependence on Mideast oil.

And, as Mr. Burns noted, Alaska is the only area in the nation containing oil reserves in the amounts necessary to have this kind of favorable impact.

ONE OF LARGEST

The Prudhoe Bay oilfield is one of the world's largest. It contains about 25 billion barrels of oil, with 16 to 17 billion barrels of that estimated to be recoverable, plus 26 trillion cubic feet of natural gas. Thus the field's worth, presuming a very conservative price of $4 a barrel when production begins, approaches $70 billion, plus another $26 billion for the natural gas.

There reportedly is speculation in the oil industry of there being 50 to 100 billion barrels of oil throughout the North Slope; and the late William T. Pecora, when he was undersecretary of the interior, estimated the slope's potential at 125 billion barrels.

A BIG SUPPLY

From the standpoint of total estimated reserves, as distinguished from estimated recoverable oil, Alaska contains overall, according to the U.S. Geological Survey, 600 billion barrels of oil in the entire United States.

Alaska is, indeed, an energy storehouse that can contribute greatly to the nation's security and financial stability.

From Alaska's standpoint, economic activity and employment opportunity during

pipeline construction, plus oil revenues accruing to the state after it is completed, will serve to advance our state toward its destined role as a strong, full-fledged partner in the American union.

INCREASED ACTIVITY

It follows, also, that increased interest and activity regarding Alaska's numerous other natural resources will accompany the development of our huge energy reserves.

A social-impact study commissioned by the Alyeska Pipeline Service Co., which proposes to build the trans-Alaska pipeline, estimates that 18,000 new workers will be added to the state's work force during pipeline construction. The company expects to train 2,200 Alaska natives for jobs, with native villages being the primary source of hiring.

RESEARCH, PLANNING

Secondary employment in the service and supply industries is expected to raise the total work force to more than 25,000 during the peak construction years.

Both the state administration and the Alaska Legislature are engaged in research and planning work independent of the Alyeska-commissioned study so that the state will be able to guide the dramatic economic growth resulting from the pipeline project in an orderly manner.

As a young state, and after years of neglect as a territory, Alaska still faces great areas of need in improving the lives of its people—in housing, job opportunity, transportation, communications, in easing rural poverty, and many others.

We have made a good start toward meeting these critical needs, but unless we are allowed at an early date to proceed with the development of our North Slope oil resources, we will lose momentum in that effort for human betterment, and the state will face serious financial difficulties in the future.

REVENUE LOSS

The loss in oil production revenues to Alaska, because of the long delay in pipeline construction, already approximately $1.5 billion.

While it has not been generally realized across our nation, the revenue to be realized from the production of Alaska's rich petroleum resources was, from the very first, the financial keystone to Alaska's future as a state.

Congress, in approving statehood, was well aware of Alaska's potentially abundant petroleum reserves and its favorable action was, in fact, premised on those reserves being developed and the resulting revenues paying the new state's way so that it could become a strong and self-sustaining partner of the union.

Nearly $400 million has already been invested in the proposed trans-Alaska pipeline project, including more than $75 million that has gone directly for students, planning to assure environmental protection. Just by itself, the pipeline environmental impact statement prepared by the U.S. Department of the Interior during 2½ years of exhaustive work cost $12 million.

I have sensed during recent months a marked change in national sentiment toward the Alaska pipeline project. I sense a pronounced favorable attitude now for Alaska's position that the project must move ahead as soon as possible.

REASON FOR SHIFT

This encouraging shift in national sentiment, I would point out from my observations, is not from any lessening of the national commitment to environmental projection. It is, instead, from the standpoint of the nation's continuing and growing energy emergency. And it is from the increasing realization of just how seriously our huge oil imports are damaging the United State's monetary position internationally.

EVERYBODY WANTS TO GET INTO THE PIPELINE ACT

(By Alaska Gov. William A. Egan)

Schemes for transporting Alaska's North Slope oil to the nation have run the gamut. One letter writer some time back even urged that prison inmates from across America be marshaled along the 800 miles between Prudhoe Bay and Valdez, Alaska, to carry the oil out in five-gallon cans.

Any number of other plans, plus various alternate pipe line routes, were thoroughly evaluated by the Interior Department during the years of its exhaustive study which established the trans-Alaska pipeline route as the superior route.

Among these were schemes for aerial tramways or elevated conveyors such as those suggested by Brown Enterprises of Scottsdale, Ariz., and more recently by Alexander Nylan of Dover, Mass., in a presentation to a congressional subcommittee. In the pipeline environmental impact statement, the Interior Department concluded that suspended systems such as these "would be generally more vulnerable to earthquakes, landslides, and floods than would be buried pipelines."

A recurring suggestion has been that a railroad be built to haul North Slope oil. With all due regard for the seriousness and sincerity of those promoting this idea, I just honestly cannot conceive how oil in the large volumes that will be involved in North Slope projection could be moved safely and dependably by rail.

$3 MILLION STUDY

A proposal for a railroad from the North Slope to Whittier, Alaska, underwent thorough evaluation costing $3 million in a study that was financed by the state of Alaska and the United States government. I especially recall one conclusion of that study when it was describing the kind of hectic activity that would be involved in keeping the required numerous trains on the move so that necessary schedules could be maintained.

"Rapid unloading," it said, could be accomplished in-motion by discharging crude oil into a continuous trough between the rails."

The study envisioned a total of 42 trains, each made up of five locomotives and * * * tank cars, being dispatched daily on a railroad with 120 high-speed sidings so that trains could "roll off and onto the main line quickly as opposing traffic demanded." Even so, such a system would handle only slightly more than half of the oil that the trans-Alaska pipeline will carry at maximum production.

STAGGERING LOGISTICS

The required logistics of any such plan are indeed highly staggering, even beyond belief. The risk of environmental disaster would be ever present with that much rolling stock and the opportunity it would present for equipment malfunction or failure, under the stress of high speed travel, which could cause accidents and even derailments.

'In contrast, the trans-Alaska pipeline will be buried where possible. It will be out of sight and protected, with the ground above it being replanted to prevent erosion and restore esthetics. And the sections above ground, to assure environmental protection through areas of extra heavy permafrost, will entail far less mileage of altered landscape than would construction of a railroad.

The lingering suggestion that North Slope oil be transported to market by a pipeline built through northern Canada to Edmonton, Alberta, is one that, despite the continuing clamor of those newly discovering it, does not realistically exist at the present time. That routing, as well as presenting potential environmental problems far greater than any encountered on the trans-Alaska route, is just not economically rational. Further, no application has been made for a Canadian oil pipeline route, and no one has seriously proposed to build a trans-Canada line.

Only a very preliminary feasibility study exists on the suggested use of a Canadian route. This study, which was recently analyzed by the Alaska Environmental Conservation Commissioner Max C. Brewer, indicates that investigation of a Canadian crude oil pipeline is at the approximate stage that TAPS, the predecessor to Alyeska Pipeline Service Co., was in late 1969.

That, of course, was when the United States federal interagency task force, coordinated by the Interior Department, presented TAPS with its long list of penetrating environmental and engineering questions and forced a real study, particularly as regards permafrost, of the trans-Alaska pipeline route.

Thus, the massive amount of work that has since been completed to assure environmental protection for construction and operation of the proposed Alaska pipeline would still lie ahead for a Canadian route. Completion of the Alaska line, presuming work gets under way next season, is no more than four years away. In contrast, the time frame necessary for a Canadian line is 10 to 11 years, which would further delay the movement of Alaskan oil and further heighten the nation's energy crisis.

EXPERT ON ARCTIC

Commissioner Brewer is, as former director of the Naval Arctic Research Laboratory at Barrow, one of the world's true experts on the Arctic and on permafrost. He reports that the preliminary Canadian feasibility study "does not provide an analysis of the effects, including damages associated with construction activities, on the environment posed by the construction of such a pipeline although it does provide a general listing of the vegetation and wildlife to be encountered. . ."

He also reports that it "does not provide an analysis of the engineering difficulties to be encountered" and notes that in the Canadian study it is stated that stipulations imposed on TAPS "were not rigidly applied where there was felt to be a rational basis of departure."

Commissioner Brewer adds that "the impression is given that this is a pipeline project to be conducted by pipeline companies. There is no indication of planning for either governmental review or supervision of either engineering plans or environmental protective measures in the proposed (Canadian) project."

ROUTES COMPARED

The proposed Alaska pipeline will be 789 miles long, where a Canadian line would be 1738 miles long. The Alaska line will cross 355 miles of continuous permafrost and 375 miles of discontinuous permafrost. The Canadian equivalents, as envisioned in the preliminary feasibility study, would be 482 miles and 918 miles, for a total of 1400 miles of Canadian route permafrost or almost double the 730 miles on the Alaska route.

The preliminary Canadian study, Commissioner Brewer concluded, "does not offer a plan that is safe from an engineering standpoint or that is even minimally environmentally acceptable for an Arctic area in either Alaska or Canada, particularly a Canadian area having such a multitude of major northward-flowing streams and such a richness in wildlife propagation habitat."

In contrast, detailed design and redesign work filling 29 volumes has been completed for the proposed Alaska pipeline and filed as a project description with the Interior Department. Route selection, surveying and testing have been readied for the construction phase. The procurement of pipe and equipment has been accomplished.

NEGOTIATIONS PROCEED

Time-consuming negotiations and agreements prerequisite to the project have been

kept apace of circumstances. Months of study were invested in the Alaska project prior to the filing of an application. Months of subsequent review by governmental agencies have been completed. The laborious process of preparing a final environmental impact statement has been finished. These are all steps which would have to be duplicated if a Canadian line were to be undertaken.

Years of production would be lost in switching over from a largely completed trans-Alaska program to a trans-Canada program which has yet to jell into a specific concept. Those lost years are an unacceptable sacrifice considering the growing urgency of our nation's energy crisis.

ALASKA OIL CORE WORK

(By Bill Rintoul)

Alaska's Lower Cook Inlet will be the scene of a coring program this summer that'll help set the stage for an eventual lease sale in the highly-regarded offshore area.

The Lower Cook Inlet, embracing approximately 400 square miles, is regarded as one of the likeliest places for future Alaskan discoveries.

Exploration Services Co., Inc., Anchorage, will conduct the 45-day coring program for a group of companies said to include most, if not all, of those with interests in the Upper Cook Inlet.

The coring vessel will be the Heron out of Seattle, owned by Associated Marine Services. The vessel, a converted Navy net tender, has been outfitted with over-the-side coring equipment from La Ciencia, a pioneer of early offshore work off California. It'll be supported by La Ciencia as anchor vessel.

Geologically, the lower inlet is said to be similar to the upper inlet, where four offshore oil fields have been discovered as well as one onshore field. The fields have produced about 484 million barrels, or approximately half the estimated recoverable oil.

Ownership of offshore oil and gas rights in the lower inlet is under dispute between the State of Alaska and the Federal Government.

Late last year the U.S. District Court in Anchorage ruled the lower inlet is a historical bay belonging to Alaska rather than an arm of the ocean belonging to the Federal Government. The Federal Government has announced plans to appeal, and it's expected the case eventually will be decided by the Supreme Court.

When the courts finally decide who owns the lower inlet, it's expected that the owner—either the State or the Federal Government—will move rapidly to hold a lease sale. It's no secret that seismic work in the lower inlet has turned up interesting structures.

ALASKA'S OIL AND SEA—ANTIPOLLUTION PLANS

(By Alaska Gov. William A. Egan)

The navigational safety aids and procedures planned for the tanker segment of the route proposed for transporting Alaska's North Slope oil to the nation are extensive and impressive. Careful and detailed planning is going into this part of the planned operation and I am convinced that attention to environmental protection on the tanker route will be unprecedented.

Under the Ports and Waterways Act of 1972, the U.S. Coast Guard has far-reaching authority to exercise very positive control over the movement of oil by means of water transportation.

This includes not only the responsibility for providing safe and complete navigation systems but also the establishment of tanker routes and participation in the design of tankers. It even extends to the design of oil transfer valves aboard ship and for terminal loading and unloading operations.

The Coast Guard is working closely with shipbuilders and terminal operators so that the exacting provisions of this 1972 federal law will be fully implemented to assure the safe shipment of Alaska oil by tanker to the West Coast, after it is transported to Valdez through the proposed trans-Alaska pipeline.

CONTROL SYSTEMS

Very comprehensive control systems for tanker traffic have now been put in operation in Houston, San Francisco, and Puget Sound, and the valuable experience and expertise gained from those will be available in establishing the navigation and traffic control systems for the Alaska tanker route.

The new tankers being built to carry Alaska oil to the West Coast will have separate ballast compartments. Therefore, any ballast water taken on for vessel stabilization in rough seas will come in contact only with clean metal, as opposed to the practice of taking ballast water into empty oil tanks in vessels which do not have separate ballast compartments.

Thus, the risk of pollution through ballast dumping will be eliminated.

As an added measure, the state of Alaska has strict laws against the dumping of oily ballast or bilge waters.

It should also be noted that these new vessels being built are, by no stretch of the definition, in the "supertanker" class as they are prone to be described in news accounts. The largest ones will be 120,000 deadweight ton vessels, only slightly larger than many vessels which have put in regularly over the years at the West Coast ports where the new vessels will call. Others will range in size down to 45,000 tons.

THREE PORTS

Further, their arrivals will be distributed among three West Coast ports and, thus, the volume of traffic will not be unduly increased at any one of the three. The amount of oil destined for Puget Sound's Cherry Point Refinery north of Seattle, for example, will require only 25 tanker arrivals per week. Nine arrivals per week are scheduled for San Francisco and just under nine per week for Los Angeles.

I think the United States Congressman Lloyd Meeds, of Washington state, has a very valid point when he said recently that an oil line across Canada to transport Alaska's North Slope oil to the lower states might cause more tanker traffic on Puget Sound than the proposed Alaskan pipeline/tanker operation would.

Congressman Meeds pointed out that any trans-Canada line would have to have a spur line to the Cherry Point refinery, in order to serve increasing West Coast petroleum needs, and tankers would then load oil at Cherry Point, involving larger amounts and more arrivals and departures, to haul it on to the other West Coast destinations.

The same reasoning would apply, of course, to any plan proposing to bring the total volume of North Slope oil through British Columbia, such as British Columbia Premier David Barrett's railroad proposal, for further delivery on down the line to West Coast ports.

PRECAUTIONS

That such further delivery would have to take place is inevitable when we consider that the West Coast oil-using region (District 5) will be needing an additional 2.4 million barrels of oil a day by 1980, about the time North Slope production would begin flowing through the trans-Alaska pipeline if expeditious action is taken now to allow the project to proceed.

Regarding the tanker route down to the West Coast from the proposed trans-Alaska pipeline terminal at Valdez, Alaska, the vessels will use sea lanes far out in the ocean and far distant from any coastline. For much of the way this distance away from the coast will be 175 miles, for most of the way it will be 100 miles or more, and even on almost all of the approach to Puget Sound it will be 50 miles away from shore. These vessels will not traverse British Columbia waters.

We in Alaska are just as determined as are British Columbians and our fellow Americans on the West Coast that our beautiful coastline not be exposed to the risks of pollution. And, in conjunction with various federal agencies and the oil industry, we are taking steps to insure in every way humanly possible that it will not be.

THE SYSTEM

At Valdez, on the Alaskan end of the tanker route, similar equipment and procedures to the ones I have discussed above will be employed to insure safe loading at the terminal there.

On the approach to Valdez, plans call for tankers to come under control of the Valdez terminal communications center when they reach Cape Saint Elias—well before entering Alaska's Prince William Sound. An approaching tanker's captain will at that point be informed by the Valdez control center whether he can directly proceed through Prince William Sound, or whether he is to reduce speed or anchor at a designated point and wait for traffic lanes to become available.

Through Prince William Sound, inbound and outbound tankers will use separate traffic lanes. Then through Valdez arm leading to the Valdez terminal, only one vessel at a time will be permitted.

In addition, all tankers will take pilots aboard when they enter Prince William Sound. All vessels loading at the Valdez terminal must also, under terminal requirements planned as of now, be equipped with depth finder, radio directional finder, LORAN position finding system, two independent radar systems, UHF and HF and single-sideband radio as well as radio telegraph, and must be capable of ship-to-ship and ship-to-shore communications.

I am convinced, as all of this various attention to navigational aids clearly shows, that the tanker operation from Alaska to the West Coast will be a model for the world as regards operational safety and environmental protection. And I can assure fellow Americans that the state of Alaska will continue to insist that everything must be done to further refine and improve safety measures to the very last degree it is possible to achieve.

ALASKA OIL WITHIN EASY REACH

(By Alaska Gov. William A. Egan)

It is obvious now to all Americans, whether or not some of them may feel sincere uncertainties about why the problem is upon us and how best to overcome it, that our nation is feeling the first staggering blows of a very real energy crisis.

It is touching the daily lives of everyone who in some way, personally or through the use of public facilities, depends on gasoline and other fuels currently in scarce supply.

That our energy crisis is genuine is clearly evidenced by the reaction in some quarters—specifically the idea that we should now, in an emergency situation, stop everything and map out an overall national energy policy, and the lingering suggestion that we should spend additional years of delay in futile further study of how Alaska's North Slope oil should be transported to the lower United States.

CRASH COURSES

Such crash courses of inaction, diversionary action, are never wasted on imaginary problems. They are taken to avoid facing a real problem which people hope will just go away if given enough time.

However America's energy emergency is not just about to go away. All indications point to more of the same for the future.

The attendant ramifications are a steadily increasing dependency on foreign oil which, before too much longer, will reach truly alarming proportions and, in turn, a worsening U.S. balance of payments deficit due in part to money being paid for foreign oil.

There are immediate steps which can be taken now to help ease the nation's energy crisis which are entirely in concert with long-range, overall energy planning. One step is the expeditious development, stalled for four years now, of Alaska's Prudhoe Bay oil field on the North Slope of the 49th state.

In just that one field, there are upwards of 16 billion barrels of oil available to help meet America's critical energy needs. Further, the proposed trans-Alaska pipeline which would carry this Alaska oil to market has been exhaustively studied and planned to assure environmental protection and the project is ready to move ahead now.

Necessary actions for this to the federal 1920 Minerals Congress of an amendment to the federal 1920 Minerals Leasing Act to allow sufficient right-of-way width for the Alaska pipeline, and a favorable court ruling on the adequacy of the environmental impact statement that was prepared at a cost of $12 million by the U.S. Department of the Interior.

In addition some $60 million of private funds invested in the project so far has gone directly for studies and planning to assure environmental protection. Overall, nearly $400 million has already been invested in the proposed Alaska pipeline.

Route selection, surveying and testing have been completed leading up to the construction phase. The procurement of pipe and equipment has been accomplished. Given a final go-ahead reasonably soon, the trans-Alaska pipeline could be completed and supplying oil to the nation in three to four years.

However, some contend the Alaska proposal be postponed for a year's study while considering a trans-Canada route stretching two and one-quarter times the length of the trans-Alaska route. This would pose far greater potential environmental problems over that much longer distance.

Yet another year's delay would be only the beginning where a Canadian pipeline route is concerned. A definitive study by the state of Alaska, the major findings of which have been presented in earlier articles of this series, places the total possible delay more likely at 11 years in the tragic event a Canadian route was decided upon.

This would be so because, on top of the financing problem, a Canadian pipeline proposal would run into a maze of Canadian legal and political complexities as well as requiring an involved international agreement between the United States and Canada.

