United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 93d CONGRESS, FIRST SESSION

SENATE—*Saturday, July 28, 1973*

The Senate met at 9 a.m. and was called to order by Hon. SAM NUNN, a Senator from the State of Georgia.

PRAYER

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

Eternal Father, we thank Thee for another day with its fresh promise, its opportunities and duties. As our bodies are renewed so give strength to our minds and hearts to glorify Thee in our lives. For added burdens give increased strength. To all who serve in the Government provide a full measure of grace and wisdom that all things may be ordered according to Thy will. When the day is done give us grateful hearts, rest for our spirits, and souls at peace with Thee.

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 second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 28, 1973.

To the Senate:

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

JAMES O. EASTLAND,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, July 27, 1973, 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.

INDIAN FINANCING ACT OF 1973

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 331, S. 1341.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

S. 1341, to provide for financing the economic development of Indians and Indian organizations, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Indian Financing Act of 1973".

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of Congress to provide capital on a reimbursable basis to help develop and utilize Indian resources, both physical and human, to a point where the Indians will fully exercise responsibility for the utilization and management of their own resources; where they will enjoy a standard of living from their own productive efforts comparable to that enjoyed by non-Indians in neighboring communities; and where they will have the opportunity to be integrated socially, politically, and economically into American life.

DEFINITIONS

SEC. 3. For the purposes of this Act, the term—

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

(b) "Indian" means any person who is a member of any Indian tribe, band, pueblo, group, or community of Indians or Alaska Natives which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs.

(c) "Indian tribe" means any tribe, band, pueblo, group, or community of Indians or Alaska Natives which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs.

(d) "Reservation" includes Indian reservations, public domain land occupied by Indians, former Indian reservations in Oklahoma, and land occupied by Alaska Native communities.

(e) "Economic enterprise" means any Indian-owned as defined by the Secretary of the Interior, commercial, industrial, or business activity established or organized for the purpose of profit.

(f) "Other organizations'" means any non-Indian individual, firm, corporation, partnership, or association.

TITLE I—INDIAN REVOLVING LOAN FUND

SEC. 101. In order to provide credit that is not available from private money markets, all funds that are now or hereafter a part of the revolving fund authorized by the Act of June 18, 1934 (48 Stat. 986), the Act of June 26, 1936 (49 Stat. 1968) and the Act of April 19, 1950 (64 Stat. 44), as amended and supplemented, including sums received in settlement of debts of livestock pursuant to the Act of May 24, 1950 (64 Stat. 190), and sums collected in repayment of loans heretofore or hereafter made, and as interest or other charges on loans, shall hereafter be administered as a single revolving loan fund and shall be available for loans to Indians having a form of organization that is satisfactory to the Secretary and for loans to individual Indians who are not members of or eligible for membership in an organization which is making loans to its members as well as for administrative expenses incurred in connection therewith.

SEC. 102. Loans may be made for any purpose which will promote the economic development of (a) the individual Indian borrower, including loans for educational purposes, and (b) the Indian organization and its members including loans by such organizations to other organizations and investments in other organizations regardless of whether they are organizations of Indians.

SEC. 103. Loans may be made only when, in the judgment of the Secretary, there is a reasonable prospect of repayment, and only to applicants who in the opinion of the Secretary are unable to obtain financing from other sources on reasonable terms and conditions.

SEC. 104. Loans shall be for terms that do not exceed thirty years and shall bear interest at (a) a rate determined by the Secretary of the Treasury taking into consideration the market yield on municipal bonds: *Provided*, That in no event shall the rate be greater than the rate determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity, plus (b) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purpose: *Provided*, That educational loans may provide for interest to be deferred while the borrower is in school or in the military service.

SEC. 105. The Secretary may cancel, adjust, compromise, or reduce the amount of any loan or any portion thereof heretofore or hereafter made from the revolving loan fund established by this title and its predecessor constituent funds which he determines to be uncollectable in whole or in part, or which is collectable only at an unreasonable cost, or when such action would, in his judgment, be in the best interests of the United States. He may also adjust, compromise, subordinate, or modify the terms of any mortgage, lease, assignment, contract, agreement, or other document taken to secure such loans.

SEC. 106. Title to any land purchased by a tribe or by an individual Indian with loans made from the revolving loan fund may be taken in trust unless the land is located outside the boundaries of a reservation or a tribal consolidation area approved by the Secretary. Title to any land purchased by a

tribe or an individual Indian which is outside the boundaries of the reservation or approved consolidation area may be taken in trust if the purchaser was the owner of trust or restricted interests in the land before the purchase, otherwise title shall be taken in the name of the purchasers without any restriction on alienation, control, or use. Title to any personal property purchased with a loan from the revolving loan fund shall be taken in the name of the purchaser.

SEC. 107. Any organization receiving a loan from the revolving loan fund shall be required to assign to the United States as security for the loan all securities acquired in connection with the loans made to its members from such funds unless the Secretary determines that the repayment of the loan to the United States is otherwise reasonably assured.

SEC. 108. The Secretary may not collect any loan from the revolving loan fund which becomes delinquent or the interest thereon from per capita payments or other distributions of tribal assets derived from a tribal judgment which are due the delinquent borrower.

SEC. 109. There is authorized to be appropriated, to provide capital and to restore any impairment of capital for the revolving loan fund $50,000,000 exclusive of prior authorizations and appropriations.

SEC. 110. The Secretary shall promulgate rules and regulations to carry out the provisions of this title.