That state study also shows that the Alaska pipeline, with its seven-year time advantage, could supply the nation 3.4 billion barrels of oil prior to the time oil could even begin to flow through a Canadian pipeline.

And it shows that a Canadian line would not, as has been contended, bring low-price North slope oil to an energy-hungry Midwest.

To the contrary, the much higher cost for a Canadian line because of the far longer distance involved would increase the per-barrel cost of sending Alaska oil to the Midwest by at least 76½ cents over the cost of sending it to the West Coast. That would price the oil out of the Midwest market.

Also, because Canadians have made it clear they will pre-empt 50 percent of pipeline capacity for their own oil, our nation not only would lose, through a Canadian line, half of the Alaskan oil that it would receive through the trans-Alaska pipeline; it would stand to lose that amount of oil period.

Finally, because during the first years of oil production at Prudhoe Bay the natural gas will be re-injected to maintain field pressure for maximum recovery of oil, the much longer time frame for a Canadian oil line would delay the movement of North Slope natural gas to the Midwest and other areas that critically need it.

Oil production, because of the re-injection process, must necessarily precede natural gas production by several years.

AGGRAVATION

We can clearly expect years of continuing aggravation of our energy emergency if a Canadian route is chosen to move the first large volume of North slope oil to the lower states. The proposed trans-Alaska route is the only one that will help us ease our immediate energy needs in a logical manner.

There is no doubt in my mind that our country should develop a comprehensive policy regarding the development, transportation, marketing and consumption of energy. But I am also convinced that, to the extent that our efforts block the existing scheme of decision making while that new policy is forged, the crisis will explode in our faces.

We need an interim energy policy that makes sense in terms of existing conditions. The proposed trans-Alaska pipeline fits logically into that needed interim policy.

PROBLEMS RESOLVED

Opposition to the Alaska pipeline in the courts and in Congress was initially predicated on natural environmental problems. Those problems, I believe, have been resolved through diligence in further research and refinement of the pipeline proposal.

And most concerned Americans would, I believe, be similarly convinced if they had the time to examine the results of that massive research and refinement undertaking.

Opposition to the trans-Alaska pipeline has now switched to an argument that attempts to oppose one regional economic interest against another.

The conflict is a false one.

The whole nation will lose if the trans-Alaska line is not allowed to proceed soon because of the illusion of sectional benefit. The debate has frozen the urgently needed oil resources of Alaska's North Slope too long already.

It is time to get on with the job.

Mr. STEVENS. Mr. President, following my trip to Canada with other Members of Congress, I submitted a report to the Senate on our conference with Canadian officials. This statement set forth clearly my understanding of the Canadian position. It included some articles from the newspapers published in Ottawa which also, I think, were very clear concerning the statements made by Canadian officials.

Subsequent to a comment concerning that visit by a Member of the House, I again addressed myself to the Canadian point of view and wrote a letter to the Washington Star. I ask unanimous consent that my report to the Senate on the Canadian meeting and my letter to the Star be printed in the RECORD.

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

REPORT TO THE SENATE ON CONFERENCE WITH CANADIAN OFFICIALS

Mr. STEVENS. Mr. President, I have just returned from Ottawa, Canada, where I joined six other Members of Congress in participating in a meeting organized by the Canadian Parliamentary Center for Foreign Affairs and Trade. This is a private Canadian organization, partially funded by the Parliament of Canada.

During this meeting, it was a privilege to meet with the Honorable Donald Macdonald, Minister of Energy, Mines, and Resources, and the Honorable Jean Chrétien, Minister of Indian Affairs and Northern Development. We also met with Canadian officials who deal with Canada's National Energy policies and the problems of Canada's energy supplies. In addition, we met with Canadian newsmen and leaders of Canadian industry. I have attached a list of those with whom we met to this statement—the list is not all inclusive because we met additional Canadian officials—from Parliament and the Federal Government—and other distinguished Canadians at social gatherings hosted by Adolph Schmidt, American Ambassador to Canada and Mr. William H. Johnson, Deputy Chief of the U.S. Mission of the U.S. Embassy in Ottawa.

Mr. President, I ask unanimous consent that the list be printed at this point in the RECORD.

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

CANADIAN PARLIAMENTARY CENTER FOR FOREIGN AFFAIRS AND TRADE

CANADA

In Attendance—June 1, 1973

A. Brown—Coal Section, Energy Development Sector, Department of Energy, Mines and Resources, Ottawa.

J. Read—Coal Section, Energy Development Sector, Department of Energy, Mines and Resources, Ottawa.

O. J. C. Runnalls—Senior Adviser, Uranium and Nuclear Energy, Department of Energy, Mines and Resources.

W. H. Hopper—Director, Energy Policy, Department of Energy, Mines and Resources.

Wm. A. Scotland—Senior Adviser Oil & Gas—Canada-U.S., Department of Energy, Mines and Resources.

R. B. Toombs—Senior Advisor, Oil & Gas—Canada, Department of Energy, Mines and Resources.

G. M. MacNabb—Senior Assistant Deputy Minister, Department of Energy, Mines and Resources.

Douglas M. Fraser—Vice-Chairman, National Energy Board.

R. Priddle—Director, Oil Policy Branch, National Energy Board.

A. Boyd Gilmour—Assistant Director, Economics, National Energy Board.

R. L. Borden—Chief, International Resources, Industry, Trade and Commerce.

D. W. Fulford—Director, Transport, Communications Division, Department of External Affairs.

R. G. Blackburn—First Secretary, Canadian Embassy, Washington.

E. W. Humphrys—Senior Electrical Advisor, Energy, Department of Energy, Mines and Resources.

Peter Dobell—Parliamentary Centre, Ottawa.

RESUMPTION OF REPORT

Mr. STEVENS. Mr. President, no formal statements were made in those meetings, and again I emphasize they were organized by the center under the guidance of Peter Dobell, a distinguished former member of the Canadian Foreign Service. However, I have decided to set forth for the Senate my impressions of these meetings and my conclusions based upon them. Obviously, these meetings were important to our future deliberations regarding pipelines and transportation of oil or gas from the Alaskan Arctic to markets in the "South 48."

At the outset let me state that the most important consideration in the determination of the merits of the Alaskan route for the pipeline as compared to the Canadian route is time, and, as a result of this meeting, it is clear to me that Canadian officials agree with Secretary Morton that it will take 3–5

years longer to construct an oil pipeline through Canada than it will through Alaska.

This conclusion is inescapable from the following minimum timetable the Canadian officials outlined for the oil pipeline:

First, the National Energy Board of Canada will be prepared to accept applications for a pipeline at the end of this year.

Second, it would take Canadian industry about 1 to 2 years to prepare an application for the Canadian right-of-way and a certificate of convenience and necessity. The right-of-way application is filed with the Department of Indian Affairs and Northern Development; the certificate of convenience and necessity must be obtained from the national energy board—there would also have to be an application to the U.S. Department of the Interior for the portion of the right-of-way in Alaska and an application to the Federal Power Commission in the United States. It was repeatedly emphasized that nothing could be done by Canadian officials until such an application was filed.

Third. The NEB would take from 1 to 2 years to review any applications filed with it—and would, in all probability, have public hearings on such an application. The Department of Indian Affairs and Northern Development would probably appoint a three man commission to review any application for a pipeline right-of-way—this would take at least 1 year.

Fourth. Highly important in this problem of delay if the Canadian route were selected for the pipeline is the issue of Canadian native claims. Canadian natives have claimed that two treaties dealing with their rights are invalid. In addition, we were informed that Canadian Eskimos have not been the beneficiaries of any treaty; consequently, Canadian Eskimos most certainly have claims that must be dealt with.

Industry representatives told us that no corporation would proceed with a pipeline until the Canadian natives' claims were resolved by the House of Commons—and in doing so, they emphasized that the question goes beyond the validity of any right of way, it also goes to the validity of the oil and gas leases issued to the industry in the Northern Territories.

In other words, the 3 to 5 years delay in the time to obtain authorization of the Canadian oil pipeline right of way and certificate of necessity does not include any of the unforeseeable delays in the processing of the two applications—and, in particular, it assumes that there will be no extraordinary delay in the processing of the Canadian native claims. The United States experience does not support the conclusion that this is either rational or reasonable. As one who was deeply involved in the Alaska Native claims issue I feel that the progress which is being made in Canada on this issue, despite the assurances of the Minister of Indian Affairs and Northern Development, does not warrant a conclusion that the Canadian native claims will be disposed of preemptorily. And, attached to this statement is an excerpt from the testimony I gave to the Senate Interior Committee on this subject on May 2, 1973 and the statement I made to the Joint Economic Committee on June 22, 1972.

Mr. President, I ask unanimous consent that the excerpts be printed in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD.

EXCERPT FROM STATEMENT OF SENATOR TED STEVENS BEFORE THE JOINT ECONOMIC COMMITTEE ON JUNE 22, 1972

One of the most important developments which would likely delay any proposed trans-Canada oil pipeline is the land claims of Canada's Native population. In recent years the northern Natives of Canada have organized to press for settlement of their treaty and aboriginal rights, much as Alaska Natives did in the recent past.

In 1968, Canada's Indian population numbered over 237,000, although most of this number have assimilated into Canadian life and live in the more urban provinces. Nevertheless, many groups still have outstanding land claims with the federal government. In 1899 and 1921, Treaties 8 and 11 were negotiated with the Indians of the MacKenzie District in the Northwest Territories, but were never enacted. With other Indians no treaties were ever enacted at all. Finally, with a third group of Indians, no treaties were entered into, in spite of understandings that such treaties would be negotiated. In 1912 complementary federal and Quebec statutes effected a northern extension of the boundaries of the Quebec province. However, although provisions in both statutes record Quebec's recognition of the rights of the Indian inhabitants of the region and its pledge to obtain surrender of such claims by some kind of settlement, no settlement was ever negotiated.

Thus, the claims of the various groups of Canadian Natives vary considerably. The judicial success of Canadian Indians whose ancestors were promised a settlement but which was never negotiated has been very slim. (See MacGuigan, Mark R., "Human Rights and the Native Peoples of Canada" 46 Canada Far Review 695–711 (1968)).

The treaties signed in 1899 and 1921 with the Indians of the MacKenzie District of the Northwest Territories (the area, it should be noted, through which the proposed oil and gas lines would travel) granted the Indians one square mile of land for each family of five. However, these obligations were never fulfilled. A large part of the 8,000 or so Indian population in the Northwest Territories is covered by these two treaties.

In 1959 a Royal Commission was appointed by the federal government which recommended an alternative to granting the land in the form of the payment of $25 million, plus the annual payment of one-half of one percent of any revenues received by the Crown for mineral, gas, and oil reserves in the area of the treaties. This recommendation also was never implemented.

Finally, other Indians are expected to seek settlements on the basis of aboriginal rights, the foundation for the claims of Alaska's Natives. This would include the Eskimos of the Arctic regions and the Indians of the northern Yukon, particularly those in the path of the proposed pipelines from Prudhoe Bay. Most of Canada's present Eskimo population of 15,000 resides in the Northwest Territories and possesses only aboriginal claims.

By legislation enacted in 1965, the Department of Indian Affairs and Northern Development was formed on the federal level with the responsibility of administering Indian Affairs.

The Northern Natives of Canada have at present organized three groups to settle treaty and aboriginal rights. The largest and best organized group is the Indian Brotherhood of the Northwest Territories. The Brotherhood is composed of Treaty Indians who presently live on reservations and receive a stipend from the government.

The second group is the Inuit Tapirisat which consists of Eskimos and also receives governmental assistance.

The third group is the Committee for Original Peoples Entitlement (COPE) consisting of Eskimos, Metis (part Native, part white), and non-treaty Indians i.e., Indians who have left the reservation and no longer receive governmental funds).

The Canadian government has not taken a positive position toward the various treaty and aboriginal claims of Canada's Indians. Prime Minister Pierre Trudeau is on record as stating that the Indians' claims should be dealt with on their legal and not on a basis of moral rights—a statement indicating that he is prepared to deal with the treaty Indians, but not the non-treaty ones—the Eskimos and the Metis. (Oilweek, April 10, 1972).

Moreover, Jean Chretien, Minister of Indian Affairs and Northern Development, in a May 18, 1972 appearance before the House of Commons declared that his government was "prepared to abide by the treaties and we have offered two options to the Indians: either their lands or a compensation. They have not made a choice." (House of Commons Debates, 4th Session, 28th Parliament, May 18, 1972, Vol. 116, P. 2384). Thus, it seems obvious that the Canadian Government is not willing to go beyond its original 1899 and 1921 treaty obligations concerning land allotments, or the settlement figure of $25 million proposed in 1959.

Likewise, Mr. Chretian, in another dialogue this very month (June 5, 1973) in the House of Commons with Robert Stanfield, leader of the Opposition, declared that, although his government was prepared at any time to fulfill its treaties with the Indians of the Northwest Territories, that it intended to proceed with its plans for the development of the North without any effort to settle the question of aboriginal rights. Mr. Chretien declared that only if the Supreme Court of Canada gives a ruling directly with regard to aboriginal rights would the government "take the situation in hand and decide what ought to be done." (House of Commons Debates, 4th Session, 28th Parliament, June 5, 1972, Vol. 116, p. 2836).

The activities of the three Indian groups, however, indicate that they will not accept the present offers of the government, but will press for a settlement to include compensation for their aboriginal claims. Indeed, all of the various chapters of the Indian Brotherhood have refused to meet with the Indian Claims Commissioner regarding settlement of their treaty rights.

The successful efforts of the Alaska Federation of Natives in obtaining a generous settlement of 40 million acres of land, $500 million in each, and gas and oil royalty payments up to another $500 million have served as a highly instructive model for the Canadian Indian groups.

The declared aim of all three Indian groups is at present "no settlement, no pipeline!" (*The Financial Post*, Toronto, April 15, 1972), referring to the proposed oil and gas pipelines down the MacKenzie Valley. The groups plan to go to court to halt construction of any such pipelines if they begin before the Natives have received the kind of settlements they are seeking to both their treaty and aboriginal claims. Thus, obstructing law suits are planned to block any such projects, much as the law suit filed in April, 1970, by five Alaska Native villages resulting in an injunction barring the Secretary of the Interior from issuing a pipeline permit.

It can be expected that the legal battles involved with any such litigation could reach to the Canadian Supreme Court. At present, lawyers for the groups representing treaty Indians are researching the expectations and understandings of the Indians who signed the 1899 and 1921 treaties to portray their belief that the wording of the treaties might not have represented what the signing chiefs thought they were approving. The non-treaty Indians, on the other hand, are trying to win acknowledgment that their aboriginal claims are indeed valid. The fact that the U.S. Congress explicitly acknowledged the validity of similar claims by its passage of the Alaskan Natives Claims Settlement Act last December should provide important legal precedent in this regard.

Also it should be noted that concern has grown greatly in this country with the manner in which our Indian population was treated in past eras. This growing sentiment can be seen visibly by comparing the gen-

erous settlement terms which the U.S. Congress finally accepted as part of Alaskan Native Claims Settlement Act and the provisions of a similar bill in the 91st Congress which passed the Senate but not the House of Representatives. That bill passed only 16 months earlier, offered the Alaskan Natives only 11 to 15 million acres of land and $1 billion compared to the 40 million acres and $1 billion agreed to 16 months later. In short although the Canadian government may not now be prepared to accept the validity of the aboriginal claims of its Natives, political reality and public opinion may force it at a later date to accept these claims at a much higher, more costly settlement figure than it could now negotiate.

In summation, the Native groups of Canada are now organizing to press for the settlement of their treaty and aboriginal claims. Whether they can build up sufficient public support and develop the legal arguments necessary for blocking a trans-Canada pipeline until their claims are settled to their satisfaction is impossible to forecast. However, it does seem plain that Canada's Natives, drawing upon the experience of Alaskan Natives, should be able to significantly delay the construction of any pipeline through Canada, be it oil or natural gas.

EXCERPT FROM STATEMENT OF SENATOR TED STEVENS

Recent reports confirm the seriousness of the Canadian Land Claims. It is now apparent that Canada's northern natives have launched an all out drive to establish their right to land. The key element of this drive is native opposition to government approval of construction of a MacKenzie Valley pipeline. With the cry of "no settlement, no pipeline" (The Financial Post, Toronto, April 15, 1972) Canada's natives have raised this issue, which the United States has just taken 15 years to resolve. The Prime Minister of Canada has recently agreed to negotiate treaty claims with the Indians for a cash land settlement, including perpetual royalties on natural resources. However, Mr. Trudeau at the same time refused to say definitely that aboriginal rights existed legally. These treaties involve nearly 7,000 Indians in the territories. 13,000 Eskimos have no treaties, nor do 5,000 Metis, living side by side with the Indians in the MacKenzie area. In any event, the Indians want to do more than just negotiate their treaty claims, and rightfully so. They are organizing with the Eskimos and Metis to settle their aboriginal land claims. It took this country five years to settle Alaska's native claims. The natives of Canada have watched Alaska's 60,000 natives win a 962.5 million dollar cash and royalty payments settlement plus title to 40 million acres of land. Any major proposed trans-Canada pipeline from Alaska to the Lower 48 would have international repercussions that the Canadian Natives could rightfully use to gain additional leverage. By the same token, such Canadian native land claims would doubtless delay the construction of any trans-Canada pipeline.

Another potentially serious setback for the pipeline is court action recently taken by the Northwest Territories Indian Brotherhood that has imposed a temporary land freeze on the thousands of square miles of treaty lands there. The Indians sought an injunction against any land disposal in the 400,000 square miles area until their land claims settlement is reached. The territorial Supreme Court imposed a three month land freeze until a ruling on the injunction can be handed down. This lawsuit is breaking new legal ground and is apparently an issue of first impression in that jurisdiction. But if the injunction is issued by the Supreme Court of the Northwest Territory, a long term land freeze will probably result.

In his testimony before the Joint Economic Committee, Mr. Donald Wright, the President of the Alaska Federation of Natives, stated:

"We have learned from hard experience that it is imperative to settle the question of aboriginal land rights prior to the construction of any pipeline. The resolution of this issue in Canada is still in its early stages and nothing should be done to undermine its opportunity for successful resolution. To advocate a trans-Canada pipeline must include as its premise a fair settlement of Canadian Indian land claims prior to any construction taking place. Based on our experience in the United States, this willl require a number of years of careful and thorough negotiation, perhaps even litigation."

And this is only one major delay. A trans-Canada pipeline would raise significant environmental issues where there is currently no established form for dealing with them and could involve regulatory and jurisdictional delays beyond any reliable estimate. Recently Canadian Arctic Gas Limited President Vernon L. Horte expressed confusion on Canadian federal hearing procedures for the construction application.

The Northwest Territories Minister of Indian Affairs and Northern Development, Jean Chretien, stated that his department will require a separate hearing from that of the National Energy Board. In his speech of March 15, Mr. Chretien stated:

"The Council of the Northwest Territories has formally given its support to the construction of a systems corridor—including a pipeline through the Mackenize Valley, provided there is involvement of the N.W.T. Government, optimum employment of northerners, compensation to anyone adversely affected and adequate protection of the environment. . . .

"I have decided that public hearings will be held under the Territorial Lands Act at an appropriate time after the Department receives an application for a pipeline right-of-way covering Crown lands which are within the Territories and under my administration as Minister of the Department of Indian Affairs and Northern Development.

"The purpose of this enquiry will be to assess the regional, socio-economic and environmental implications arising out of the construction and operation of a major pipeline in the Territories.