TITLE II—LOAN GUARANTY AND INSURANCE

SEC. 201. In order to provide access to private money sources which otherwise would not be available, the Secretary is authorized (a) to guarantee not to exceed 90 per centum of the unpaid principal and interest due on any loan made to any organization of Indians having a form of organization satisfactory to the Secretary, and to individual Indians who are not members of or eligible for membership in an organization which is making loans to its members; and (b) in lieu of such guaranty, to insure loans under an agreement approved by the Secretary whereby the lender will be reimbursed for losses in an amount not to exceed 15 per centum of the aggregate of such loans made by it, but not to exceed 90 per centum of the loss on any one loan.

SEC. 202. The Secretary may, to the extent he deems consistent with the purposes of the program, fix such premium charges for the insurance and guarantee of loans as are in his judgment adequate to cover expenses and probable losses, and deposit receipts from such charges in the Indian Loan Guaranty and Insurance Fund established pursuant to section 217(a) of this title.

SEC. 203. Loans guaranteed or insured pursuant to this title shall bear interest (exclusive of premium charges for insurance, and service charge, if any) at rates not to exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable taking into consideration the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States.

SEC. 204. The application for a loan to be guaranteed hereunder shall be submitted to the Secretary for prior approval. Upon approval, the Secretary shall issue a certificate as evidence of the guaranty. Such certificate shall be issued only when, in the judgment of the Secretary, there is a reasonable prospect of repayment. No loan to an individual Indian may be guaranteed or insured which would cause the total unpaid principal indebtedness to exceed $100,000. No loan to an economic enterprise (as defined in section 3) in excess of $100,000, or such lower amount as the Secretary may determine to be appropriate, shall be insured unless prior approval of the loan is obtained from the Secretary.

SEC. 205. Any loan guaranteed hereunder, including the security given therefor, may be sold or assigned by the lender to any financial institution subject to examination and supervision by an agency of the United States or of any State or the District of Columbia.

SEC. 206. Loans made by any agency or instrumentality of the Federal Government, or by an organization of Indians from funds borrowed from the United States, and loans the interest on which is not included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954, as amended, shall not be eligible for guaranty or insurance hereunder.

SEC. 207. Any loans insured hereunder shall be restricted to those made by a financial institution subject to examination and supervision by an agency of the United States, a State, or the District of Columbia, and to loans made by Indian organizations from their own funds to other tribes or organizations of Indians.

SEC. 208. Loans guaranteed hereunder may be made by any lender satisfactory to the Secretary, except as provided in section 206. The liability under the guaranty shall decrease or increase pro rata with any decrease or increase in the unpaid portion of the obligation.

SEC. 209. Any loan made by any national bank or Federal savings and loan association, or by any bank, trust company, building and loan association, or insurance company authorized to do business in the District of Columbia, at least 20 per centum of which is guaranteed hereunder, may be made without regard to the limitations and restrictions of any other Federal statute with respect to (a) ratio of amount of loan to the value of the property; (b) maturity of loans; (c) requirement of mortgage or other security, (d) priority of lien; or (e) percentage of assets which may be invested in real estate loans.

SEC. 210. The maturity of any loan guaranteed or insured hereunder shall not exceed thirty years.

SEC. 211. In the event of a default of a loan guaranteed hereunder, the holder of the guaranty certificate may immediately notify the Secretary in writing of such default and the Secretary shall thereupon pay to such holder the pro rata portion of the amount guaranteed and shall be subrogated to the rights of the holder of the guaranty and receive an assignment of the obligation and security. The Secretary may cancel the uncollectable portion of any obligation to which he has an assignment or a subrogated right under this section. Nothing in this section shall be construed to preclude any forbearance for the benefit of the borrower as may be agreed upon by the parties to the loan and approved by the Secretary. The Secretary may establish the date, not later than the date of judgment and decree of foreclosure or sale, upon which accrual of interest or charges shall cease.

SEC. 212. When a lender suffers a loss on a loan insured hereunder, including accrued interest, a claim therefor shall be submitted to the Secretary. If the Secretary finds that the loss has been suffered, he shall reimburse the lender therefor: *Provided*, That the amount payable to the lender for a loss on any one loan shall not exceed 90 per centum of such loss: *Provided further*, That no reimbursement may be made for losses in excess of 15 per centum of the aggregate of insured loans made by the lender: *Provided further*, That before any reimbursement is made, all reasonable collection efforts shall have been exhausted by the lender, and the security for the loan shall have been liquidated to the extent feasible, and the proceeds applied on the debt. Upon reimbursement, in whole or in part, to the lender, the note or judgment evidencing the debt shall be assigned to the United States, and the lender shall have no further claim against the borrower or the United States. The Secretary shall then take such further collection action as may be warranted, or may cancel the uncollectable portion of any debt assigned pursuant hereto. The Secretary may establish a date upon which accrual of interest or charges shall cease.

SEC. 213. Whenever the Secretary finds that any lender or holder of a guaranty certificate fails to maintain adequate accounting records, or to demonstrate proper ability to service adequately loans guaranteed or insured, or to exercise proper credit judgment, or has willfully or negligently engaged in practices otherwise detrimental to the interests of a borrower or of the United States, he may refuse, either temporarily or permanently, to guarantee or insure any further loans made by such lender or holder, and may bar such lender or holder from acquiring additional loans guaranteed or insured hereunder: Provided, That the Secretary shall not refuse to pay a valid guaranty or insurance claim on loans previously made in good faith.