"These hearings will be held in addition to those required by law under the National Energy Board Act subsequent to an application of the NEB for a Certificate of Public Convenience and Necessity . . .

". . . any application to my Department for a pipeline right-of-way must be based on a viable project proposal and must further be accompanied by detailed documentation of research pertaining to those areas of social and environmental concern enunciated in the Government's Guidelines for Northern Pipelines.

". . . It is my intention to ensure that any hearings under the Territorial Lands Act are structured in such a manner that all those interested in the project at the time would have an adequate opportunity to be represented and to make their views known. In order to ensure that northern residents, especially the native people, can make a contribution, I would expect that the hearings would be held in part at least in northern centres particularly those closest to the proposed pipeline routes."

A national energy policy for Canada, which may come within the next few months, must be determined before any hearings on the pipeline project will be scheduled. In fact, Mr. Horte, the President of Canadian Arctic Gas Limited, expressed concern that the trans-Canada project might be delayed long enough to require North Slope natural gas to be shipped down through Alaska.

Mr. STEVENS. Mr. President, it is important, I feel, to try to interpret the statements and actions of our Canadian friends and neighbors from their point of view. In the first place, Canada has sufficient oil reserves to meet her future demand. Canada has at least 10 billion barrels of known petroleum reserves and an estimated potential of 120 billion barrels. Canada produced 493 million barrels in 1971 and exported 308 million barrels to the United States in that year. Canada's natural gas reserves indicate a more positive picture. Canada estimates proved reserve at 53 trillion cubic feet, with potential reserves at 725 trillion cubic feet of gas. Canada produced only 2.5 trillion cubic feet of natural gas in 1971 and exported 0.9 trillion cubic feet of natural gas to the United States in that period.

No significant oil discoveries have been made in Canada's McKenzie River area—on the contrary, significant gas discoveries, not included in Canada's gas potential of 725 trillion cubic feet of gas have been made in the McKenzie River area. Clearly, the Canadian national interest lies in the transportation of natural gas—not petroleum.

The major national issue involved in the Canadian appraisal of the Alaskan pipeline is the potential tanker traffic to the Puget Sound with Alaska crude for refineries in Washington State. It was made very plain to me that the Canadian National Government was prepared to commit western Canadian, low sulfur—sweet—crude oil to the Puget Sound to obtain an agreement from the United States that supertankers would not serve Puget Sound. This is an offer we may not be able to refuse.

It is clear that tanker traffic is now a potential political hazard for the Trudeau government. Canada has indicated it will send a note to the United States protesting the proposed tanker traffic to serve the Eastport, Maine, refinery.

This proposed tanker traffic and that proposed for the Puget Sound appears to me to be more of a political reality than a potential environmental risk—and, we should not ignore the implications in such a political risk.

Most significantly, the Canadian Government has enunciated another problem with political and economic considerations. It is apparent that the Canadian Government would not permit an oil pipeline and a gas pipeline to be constructed simultaneously through Canada to transport Alaskan oil and gas to U.S. markets. It was pointed out to us that if both pipelines were constructed simultaneously there would be a severe drain on available Canadian manpower. In addition, challenge has been made to Canada's ability to finance a gas pipeline—let alone a gas pipeline and an oil pipeline at the same time. Canada is also moving forward with other public works projects, such as the James Bay hydroelectric project which will require $6 billion in financing and 6,500 workers per year for 12 years. It is not possible for Canada to finance projects such as James Bay hydro and both pipelines in the decade ahead. This, as I said, most significant decision means that if it was determined that Alaskan oil should go through Canada it would be at least until 1979 before construction of a gas pipeline could be commenced. Obviously, the people of the Midwest cannot wait 10 years to receive any further increment in natural gas supplies. The one great hope that the United States Midwest has for additional natural gas supply lies in the pipeline to tap Alaskan and Mackenzie River reserves for export to the South 48.

Canada is ready to proceed to process a gas pipeline application. Canadian Gas Arctic Study Ltd. and Alaskan Arctic Gas Study Co. have spent about $30 million for research on the Canadian gas pipeline. It is anticipated that this study, which has taken 3 years to date, will be reviewed for about 18 months, and that the gas line could be constructed in about 3 years. In other words, if the Alaska pipeline is started in 1974 and the application for the Canadian gas line is

filed in 1974, it is anticipated that the gas line will be completed sometime in late 1978—just in time to commence deliveries of North Slope natural gas—and at least 5 years before gas could be delivered if both the oil and gas lines are required to be located in Canada. Moreover, it is entirely possible that Mackenzie River gas will be exported to U.S. consumers as soon as the gas pipeline reaches the Mackenzie River—2 years after the Alaskan pipeline commences. This would make additional gas supplies available to the U.S. Midwest by 1975.

Canadian needs for a gasline are great—the Mackenzie River discoveries can support about 1 billion feet per day production—but at least 4 billion feet per day is required to support the trans-Canada gas pipeline of 48 inches. This additional supply can come only from Prudhoe Bay gas reserves. Furthermore, while Canada has no immediate need for Mackenzie River natural gas, it is clear that in about 10 years the Mackenzie River deposits will be needed to fulfill Canadian needs. Natural gas production in the meantime would probably be available for export to the United States—thereby augmenting Midwest supplies and actually providing needed hydrocarbon fossil fuel to the Midwest and East of the United States at least 5 to 8 years earlier than it could be delivered if both pipelines are built through Canada.

There are other delay factors—for instance, Canada will not license any pipeline which will disturb gravity flows of rivers crossed by a pipeline. This stipulation alone will require significant research and design of engineering features to prevent disturbance of gravity flow. Furthermore, it was seriously questioned whether Canada has available, without significant environmental damage, enough gravel to supply a footing for two pipelines in Canada and, in my opinion, proponents of the Canadian oil pipeline have ignored completely the warnings being issued by responsible Canadian officials concerning the problems the Canadian gasline will face.

Mr. President, the Toronto Globe and Mail has reported the controversy concerning the problems of financing the gas pipeline and has editorially suggested that even the gas pipeline should be reviewed by the House of Commons. I ask unanimous consent that both the article of Terrance Wills and the Globe and Mail editorial on this subject be printed at the end of my remarks.

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

Mr. STEVENS. Mr. President, let me summarize the results of the meetings we held in Canada last week:

First, it will take at least 3 to 5 years longer to construct an oil pipeline through Canada.

Second, Canadian Native claims are a significant cloud on all oil company activity in the Mackenzie River area and these claims must be honorably settled if a gasline is to proceed. If both lines were to be proposed for the Canadian right-of-way, the delay would be even more serious, because it is obvious to me that the Canadian Government is apprehensive about Canadian Native claims.

Third, Puget Sound tanker traffic is a real—political—obstacle to the Alaskan pipeline proposal.

Fourth, the Canadian Government's opposition to constructing both the oil and gas pipelines simultaneously can only increase the delay in making available Alaska natural gas supplies to the U.S. Midwest.

Mr. President, the Alaskan pipeline route has been thoroughly studied. An application has been filed for the appropriate right-of-way.

No delay is necessary of the Alaskan Native claims—we have solved that problem already. And, there is no question that the U.S. capital market could support the Alaskan oil line even while the Canadian capital market financed the gas line. Above all, Mr. President, there is no additional delay to examine the route involved and no question about support from all Alaskans—Native and nonnative—for the Alaskan pipeline.

I am grateful to the Canadian officials who met with us and to Peter Dobell and his staff for organizing the conference. I will be expounding at other times on the need for Alaskan oil now—if it had not been delayed we would not have any shortages today—but this is an issue for another occasion to address the Senate. Suffice it to say for now that Alaskan oil and Alaskan gas will reach U.S. markets sooner, and with less expense in the long run, if the Congress enacts legislation to modify the 1920 Mineral Leasing Act right-of-way limitations and takes action to assure that the Alaskan pipeline proceeds without further delay.

I urge my colleagues in the Congress to study this issue carefully—at question is the basic issue of whether we will act to alleviate shortages here at home by utilizing U.S. reserves or whether a small group of people who do not want any development of our Arctic oil and gas resources will dominate this question. Congress cannot afford to leave 25 percent of the known U.S. reserves of oil and 40 percent of the gas reserves untapped while we dance a jig to the extremists' fiddle.

We must produce Alaska's vast resources to preserve the integrity of our foreign policy and to try to restore the value of our currency.

PIPELINE PLAN PROVIDES LITTLE ECONOMIC BENEFITS, REPORT SAYS PIPELINE UNHELPFUL TO ECONOMY

(By Terrance Wills)

OTTAWA.—The proposed Mackenzie Valley natural gas pipeline will provide relatively little employment and revenue for Canadians while pushing up interest rates, energy prices, and the exchange rate of the Canadian dollar.

"A northern pipeline will not make a major long-term contribution to the Canadian economy in terms of employment or personal incomes," says a confidential intragovernment report prepared by the Economic Impact Committee of the Task Force on Northern Oil Development.

"Even with the most favorable impact on employment, the direct and indirect pipeline labor requirements represent only 1 to 1½ per cent of the estimated Canadian labor force (10,000,000) during the years of construction," says the report, which is dated Oct. 6, 1972.

"Under existing tax regulations, returns to the federal Treasury will be minimal (in the order of $73 million), and substantially less than the Alaska Government expects to realize from the operation of the Alyeska (trans-Alaska) oil pipeline ($300 million)," says the main body of the report. A footnote to one of the tables appended goes even farther:

"Income tax revenues as a result of the pipeline might therefore actually decline substantially, thereby increasing the difficulties of Government finance, and resulting in up to $10 million per year in higher Government interest costs."

Canadian Arctic Gas Study Ltd., a consortium of oil and gas and transportation companies, the majority U.S.-controlled, seeks to build the line to carry gas from Prudhoe Bay in Alaska and the Mackenzie Delta.

"Most if not all of the natural gas transported by the pipeline will be marketed in the U.S.," says the report of the committee, whose chairman is H. G. P. Taylor, director of resource programs in the Department of Finance.

The committee is one of five set up by the Government's task force, which itself comprises four deputy ministers and the chairman of the National Energy Board.

The report also says: "The potential costs of pipeline operations include a continuous upward pressure of up to $183 million per year on the Canadian dollar, making it more difficult for other, more labor-intensive, exports to be sold abroad; and a potentially serious upward pressure on the level of Canadian energy prices.

The net increase in demand for the Canadian dollar during the construction of the pipeline could be up to $600-million a year over three years, it says. "This $600-million would represent a significant source of upward pressure on the Canadian dollar."

The higher the value of the Canadian dollar in relation to the U.S. dollar, the more difficult it is for Canadian manufacturers to sell their goods in the United States.

It concludes that the pipeline would be "a mixed blessing" for Canada.

The construction of the pipeline—the consortium wants to build it over the period 1975–78—would generate at the greatest possible maximum, employment for 105,000 each year. "Unless other projects requiring similar labor skills were developed at an appropriate time, construction of the pipeline could have a destabilizing effect on employment trends in the economy," the report says.

The Canadian portion of the pipeline is estimated to cost $4.5-billion. It is in the financing of the pipeline, and the corollary issue of control, that the report points to some of the largest difficulties.

"Once an application for the pipeline is approved, control of its timing will largely move out of Government hands. At that point it will be difficult, if not impossible, to adjust the timing to accommodate other major capital projects which may be desirable in the same time frame," it says.

"The financing of the $4.5-billion Canadian portion of the pipeline, especially if it coincides with other large resource projects in Canada and abroad, will inevitably put some strain on Canadian and world financial markets. The increased demand for investment funds could push up interest rates in Canada—particularly if one of the conditions imposed by the Government on the pipeline is majority Canadian ownership."

Energy Minister Donald Macdonald has said repeatedly that the Government will insist on majority Canadian ownership—but the report says that this in itself will not guarantee Canadian financial control.

"Financial control of the pipeline by Canadians would tend to ensure additional benefits to Canada. Such additional benefits would not likely be forthcoming if Canadians were simply to achieve majority ownership, since this would not guarantee financial control by Canadians.

"The likelihood of financial control relates to the question of probable shareholder behavior, since normally only a small proportion of total shareholders control corporate policies.

"In contrast to the possible behavior of Canadian investors in the pipeline most foreign investors (especially the American-controlled members of the pipeline consortium) will be interested in controlling the management of the pipeline.

"It is evident, therefore, that something beyond majority ownership by Canadians would be needed to guarantee financial control of the pipeline."

The report recommends that the Government require that a majority of the directors be Canadian, that the executive officers be Canadian, and that the Government be able to appoint a director who would also be a member of the executive committee.

The report estimates that from $250-million to $750-million could be raised in Canadian equity financing for the line. The portion of the cost to be raised in equity capital would be about $1-billion, leaving $3.5-billion to be raised in debt financing.

The Canadian content of pipeline inputs is estimated to lie within a range of from $1.8-billion to $2.9-billion.

The extent of Canadian financing and of Canadian-made materials in the pipeline

will, along with the timing in raising the capital, be the important factors governing the behavior of the exchange rate of the Canadian dollar.

That is, the more money raised in Canada and the less spent in Canada on materials for the pipeline, the less the upward pressure on the Canadian dollar. Conversely, the more money raised in the United States and spent in Canada on materials, the greater the upward pressure on the Canadian dollar in terms of the U.S. dollar. And, too, the greater the inflationary pressure within Canada.

There will at least be localized inflationary pressures, as the economy attempts to produce the $3.4-billion to $5.3-billion in goods and services that is estimated to be the total Canadian income directly and indirectly related to the construction of the line.

"The rate of inflation would be made even worse if an attempt were made to absorb any increased foreign demand for the Canadian dollar by means of an expanded domestic money supply," the report says.

"In the absence of such offsetting Government intervention, any increase in demand for the Canadian dollar would tend to push up its value—resulting in higher imports and lower exports.

"The ensuing net shift in the balance of trade could be as much as $1.6-billion over three years.

"In addition to these difficulties stemming from a higher value of the Canadian dollar, the problems of Canadian exporters would be compounded by any further increase in the rate of domestic inflation."

The report urges changes in legislation to gain more revenues from the natural gas and its transportation for the public Treasury. (Mr. Macdonald has said he supports gaining increased revenues from resources.)

There will be not income tax revenues from the line for its first 10 years of operation through tax deferral provisions, the report says, and adds: "TransCanada Pipelines Ltd., the largest gas pipeline in Canada, has not paid any income tax since it began operations in 1958."

The report says that increasing revenues for the federal Treasury by higher royalties on gas would apply only to the Mackenzie Delta gas and not to the Prudhoe Bay gas that the line would carry.

It recommends a throughput levy to tax "the legitimate source of revenue" provided by the transportation of the Alaskan gas. A throughput tax of 10 cents per thousand cubic feet on a throughput of 1.2 trillion cubic feet per year would yield revenues of $125-million and increase costs to the U.S. consumers by 12 per cent.

"What is clear is that for Canada to accept anything less than the maximum possible return would be to subsidize the U.S. user at the expense of the Canadian taxpayers," the report says.

EXHIBIT 1

A MATTER FOR THE HOUSE

A confidential report prepared by an internal Government committee suggests that the proposed Mackenzie Valley natural gas pipeline would produce few benefits for Canada and would damage the country in a number of important ways.

The report is dated October 6, 1972. It was prepared by the Economic Impact Committee of the Task Force on Northern Oil Development. The task force is made up of four deputy ministers and the chairman of the National Energy Board, and the economic committee is headed by H. G. P. Taylor, director of resource programs in the Department of Finance. The committee report was released unofficially at the weekend. It is, in other words, one of those papers which the Government, under its secrecy guidelines, would treat as not for public consumption.

Yet it is a report in which the public interest is deeply concerned.

The report finds that the pipeline would provide, either directly or indirectly, relatively few jobs for Canadians ("only 1 to 1½ per cent of the estimated Canadian labor force"). Because these jobs would be temporary, lasting about three years, they "could have a destabilizing effect on unemployment trends in the economy".

Tax returns to the federal Treasury would be minimal (TransCanada Pipelines Ltd., to give a precedent, "has not paid any income tax since it began operations in 1958"). The pipeline might even result in declining tax revenues, "resulting in up to $10-million per year in higher Government interest costs".

"Most if not all of the natural gas transported by the pipeline will be marketed in the United States," says the committee. This would not only give to the United States a limited Canadian resource that is likely soon to be in short supply but, by introducing U.S. competition, elevate the cost of Canadian energy resources about what they need be.

The capital costs of the project would be huge and probably beyond the capacity of Canadian capital markets. Getting the money, both at home and abroad, could have several bad effects. It would increase inflation. It would put upward pressure on the value of the Canadian dollar, cutting Canadian exports of more job-intensive goods. It would play hob with the Canadian balance of payments.

We would be cutting our power to export the goods that create jobs and which we want to export, in order to make it possible to increase our exports of something—natural gas—which it may not be prudent to export.

Shortly before the last federal election Dr. J. Tuzo Wilson, principal of Erindale College of the University of Toronto and a world-famous geophysicist, talked about that prudence to a federal seminar on scientific activities in Northern Canada. Dr. Wilson, quoting a barrage of experts, indicated that Canada itself was going to need all its proven and unproved petroleum resources.

"Surely," he said, "a cautious individual would be concerned to husband his resources lest he soon be left without . . . The only conclusion I can draw from this is that we should sell nothing abroad, but proceed very slowly and cautiously to develop supplies to meet our own needs. This will give us time to do the research required (to find in usable form the other sources of energy that in the lifetimes of some now living will be absolutely imperative)."

The election threw Dr. Wilson's statements into obscurity, but we suggested at the time that they should be studied seriously after the election. They should be studied now, in conjunction with this secret report.

Prime Minister Pierre Trudeau told the Commons yesterday that the report was an early draft; that is, not worth considering. Energy Minister Donald Macdonald said it was "negated in committee discussions." He told Opposition Leader Robert Stanfield the decision on a pipeline would be made after public hearings by the National Energy Board.

This is not good enough. If the findings of the committee have been negated, then the public is entitled to know by whom and with what facts; and the NEB is not a suitable instrument for the examination. It cannot assess how the pipeline would relate to employment, inflation, a dollar forced upwards and making our exports uncompetitive, our balance of payments, Government revenues.

Mr. Stanfield asked that the whole question, with all pertinent reports, be referred to a committee of the House. The New Democrats made similar requests. Mr. Macdonald's suggestion, that to take the matter out of the hands of the NEB would be unlawful, was the sort of arrogant nonsense which we had hoped the Government had put behind it.

A pipeline would touch on too many facets of national life for NEB competence. Examination of the projects, and decisions about it, belong to the Government, Parliament and people.

THE PIPELINE PROBLEM

SIR. As one who attended the oil and gas pipeline meeting at the Canadian Parliamentary Centre with Representative Anderson and Udall, I have been somewhat amazed since our return by statements they have made.

Canada has no energy crisis, does not foresee one, and her officials stated loud and clear they were not going to permit the United States to export ours to Canada. Furthermore, my congressional colleagues should have received another message: the Canadian government is not going to just go through the motions concerning a U.S. pipeline through Canada—be it oil or gas. These advocates of a Canadian oil pipeline from Alaska's North Slope went to Canada to obtain ammunition to quibble more. They returned urging a crash study of the trans-Canadian proposal, apparently, to offset the categorical setbacks their preferred route received in Canada.

First, Canadian officials agreed categorically with Secretary of the Interior Morton that there would be a minimum delay of 3–5 years more if a Canadian route is selected for the oil pipeline—a schedule, incidentally, which includes no estimated delay because of environmental opposition.

Second, the Canadians did make it clear that they would oppose a second oil pipeline through Canada if the trans-Alaska route is used first *and* tankers go into Puget Sound despite Canada's objection. To meet this problem, Canadian officials suggested it was possible that Canada would commit western Canadian low-sulphur crude to the Puget Sound area to offset the loss of Alaskan oil.

GAS LINES WOULD BE DELAYED

Third, Canadian officials made it very clear that if the United States sought an oil pipeline route through Canada, the Arctic gas pipeline through Canada would be severely delayed. It is not possible, we were told, for Canada to permit construction of both the oil pipeline and the gas pipeline simultaneously. Each would cause severe strain on Canada's money markets and labor force—simultaneous construction of the oil and gas pipelines would disrupt Canada's economic fabric. Furthermore, because gas cannot be produced in volume from Alaska's North Slope for at least two years after oil production starts, with at least a 3–5-year delay for the oil line, Alaska's gas would not reach the U.S. Midwest until 1983 at the earliest.

Fourth, competent industry officials stated categorically that no pipeline, gas or oil, would be built through Canada until Canadian native claims are settled. They predicted that those claims would have to be settled by the House of Commons. Neither side in the Canadian land claims dispute has ever made an opening offer to settle. Alaska's native land claims—settled by the Congress 13 years after statehood and after four years of intensive debate—should be a warning to those who advocate the Canadian route. Again, the 3–5-year delay for the Canadian oil route includes no delay specifically attributed to the Canadian native claims.

Lastly, not just the United States, but the whole continent, is dependent on proving the extent of Alaska's oil and gas reserves. Alaska's proven reserves will support one pipeline—Alaska's estimated reserves will require more than two. The Joint Committee on Atomic Energy report on our energy reserves states:

"Alaska Oil. This particular estimate assumes that the Alaska (Valdez) line will be in operation in late 1977 and would reach about 1,500,000 barrels per day of oil by early 1980. It then assumes construction of an oil

line through Canada in the early 1980's, with that line going on stream and at full capacity by 1984. It also assumes that considerable oil will be found in the federally owned Navy Petroleum Reserve No. 4 (on the North Slope) and that such production will be developed. The development of the preceding combination could increase domestic oil production by over 4,000,000 barrels a day. The Alaska North Slope impact is probably 80 or 85 percent predictable, again because the nation is in a position to proceed and has done a great deal of work in the area already. The necessary technology exists and a mature industry is available."

TWO MILLION BARRELS A DAY

Since we will need two oil lines, at least, from Alaska, I hope you continue to tell Congress to stop quibbling about the first pipeline. Alaska's proven reserves can increase U.S. supply by 2 million barrels per day—and, with a Canadian gas pipeline being built simultaneously, the Midwest could receive McKenzie River gas by 1976, and Alaska's gas three years later.

Most importantly, our Canadian friends need to know that if they take the time to explain to us their procedures, their preferences and their political problems, we will try to follow the first, respect the second, and understand the third. Anyone who did all three on the recent Canadian trip, despite his prior position, could not return and indicate, in any way, that the Canadian government favors an oil pipeline through Canada now.

As I have said before, the suggestion that western Canadian crude oil could supply the Puget Sound may be an offer we cannot refuse.

Mr. STEVENS. Mr. President, I want to commend the distinguished Senator from Washington (Mr. JACKSON), the chairman of the Committee on Interior and Insular Affairs, for the very hard work he has done in working out the bill now before us. I also would include in that, my good friend from Arizona (Mr. FANNIN), with the leadership that he has shown in connection particularly with the trans-Alaska pipeline. We are deeply indebted to him and to the other members of the committee.

My hope is, as debate on this bill proceeds, that we will clearly be able to set forth the reasons why Alaskans support the trans-Alaska pipeline and do not support the construction of a pipeline through Canada first. I think that the two-pipeline concept, which has been articulated by the Senator from Washington, is a good one but it is vitally necessary, in our opinon, the Senate realize that concept is only viable if the trans-Alaska pipeline is built first.

I say this, Mr. President, because of my sincere conviction, after my visit with Canadian officials, that there is no way Canada would permit the construction of an oil line through Canada and a gas pipeline through Canada simultaneously.

The midwestern part of the United States is very much in need of and desires the Mackenzie River gas and the North Slope gas. That pipeline could be commenced and the trans-Alaska pipeline commenced at the same time. If that were then started when the construction season begins next year, it would be only 2 years before the midwestern part of the United States would be receiving Mackenzie River gas and another 2 years before it would be receiving North Slope gas.

But there is no question, to anyone who really examines the situation, that the tremendous need of the Midwestern part of the United States for energy must be met by natural gas, and it can only be met by an Arctic pipeline first that connects the Mackenzie River reserves and then the North Slope reserves with the great Midwestern portion of the United States. That line will not be constructed for at least 10 years if the Canadian alternative for the oil pipeline is commenced first.

It is extremely important for the Members of this body and for all Americans to understand that the timing of the need and the timing of our ability to deliver Alaska oil and gas resources to meet that need has led the administration, has led the Committee on Interior and Insular Affairs in this body, as well as the Interior Committee in the other body, and the industry itself, to conclude that the trans-Alaska pipeline must be built first.

It is extremely difficult for Alaskans to face the proposition of any further delay in the construction of the trans-Alaska pipeline. I am therefore hopeful, as we proceed with consideration of this bill, that the Senate will take action to make its intent very plain to the administration, to the courts, and to the American public, that the trans-Alaska pipeline must be commenced, and that it must be commenced no later than the beginning of the construction season of 1974.

DOMESTIC ECONOMY

The construction of a trans-Alaska pipeline will be a tremendous boost to the U.S. economy—indeed it will inject new blood into an ailing economy. Completion of the Alaska pipeline should yield a net benefit to the economy starting at $1 billion a year and increase to $2.4 billion annually by 1980.

A trans-Alaska pipeline will aid the economy in many different ways with benefits to all regions of the Nation.

What is also of great importance to the Nation in a time when we are fighting unemployment is the fact that thousands of new workers will find employment in Alaska during pipeline construction. Secondary employment in the service and supply areas will also add many persons to the list of the employed.

Jobs will be created throughout the United States to provide the numerous products, goods and services as well as support facilities that must be manufactured in the lower 48 States to be utilized in Alaska. These needs will generate new employment throughout the United States—construction of the trans-Alaska pipeline will keep thousands of workers on the job and open employment for the thousands of new workers who enter America's job markets.

The trans-Alaska pipeline will also inject new life into some American industries which are currently depressed.

The Nation's maritime and shipbuilding industry is one case in point. Because the trans-Alaska pipeline will provide for the construction of at least 27 new tankers, 73,480-man years of shipyard employment will be created in addition to 3,800 permanent jobs for operation and maintenance of this modernized tanker fleet. This will bring in more than $1.6 billion to America's shipbuilding industry—an industry that has struggled for survival against cut-throat foreign competition.

When one considers the econometric implications of what the pipeline means in terms of economic development to many related U.S. industries—industries from all parts of the United States, one realizes the great impact—more than $19 billion to the economy by 1980 that the pipeline will bring to America.

Certainly the great impact to the economy and the related jobs that will be created by the trans-Alaska pipeline is why many of the unions of this country representing hundreds of thousands of workers, led by the AFL–CIO and the Teamsters International have endorsed the immediate construction of the trans-Alaska pipeline.

TAPS TO HELP MEET ENERGY DEMAND

If ever there was a need to take positive action to meet America's energy shortage now is the time. Petroleum dealers have been forced to close down, our Nation's industries have had to pay a higher price for energy thus adding even higher prices that consumers must pay. Gas stations throughout the Nation have had to ration fuel, indeed even here in Washington only a handful of gasoline stations are able to serve customers on the weekend because of a lack of fuel. Our farmers are finding it difficult to secure the energy to harvest this season's crops, workers in the Nation's industrial plants face the possibility of layoffs if factories are forced to reduce production, because of a shortage of fuel.

The people of this Nation are looking to the Congress to take decisive action to solve this problem, to insure that their homes will be heated, that they can use their cars and other necessities that require fuel without the fear of running out.

Passage of S. 1081 will be a positive action toward solving America's energy crisis. It will prove to Americans that their Government can act effectively in meeting an important national need.

Throughout our history America has been blessed with an abundance of energy. With one-sixteenth of the world's population, we use one-third of the world's energy to meet our requirements. But this energy has provided the food for America to become the strongest industrialized Nation in the world with the highest standard of living. The energy that has made all this possible is now in doubt. In recent years energy consumption has been rising more rapidly than our gross national product but as our demand for energy has increased, our supply has dwindled causing the United States to become dependent on Middle East oil. Despite this development, our search for new energy reserves has almost come to a halt. We have not even built a refinery in this Nation in nearly 4 years.

However, this need not be the case. Construction of a trans-Alaska pipeline will provide not only billions of barrels of oil to the United States at a time when it desperately needs it, but it will also

help provide the incentive for new energy exploration to help prepare us for our distant energy needs.

Construction of the trans-Alaska pipeline is a new lease on our energy life. We cannot sit back and watch America starve for energy when we can provide through passage of S. 1081 a pipeline to bring America the oil it urgently needs.

Alaska's billions of barrels of oil is available now to meet America's needs, but oil is only part of the energy picture. Alaska's North Slope has the largest reserves of gas known on the North American Continent. This gas can be used in the industrial East and Midwest to provide the energy to keep American business running smoothly, efficiently, and with the least amount of environmental damage.

But, Mr. President, we cannot begin to move Alaska gas to America until we move Alaska's oil. I cannot stress the importance of providing the right of way for a trans-Alaska pipeline. It is the catalyst for energy survival in the United States, as well as the premium for providing America with an energy insurance plan until we can develop long-range energy resources.

The trans-Alaska pipeline is a positive step to help meet the entire Nation's energy needs—the trans-Alaska pipeline is truly a national pipeline which will serve the national interest.

In the Midwestern part of our Nation where natural gas is needed more than any other fuel a trans-Alaska pipeline will allow this crucial gas to become available to the Midwest quickly and economically. But Alaska's gas cannot reach the Midwest until an oil pipeline is built first. Construction of a trans-Alaska pipeline will open the door for Midwestern gas.

I recently wrote to many members of the Midwest gas industry to illicit their views on the need and importance of a trans-Alaska pipeline. My office has received numerous letters from those associated with the gas industry throughout the Midwest urging immediate construction of the trans-Alaska pipeline so the Midwest will be able to avail itself of the 26 trillion cubic feet of Alaska gas.

Realizing the need for the Midwest to receive Alaskan gas, the Northern Natural Gas Co. prominent in the Midwestern gas industry, as well as the American Gas Association, are calling for construction of the trans-Alaska pipeline now.

In the South the need for Alaskan gas is also of paramount importance. The Columbia Gas System reports that its service to industrial and institutional customers in West Virginia, Kentucky, Maryland, and the District of Columbia faces disruption if their supply cannot be partially balanced by Alaskan gas.

The need for Alaska gas in the industrial Northeast is also imperative. New clean air standards make Alaska gas an imperative for a cleaner Eastern environment. Economically, shipyards in the Northeast as well as other yards throughout the Nation are potential beneficiaries from increased building activity as a result of a trans-Alaska pipeline.

FOREIGN POLICY CONSIDERATIONS

America's lack of energy is not only an integral part of our domestic policy but it plays an important role in American foreign policy.

It is essential that America be able to chart an independent course in its relations with other nations, a course that need not be altered by dependence on another nation for our essential energy requirements.

Our dependence on foreign oil raises serious doubts as to our ability to chart an independent foreign policy. As long as we remain dependent on Middle Eastern oil our foreign policy decisionmaking must be tempered with the fact that we are now hooked on Middle Eastern oil.

Most of America's foreign oil comes from a handful of Middle Eastern nations who are using America's oil shortage in an attempt to alter our policy toward Israel.

Last year, officials in responsible and influential positions in several Arab nations made no less than 15 threats to use oil as a weapon against their enemies not surprisingly, almost all of them singled out the United States as their enemy.

Just 3 days ago the Washington Post reported that King Faisal of Saudi Arabia—the largest exporter of oil to the United States said that he would find it "difficult" to continue close cooperation with the United States if American support for Israel remains at its present level. Only recently King Faisal's petroleum minister said in Washington that Saudi Arabia may refuse to increase exports of oil to the United States if we do not change our stance toward our Israeli friends.

These are not just words. During their 1967 6-day war with Israel, Arab nations imposed an oil boycott on the United States on the false premise that the United States had participated with Israel on an attack on Cairo. The charges were quickly refuted but the Arabs continued to withhold oil from the United States for more than a month. Fortunately for the United States, the boycott came at a time when we were importing slightly less than half a million barrels a day from the Arab nations.

Only last month, Libya shut off oil production to the United States for a day saying that Arab States should use their oil as a "slap in the face of America."

Today there is strong debate going on among the Arab oil producing states over freezing oil production for the United States at present levels or possibly reducing oil for export to the United States.

This could create problems of catastrophic dimensions for the United States.

Construction of the trans-Alaska pipeline would take the slap away from the Arab nations, because we could rely on North Slope oil to substantially reduce our dependence on foreign oil. America would be assured of charting its own course of policy in the Middle East—not be in the position of having our Middle Eastern foreign policy dictated to us.

But the Middle East is not the only part of the globe where the need for the United States to have a strong supply of domestic fuel is an integral part of foreign policy. We need oil to support our military units and maintain a strong U.S. defense.

TAPS MEANS A CLEANER AMERICA

The trans-Alaska pipeline is not just important to solving America's energy crisis, reducing our balance-of-payments problem, aiding the U.S. economy and insuring our national interest—the trans-Alaska pipeline is of great importance to cleaning up America.

Mr. President, we need energy to clean up our environment. In fact, Alaska energy is an important national asset toward solving America's environmental crisis.

The Environmental Protection Agency told me that many of the Nation's sewage and water treatment plants may have to reduce their operations significantly because of lack of energy. The trans-Alaska pipeline will help provide the energy necessary to keep America's sanitation systems working.

But the trans-Alaska pipeline means much more to the environment for it takes energy to clean up our streams, our rivers, and our lakes. Alaska energy can do much to clean our environment and keep it clean.

Alaska natural gas will mean a cleaner industry, because using Alaska natural gas industrial pollution will be kept to a minimum.

Energy is an important part of protecting the ecology and construction of the trans-Alaska pipeline will make energy available to help protect the ecology. The trans-Alaska pipeline is an important factor in creating a cleaner national environment.

WHAT TAPS MEANS TO ALASKA

As a Senator from Alaska I know that construction of the trans-Alaska pipeline is the single most important event for Alaska since statehood.

A trans-Alaska pipeline to tap our bountiful natural resources is of ultimate importance to Alaska—for natural resources are our greatest asset.

Although Alaska is a large State and a great State we are now an economically troubled State. We have the highest rate of unemployment per capita in the Nation. Our standard of living falls sharply below the national average. We lack many of the modest requirements for life which are taken for granted in the rest of the Nation.

Construction of the trans-Alaska pipeline will help us solve our problems. It will add more than $300 million a year to our State so we can build hospitals, schools, and provide food for the many Alaskans who are horribly undernourished and in many cases starving. We will be able to meet the severe social problems which destroy so many lives and ruin so many of our children and young adults. We will be able to provide funds to Alaska's Natives, funds to which they are entitled under the Native Claims Act.

As you know Mr. President, we in Alaska have been depending on the Federal Government to pay many of our bills and to keep us afloat. Alaskans are independent people who do not want others to carry our burden—we have a great State, a beautiful State, and we want to

be responsible for our State—not be dependent on the Federal Government like a child waiting for his weekly allowance. Construction of the trans-Alaska pipeline will change that trend.

As Alaskans we need the trans-Alaska pipeline and Alaskans want the trans-Alaska pipeline.

Construction of a trans-Alaska pipeline will enable us to take care of ourselves thus saving the American taxpayer millions of dollars annually. Millions of dollars that would be made available to meet America's problems in our huge urban centers and other areas where an intensive national effort is so sorely needed.

Because we would be able to take care of ourselves we would not have to come hat in hand asking the Federal Government for help because we will be able to help ourselves.

The trans-Alaskan pipeline will allow us to help ourselves. It would allow us to feed our hungry, build hospitals to care for our sick, and educate our young and at the same time provide the United States with the energy it needs to keep moving and at the same time allow us to restore the value of the dollar and help insure our national security.

Mr. President, construction of the trans-Alaska pipeline is truly a top American priority that will not only allow us to help solve many American problems, but will simultaneously create a stronger America.

The trans-Alaska pipeline will create jobs, will provide the incentive for exploration providing us with exciting new opportunities and positive challenges.

CONCLUSION

Mr. President, passage of the bill now before the Senate is of great importance to the entire country. It is long in coming and we must move now to keep pace with today's requirements. Mr. JACKSON's bill allows us to do that.

A right-of-way for construction of the trans-Alaska pipeline—which is a critical part of this bill—will allow us to face up to the energy crisis. It will provide us with the thrust to move forward in meeting America's energy need. Indeed, it will provide the catalyst for increased energy exploration to meet future needs.

It is important to realize when one considers the urgency of America's energy crisis that a trans-Alaska pipeline can bring the oil we need to the Nation faster than any other method. Passage of S. 1081 will allow us to set the pipeline in motion now. We will not have to wait for continuing delays, because the pipeline is ready to go to work for America now.

The people of America know that we must move now to solve this problem. They are looking toward Congress to act to head off a problem that if nothing is done will become critical.

Providing the right of way for the trans-Alaska pipeline is providing the right of way toward meeting not only the Nation's energy crisis—but it provides the avenues toward alleviating the Nation's balance-of-payments problem, our domestic economic troubles as well as bolstering our national interest in the world arena.

Truly a right of way for the trans-Alaska pipeline is a national necessity, it is in our interest and will help all parts of this Nation not only in the near future, but in the many years ahead.

QUORUM CALL

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

The PRESIDING OFFICER (Mr. SAXBE). The clerk will call the roll.

The second 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. Without objection, it is so ordered.

AMENDMENT NO. 298

Mr. STEVENS. Mr. President, the distinguished Senator from Washington (Mr. MAGNUSON) has an amendment, No. 298, and I should like to call up that amendment at this time, and ask unanimous consent that my name be added as a cosponsor of it.

The PRESIDING OFFICER. Without objection, it is so ordered; and the clerk will state the amendment.

The assistant legislative clerk read as follows:

At page 32, line 13, add the following new section:

SEC. 115. Section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a), as amended by the Ports and Waterways Safety Act of 1972 (86 Stat. 424, Public Law 92-340), is hereby amended as follows:

"(C) Rules and Regulations published pursuant to subsection (7)(A) shall be effective not earlier than January 1, 1974, with respect to foreign vessels and United States-flag vessels operating in the foreign trade, unless the Secretary shall earlier establish rules and regulations consonant with international treaty, convention, or agreement, which generally address the regulation of similar topics for the protection of the marine environment. In absence of the promulgation of such rules and regulations consonant with international treaty, convention, or agreement, the Secretary shall establish an effective date not later than January 1, 1976, with respect to foreign vessels and United States-flag vessels operating in the foreign trade, for rules and regulations previously published pursuant to this subsection (7) which he then deems appropriate. Rules and regulations published pursuant to subsection (7)(A) shall be effective not later than June 30, 1974, with respect to United States-flag vessels engaged in the coastwise trade.".