SEC. 214. Any evidence of guaranty or insurance issued by the Secretary shall be conclusive evidence of the eligibility of the loan for guaranty or insurance under the provisions of this Act and the amount of such guaranty or insurance: *Provided*, That nothing in this section shall preclude the Secretary from establishing, as against the original lender, defenses based on fraud or material misrepresentation or bar him from establishing, by regulations in force at the date of such issuance or disbursement, whichever is the earlier, partial defenses to the amount payable on the guaranty or insurance.

SEC. 215. Title to any land purchased by a tribe or by an individual Indian with loans guaranteed or insured pursuant to this title may be taken in trust, unless the land is located outside the boundaries of a reservation or a tribal consolidation area approved by the Secretary. Title to any land purchased by a tribe or an individual Indian which is outside the boundaries of the reservation or approved consolidation area may be taken in trust if the purchaser was the owner of trust or restricted interests in the land before the purchase, otherwise title shall be taken in the name of the purchaser without any restriction on alienation, control, or use. Title to any personal property purchased with loans guaranteed or insured hereunder shall be taken in the name of the purchaser.

SEC. 216. The financial transactions of the Secretary incident to or arising out of the guarantee or insurance of loans, and the acquisition, management, and disposition of property, real, personal, or mixed, incident to such activities, shall be final and conclusive upon all officers of the Government. With respect to matters arising out of the guaranty or insurance program authorized by this title, and notwithstanding the provisions of any other laws, the Secretary may—

(a) sue and be sued in his official capacity in any court of competent jurisdiction;

(b) subject to the specific limitations in this title, consent to the modification, with respect to the rate of interest, time of payment on principal or interest or any portion thereof, security, or any other provisions of any note, contract, mortgage, or other instrument securing a loan which has been guaranteed or insured hereunder;

(c) pay, or compromise, any claim on, or arising because of any loan guaranty or insurance;

(d) pay, compromise, waive, or release any right, title, claim, lieu, or demand, however acquired, including, but not limited to, any equity or right of redemption;

(e) purchase at any sale, public or private, upon such terms and for such prices as he determines to be reasonable, and take title to property, real, personal, or mixed; and similarly sell, at public or private sale, exchange, assign, convey, or otherwise dispose of such property; and

(f) complete, administer, operate, obtain, and pay for insurance on, and maintain, renovate, repair, modernize, lease, or otherwise deal with any property acquired or held pursuant to the guaranty or insurance program authorized by this title.

SEC. 217. (a) There is hereby created an Indian Loan Guaranty and Insurance Fund (hereinafter referred to as the "fund") which shall be available to the Secretary as a revolving fund without fiscal year limitation for carrying out the provisions of this title. There are authorized to be appropriated to the Secretary to carry out the purposes of the fund and the purposes of section 301 of this Act not to exceed $10,000,000 in each of the fiscal years 1974, 1975, and 1976.

(b) The Secretary may use the fund for the purpose of fulfilling the obligations with respect to loans guaranteed or insured under this title, but the aggregate of such loans which are insured or guaranteed by the Secretary shall be limited to $200,000,000 as authorized in appropriations Acts.

(c) All funds, claims, notes, mortgages, contracts, and property acquired by the Secretary under this section, and all collections and proceeds therefrom, shall constitute assets of the fund; and all liabilities and obligations of such assets shall be liabilities and obligations of the fund. The Secretary is authorized to make agreements with respect to servicing loans held, guaranteed, or insured by him under this title and purchasing such guaranteed or insured loans on such terms and conditions as he may prescribe.

(d) The Secretary may also utilize the fund to pay taxes, insurance, prior liens, expenses necessary to make fiscal adjustments in connection with the application and transmittal of collections, and other expenses and advances to protect the Secretary for loans which are guaranteed or insured under this title or held by the Secretary, to acquire such security property at foreclosure sale or otherwise, and to pay administrative expenses.

SEC. 218. The Secretary shall promulgate rules and regulations to carry out the provisions of this title.

TITLE III—INTEREST SUBSIDIES AND ADMINISTRATIVE EXPENSES

SEC. 301. The Secretary is authorized under such rules and regulations as he may prescribe to pay as an interest subsidy on loans which are guaranteed or insured under the provisions of title II of this Act amounts which are necessary to reduce the rate payable by the borrower to the rate determined under section 104 of this Act.

SEC. 302. There are authorized to be appropriated to the Secretary (a) to carry out the provisions of sections 217 and 301 of this Act, such sums to remain available until expended, and (b) for administrative expenses under this Act not to exceed $10,000,000 in each of the fiscal years 1974, 1975, and 1976.

TITLE IV—INDIAN BUSINESS GRANTS

SEC. 401. There is established within the Department of the Interior the Indian Business Development Program whose purpose is to stimulate and increase Indian entrepreneurship and employment by providing equity capital through nonreimbursable grants made by the Secretary of the Interior to Indians and Indian tribes to establish and expand profitmaking Indian-owned economic enterprises on or near reservations.

SEC. 402. No grant in excess of $50,000, or such lower amount as the Secretary may determine to be appropriate, may be made to an Indian or Indian tribe, band, group, pueblo, or community recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs. A grant may be made only to an applicant who, in the opinion of the Secretary, is unable to obtain adequate financing for its economic enterprise from other sources, including its own financial resources, except that no grant may be made to an applicant who is unable to obtain at least 60 per centum of the necessary funds for the economic enterprise from other sources.

SEC. 403. There are authorized to be appropriated not to exceed the sum of $10,000,000 for each of the fiscal years 1974, 1975, and 1976 for the purposes of this title.

SEC. 404. The Secretary of the Interior is authorized to prescribe such rules and regulations as may be necessary to carry out the purposes of this Act.

The amendment was agreed to.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the executive calendar, beginning with Department of Housing and Urban Development, through and including National Credit Union Board.

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

The ACTING PRESIDENT pro tempore. The nominations on the executive calendar, beginning with Department of Housing and Urban Development and going through National Credit Union Board, will be stated.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The second assistant legislative clerk read the nomination of David Olan Meeker, Jr., of Indiana, to be an Assistant Secretary of Housing and Urban Development.

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

SECURITIES AND EXCHANGE COMMISSION

The second assistant legislative clerk read the nominations in the Securities and Exchange Commission as follows:

A. A. Sommer, Jr., of Ohio, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1976.

Ray Garrett, Jr., of Illinois, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1977.

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

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NATIONAL CREDIT UNION BOARD

The second assistant legislative clerk read the nomination of William E. Young, of Washington, to be a member of the National Credit Union Board for the remainder of the term expiring December 31, 1973.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

SENATE CONCURRENT RESOLUTION 42—ADJOURNMENT OF THE TWO HOUSES

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Republican leader and myself, I send to the desk a Senate concurrent resolution, No. 42, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be stated.

The legislative clerk read as follows:

S. CON. RES. 42

Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Friday, August 3, 1973, they shall stand adjourned until 12:00 noon on Wednesday, September 5, 1973, or until 12:00 noon on the second day after their respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.

"SEC. 2. The President pro tempore of the Senate and the Speaker of the House of Representatives shall notify the Members of the Senate and the House, respectively, to reassemble whenever in their opinion legislative expediency shall warrant it or whenever the majority leader of the Senate and the majority leader of the House, acting jointly, or the minority leader of the Senate and the minority leader of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for the consideration of legislation."

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution (S. Con. Res. 42) was considered and agreed to.

IS ANYBODY LISTENING?

Mr. SCOTT of Pennsylvania. Mr. President, Saturday being what it is, and attendance being what it is not, I indulge myself in a small soliloquy. In the play "1776" there is a song that goes something like this:

Is anybody listening?
Is anybody here?
Is anybody listening?
Does anybody care?

We must wonder about these things as we go about our daily responsibilities. Is anybody listening? Well, we often think they are not. Yet in many little ways we discover how closely people are listening in the United States. If one makes a trip home to one's constituents—

to Waukegan, to San Francisco, to Memphis, or wherever, someone will come up and say something to a Member of Congress: "I want to thank you, Senator, for what you are doing." Or, "I hope you will continue to do what you are doing." Or, "I feel better because you are there."

When they say that, we begin to realize that the people of the country have a listening ear far more acute than we are even aware of.

Then, does anybody care? When we travel about, we find that people will also stop us with criticism: "I did not like what you did, Senator." Or, "I disagree with you." Or, "You were wrong." Or, "I think you should not have done what you did."

That shows that all over the country there are people who care and respect us and respect the positions we have, and who disagree with us and tell us so with candor.

So I think we should continue to have faith in the American people, in their judgment, in their wisdom, in their acuity, and in the fact that they really do listen and they really do care. There, of course, lies, in my opinion, the ultimate security of the Republic.

With these few remarks, which I hope may have been luculent, I conclude the soliloquy, aware that nobody is listening and nobody seems to care; yet I know, somehow, that the people are listening, and I know, somehow, that they care.

Mr. President, it matters. It matters a lot.

Mr. ROBERT C. BYRD. Mr. President, the song is slightly flat.

Mr. SCOTT of Pennsylvania. I would never attempt to get into full voice on Saturday.

TRANSACTION OF ROUTINE BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine business, with statements therein limited to 5 minutes each.

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

FAIR LABOR STANDARDS AMENDMENTS OF 1973—CONFERENCE REPORT—REPORT OF A COMMITTEE (S. REPT. NO. 93-358)

Mr. WILLIAMS, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7935) 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, submitted a report thereon, which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. RANDOLPH, from the Committee on Public Works:

Alvin L. Alm, of the District of Columbia, to be an Assistant Administrator of the Environmental Protection Agency.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. STEVENSON:

S. 2281. A bill to authorize the clearing of the channel of the Little Calumet River, Ill. Referred to the Committee on Public Works.

By Mr. ERVIN:

S. 2282. A bill to change the name of the New Hope Dam and Lake, N.C., to the B. Everett Jordan Dam and Lake. Referred to the Committee on Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ERVIN:

S. 2282. A bill to change the name of the New Hope Dam and Lake, N.C., to the B. Everett Jordan Dam and Lake. Referred to the Committee on Public Works.

TRIBUTE TO SENATOR B. EVERETT JORDAN

Mr. ERVIN. Mr. President, those among us here today who shared the privilege of serving with my close friend and very distinguished colleague, B. Everett Jordan, during his 15 years in the Senate know just how well and completely he devoted himself to each of the many causes to which he was committed.

The record of his years in the Senate is replete with evidence of the significant contributions he made in the areas of agriculture, public education, social security legislation, and measures to aid the handicapped.

From the day he came to the Senate, however, his overriding desire and purpose was to insure that North Carolina's natural wealth, and particularly the State's water resources, were guarded against waste and developed to their fullest potential.

I think it is accurate to say that it is in the field of resource development that he rendered his most important service. Thanks to Everett Jordan, North Carolina made greater strides in this area during his Senate tenure than in any other period of the State's history.

The fruits of his efforts are seen in improved inland and coastal navigation facilities, in more adequate protection against flooding, significant progress in the war against water pollution, and in a water conservation program geared to providing a full supply to the State's cities and growing industries and to meet its burgeoning outdoor recreation demands.