Mr. STEVENS. Mr. President, I ask unanimous consent to have printed in the RECORD a statement made by the chairman of the Committee on Commerce, the senior Senator from Washington, at the time he submitted this amendment.

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

STATEMENT BY SENATOR 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 925,656 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 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. 92-734.)

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.

I feel this amendment is basic to the safety of the marine leg of the Alaska system. I urge my colleagues to support them.

Mr. STEVENS. Mr. President, with regard to Senator MAGNUSON's amendment 298, I wish to note my complete support and to elaborate upon its intended effect.

As noted by the senior Senator from Washington in his introductory statement, the delivery system for North Slope oil utilizing the Alaska pipeline will require a marine leg for bringing the crude to west coast ports. The need to transport the estimated 2 million barrels of oil per day by tanker has received heavy criticism by opponents of the Alaska pipeline. Indeed, I would be remiss if I failed to recognize the dangers of transporting oil by sea in bulk, however small they may be. The purpose of amendment 298 is to minimize, to the greatest extent possible, these dangers. I believe this purpose can be achieved.

The Ports and Waterways Safety Act of 1972 was enacted to put emphasis on the prevention of pollution of the marine environment by oil and other hazardous substances. Prior to this law, legislative emphasis had been placed on liability and responsibility for cleanup. Clearly, however, it is better to prevent an incident than to clean one up. Accordingly, the Ports and Waterways Safety Act provides authority for improving marine traffic systems and controls, and for improving the design, construction, maintenance, and operation of tankers. The Commerce Committee in reporting the act stated:

It is clear that a systems approach to prevention of damage to the marine environment requires not only better control of vessel traffic but an improvement in the vessels themselves.

Moreover, the committee concluded that improved tankers are both technically feasible and economically practical.

As evidence of the correctness of this conclusion, I note the recent award of subsidy contracts by the Maritime Administration for eight vessels to be constructed with double bottoms, one of the construction features recommended by the committee. These tankers, I should also point out, will be built at the lowest subsidy achieved by an American shipyard for the building of conventional type ships since World War II.

As I stated, the incorporation of a double bottom was recommended by the Commerce Committee after extensive hearings. This feature would serve two purposes. First, it could be utilized to totally segregate ballast so that ballast water would not have to be carried in cargo tanks except under exceptionally heavy weather conditions. Presently, normal everyday operation of tankers, primarily from the pumping of dirty ballast water from cargo spaces prior to loading and tank cleaning, accounts for fully 11 percent of the total oil pollution of the sea.

The second purpose of double bottoms is to prevent outflow in the event of a grounding. A. U.S. Coast Guard report on grounding given to the committee showed that penetration to the cargo tanks through a double bottom could be excluded in 92 percent of the cases analyzed with a double bottom height of 6 feet. The estimated increased cost of double bottoms would be around 10 percent of the capital cost.

I mention these construction features, Mr. President, as examples of the most modern now available to the tanker industry to abate the danger of oil pollution. The U.S. Coast Guard has issued a notice of advance rulemaking which would require the incorporation of segregated ballast and double bottoms on oil tankers.

But, Mr. President, none of the seven vessels which have been constructed for the Alaska trade will be fitted with this system, nor will any of those presently planned. At present, the regulations contemplated by the Ports and Waterways Safety Act are not in effect due to the delayed applicability dates written into the law. The delay was provided so that international standards could be worked out in the Intergovernmental Maritime Consultative Organization—IMCO—Conference on Marine Pollution From Ships scheduled for this October. I should add that the official U.S. position in the IMCO Conference, as restated by Russell Train recently in hearings before the Commerce Committee, is to require segregated ballast and double bottoms for all large tankers.

As Senator MAGNUSON previously mentioned, there is no reason not to apply the Ports and Waterways Safety Act to the domestic trade where foreign competition is precluded by law as soon as possible. This amendment would require an earlier application and would affect vessels to be used in the Alaska trade.

Mr. President, I stress one final point with regard to amendment 298—it is fully in accord with President Nixon's oil pollution message of May 20, 1970. In that message he boldly stated:

The best way to protect our ocean resources and coastal areas from oil damage is to prevent the occurrence of oil spills. The establishment of more effective international standards for both the construction and operation of tanker vessels will materially reduce the potential hazard.

Adoption of the Magnuson amendment furthers this policy. It is fully in accord with the intent of the Ports and Waterways Safety Act and the existing position of the administration. Once implemented, it would make the domestic traffic of the United States the safest in the world.

As I have said, I am most pleased to be a cosponsor of this amendment, and I called it up at the request of the Senator from Washington, the chairman of the Committee on Commerce, in his absence.

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

Mr. STEVENS. I am happy to yield.

Mr. JACKSON. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the amendment.

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

Mr. JACKSON. Mr. President, the Senator from Alaska has stated the case very well.

Senator MAGNUSON spoke to me about the pending amendment, prior to his departure for the trip to China. Senator MAGNUSON would have offered the amendment had he not been detained by reason of the official trip, which consists of Members of the Senate and the House to China. It is because of that delay that the Senator from Alaska, who is a member of the Committee on Commerce, is offering the amendment in behalf of Senator MAGNUSON.

Mr. President, basically, the amendment simply steps up the effective date of the act, the Ports and Waterways Safety Act of 1972, as it pertains to coastwise shipping. The effectve date under the pending Magnuson amendment is June 30, 1974. Under existing law, they are all lumped together. Coastwise, American-flag vessels in foreign commerce and foreign commerce vessels of other nations are in one category.

This amendment makes a great deal of sense, and I urge that the Senate adopt the amendment.

There is a broad consensus that Alaska North Slope oil and gas should be developed rapidly. The strict environmental stipulations, redundant safety systems, contingency planning and better design and engineering which have been imposed upon the proposed trans-Alaska pipeline substantially lessen the risk of environmental damage from development of North Slope oil and for its transportation to markets in the lower 48 States.

After careful consideration, the committee determined and has recommended to the Senate that the trans-Alaska pipeline is preferable to a comparable overland pipeline across Canada for a variety of reasons, but primarily because it could be on stream 2 to 6 years earlier.

As Senators are aware, the trans-Alaska delivery system has a marine leg joining the southern terminus of the pipeline at Valdez on Prince William Sound in the Gulf of Alaska with ports in the "lower 48."

Extensive provision has been made to minimize the environmental impact of the pipeline. As my distinguished col-

league, the senior Senator from Washington, noted in submitting amendment 298, we must also insure that every step is taken to guarantee that the marine leg of the system is designed to be both safe and pollution free. That is the purpose of this amendment.

On a worldwide scale, it is estimated that marine pollution from tankers exceeds 1 million metric tons annually. The causes of this pollution are: 70 percent—from the pumping overboard of the residue from the cleaning of cargo tanks; 18 percent—from accidents such as grounding or collision; 7 percent—from the pumping of bilges, leaking tanks, and spills; 5 percent—from terminal operations.

Damage to the ocean environment by the discharge of petroleum products and contaminated sea water need not take place. It can be prevented. Insofar as the movement of needed oil from Alaska to the markets in the United States is concerned, any risk of damage will be prevented or minimized by the adoption of this amendment.

As the figures which I have cited illustrate, 77 percent of the marine pollution incidental to tanker operations—that caused by tank cleaning, the pumping of bilges, leaks and spills—is largely a function of ship design and construction. In the absence of national or international law preventing it, petroleum carriers have heretofore ballasted by filling cargo tanks with sea water during the voyage to the port at which they were to load and, prior to arrival, pumped this oil-contaminated ballast into the sea. In addition, cargo tanks have been cleaned by washing down with sea water and pumping the residue overboard. These practices are estimated to be responsible for 967,000 metric tons of tanker related oil pollution annually.

We are capable of constructing supertankers, and we are also capable of constructing them in such a manner as to prevent or minimize any damage to the environment. For example, the adoption of a requirement for tankers to be constructed with a segregated ballast capability, would eliminate over 90 percent of oil pollution from routine tank cleaning and ballasting.

Congress has recognized the need for legislation to establish standards of ship design and construction for the purpose of protecting the marine environment. Congress adopted specific policies in this regard in enacting the Ports and Waterways Safety Act of 1972.

Under title II of that act, Public Law 92–340, the Coast Guard is authorized to require that tankers be constructed in conformance with the intent of the Congress. The Coast Guard is currently awaiting the outcome of the International Maritime Consultative Organization—IMCO—Conference on Marine Pollution to be held in October of this year before implementing rules on ship construction. At the conference, maritime nations will be afforded the opportunity to arrive at mutually acceptable standards of tanker construction. This would be clearly preferable to the unilateral promulgation by the United States of rules and regulations for foreign-flag vessels in U.S. waters.

U.S. vessels operating in the domestic trade are protected by law from competition from foreign-flag vessels. There is no necessity that the implementation of standards for their construction be deferred.

This amendment offered by the senior Senator from Washington would require the Coast Guard to implement the mandate of Public Law 92–340 at an earlier date for vessels in the domestic trade, and this, of course, includes vessels in the Alaska trade.

It should be noted that though we are here addressing the specific question of the maritime leg of the delivery system for Alaskan oil, adoption of this amendment would serve to protect the ocean environment in the Atlantic, Pacific and Gulf of Mexico as well. To that end I most strongly recommend that it be adopted.

Mr. STEVENS. Mr. President, I should like to have printed in the RECORD the proposed rulemaking of the Coast Guard as it was published on January 18, 1973. This deals with the proposal to institute the requirement that double bottoms be required for vessels of the type that would be used in transporting Alaska's oil to the west coast. I ask unanimous consent to have the document printed in the RECORD.

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

DEPARTMENT OF TRANSPORTATION,
U.S. COAST GUARD,
Washington, D.C., January 29, 1973.

PROPOSED RULE MAKING

(Department of Transportation, Coast Guard [46 CFR Ch. 1] [GCD 72–245P] Construction Requirement for Tank Ships, Advance Notice of Proposed Rule Making)

The Coast Guard is considering certain construction standards for pollution abatement for new tank ships which intend to trade within the navigable waters of the United States. The Intergovernment Maritime Consultative Organization (IMCO) is considering this problem on an international level and the Ports and Waterways Safety Act of 1972 (Public Law 92–340) has directed the Coast Guard to study this problem from the national point of view. The rules which may be proposed are described and discussed in the statement set forth below.

Interested persons may participate in the rule making through submission of written data, views, or comments regarding the proposal to the U.S. Coast Guard (GCMC/82), 400 Seventh Street SW., Washington, DC 20590. Communications should identify the notice number, CGD 72–245P, and the name, address, and organization, if any, of the commentator.

All communications received before March 15, 1973, will be fully considered and evaluated before a Notice of Proposed Rule Making is published. Copies of all written communications received will be available for examination in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC, both before and after the closing date for receipt of comments.

The Coast Guard in cooperation with the Maritime Administration and the American Institute of Merchant Shipping has nearly completed an extensive study of the effects of requiring tank ships to be capable of carrying sufficient ballast for normal operations without recourse to the use of oil tanks for water ballast.

Although the study has not been entirely completed, and no final conclusions reached, the Coast Guard acting independently is giving consideration to proposing regulations which would require a segregated ballast capability on:

(1) Tank ships delivered after January 1, 1976; and

(2) Tank ships delivered before January 1, 1976, whose building contract is placed and whose construction is begun after January 1, 1974.

The capacity of the segregated ballast tanks would be such as to achieve in the ballast condition of displacement not less than approximately 45 percent of the full load displacement of the ship. This segregated ballast capacity would be achieved in part by fitting, throughout the cargo length, a double bottom of a minimum height of one-fifteenth of the beam.

This height would be necessary for two reasons. First, it would be intended that segregated ballast water be carried in the double bottoms to significantly reduce the problem of intentional discharge of oily ballast at sea. Second, the double bottoms would provide a degree of protection against accidental discharge caused by grounding incidents. Consideration is also being given to requiring that all tankships (new and existing) be capable of retaining oil ballast and other wastes such as tank cleaning residues on board for shoreside disposal. Existing tankships and small tankships would be permitted to engage in the practice of retention of oil on board (load on top) with specified discharge criteria.

Comment is also invited as to the desirability of applying these proposals to tank barges 300 feet long or more engaged in ocean and coastwise service.

This notice is issued under the authority of: 46 U.S.C. 391a; 49 CFR 1.46(o) (4).

Dated: January 18, 1973.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

Mr. STEVENS. I read from the conclusions contained in the report entitled "A Supporting Document to the Position Taken by the United States on Segregated Ballast Tankers Employing Double Bottoms." It is a very interesting conclusion. It reads:

CONCLUSIONS

At this point in time, segregated ballast tankers appear to be the most viable solution to the problem of ballasting tankers. It also appears that this solution will remain valid in the foreseeable future; it would be presumptuous to state that the obstacles cited in this report with respect to the development of flexible barriers, and separators or to the acceptance of shoreside facilities will be overcome.

In terms of the segregated ballast designs studied for the VLCCs, the double bottom design is clearly the most cost effective when both operational and accidental pollution are considered. The degree to which any version of segregated ballast is cost effective is dependent upon the complexity of the design (which is directly proportional to the increase in capital investment), the amount of segregated ballast capacity afforded, and the ability of a given design to mitigate both operational and accidental discharges.

At this time, the 45 percent level appears to be adequate for ballast actually needed to safely and comfortably operate VLCCs.

Any of the conclusions given here may be considered as incentive to tanker size throughout the VLCC range; i.e., 100,000 DWT and upwards. The case for small tankers carrying products and crude oil is presently underway; that study will test the sensitivity of segregated ballast to both the lower end of the tanker size range and to cargo variation. It will also dictate the lower limit of tanker size to which segregated ballast may be applicable.

Appendices I and II reflect the revised wording that the United States would propose to IMCO in their Draft Pollution Convention (MP XIV/3(c)) and to Chapter III, Regulation 2 of DE/VIII/12.

Appendix III shows the effect of a double bottom to GM and accelerations at the navigating bridge as compared to the conventional tanker. In the 45 percent displacement case the double bottom version has an increase in acceleration of 0.12 g.

A preliminary study of survivability was conducted on a 250,000 DWT tanker with and without segregated ballast capability. It indicated that neither the basic ship nor any of the segregated ballast versions have a survivability problem in the fully loaded condition although all segregated ballast versions heel to greater angles and have smaller righting arm ranges. Design 250–A IMCO has good survivability characteristics in all three conditions investigated, 250–B2 also has good characteristics. Designs 250–C and 250–D heel to just either side of the 20 degrees limit in one damaged condition. Both have questionable survivability in another partial load condition, heeling to 27 degrees. Segregated ballast tankers utilizing double sides appear to cause damaged stability problems; this is not true for the double bottom case although its survivability characteristics can be further improved by omitting longitudinal bulkheads in the double bottom.

The report goes on to continue with a recommendation to the executive branch that the double bottom design appears to have the best advantage in terms of trying to prevent pollution and curbing it. In the advantages cited operational pollution would be reduced 95 percent, accidental pollution would be reduced 35 percent, total effective pollution of the seas would be reduced 67 percent by double bottoms.

There would be less frequency of tank cleaning due to sludge. There would be a faster turnaround time, increased structural adequacy as well as expected reduction in insurance and operational cost.

Mr. President, I think the Senator from Washington is correct to accelerate the time at which this becomes effective in terms of coastwise trade. It is merely an acceleration of the requirements of existing law.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BUCKLEY. 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. BUCKLEY. Mr. President, I learned during our recent recess that my family has an interest in a firm that could be a core drilling contractor to the Alyeska Pipeline Service Co. Under the circumstances, I ask unanimous consent that I be allowed to abstain from voting on matters relating to the trans-Alaskan pipeline project during the course of the consideration of the Federal Lands Rights-of-Way Act of 1973.

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

Mr. BUCKLEY. 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. BARTLETT. 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. BARTLETT. Mr. President, the Senate has before it Senate bill 1081. This gives the Senate the opportunity to do something toward solving the energy crisis. It is time to act, and it is time to act now. Our country is face to face with serious energy problems. Our economy and our national security are at stake. We are in real trouble. Yet we are hearing requests for more studies, we are hearing that there is a conspiracy, and we are hearing that there is no shortage at all.

In 1972 about $6 billion was paid for the purchase of foreign oil. In 1985, it is estimated, there will be a deficit in the purchase of foreign oil of $30 to $40 billion. This estimate was made by Mr. John Winger, of the Chase Manhattan Bank. But even if we start now to increase our domestic production of oil and gas and increase our production of all sources of energy, by 1976, in just 3 years, the balance-of-payments deficit for oil will be about $17.5 billion. We will be importing, according to Mr. John Winger, about 50 percent of our oil.

North Slope oil will reduce this deficit only partly, but it is important because it is a start. It is a beginning for Congress. It shows that we are doing something about our energy needs. We are taking action.

Way back in February of 1968 the North Slope oil discovery was announced. More than 5 years ago we knew of the tremendous quantity of oil in Alaska. Environmental concern, technical difficulties, and selfish motives have delayed oil that the lower 48 States could and should be receiving today.

Concern for the environment and justice through our court system does not mean interminable delays. Justice delayed is justice denied. That is just as true in the case of the Alaskan pipeline.

In June of 1969 the pipeline application was received by the Department of the Interior. In January 1970 the National Environmental Policy Act took effect upon the heels of rising environmental concern, resulting in an injunction in April of 1970 against construction of the pipeline. But it was not until March 1972 that the final environmental impact statement was issued, and in May of 1972 Secretary of the Interior Morton announced his intention to issue the pipeline permit.

In August of 1972 the district court dissolved the preliminary injunction. However, on February 9 of this year, the now famous appeals court decision in the case of the *Wilderness Society et al.* v. *Rogers C. B. Morton et al.* again enjoined construction on the basis of a width limitation imposed by the Mineral Licensing Act of 1920. Congress must now correct this archaic deficiency in the law to allow not only the Alaskan pipeline to be built, but to safeguard the use of existing pipelines and permit additional pipelines to be constructed in the future.

Secretary of the Interior Morton has assured us that the Alaskan pipeline will be built to withstand the largest earthquake that has ever been experienced in Alaska. And he should know, for the multivolume environmental impact statement prepared by his Department represents 175 man-years of study at a cost of $9 million.

Oil and gas reserves in the Far North should be enough to justify a second oil pipeline and a gas pipeline. These pipelines, too, will undergo the scrutiny of the Department of the Interior and the Environmental Protection Agency. If its environmental impact statement is acceptable and someone wants to build each of these pipelines, they, too, will be constructed.

Affirmative action on this bill is just a beginning. It is not a panacea. The benefits of 2 million barrels of crude oil a day into the United States by the time it is received will be more than offset by the environmental requirement of more oil. However, it is only a beginning. Much more needs to be done.

Congress must address itself to the question of the deregulation of the price of gas at the wellhead. Congress has not yet seen fit to have hearings on this subject. However, Congress should schedule hearings in the very near future.

There has been ample evidence presented to the Senate Committee on Interior and Insular Affairs to the effect that the present supply of domestic gas is much less than it would otherwise be because of the depressed price of gas at the wellhead.

This testimony also shows that the supply of oil and the supply of coal, as well as atomic energy, has been reduced because of the depressed price of natural gas.

Congress must address itself to the siting of powerplants and refineries and to seeing to it that this Nation has this additional security, this additional employment, and this additional energy that can be counted upon.