Those accomplishments attest to his foresight and determination and to his complete refusal to admit defeat in the face of heavy odds. He demonstrated those attributes most convincingly in what sometimes was a lonely, one-man battle to insure a start of one of the State's most ambitious public works proposals, the New Hope Dam and Lake. Now in an advanced construction stage, the multipurpose project is scheduled for completion in 1975.

Because it is so much a product of his efforts, I can think of no more appropriate way to recognize and symbolize his public works achievements as a whole than to rename the New Hope as the B. Everett Jordan Dam and Lake.

I consider it an honor to propose legislation now for that purpose, and I very much hope the bill will receive the prompt and favorable attention which it merits as a richly deserved tribute to a splendid North Carolinian. Similar legislation has been introduced in the other body by Members of North Carolina's delegation.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1988

At the request of Mr. MAGNUSON, the Senator from Maryland (Mr. BEALL), the Senator from Nevada (Mr. BIBLE), the Senator from New York (Mr. BUCKLEY), the Senator from Iowa (Mr. HUGHES), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of S. 1988, the Interim Zone Extension and Management Act of 1973.

S. 2089

At the request of Mr. MAGNUSON, the junior Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 2089, to require that a percentage of U.S. oil imports be carried on U.S.-flag vessels.

S. 2280

At the request of Mr. PERCY, the Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of S. 2280, to amend the Internal Revenue Code of 1954.

SENATE JOINT RESOLUTION 27

At the request of Mr. TALMADGE, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Joint Resolution 27, proposing an amendment to the Constitution of the United States to provide that, except in time of war or economic emergency declared by the Congress, expenditures of the Government may not exceed the revenues of the Government during any fiscal year.

SENATE RESOLUTION 151—SUBMISSION OF A RESOLUTION AUTHORIZING PRINTING AS A SENATE DOCUMENT "MAJORITY AND MINORITY LEADERS OF THE SENATE"

(Referred to the Committee on Rules and Administration.)

Mr. MANSFIELD (for himself and Mr. SCOTT of Pennsylvania) submitted a resolution (S. Res. 151), which reads as follows:

S. RES. 151

Resolved, That a compilation entitled "Majority and Minority Leaders of the Senate", prepared under the direction of the Secretary of the Senate, Francis R. Valeo, by the Senate Parliamentarian, Floyd M. Riddick, shall be reprinted with any revisions and certain tables as a Senate document, and that an additional two thousand copies be printed for distribution by the Secretary of the Senate.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954—AMENDMENT

AMENDMENT NO. 443

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

Mr. MOSS. Mr. President, the mobility that Americans have enjoyed may be in jeopardy. To help conserve the Nation's fuel reserves, I introduced on June 30, S. 2036, a bill designed to improve automobile efficiency.

Since the bill's introduction I have received many valuable suggestions concerning it. Based on these suggestions I am submitting a modified amendment to S. 2036. My esteemed colleague in the House, Mr. VANIK, of Ohio, who previously submitted similar legislation, is introducing a similar revision. Our revised bills are identical.

The many excellent questions I have received provide an opportunity to bring my bill into perspective, some of those questions are set out hereinafter. I ask unanimous consent that they be printed togetheer with a copy of the amendment for the information of the Senate.

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

WHY WAS S. 2036 INTRODUCED?

We are facing a crisis because of fuel shortages and the known fact that we will eventually run out. Our imports of petroleum from abroad are on the increase adding to our problem. The net dollar drain on the United States for imported fuels in 1970 was $2.1 billion. The experts indicate that in 1975 we will have to import between $9 and $13 billion of fuel. Going into "hock" to oil-producing Middle Eastern countries will make our economy unstable and make us susceptible to blackmail.

I strongly support and have previously introduced legislation to encourage methods of increasing our domestic fuel supply through exploration and increased research and development. The consumption of fuel is increasing at an alarming rate. It has become obvious that we can no longer afford indiscriminate and wasteful use of fuel, and we must find ways to conserve energy.

WHAT DOES THE BILL DO?

It provides an incentive to the American automobile industry to develop automobiles which get better mileage. It does this by placing a levy on manufacturers for selling cars with poor mileage. The bill does not take effect until July 1976. A revision to the bill keeps the levy low until July 1978, after which it would increase. Although the levy is low until 1978, it provides manufacturers with a reminder to "get going" in developing better mileage automobiles. Every cent received from this bill will be spent in a program to develop engines which get better mileage.

WON'T MY BILL MAKE US GIVE UP FULL SIZED CARS?

It's mileage that counts not size. Convincing evidence exists that Americans can have full sized automobiles which will get far better mileage. The average American automobile converts only 25% of the energy supplied to it to useful work. Average American automobile mileage has been decreasing every year. If we got the same average mileage today as we got in 1965, we would have adequate supplies instead of a shortage.

ISN'T THE DECREASE IN MILEAGE COMPLETELY DUE TO POLLUTION CONTROLS?

Mileage achieved by American cars was decreasing every year long before the pollution standards were imposed. Since 1965 fuel economy of the average American car has decreased about 20%, a little over half of that decrease appears to be due to pollution controls.

WON'T MY BILL ENABLE FOREIGN CARS TO PUSH AMERICAN CARS OFF THE MARKET?

The effect will ultimately be the opposite. America is very strong technically, and with the right incentive will develop cars which not only give better mileage than foreign cars, but also will be safer and more comfortable. In the long run, we can look toward increased sales of American cars in foreign countries. With high gas prices abroad, comfortable, safe American cars with good mileage will be a very competitive product.