We must address ourselves to the question of the siting of offshore, deep water ports so that imported oil can be brought into this country at the cheapest possible cost. This will also reduce the matter of the pollution by transport in a well-designed facility.

Congress must also balance the environmental means to control pollution with the human need for progress.

There is a very definite correlation between the growth in the energy requirements of this Nation and the gross national production of this Nation. Over a period of 50 years, in both cases, it amounts to a little more than 3 percent gross per year. This relationship is important for future progress so that our Nation will have additional jobs, an improved health standard, a higher general standard of living, and better op-

portunities to make progress in social needs and to reduce poverty.

Congress should also address itself to tax incentives for the exploration and development of energy sources.

It is essential that Congress realize that there be several approaches taken. All of them must be started right away, because some of them address themselves to near-term and others to long-term goals.

Hearings are now going on on standards and research and development programs. The hearings to date have been very productive because they have shown severe deficiencies in the program that was presented. However, they were constructive criticisms and will result, in my opinion, in a good program for research and development, sponsored and supported by the Federal Government, supplementing that done by private enterprises.

Congress should also address itself to the question of a price ceiling on energy products which is counterproductive to an increased supply which is so very important so far as this country's national material is concerned, so far as our ability to withstand the threat we now have of blackmail by the Mideastern nations, and the need to provide for a strong economy. However, it is vital that we recognize that now is the time to begin to take a first step in solving our energy crisis, and then we must follow with many more steps if we are to maintain a desirable environment, continue to have a strong viable economy and maintain this Nation as the No. 1 world power.

Mr. GRAVEL. Mr. President, I suguest 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. STEVENS. 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. STEVENS. I ask unanimous consent that during the consideration of this bill, Mr. Carl Bogar, a congressional fellow employed by the General Accounting Office and working in my office, be permitted access to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. What is the will of the Senate?

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow.

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

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

ORDERS FOR RECOGNITION OF SENATORS BARTLETT, RANDOLPH, HELMS, AND COOK TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order tomorrow, the following Senators be recognized, each for not to exceed 15 minutes and in the order stated: Messrs. BARTLETT, RANDOLPH, HELMS, and COOK.

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

TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that following the recognition of the aforementioned Senators under the order previously entered on tomorrow, there be a period for the transaction of routine morning business of not to exceed 10 minutes, with statements therein limited to 3 minutes.

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

UNANIMOUS-CONSENT AGREEMENT—S. 1435

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, in the event the Senate does not complete action tomorrow on the bill (S. 1435) to provide an elected Mayor and City Council for the District of Columbia by the hour of 1:30 p.m., the bill (S. 1435) then go over until Wednesday, to be taken up at the close of morning business on Wednesday.

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

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President on tomorrow the Senate will convene at the hour of 9:30 a.m.

After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Messrs. BARTLETT, RANDOLPH, HELMS, and COOK.

At the conclusion of the aforementioned orders for the recognition of Senators, there will be a period for the transaction of routine morning business of not to exceed 10 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Senate will proceed to the consideration of S. 1435, a bill to provide an elected Mayor and City Council for the District of Columbia.

There is a time limitation agreement thereon allowing 1 hour for debate on the bill, 30 minutes on any amendment in the first degree, and 20 minutes on any amendment to an amendment, debatable motion, or appeal. The yeas and nays may occur thereon.

If the Senate has not disposed of S. 1435 by the hour of 1:30 p.m., which hopefully it will have, then the Senate will resume the consideration of the unfinished business, the so-called Alaska pipeline bill (S. 1081).

Yea-and-nay votes may occur on amendments thereto during the afternoon tomorrow.

ADJOURNMENT TO 9:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 9:30 a.m. tomorrow.

The motion was agreed to; and at 4:59 p.m. the Senate adjourned until tomorrow, Tuesday, July 10, 1973, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 3, 1973, pursuant to the order June 30, 1973:

DEPARTMENT OF STATE

Robert C. Brewster, of Nebraska, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ecuador.

William I. Cargo, of Florida, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Nepal.

Robert A. Hurwitch, of Illinois, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

Executive nominations received by the Senate July 6, 1973, pursuant to the order of June 30, 1973:

THE JUDICIARY

John A. Reed, Jr., of Florida, to be a U.S. district judge for the middle district of Florida, vice William A. McRae, Jr., deceased.

DEPARTMENT OF JUSTICE

Harold M. Grindle, of Iowa, to be U.S. marshal for the southern district of Iowa for the term of 4 years, reappointment.

Richard Van Thomas, of Wyoming, to be U.S. attorney for the district of Wyoming for the term of 4 years, reappointment.

Victor Cardosi, of New Hampshire, to be U.S. marshal for the district of New Hampshire for the term of 4 years, reappointment.

William F. Clayton, of South Dakota, to be U.S. attorney for the district of South Dakota for the term of 4 years, reappointment.

Executive nominations received by the Senate July 9, 1973:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to

the grades indicated in the National Oceanic and Atmospheric Administration:

To be commanders

Walter S. Simmons
John P. Vandermeulen.

To be lieutenant commanders

John J. Lenart
Stephen E. Foster
Robert V. Smart
Efrem R. Krisher
William R. Daniels
Floyd Childress II
Charles N. Whitaker

To be lieutenants

Richard T. Beaupre
Nelson M. Franklin
David W. Yeager
Wayne F. Turnacliff
Robert K. Norris
Glenn E. Freirich
William L. Adams
Bradford B. Meyers
Carl S. Smyth
James R. Hastings
James R. Faris
Michael F. Kolesar
Ludvik Pfeifer

To be lieutenants (junior grade)

Ralph N. Baker
Wayne L. Perryman
Ronald W. Jones

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, section 3370:

ARMY PROMOTION LIST

To be colonel

Acker, Donald J., xxx-xx-xxxx
Adams, Andrew A., xxx-xx-xxxx
Ahrberg, William A., xxx-xx-xxxx
Ahrens, Edward J., xxx-xx-xxxx
Alex, Peter, xxx-xx-xxxx
Allen, Glen W., xxx-xx-xxxx
Allen, John H., xxx-xx-xxxx
Allred, Leonard W., xxx-xx-xxxx
Allred, Robert H., xxx-xx-xxxx
Alton, Robert E., xxx-xx-xxxx
Alvarez, Eduardo, xxx-xx-xxxx
Anderson, C. A., Jr., xxx-xx-xxxx
Andrews, Vernon J., xxx-xx-xxxx
Annunziato, Guy A., xxx-xx-xxxx
Anthony, George, xxx-xx-xxxx
Arlinghaus, Edward, xxx-xx-xxxx
Arnold, Percy A., xxx-xx-xxxx
Atkins, Edward J., xxx-xx-xxxx
Backer, Allen C., xxx-xx-xxxx
Balagia, Edward G., xxx-xx-xxxx
Balaguer-Rivera, J., xxx-xx-xxxx
Ball, Harvey R., xxx-xx-xxxx
Banker, Charles F., xxx-xx-xxxx
Barchi, Michael E., xxx-xx-xxxx
Barnett, John C., xxx-xx-xxxx
Baron, William C. C., xxx-xx-xxxx
Barrett, Edwin C., xxx-xx-xxxx
Bartel, Robert E., xxx-xx-xxxx
Barth, Edward F., xxx-xx-xxxx
Barton, William A., xxx-xx-xxxx
Bartem, Duane H., xxx-xx-xxxx
Bassett, Paul E., xxx-xx-xxxx
Bastek, Joseph J., xxx-xx-xxxx
Bathurst, Marshall, xxx-xx-xxxx
Baxter, Donald L., xxx-xx-xxxx
Baxter, James R., xxx-xx-xxxx
Beacham, Robert G., xxx-xx-xxxx
Beal, Howard G., xxx-xx-xxxx
Beale, Walter H., xxx-xx-xxxx
Beavers, Fred C., xxx-xx-xxxx
Begick, Lester O., xxx-xx-xxxx
Beirne, Daniel R., xxx-xx-xxxx
Beltramini, Henry P., xxx-xx-xxxx
Bender, Reginald, xxx-xx-xxxx
Bennett, George T., xxx-xx-xxxx
Benson, James D., xxx-xx-xxxx
Benzinger, John A., xxx-xx-xxxx
Berg, John C., xxx-xx-xxxx
Berkos, Paul, xxx-xx-xxxx
Berriman, Peter J., xxx-xx-xxxx
Beuhler, William W., xxx-xx-xxxx
Billings, Kenneth D., xxx-xx-xxxx
Binnicker, Marby, xxx-xx-xxxx
Bishop, Chester, xxx-xx-xxxx
Blager, Morton B., xxx-xx-xxxx
Blair, Bernard A., xxx-xx-xxxx
Bloom, Jack L., xxx-xx-xxxx
Bochniak, Thomas R., xxx-xx-xxxx
Bogolub, Milton, xxx-xx-xxxx
Boone, James L., Jr., xxx-xx-xxxx
Borcherding, H. R., xxx-xx-xxxx
Borchert, Earl H., xxx-xx-xxxx
Bostick, Wallace E., xxx-xx-xxxx
Bowden, Joseph H., Jr., xxx-xx-xxxx
Bowman, Eldon E., xxx-xx-xxxx
Boyd, Howell L., xxx-xx-xxxx
Brennan, William F., xxx-xx-xxxx
Brennen, Floyd M., xxx-xx-xxxx
Brett, Thomas R., xxx-xx-xxxx
Briggs, David C., xxx-xx-xxxx
Bright, Glenn H., xxx-xx-xxxx
Brinitzer, Peter H., xxx-xx-xxxx
Bristow, Walter J., xxx-xx-xxxx
Brown, Edward D., xxx-xx-xxxx
Brown, Edward J., xxx-xx-xxxx
Brown, James W., Jr., xxx-xx-xxxx
Brunson, Nolen L., xxx-xx-xxxx
Bryant, Gorge W., xxx-xx-xxxx
Buchanan, George H., xxx-xx-xxxx
Buchman, Paul, xxx-xx-xxxx
Budnick, Herbert J., xxx-xx-xxxx
Buhrow, Paul J., xxx-xx-xxxx
Bullock, Vernon O., xxx-xx-xxxx
Bunoski, Richard L., xxx-xx-xxxx
Burgess, Jay G., xxx-xx-xxxx
Burns, William J., xxx-xx-xxxx
Bush, Shelby T., xxx-xx-xxxx
Byrd, Joseph K., xxx-xx-xxxx
Cadzow, W. S. Jr., xxx-xx-xxxx
Callos, Harry, xxx-xx-xxxx
Campbell, Lawrence, xxx-xx-xxxx
Campilongo, V. M., xxx-xx-xxxx
Cantel, Manuel E., xxx-xx-xxxx
Carnevale, Louis, xxx-xx-xxxx
Carniglia, Joseph P., xxx-xx-xxxx
Carpenter, Claude B., xxx-xx-xxxx
Carroll, James W., xxx-xx-xxxx
Cate, George H. Jr., xxx-xx-xxxx
Cederberg, Richard, xxx-xx-xxxx
Chagnon, Albert E., xxx-xx-xxxx
Chaisson, Camile J., xxx-xx-xxxx
Chaitt, Elliott, xxx-xx-xxxx
Chambers, Gus, xxx-xx-xxxx
Chang, James D. C., xxx-xx-xxxx
Chapman, John C., xxx-xx-xxxx
Chase, George L., xxx-xx-xxxx
Chescheir, Thomas R., xxx-xx-xxxx
Chisholm, Kenneth J., xxx-xx-xxxx
Chmiola, Joseph J., xxx-xx-xxxx
Christ, Christ, xxx-xx-xxxx
Christian, C. R., xxx-xx-xxxx
Christian, James W., xxx-xx-xxxx
Christofk, R. E., xxx-xx-xxxx
Clardy, John C., xxx-xx-xxxx
Clark, Derald G., xxx-xx-xxxx
Clark, Lloyd C., xxx-xx-xxxx
Clarke, Conley I., xxx-xx-xxxx
Clary, Adrian G., xxx-xx-xxxx
Clawson, Gray I., xxx-xx-xxxx
Clayton, Russell L., xxx-xx-xxxx
Clifton, Burton, xxx-xx-xxxx
Clingan, Fred R., xxx-xx-xxxx
Closs, John W., xxx-xx-xxxx
Closson, Thomas C. J., xxx-xx-xxxx
Coates, George E., xxx-xx-xxxx
Cobb, Charles R., xxx-xx-xxxx
Coe, Robert, xxx-xx-xxxx
Cohen, Richard D., xxx-xx-xxxx
Colby, Robert T. S., xxx-xx-xxxx
Cole, Jackie B., xxx-xx-xxxx
Collmar, Hubert E., xxx-xx-xxxx
Compton, Harold C., xxx-xx-xxxx
Condon, Aaron S., xxx-xx-xxxx
Condon, Alvern C., xxx-xx-xxxx
Conway, Vernon L., xxx-xx-xxxx
Cook, James H., xxx-xx-xxxx
Copeland, Billy B., xxx-xx-xxxx
Corley, James K., xxx-xx-xxxx
Cox, Charles D., xxx-xx-xxxx
Cox, James A., xxx-xx-xxxx
Coyle, Harry M., xxx-xx-xxxx
Craig, Alton H., xxx-xx-xxxx
Cramer, Robert J., xxx-xx-xxxx
Crawford, J. S. Jr., xxx-xx-xxxx
Crockett, T. W. Jr., xxxx
Crommelin, Robert W., xxx-xx-xxxx
Cronia, George S., xxx-xx-xxxx
Crow, Alfred G., xxx-xx-xxxx
Cruciani, Joseph R., xxx-xx-xxxx
Curtis, Billie B., xxx-xx-xxxx
Dahlstrom, Eric B., xxx-xx-xxxx
Daire, Clifford J., xxx-xx-xxxx
Dallam, Harold C., xxx-xx-xxxx
Dallas, Leonard J., xxx-xx-xxxx
Daly, William J., xxx-xx-xxxx
Danter, James F., xxx-xx-xxxx
Davenport, Byron W., xxx-xx-xxxx
Davis, Dale A., xxx-xx-xxxx
Davis, Dean S., xxx-xx-xxxx
Davis, Harley B., xxx-xx-xxxx
Davis, Lowell M., xxx-xx-xxxx
Davis, Oscar R., Jr., xxx-xx-xxxx
Davis, Rolly A., Jr., xxx-xx-xxxx
Day, Richard K., xxx-xx-xxxx
Deadmon, Baxter B., xxx-xx-xxxx
Decosta, David F., xxx-xx-xxxx
Delong, Otis C., Jr., xxx-xx-xxxx
Dennis, Reuben C., Jr., xxx-xx-xxxx
Dennis, William N., xxx-xx-xxxx
Dermann, Kenneth W., xxx-xx-xxxx
Dewhirst, John S., xxx-xx-xxxx
Dias, Julius E., xxx-xx-xxxx
Dickerson, Verna J., xxx-xx-xxxx
Dittmar, Rabun H., Jr., xxx-xx-xxxx
Dockall, Wallace D., xxx-xx-xxxx
Dodson, Therrell J., xxx-xx-xxxx
Dodson, Wilmer B., xxx-xx-xxxx
Doerr, Lyle C., xxx-xx-xxxx
Donaldson, C. H., xxx-xx-xxxx
Doris, William E., xxx-xx-xxxx
Dorris, Lowry H., xxx-xx-xxxx
Dougherty, Joseph C., xxx-xx-xxxx
Dowson, Charles P., xxx-xx-xxxx
Drisdale, Fred, xxx-xx-xxxx
Dubrin, Harry L., Jr., xxx-xx-xxxx
Duffett, John W., xxx-xx-xxxx
Duke, Roy B., Jr., xxx-xx-xxxx
Dulling, William O., xxx-xx-xxxx
Dunham, Milton G., xxx-xx-xxxx
Dunkin, Robert S., xxx-xx-xxxx
Dunn, Kenneth D., xxx-xx-xxxx
Dunn, William G., xxx-xx-xxxx
Dunning, Ralph P., xxx-xx-xxxx
Dwyer, Ralph D., Jr., xxx-xx-xxxx
Earl, Marvin I., Jr., xxx-xx-xxxx
Eastland, William F., xxx-xx-xxxx
Eastmoore, Eugene L., xxx-xx-xxxx
Ellerbe, James E., xxx-xx-xxxx
Ellington, James R., xxx-xx-xxxx
Elser, Irvin L., xxx-xx-xxxx
Emrich, Robert G., xxx-xx-xxxx
Endler, John J., xxx-xx-xxxx
Eng, Joe, xxx-xx-xxxx
Engel, Lawrence J., xxx-xx-xxxx
Engert, Walter J., xxx-xx-xxxx
Enright, William M., xxx-xx-xxxx
Espino, Virgil, xxx-xx-xxxx
Estrella, John R., xxx-xx-xxxx
Evans, Donald H., xxx-xx-xxxx
Evans, Freddie W., Jr., xxx-xx-xxxx
Evans, John E., Jr., xxx-xx-xxxx
Evans, Thomas G., xxx-xx-xxxx
Falkenberry, W. M., xxx-xx-xxxx
Farr, Allan W., xxx-xx-xxxx
Farry, William T., xxx-xx-xxxx
Feaster, Jacob L., Jr., xxx-xx-xxxx
Federici, Anthony G., xxx-xx-xxxx
Feingold, Bernard, xxx-xx-xxxx
Feingold, Jack, xxx-xx-xxxx
Fellman, Marvin R., xxx-xx-xxxx
Fellows, Charles K., xxx-xx-xxxx
Fender, Edward M., xxx-xx-xxxx
Ferguson, G. R., III, xxx-xx-xxxx
Finch, Charles E., xxx-xx-xxxx
Fine, Leland R., xxx-xx-xxxx
Fink, Jules, xxx-xx-xxxx
Fink, Lon R., xxx-xx-xxxx
Finney, Joseph E., xxx-xx-xxxx
Fisher, Jack, xxx-xx-xxxx
Fisher, Lynn A., xxx-xx-xxxx
Flaten, Milo G., xxx-xx-xxxx
Fleming, Samuel E. J., xxx-xx-xxxx
Follett, George L., xxx-xx-xxxx
Fong, Hayward, xxx-xx-xxxx
Font, Eliseo G., xxx-xx-xxxx
Ford, Charles E., xxx-xx-xxxx

Ford, Donald T., xxx-xx-xxxx.
Fortie, Thomas M., xxx-xx-xxxx.
Foster, Calvin L., xxx-xx-xxxx.
Foster, Cecil R., xxx-xx-xxxx.
Fouts, Henry, xxx-xx-xxxx.
Fowler, Donald D., xxx-xx-xxxx.
Fox, Earl F., xxx-xx-xxxx.
France, Henry E. Jr., xxx-xx-xxxx.
Freeman, Henry L., xxx-xx-xxxx.
Frentzen, Joseph E., xxx-xx-xxxx.
Fresenborg, Robert, xxx-xx-xxxx.
Fricke, Robert L., xxx-xx-xxxx.
Fritz, Robert L., xxx-xx-xxxx.
Fuller, Tom O., xxx-xx-xxxx.
Gaffney, Gerard A., xxx-xx-xxxx.
Gallay, Donald B., xxx-xx-xxxx.
Gamel, Earl G., xxx-xx-xxxx.
Gardner, James H., xxx-xx-xxxx.
Gavlin, Frederic J., xxx-xx-xxxx.
Gaynes, Seymour J., xxx-xx-xxxx.
Geach, Stanley G., xxx-xx-xxxx.
Gehrki, Arthur A., xxx-xx-xxxx.
Gerber, Ernest, xxx-xx-xxxx.
Gibbes, William H., xxx-xx-xxxx.
Gilbertson, Carlyn, xxx-xx-xxxx.
Gilham, Louis C., xxx-xx-xxxx.
Gill, James H., xxx-xx-xxxx.
Gillette, John W., xxx-xx-xxxx.
Gilpin, David N., xxx-xx-xxxx.
Ginn, Keith C., xxx-xx-xxxx.
Giordano, Carmine P., xxx-xx-xxxx.
Glass, Floyd, xxx-xx-xxxx.
Gomez, Leonard, xxx-xx-xxxx.
Gordon, Aaron Z., xxx-xx-xxxx.
Gordon, William L., xxx-xx-xxxx.
Gorsky, Albert F., xxx-xx-xxxx.
Goss, Arthur J., xxx-xx-xxxx.
Graham, John R., xxx-xx-xxxx.
Graham, Seldon B. Jr., xxx-xx-xxxx.
Graves, James E., III, xxx-xx-xxxx.
Graves, James F., xxx-xx-xxxx.
Gray, George H., xxx-xx-xxxx.
Gray, Norman J., xxx-xx-xxxx.
Gray, Richard C., xxx-xx-xxxx.
Gray, Roy C. Jr., xxx-xx-xxxx.
Green, Robert W., xxx-xx-xxxx.
Griffith, Eugene W., xxx-xx-xxxx.
Grimstad, James P., xxx-xx-xxxx.
Gump, Theodore E., xxx-xx-xxxx.
Haggard, Mickey T., xxx-xx-xxxx.
Hague, Benjamin P., xxx-xx-xxxx.
Hague, William W. Jr., xxx-xx-xxxx.
Hahn, F. C. Jr., xxx-xx-xxxx.
Hahn, Robert E., xxx-xx-xxxx.
Haines, Ralph C., xxx-xx-xxxx.
Hall, Earl W., xxx-xx-xxxx.
Hall, Nicholas A., xxx-xx-xxxx.
Hamil, Earl C., xxx-xx-xxxx.
Hamilton, Robert E., xxx-xx-xxxx.
Hammerquist, H. L., xxx-xx-xxxx.
Hampton, Joe W., xxx-xx-xxxx.
Hancock, Walter J., xxx-xx-xxxx.
Hand, Paul E., xxx-xx-xxxx.
Hanger, Albert H., xxx-xx-xxxx.
Harding, Darrel L., xxx-xx-xxxx.
Hardwick, John H., xxx-xx-xxxx.
Hardy, Jimmie T., xxx-xx-xxxx.
Harmsen, Eugene J., xxx-xx-xxxx.
Harpst, Harry C., xxx-xx-xxxx.
Harrell, Norris E., xxx-xx-xxxx.
Hartsock, Richard M., xxx-xx-xxxx.
Hassell, Andrew M., xxx-xx-xxxx.
Hassett, Bernard T., xxx-xx-xxxx.
Hatch, Aram H., Jr., xxx-xx-xxxx.
Hatfield, Robert E., xxx-xx-xxxx.
Hawkins, Robert L. J., xxx-xx-xxxx.
Hawkinson, Norman A., xxx-xx-xxxx.
Hawn, Robert W., xxx-xx-xxxx.
Headrick, Elmore G., xxx-xx-xxxx.
Hedrick, Robert F., xxx-xx-xxxx.
Hee, Franklin P., xxx-xx-xxxx.
Heffernan, John J., xxx-xx-xxxx.
Heilborn, George, xxx-xx-xxxx.
Heineke, Hilton E., xxx-xx-xxxx.
Hendrickson, Norman, xxx-xx-xxxx.
Hensler, Thomas P., Jr., xxx-xx-xxxx.
Herman, Emmett R., xxx-xx-xxxx.
Herndon, William C., xxx-xx-xxxx.
Hershey, Bernard, xxx-xx-xxxx.
Hessel, Howard C., xxx-xx-xxxx.
Hester, Elmo C., Jr., xxx-xx-xxxx.
Hickey, Bryce K., xxx-xx-xxxx.
Higginbotham, Jack, xxx-xx-xxxx.
Hill, Charles E., xxx-xx-xxxx.
Hinkley, David R., xxx-xx-xxxx.
Hinman, Morris E., xxx-xx-xxxx.
Hockley, Ralph M., xxx-xx-xxxx.
Hodgin, David A., xxx-xx-xxxx.
Holden, Jack B., xxx-xx-xxxx.
Hollis, William S., xxx-xx-xxxx.
Holt, George F., xxx-xx-xxxx.
Hopper, Lester E., xxx-xx-xxxx.
Horn, Wayne, xxx-xx-xxxx.
Hornstein, Joseph L., xxx-xx-xxxx.
Housel, Howard C., xxx-xx-xxxx.
Howard, Chester A., xxx-xx-xxxx.
Howell, Robert L., xxx-xx-xxxx.
Hughes, James C., xxx-xx-xxxx.
Hughes, Robert D., xxx-xx-xxxx.
Hughley, Thomas H., xxx-xx-xxxx.
Hungerford, Amede O., xxx-xx-xxxx.
Hunt, Donald E., xxx-xx-xxxx.
Huntress, M. O., Jr., xxx-xx-xxxx.
Hupe, Charles E., xxx-xx-xxxx.
Hurley, Borromeo W., xxx-xx-xxxx.
Hurney, Joseph H., Jr., xxx-xx-xxxx.
Huso, Kennth W., xxx-xx-xxxx.
Hutton, Wallace E., xxx-xx-xxxx.
Iker, Gilbert H., xxx-xx-xxxx.
Ingram, William M., xxx-xx-xxxx.
Ives, Lowell W., xxx-xx-xxxx.
Ivey, Clinton L., xxx-xx-xxxx.
Jackson, S. F., Jr., xxx-xx-xxxx.
Jaeger, Bruno G., xxx-xx-xxxx.
Jann, William K., xxx-xx-xxxx.
Jarrett, Harry T., xxx-xx-xxxx.
Jartman, Marc R., xxx-xx-xxxx.
Jekel, Eugene E., xxx-xx-xxxx.
Jelatis, John G., xxx-xx-xxxx.
Johnson, Clayton L., xxx-xx-xxxx.
Johnson, George H., xxx-xx-xxxx.
Johnson, James E., Jr., xxx-xx-xxxx.
Johnson, Paul W., xxx-xx-xxxx.
Johnson, Robert J., xxx-xx-xxxx.
Johnson, Ronald R., xxx-xx-xxxx.
Johnson, Ruben H., xxx-xx-xxxx.
Johnson, Russell J., xxx-xx-xxxx.
Johnston, Ralph L., xxx-xx-xxxx.
Johnstone, R. V., xxx-xx-xxxx.
Jones, Arthur T., xxx-xx-xxxx.
Jones, Francis E., xxx-xx-xxxx.
Jones, Wallace L., xxx-xx-xxxx.
Jordan, Clarence E., xxx-xx-xxxx.
Jugler, Leo V., xxx-xx-xxxx.
Kaplan, Marshall G., xxx-xx-xxxx.
Kath, Raymond H., xxx-xx-xxxx.
Kaufman, Siegbert, xxx-xx-xxxx.
Keith, Graham R., xxx-xx-xxxx.
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The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, sections 3366 and 3367:

To be lieutenant colonel

Brock, Leroy C., Jr., xxx-xx-xxxx
Connett, Walter T., xxx-xx-xxxx
Ellis, James R., xxx-xx-xxxx
Gray, John D., xxx-xx-xxxx
Hudak, George W., xxx-xx-xxxx
Konzem, Harry W., xxx-xx-xxxx
Peterson, A. O., Jr., xxx-xx-xxxx
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Urruela, Maria L., xxx-xx-xxxx

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, sections 591, 593, and 594:

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To be colonel

Erickson, James H., xxx-xx-xxxx

To be lieutenant colonel

Boccuti, Anthony R., xxx-xx-xxxx
Circeo, Richard B., xxx-xx-xxxx
Hall, Donald L., xxx-xx-xxxx
Henn, Thomas W., xxx-xx-xxxx
Pursalan, Napoleon C., xxx-xx-xxxx
Welch, Richard D., xxx-xx-xxxx

The following-named Army National Guard officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3385:

To be colonel

Brown, William D., xxx-xx-xxxx
Bullock, James M., Jr., xxx-xx-xxxx
Burdell, James R., xxx-xx-xxxx
Doering, Darrell E., xxx-xx-xxxx
Greenwell, Charles H., Jr., xxx-xx-xxxx
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Robertson, Hal F., xxx-xx-xxxx
Schmidt, Gerald W., xxx-xx-xxxx
Upshaw, Joseph W., xxx-xx-xxxx
Walters, William G., Jr., xxx-xx-xxxx

The following-named Army National Guard officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, U.S.C., section 3385:

To be lieutenant colonel

Amsler, Edward F., Jr., xxx-xx-xxxx
Bittelari, Thomas J., xxx-xx-xxxx
Boulo, Joseph T., Jr., xxx-xx-xxxx
Brown, Clifford M., xxx-xx-xxxx
Cadwalader, Richard C., xxx-xx-xxxx
Christ, Howard G., xxx-xx-xxxx
Clardy, James D., xxx-xx-xxxx
Cooper, Robert A., xxx-xx-xxxx
Culpepper, Marvin W., xxxx
Daniel, Manuel, xxx-xx-xxxx
Dunphy, Arthur L., xxx-xx-xxxx
Eagerton, Charles W., xxx-xx-xxxx
Farrell, Thomas J., xxx-xx-xxxx
Fastabend, Robert E., xxx-xx-xxxx
Gilcrist, Richard L., xxx-xx-xxxx
Hardy, Donald C., xxx-xx-xxxx
Helmer, Robert L., xxx-xx-xxxx
Hine, John M., xxx-xx-xxxx
Hollis, Martin L., Jr., xxx-xx-xxxx
Jackson, Ray L., xxx-xx-xxxx
Jones, James W., xxx-xx-xxxx
Knowles, Charles A., xxx-xx-xxxx
Leaphart, William H., Jr., xxx-xx-xxxx
Long, Norman L., xxx-xx-xxxx
Nanartowich, Richard H., xxx-xx-xxxx
Parkhill, Roland L., xxx-xx-xxxx
Penton, Ben H., xxx-xx-xxxx
Powers, Thomas F., xxx-xx-xxxx
Richert, Gordon A., xxx-xx-xxxx
Ritter, Lewis W., xxx-xx-xxxx
Schneider, Elmer, xxx-xx-xxxx
Scott, Edgar H., Jr., xxx-xx-xxxx
Taddeo, Pasquale R., xxx-xx-xxxx
Terpien, Edward S., xxx-xx-xxxx
Teruya, Michael S., xxx-xx-xxxx
Toth, Jack A., xxx-xx-xxxx
Wheeler, Donald L., xxx-xx-xxxx
Wolfe, George A., xxx-xx-xxxx
Woodruff, Willard B., Jr., xxx-xx-xxxx

IN THE NAVY

James R. Lash (Naval Reserve officer) to be a permanent lieutenant commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

James M. Klick (Naval Reserve officer) to be a permanent lieutenant in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Melvin Q. Antonio
Michael A. Froman
Kristopher M. Greene
Karl D. Nielson.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Albert E. Becker, Jr.
Daniel W. Carlson
Adrian J. Delaney
Michael E. Golembiesk
James W. McLeod
John G. Meyer
Joseph H. Schenk
Charles W. Schwab
William J. Wagner, Jr.

The following-named (civilian college graduates) to be permanent lieutenants and temporary lieutenant commanders in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

Ernest P. Myers
William B. Stilley II

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

Cullen L. Athey, Jr.
Harold A. Pebbles, Jr.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

Richard F. Acquavella
Donald G. Cairns
Peter J. Durso
Charles D. Ferguson
Robert J. Fuhrman
John W. Hardgrave
Dean A. Hendrickson
Stanley F. Kapa
Robert S. Parker
Herbert J. Towle III

The following-named U.S. Navy officers to be temporary commanders in the Medical Corps in the Reserve of the Navy, subject to the qualification therefor as provided by law.

Malcolm M. Murdock
Sandro R. Sandri
Walker H. Campbell

John H. Cook III, U.S. Navy officer to be a temporary commander in the line in the Reserve of the Navy, subject to the qualification therefor as provided by law.

The following-named enlisted candidates to be ensigns in the Medical Service Corps (Health Care Administration) for temporary service, subject to the qualification therefor as provided by law.

Stonebraker, Alan F.
Otis, Edward J.
Ebert, Thomas A.
McGarvey, David H.
Powell, Cecil D.
Thayer, Jon E.
Shannon, Patrick A.
Griswold, Lynn C.
Jean, Kenneth L.
Rodell, Robert W., Jr.
Dulude, Edward P.
Gesh, Albert S., Jr.
Holm, Dale L.
Hoffman, Stanley W.
Fuchs, Kurt W.
Adams, Dennis L.
Cruit, Carlton D.
Schnable, Robert M., Jr.
Arrison, Ronald B.
Otlowski, Richard
Howard, Roger H., Jr.
Hynes, Samuel M.
Knox, Frederick M.
Lee, Eddie A.
Dulaney, Jerry D.
Ayers, James L.
Lorenzen, William F.
Cawley, Michael
Betsworth, Richard D.
Cundiff, John H.
Allen, Edward J., Jr.
Niec, Edmund A.
Goulet, Mark B.
Ryan, Thomas A.
Boehm, Russell K.
Rivers, Gussey
Clark, Bobby G.
Eclar, Alexander D.
Mitchell, William L.
Hobday, Edward C.
Long, James J.
Alberti, Caley E.
Hicks, Howard J.
Hetsko, John A.
Mitchell, James T.
Bovasso, Peter
Doe, Wilfred I.
Tompkins, Lee W.
McIndoe, Bruce H.
Brozowski, Dennis R.
Wright, James A., Jr.
Franklin, Kenneth W., Jr.
Bubb, Ronald E.
Shafer, Thomas A.
Edmons, Robert L.
Rasnick, Lannes B.
Libby, Earle S.
Pariseau, Royle J.
Cesar, Niles C.
Poppell, Gordon H., Jr.
Clark, Lewis E.
Wilson, Victor M.
Crowell, John F.
Erichsen, Michael E.
Rodman, Merrill D.
Garnto, Sterling E.
Brown, William E.
Roybal, Eliseo, Jr.
Lawson, Michael P.
Springfield, Walter L.
Goains, Bobby D.
Tucker, Elmo G.
McKenna, Michael R.
Summers, Donn L.
Fallat, James S.
Swafford, James J., Jr.
Rogers, Lester M.
Quinn, Patrick J.
George, Charles L.
Cruz, Romeo G.
Kroutil, Michael L.
Mallea, Richard L.
Shehane, Claude T.
Sledge, Wavely L.
Beale, Calvin C., Jr.
McCourt, Stephen L.
Pitts, Charles G.
Smith, Robert W.

William J. Munro (civilian college graduate) to be a permanent commander and a temporary captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

The following-named U.S. Navy officers to be permanent commanders in the Medical Corps in the Reserve of the Navy, subject to the qualification therefor as provided by law:

Philip T. Cunningham
Berkley L. Rish
Gordon J. Weir, Jr.

Peter B. Carroll, U.S. officer to be a temporary commander in the Dental Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

John W. Mooney (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Lewis H. Abulafia
David E. Altaras
Mark A. Brennan
Charles D. Broadbent
Carl J. Coleman
Joseph R. Duda
Donald R. Eakin
Nile P. Ersland
Steven A. Fertig
George H. Graf
Michael G. Jorgensen
Alan R. Kiefer
Robert F. Neuner
Ronald C. O'Boyle
Steven L. Steakley
Charles B. Stuller
Myron J. Taranow
James R. Waytena
James B. Wright

John E. Gray (Naval Reserve officer) to be a permanent lieutenant commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Henry D. Gobbel, U.S. Navy retired officer, to be reappointed from the temporary disability retired as a permanent lieutenant commander and a temporary commander in the Medical Service Corps of the Navy, subject to the qualification therefor as provided by law.

Joseph Honigman (Naval Reserve officer) to be a permanent lieutenant commander and a temporary commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Timothy H. Meyer (midshipman, Naval Academy) to be a permanent ensign in the line or staff corps of the Navy, subject to the qualification therefor as provided by law.

IN THE MARINE CORPS

The following-named temporary disability retired officer for reappointment to the grade of colonel in the Marine Corps, subject to the qualifications therefor as provided by law:

Campbell, Albert W., [redacted] USMC.

The following-named temporary disability retired officer for reappointment to the grade of major in the Marine Corps, subject to the qualifications therefor as provided by law:

Rader, Mischa [redacted] USMC.

The following-named (Naval Reserve Officer Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Braschler, John E.
Callis, Steven M.
Calvert, Paul A.
Chukes, Frank, Jr.
Denault, Bruce A.
Finley, Riley
Grove, Clemson D.
Kessler, Michael B.
Koen, Joseph C.
Lambert, Bevill F., Jr.
Lang, David A.
Macklin, Gilbert A.
Mahlock, Michael H.
Malone, Richard J.
McCormick, William J.
Menke, Gene
Minter, Michael W.
Piasecki, Richard F.
Smith, Spencer H.
Sudhold, Michael G.
Taylor, Philip M.
Wakefield, Jack S.
Welch, Walter F.