WHY DON'T WE SOLVE OUR PROBLEM BY AN EXTENSIVE PROGRAM TO INCREASE OUR DOMESTIC PETROLEUM SUPPLY?

Our domestic supply of petroleum is limited. Even if we could rapidly build more refineries and pump oil out of the ground faster, we would only put off the inevitable. We can stretch out our domestic supply of petroleum if we use it prudently, and we can continue to have our present high standard of living if we use America's greatest resource to solve our fuel problem.

America's greatest resource is advance technology, and it is through American advance technology that we are going to get better, safer, more comfortable cars with better mileage.

My bill will provide the incentive for better gas mileage thereby reducing consumer costs and conserving a vital resource.

Strike out everything after the enacting clause and insert in lieu thereof the following:

That—

(a) the Congress finds that—

(1) the Nation is facing a serious shortage of finished petroleum products, and a national policy of energy conservation is vital to reduce the wasteful use of irreplaceable fossil fuels;

(2) a shortage of domestic refinery capacity and a conflicting pattern of Federal policies have hampered the production of gasoline supplies and have made such supplies inadequate to meet the rapidly expanding national demand;

(3) passenger cars and other motor vehicles which use internal combustion engines are a major example of the inefficient consumption of gasoline;

(4) the efficiency with which motor vehicles consume fuel has declined during the past twenty years because there is little incentive to improve engine efficiency; and

(5) the primary responsibility for developing more efficient automotive engines is properly that of American private industry. However, American manufacturers must be encouraged to produce not only more efficient engines but also automobiles which can compete successfully with foreign automobiles in achieving better fuel economy.

(b) It is, therefore, the purpose of this Act to encourage the development and manufacture of automobiles which efficiently consume gasoline.

Sec. 2. (a) Part I of subchapter A of chapter 36 of the Internal Revenue Code of 1954 (relating to motor vehicle excise taxes) is amended by adding at the end thereof the following new section:

"SEC. 4064. AUTOMOBILE FUEL CONSUMPTION TAX.

"(a) IMPOSITION OF TAX.—There is hereby imposed upon every new automobile manufactured, produced, or imported a tax at whichever of the following rates is applicable with respect to the fuel consumption rate (as determined under subsection (b)) of such automobile:

"(1) for the period beginning July 1, 1976, and ending June 30, 1978:

"If the consumption rate (in miles per gallon) is:

	The tax is:
Over 20.0	0
Over 19.0 but not over 20.0	$20
Over 18.0 but not over 19.0	30
Over 17.0 but not over 18.0	40
Over 16.0 but not over 17.0	50
Over 15.0 but not over 16.0	60
Over 14.5 but not over 15.0	80
Over 14.0 but not over 14.5	100
Over 13.5 but not over 14.0	120
Over 13.0 but not over 13.5	140
Over 12.5 but not over 13.0	160
Over 12.0 but not over 12.5	180
Over 11.0 but not over 12.0	200
Over 10.0 but not over 11.0	240
Over 9.0 but not over 10.0	280
Over 8.0 but not over 9.0	320
Not over 8.0	360

"(2) for the period beginning July 1, 1978, and ending June 30, 1981:

"If the consumption rate (in miles per gallon) is:

	The tax is:
Over 20.0	0
Over 19.0 but not over 20.0	$40
Over 18.0 but not over 19.0	60
Over 17.0 but not over 18.0	80
Over 16.0 but not over 17.0	100
Over 15.0 but not over 16.0	120
Over 14.5 but not over 15.0	160
Over 14.0 but not over 14.5	200
Over 13.5 but not over 14.0	240
Over 13.0 but not over 13.5	280
Over 12.5 but not over 13.0	320
Over 12.0 but not over 12.5	360
Over 11.0 but not over 12.0	400
Over 10.0 but not over 11.0	480
Over 9.0 but not over 10.0	560
Over 8.0 but not over 9.0	640
Not over 8.0	720

"(b) DETERMINATION OF FUEL CONSUMPTION RATE.—The fuel consumption rate of new automobiles taxable under subsection (a) shall be determined solely on the basis of the Automobile Fuel Consumption Schedule prepared by the Secretary of the Department of Transportation.

"(c) LIABILITY FOR PAYMENT.—The tax imposed by this section shall be paid by the manufacturer, producer, or importer at such time and in such manner as the Secretary shall prescribe.

"(d) DEFINITIONS.—For the purpose of this section—

"(1) the term 'new automobile' means every vehicle, equipped with an internal combustion engine, designed for use on the highway which has never been transferred to the ultimate purchaser, but shall not include any commercial vehicle, or any farm vehicle, as defined by the Secretary, and

"(2) the term 'ultimate purchaser' means, with respect to any new automobile, the first person who in good faith purchases such automobile for purposes other than resale."

(b) The table of sections for such part I is amended by adding at the end thereof the following new item:

"Sec. 4064. Automobile fuel consumption tax."

(c) The amendments made by this section shall take effect on July 1, 1976.

SEC. 3. (a) The Secretary of the Department of Transportation (hereinafter referred to as the "Secretary") shall, from time to time, study and investigate the fuel consumption rates of automobiles which are subject, or may be subject, to the tax imposed by section 4064 of the Internal Revenue Code of 1954 (relating to automobile fuel consumption taxes).

(b) The studies and investigations conducted under subsection (a) shall include tests—

(1) of each automobile model subject to such tax equipped—

(A) with each available engine size (measured by horsepower),

(B) with and without air conditioning, automatic transmission, and power steering, when available, and combinations of such available accessories, and

(C) with and without each, and combinations of each, type of other accessory available which is determined by the Secretary to have a significant effect on fuel consumption economy; and

(2) which shall be conducted—

(A) under driving conditions representative of an average composite of urban and nonurban driving speeds and circumstances,

(B) with the fuel used being of the quality normally recommended for use in such automobile, and

(C) with such automobile carrying the average weight load for which it was designed.

(c) Based upon the studies and investigations conducted under subsection (b), the Secretary shall determine the fuel consumption effective accessories (as specified under subparagraphs (B) and (C) of subsection (b)(1)) and with each available engine size. The Secretary shall, not later than June 1, 1976, and each year thereafter, prepare and transmit to the Secretary of the Treasury a schedule of all such rates to be known as the Automobile Fuel Consumption Schedule (interim revisions of which are to be made by the Administrator as he deems appropriate). The Automobile Fuel Consumption Schedule shall be made available for sale as a public document.

SEC. 4. Section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232) is amended by inserting "(a)" after "Sec. 3." and by adding at the end thereof the following:

"(b) Every label required to be affixed under subsection (a) shall include, in the case of any automobile on which a tax was imposed by section 4064 of the Internal Revenue Code of 1954 (relating to automobile fuel economy taxes)—

"(1) the fuel consumption rate determined to be applicable for such automobile, and

"(2) the tax paid under such section 4064."

SEC. 5. The Secretary shall—

(1) not later than July 1, 1977, develop an automobile fuel consumption standard universally applicable to all existing and potential types of automobile fuels and engines;

(2) not later than July 1, 1978, develop procedures for rating fuel consumption of new automobiles for purposes of paragrap

(3) using the standard developed under paragraph (1);

(3) prepare, for submission to Congress not later than July 1, 1979, a report recommending legislation which would provide for the taxation, based upon the standard developed under paragraph (1), of the fuel consumption rate of all new automobiles, powered by gasoline or otherwise, manufactured, produced, or imported after June 30, 1981; and

(4) develop and conduct a program to develop more efficient automobile engines utilizing funds provided under section 7.

SEC. 6. The Secretary of the Treasury will calculate the income received under section 2 at the end of each fiscal year. This information will be provided to the Secretary of the Department of Transportation and the Director of the Office of Management and Budget within two months of the close of the fiscal year.

SEC. 7. The Office of Management and Budget will include in each annual budget the amount reported under section 6 for the previous fiscal year which said funds shall be available and used for the purpose set forth in paragraph (4) of section 5.

REFORM OF CONGRESSIONAL PROCEDURES—AMENDMENT

AMENDMENT NO. 444

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

Mr. PERCY submitted an amendment, intended to be proposed by him, to the bill (S. 1541) to provide for the reform of congressional procedures with respect to the enactment of fiscal measures; to provide ceilings on Federal expenditures and the national debt; to create a budget committee in each House; to create a congressional office of the budget; and for other purposes.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1973—AMENDMENT

AMENDMENT NO. 445

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

Mr. PELL submitted an amendment, intended to be proposed by him, to the bill (S. 372) to amend the Communications Act of 1934 to relieve broadcasters of the equal time requirement of section 315 with respect to Presidential and Vice-Presidential candidates and to amend the Campaign Communications Reform Act to provide a further limitation on expenditures in election campaigns for Federal elective office.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 413 TO S. 372

At the request of Mr. PERCY, the Senator from Oklahoma (Mr. BARTLETT) was added as a cosponsor of amendment No. 413, to the bill (S. 372) to amend the Communications Act of 1934 to relieve broadcasters of the equal time requirement of section 315 with respect to Presidential and Vice-Presidential candidates and to amend the Campaign Communications Reform Act to provide a further limitation on expenditures in election campaigns for Federal elective office.

NOTICE OF HEARING ON TITLE IV OF S. 2049

Mr. METCALF. Mr. President, I wish to announce that the Subcommittee on Budgeting, Management, and Expenditures, of the Senate Committee on Government Operations will hold a hearing on S. 2049, Wednesday, August 1, beginning at 2 p.m., in room 1224, Dirksen Senate Office Building. The subject of the testimony is to be limited to title IV, of S. 2049. This title relates to the access to records and information by the General Accounting Office. It is anticipated that hearings will be held on other parts of the bill later in the session.

The substance of title IV of S. 2049, has been introduced as an amendment by Senator PERCY to S. 1541, the Congressional Budgetary Procedures Act, which legislation is to be considered by the full Government Operations Committee after the August recess.

It is my hope that this hearing will provide essential background both as to title IV of S. 2049, and the Percy amendment.

Witnesses, tentatively scheduled, will include Senator CHARLES H. PERCY, Hon. Elmer Staats, the Comptroller General, and representatives from the executive branch.

Any persons wishing to make known their views on this title IV of S. 2049, should communicate with the clerk of the Subcommittee on Budgeting, Management, and Expenditures, room 161, Russell Senate Office Building, 225-1474.

ADDITIONAL STATEMENTS

CHARGES AGAINST WATERGATE COMMITTEE'S CHIEF INVESTIGATOR

Mr. BARTLETT. Mr. President, I along with 21 of my distinguished colleagues, sent a letter to Senator SAM ERVIN, chairman of the Select Committee on Presidential Campaign Activities. The letter was prompted by the disclosure on Tuesday by Mr. George Bush of three affidavits alleging that Mr. Carmine Bellino, chief investigator of the committee, was deeply involved in illegal or unethical conduct against President Nixon in the 1960 Presidential race. Considering the seriousness of these charges, we requested that the committee grant Mr. Bellino a leave of absence and conduct an in-depth investigation into these grave charges.