The following-named officers of the Marine Corps for permanent appointment to the grade of major:

William R. Abele, Jr.
William G. Adamaitis.
Jacob K. Albright, Jr.
George N. Allerton
Donald W. Andrews
John F. Angil
Mordecai R. Arnold
Alfred A. Arroyo
Claude A. Austin
James F. Baier
Joseph L. Barker
Henry D. Barratt
Connie A. Barsky, Jr.
Hubert M. Bartel, Jr.
Ernest B. Beall, Jr.
Roderick E. Benton
John C. Bever
David R. Black
Robert N. Bogard
Paschal G. Boggs
Herman R. Bolen
Buford W. Braswell
George W. Brooks
Ronald L. Bub
Kenneth R. Buske
Ronald H. Chalmers
Bobby D. Chambless
James M. Chance
Wiley B. Channell
John L. Clark, Jr.
William B. Clark
Roger J. Claus
John E. Clements
Eric J. Coady
Robin W. Cobble
Bobby F. Cole
Larry M. Collins
Matthew Flessner
Elbert A. Foster
Calvin C. Frantz
David M. Gallegos
Harry R. Gentry
Timothy J. Geraghty
Samuel S. Glaize
Eugene M. Glass
Gerald L. Gill
Jonn A. Goehring
Darcy E. Grisier
Charles R. Gruning
Leon A. Guimond
Louis T. Gundlach
John A. Hadley
Jack B. Hammond
James D. Hardaway
Robert F. Harrington
Harry G. Hartley
Albert E. Harwood
Barclay Hastings
George C. Hearn
James B. Hickok
Billie E. Hicks
Thomas B. Hill
Maurice A. Holder
John M. Holt
Herbert E. Hoppmeyer
Frank J. Horak
Carl O. Hubbell
Richard H. Huckaby
Jerome H. Hummel
Fred L. James
Thomas F. Jessen
Herbert C. Johnson
Robert L. Jones Jr.
Charles F. Kellenbarger
Edmund J. Connelly, Jr.
William J. Cooper
Charles E. Conway, Jr.
William C. Cowperthwait
Edward V. Cox
Frederick B. Craig
William B. Crane
Richard O. Culver
Francis J. Cunningham
Charles A. Cushman
Joseph C. Dangler
Edward D. Dauksz
Lawrence E. Davies
Alber W. Deckel
Christian F. Defries
William E. Deiuliis
Francis T. Dettrey
Ted O. Dickson
Wilson R. Dodge
Robert J. Driver, Jr.
Delbert H. Dupont
Thomas R. Durham
Joseph J. Dzielski
Harold A. Erwin
Timothy J. Fallon
David E. Fanning
Frank Ferrante
Charles G. Mulford
Robert R. Mullins
Donald R. Muncie
Joseph F. Nardo
Robert K. Nixon
Kenneth E. Noland
David S. Norton
Joseph R. Paquette
Robert M. Payne
Ronald E. Pfrimmer
Roger P. Pilcher
Charles M. Pisanchin
Herbert F. Posey
Charles J. Ramsay
Albert J. Ransom
Thomas J. Rauscher
H. L. Redding
John H. Redgate
Thomas L. Reeves
Richard R. Reuschling
Franklin D. Richey
Howard L. Richey
William T. Ridgeway
Jules C. Rivera, Jr.
Ernest G. Rivers
Charles W. Rogers
William B. Rowley
Joseph R. Sales
Phillip J. Samuels
Herbert M. Sanchez
Joaquin S. Santos
Anthony J. Scaran
Harold D. Scarbrough
George R. Schipper
Gordon R. Schlagel
Richard W. Shulz
Manfred E. Schwarz
Theodore J. Scotes
Olen A. Seay, Jr.
John E. Seeburger, Jr.
Delmas D. Sharp, Jr.
James P. Sheehan
Darrell S. Shlor
Paul F. King
Robert E. Kirkpatrick
Julius P. Kish III
Donald R. Knepp
William G. Kogerman
James E. Lary
Arnold T. Lawson
Thomas E. Lewis
Melton G. Lilley
Theodore P. Lingenfelter
Robert E. Lorch
L. J. Lott
Graden E. Loveless
Mark E. Loveless
James L. Lumsden
Kenneth R. Maddox
James T. Magee
Arville D. Martin
Billy R. Massey
Enrique A. Mauri
Joseph C. Mayers
Billy L. McClain
Werner W. McIver
Charles T. McMullin
Gilbert R. Meibaum
Martin W. Meredith
Robert B. Mickey
Thomas P. Miller
George D. Mock
Kenneth E. Sheltor
Billy E. Simpson
James F. Simpson
Gerald W. Sims
Winfield W. Sisson
David T. Sites
Joseph A. Sole
Leonard K. Slusher
Clyde D. Smith
Munson R. Snedeker
Doyle R. Sprick
Donald R. Stanton
Mitchell Steinberg
Donald L. Stoner
John H. Strasser
Jerry L. Stricker
Frank D. Strong
William W. Stumpf
John Telles, Jr.
Richard T. Thomson
William E. Tisdale
James M. Tully
George E. Turner, Jr.
Donald V. Vacca
Igor R. Valentine
John M. Vanes
Fredric M. Vann
Stephen J. Veno
Richard W. Vorreyer
Kimball R. Wakefield
William L. Waters
Philip S. Weigand
James E. Wells
David B. Werner
Gerald A. Wessels
Theodore L. Whisler
David Whittingham
William A. Wile
Morgan L. Wilkinson
Charles A. Williams
Gary W. Williams
Thomas D. Wilson
William E. Wright

The following-named officers of the Marine Corps for permanent appointment to the grade of first lieutenant:

David T. Aldridge
Michael R. Antonelli
Rayfel M. Bachiller
Roberta M. Baro
Scott A. Blair
Judge T. Brock
Dennis R. Brons
Shepard R. Brown
Donald F. Bruey
Johnny Bruntlett
Gerald Buckley
Thomas J. Callan, Jr.
Bruce P. Couturier
Doyce W. Crook
Philip L. Croteau, Jr.
Peter R. Dorn
Kingsley E. Hoemann
John R. Hollcraft
Michael J. Kennedy
Frederick C. Kingston,
Michael A. Kirkpatrick
Richard M. McCool III
Thomas O. McDonald
Ian D. McDonough
Gene S. Mead
Benjamen P. Miller III
James H. Napler
Emile E. Paradis
Reuben B. Payne III
Raymond L. Polak
Lorraine D. Ribalta
Charles R. Rivenbark

Charles O. Duff, Jr.
Alan S. Frederick
Francis O. Galloway
Gregory K. Gordon
James B. Graham
James C. Hardee
Richard V. Hildebrandt
William H. Hill III
Timothy J. Himes
Mitchell E. Shivers
Roger T. Sievers
Alfred J. Talevi
Douglas D. Tyler
Rober R. Ullman
Clark L. Walters
Roger P. Warren
Michael J. Weiss
Peter D. White

The following-named officers of the Marine Corps for the temporary appointment to the grade of first lieutenant:

Johann A. Clendenin. Raymond Cole.

The following-named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer (W–4):

Paul E. Clausen.
Billy D. Ivey.
Doyle D. Gracey, Jr.
Robert W. Groom.
Joseph J. Karrer.
Stanley W. Main.
William W. McMillan, Jr.
William B. Norris.
Edwin A. Pluger.
Henry J. Waller.
George O. Walls.
Duane L. Woodson.
Neil E. Wynant.

The following-named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer (W–3):

Frederick Aguilar
Lloyd Allen, Jr.
Kleve L. Anderson
Samuel M. Ballance, Jr.
Joseph F. Bates
Daniel L. Bayse
Harry L. Bentley
Robert M. Billick
Mason G. Blake
Ralf R. Boedefeld
William M. Bokholt
Philip A. Bream
Harry A. Brown, Jr.
John N. Bruch
Johnnie D. Burtscher
Charles J. Bushey
Charley M. Campbell
Eugene E. Carlton
Edward E. Carmody
Alex H. Caylao, Jr.
Louis A. Chatelle, Jr.
Henry J. Cipolla
Stephan L. Constantine
George S. Cornuet
Ellis L. Crews
Philip T. Cummins
Carl B. Damon
James M. Darnell
Trever E. Darner
John F. Darracott
Vaughn C. Davis
Henry A. Dierker
Edward Dimaio
Ronald L. Dodge
Ronald F. Drummond
James M. Dufriend, Jr.
Harold R. Fischer
Jimmy D. Fitzpatrick
Fredrick L. Fletcher
Jack A. Frost
William R. Fry
William A. Fyles
Rhyne E. Garris
Bruce R. Greisen
James H. Guelich, Jr.
Edward R. Haines
Lorell J. Haugley
Allen J. Hebert
Charles T. Hedrick
Larry G. Heitzman
Frederick P. Heller
William M. Hemlepp
Donald L. Howard
Carlos E. Hoyos, Jr.
Harley L. Huntley
George E. Jones, Jr.
Reginald L. Jones
Phillip E. Jonio
William C. Kahle, Sr.
Arthur M. Kearley
Ronald A. Martin
Wayne B. Mason
Allen W. Massey
Layton E. Mathews
Don E. Mathis
Dale A. Mathys
Marvin K. McAffee
John J. McGraw
Gene V. Messinger
Richard B. Meyers
John J. Mikulsky
Don P. Miller, Jr.
Henry Moore
Theodore M. Moore
James H. Mort
Donald J. Mossey
Michael W. Murphy
Peter B. Murphy
Milford A. Oakes
George E. Oconnor
Tommy S. Oshields
James D. Panknin
Kenneth E. Pettit
Robert D. Pitts
Henry Posthuma
Herman W. Quest
Lewis R. Quill
Arvel H. Raines
Walter A. Reeves
Stanley J. Rembish, Jr.
Larry E. Rhodes
Arthur D. Richmond
Paul E. Ring
Emmett L. Robertson, Jr.
Raymond J. Roettger
John H. Russell
Eugene D. Sanford
Marion G. Satterfield
Leroy A. Scheller, Jr.
Joseph B. Shaughnessy
Thomas J. Sheridan
Warren A. Simmons
Donald J. Smith
Donald J. Snooks
Fletcher B. Sojourner, Jr.
Ronald L. Sousa
James B. Southall
T. J. Stanford
James N. Stewart
Donald Stokes
James M. Stoops
Walter E. Stringer, Jr.
Lawrence T. Struwe
Charles E. Swisher
Elmer L. Thomas
Stanley B. Thomas
James G. Thompson
Edgar A. Toney
Ray A. Keith
Thomas P. Kelly
Gerald T. Kemick
Ben W. King
Mike Kipick
Robert T. Kirchmeier
William E. Knepp
Everett W. Krantz
Leon Lambert
Howard G. Lanis
Duane D. Larson
Samuel P. Lewis
Curtis J. Loehr
Boyzy C. Long
Joel K. Lowell
Ray D. MacPherson
Fred Tucker, Jr.
Robert B. Tucker
Donald L. Vanhoose
Richard A. Voltz
William J. Wallace, Jr.
Joseph E. Ward
Avron J. Watts
Everett A. Weare
Charles B. Whitehurst
Edward E. Wilcoxen
Charles R. Wileman
Wilbur C. Williams
Richard D. Wise
Bascom C. Worley
Clark H. Wylde

The following-named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer (W–2):

William A. Armstead
Chester R. Barnes, Jr.
Leon W. Barry
Bonnie H. Bass
Reganold A. Bowser
Dennis A. Braund
Albert K. Britton
Charles J. Bruce
Ben W. Caesar
Robert L. Caldwell
James E. Carter
Donni E. Cavinder
Jackie E. Certain
John H. Cole, Jr.
Gregory Connor
Rex L. Curtis
Eldon L. Dodson
James F. Doner, Jr.
Arthur J. Douglas
John B. Duckett
Terrell L. Dulaney
William L. Dulaney
James M. Edgerton
Dennis Egan
Donald T. Eskam
Charles A. Fitzgerald
Sandra L. Furber
Earl G. Gale, III
Vasco K. Gilbert
Jesse E. Giles
Philip E. Goble
William M. Grant
Richard L. Gregg
Wiliam L. Grinnell
James W. Grooms
Hubert A. Grummer
Charles W. Hahne
Henry D. Halloway
Albert L. Hayes
Harold S. Heinbaugh
David M. Highwarden
William J. Hisle, III
Raymond L. Hug
Guy L. Hunter, Jr.
Robert R. Irvine
Raymond T. Jackson
Harold R. Jacobs
William R. Johnson
Allen F. Kent
Joe Killebrew
Orville P. Kindschy
Leslie C. King
Chester C. Kinsey
Charles E. Lambert
Albert R. Lary
Philip D. Leslie
John E. Lewis
Lawrence G. Lowry
John W. Loynes
Richard J. Beatty
Ronald C. Biggs
Stuart W. Blake
Archie G. Bobo
Robert L. Bowen
Raymond J. Main
John P. Marlowe
Barry E. Marsh
Benjamin A. Marsh
Charles J. McCormick
Howard McDonald
William L. McGinn
Larry G. Merrifield
William H. Miller
John Molko
Allen R. Morris
James T. Morris
Lawrence T. Mullin
Nicholas P. Nester
Hillman R. Odom, Jr.
William D. Penn
Walter D. Perry
Jimmie F. Peters
Charles T. Pettigrew, Sr.
Robert P. Phillips
Alfred M. Pitcher
Wilfred Puumala
William C. Riddle, Jr.
Richard A. Rossi
Michael J. Schulke
John D. Scroggins
John C. Seig
Arnoldo T. Serrata
Albert W. Sheldon
William F. Shidal, Jr.
Charles R. Shoemaker
Dan W. Showalter, Jr.
David E. Shumpert
Wilbert O. Sisson
Charles G. Skinner
Minter C. Skipper, Jr.
Isaac A. Snipes
Jeffery J. Snyder
Elias J. Soliz
Ronald J. Stopka
Joseph J. Stours
George B. Strickroth
Michael E. Thomas
Paul W. Thomas
Paul R. Tippy
Bennie R. Walker
Ford D. White
William T. White
Arthur P. Williams
Jerome K. Williams
Richard K. Wolfe
Robert L. Woody, Jr.
Charles E. Young
Arthur Yow, Jr.

ENVIRONMENTAL PROTECTION AGENCY

Alvin L. Alm, of the District of Columbia, to be an Assistant Administrator of the Environmental Protection Agency, vice Thomas Edmund Carroll.

DEPARTMENT OF STATE

Ronald I. Spiers, of Vermont, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of the Bahamas.

William N. Dale, of New Mexico, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

William Perry Stedman, Jr., of Maryland, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bolivia.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Hal F. Reynolds, of Virginia, to be U.S. Alternate Executive Director of the International Bank for Reconstruction and Development for a term of 2 years and until his successor has been appointed, vice Emmett J. Rice, resigned.

IN THE ARMY

The U.S. Army Reserve officers named herein for promotion as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, section 593(a) and 3384:

To be major general

Brig. Gen. Edward Irving Creed, SSN [redacted]

Brig. Gen. Herbert Marshall Martin, Jr., SSN [redacted].

Brig. Gen. Robert Darwin Partridge, SSN [redacted].

To be brigadier general

Col. Chester Lee Finch, Jr., SSN [redacted] civil affairs.

Col. James William Hoerner, SSN [redacted] Infantry.

Col. Jack Jew, SSN [redacted], Medical Corps.

Col. Franklin Lane McKean, SSN [redacted] Field Artillery.

Col. William Allen Newton, Jr., SSN [redacted] Medical Corps.

Col. Ben Lewis Rushing, SSN [redacted], Field Artillery.

The Army National Guard of the United States officers named herein for promotion as Reserve commissioned officers of the Army under the provisions of title 10, United States Code, section 593(a) and 3385:

To be major general

Brig. Gen. Howard Gurney Garrison, SSN [redacted].

To be brigadier general

Col. Fletcher Clement Booker, Jr., SSN [redacted] field artillery.

Col. Max Arnold Creer, SSN [redacted], field artillery.

Col. Nicholas Joseph Del Torto, SSN [redacted] infantry.

Col. William Paul Hurley, SSN [redacted], infantry.

Col. Robert Earl Johnson, Jr., SSN [redacted] infantry.

Col. Roger Irvin Martin, Jr., SSN [redacted] Ordnance Corps.

Col. Joseph Henry Ritzenhein, SSN [redacted] infantry.

Col. James Read Stallings, SSN [redacted], Military Police.

The Army National Guard of the United States officers named herein for promotion as Reserve commissioned officers of the Army under the provisions of title 10, United States Code, section 593(a) and 3392:

To be major general

Col. Thomas Sams Bishop, SSN [redacted] 8393, infantry.

To be brigadier general

Col. Calvin Hubert Lanning, SSN [redacted] armor.

Col. Richard Austin Miller, SSN [redacted] infantry.

Col. Albert Ross Morris, Jr., SSN [redacted] armor.

Col. Thomas Martin Phillips, SSN [redacted] field artillery.

Col. Charles Sumner Reed, Jr., SSN [redacted] Corps of Engineers.

Col. Clyde Chester Wright, SSN [redacted] field artillery.

The following named officer for promotion in the Army of the United States under the provisions of Public Law 92–129.

To be colonel

Leach, Jack H., xxx-xx-xxxx.

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To be lieutenant colonel

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The following named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, section 3284 and 3299:

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Adams, Frank S., xxx-xx-xxxx.
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The following named officer for promotion in the Regular Army of the United States, under the provisions of Title 10, United States Code, Sections 3284 and 3298:

ARMY NURSE CORPS

To be first lieutenant

Smith, Alan P., xxx-xx-xxxx.

IN THE ARMY

The following-named officers for promotion in the Army of the United States under the provisions of Public Law 92–129:

To be lieutenant colonel

Denton, Earle L., xxxx

MEDICAL CORPS

To be lieutenant colonel

Begtrup, Robert O., xxx-xx-xxxx.
George, Eugene D., xxx-xx-xxxx.
Glass, Richard S., xxx-xx-xxxx.
Kleid, Jack J., xxx-xx-xxxx.
Parmley, Tim H., xxx-xx-xxxx.
Roberts, James G., xxx-xx-xxxx.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

DENTAL CORPS

To be lieutenant colonel

Deane, Clarence E., Jr., xxx-xx-xxxx.

To be major

Daly, George M., xxx-xx-xxxx.

To be captain

Abbey, George E., xxx-xx-xxxx.
Adams, Jerome, xxx-xx-xxxx.
Adams, Richard B., xxx-xx-xxxx.
Adams, Robert H., Jr., xxx-xx-xxxx.
Adams, Robert L., xxx-xx-xxxx.
Adams, Tommy D., xxx-xx-xxxx.
Adkins, Richard C., xxx-xx-xxxx.
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CHAPLAIN

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Smith, John B., xxx-xx-xxxx
Sullivan, Max D., xxx-xx-xxxx

WOMEN'S ARMY CORPS

To be captain

Anderson, Shirley R., xxx-xx-xxxx
Dellert, Bette A., xxx-xx-xxxx
Jernigan, Patricia, xxx-xx-xxxx
Kent, Elizabeth N., xxx-xx-xxxx
Leukart, Marie T., xxx-xx-xxxx

MEDICAL CORPS

To be captain

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EXTENSIONS OF REMARKS

FISCAL INTEGRITY

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, July 9, 1973

Mr. THURMOND. Mr. President, an editorial, entitled "Fiscal Illiteracy," appeared in the June 24 issue of the Sunday Chronicle-Herald newspaper in Augusta, Ga.

This editorial points out the importance of correcting our Nation's spending policies by eliminating or reducing unworthy social programs. President Nixon has cited inflation as our No. 1 problem and it is disturbing to me that some Members of Congress fail to recognize this fact by favoring high expenditures in these domestic programs.

The author of this article takes note that many of these social programs could be tightened in order that those truly in need would derive greater benefits while at the same time waste in these areas might also be reduced.

Mr. President, I ask unanimous consent that this editorial be printed in the Extension of Remarks.

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

FISCAL ILLITERACY

The ignorance of congressmen as to the economic facts of life—or possibly their indifference, which would be even worse—is well illustrated in contrasting news stories.

On the same day in which a May cost-of-living report showed inflation continuing at would be—if projected—a 7.2 per cent annual increase, the newspapers also carried a story saying that the House Appropriations Committee voted to inflate President Nixon's budget by $1.2 billion by restoring social program cuts in the budgets of the Labor Department and the Health, Education and Welfare Department.

This callous disregard of the welfare of the American people flies in the face of an elementary fact: that the resulting inflation reduces the buying power of the dollar. This spending increase would finance a vast bureaucracy of social workers and politicians ostensibly for the benefit of the poor people, who themselves never seem to get significantly more money in their own pockets as a result of the bureaucratic wheel-spinning. Then inflation's ravages take away what little might have been gained by social programs.

After well over a decade of socialistic programs, the fact is that more persons are below the poverty line than at the start. With government-created inflation robbing blind the persons who are supposed to be helped by the bureaucratic directors, coordinators, supervisors, researchers and all the rest of that crew, is it any wonder at all that persons who formerly were poor but self-supporting are now in dire need?

One thing which at least for the time being will halt the rising tide of living costs is the Nixon-ordered 60-day freeze on prices. Fiscal moves may help, such as the Federal Reserve Board's increase in the discount rate to 6.5 per cent—the highest level in more than 50 years—and action by several major