It is our desire that all activities and proceedings of the select committee be beyond reproach.

Mr. President, in a spirit of bipartisanship, the Senate passed the resolution establishing the Watergate Committee by a vote of 77 to 0. Considering the gravity of these new charges, I trust that Senator ERVIN will respond to this request in that same spirit.

Mr. President, I ask unanimous consent that our letter and the attachments be printed in full in the RECORD.

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

U.S. SENATE,
Washington, D.C. July 27, 1973.

Hon. SAM ERVIN,
Chairman, Select Committee on Presidential Campaign Activities, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR ERVIN: On Tuesday, July 24, Mr. George Bush, Chairman of the Republican National Committee released three sworn affidavits making serious charges against Mr. Carmen Bellino, Chief Investigator of the Select Committee on Presidential Campaign Activities.

Among other things, the affadavits allege that Mr. Bellino was deeply involved in illegal bugging of the Presidential Campaign of President Nixon in 1960.

Considering the nature of the current investigation by the Select Committee, and the position of Mr. Bellino, it would seem prudent to conduct an immediate investigation and to grant leave to Mr. Bellino pending resolution of these grave charges. To do otherwise could put a taint on any work or investigation produced by Mr. Bellino for the Select Committee.

It is important that the proceedings of the Select Committee be free from any suggestion of wrongdoing. We hope you will see fit to investigate these allegations and thereby restore confidence in the proceedings. Attached are copies of the affidavits for your information.

Sincerely,

———— ————.

Dewey F. Bartlett, Hugh Scott, Jesse Helms, Paul Fannin, Robert P. Griffin, Robert Taft, William Roth, James McClure, Clifford P. Hansen, Strom Thurmond, Marlow Cook, Charles Percy, William Scott, Bill Brock, John Tower, Wallace Bennett, James Buckley, Roman Hruska, Barry Goldwater, Bob Packwood, Hiram L. Fong, Pete Domenici, U.S. Senators.

STATEMENT BY HONORABLE GEORGE BUSH, CHAIRMAN, REPUBLICAN NATIONAL COMMITTEE

A few weeks ago information came to my attention that led me to believe that the Republican National Committee and certain Republican Party and Presidential campaign officials had been spied upon during the 1960 Presidential campaign.

Further there was a strong indication that the spying included the use of electronic devices and possibly even electronic surveillance of the hotel space in which then Vice President Nixon prepared for his television debates with then Senator John F. Kennedy.

Further there was strong indication, and I have no doubt in my own mind that such was the case, that this spying and surveillance had been ordered by a key aide of the Kennedy campaign manager.

I retained counsel for the purpose of investigating and analyzing the information in order that, to the limited extent facts can be gathered without legal or court process, I might know whether there was substance to such allegations or whether they were simply unfounded rumors.

I am now convinced that there is, in fact, substance to the allegations, for I have been given three affidavits sworn to under oath together with other investigative and analytical material which provide that substance.

The Republican National Committee and key officials of the Committee and of the 1960 Presidential campaign were indeed under surveillance and spied upon. This surveillance and spying was for the purpose of watching the movements specifically of one employee of the Republican National Committee, Mr. Ab Hermann, who had important duties in the 1960 Nixon campaign. Mr. Hermann was not aware he was being watched. One of the sworn statements by one individual alleges that it was that person's clear impression that electronic surveillance against Richard Nixon "wrapped up" the debates for then Senator Kennedy.

A second affidavit by a former Inspector of Police of the Metropolitan Police Department of the District of Columbia states that he was approached on behalf of this same man to assist in gaining access and entry to certain suites at the then Wardman Park Hotel for the purpose of installing electronic eavesdropping devices in those suites.

The man, who according to these affidavits ordered and directed the spying of these Republicans, is the Chief Investigator of the Senate Watergate Committee, Carmine S. Bellino.

I have never met the people who executed these sworn affidavits, but I do have the sworn affidavits. I had planned to release this information at a news conference on July 14, 1973, but one of the men who signed an affidavit, Mr. John Leon, died the previous day. In deference to his widow and family, I cancelled the news conference on July 14.

I cannot and do not vouch for the veracity of the statements contained in the affidavits, but I do believe that this matter is serious enough to concern the Senate Watergate Committee, and particularly since its Chief Investigator is the subject of the charges contained in the affidavits. If these charges are true, a taint would most certainly be attached to some of the Committee's work.

Some will say in releasing this information that I am trying to justify Watergate. That simply is not true.

I have deplored Watergate openly and publicly. I have felt troubled by it and, indeed, sickened by it. I have urged that the matter be promptly resolved by full disclosure. I have urged the prompt calling of all material witnesses.

It is not my intention to be saying, "Oh, everyone does this stuff in politics, so forget Watergate." It is my intention to say that elementary fairness requires that some balance prevail, that serious violations of the public trust have gone on prior to Watergate and that it is a gross distortion to microscopically analyze one campaign and totally ignore what others have done in other campaigns.

I have been seriously concerned at the fervor of attention, at the distortion of perspective on all of this. There was corruption. No honest Republican would deny it. Every honest Republican deplores it. In fact, every honest Republican hates it.

But now I have presented some serious allegations that if true could well have affected the outcome of the 1960 Presidential race. The Nixon-Kennedy election was a real cliff-hanger, and the debates bore heavily on the outcome of the people's decision.

If the recollections and impressions contained in these affidavits are true and attempts were made to bug Richard Nixon's hotel suite before the debates to affect their outcome, then the public should know about it.

It also seems important to me, and I believe to any fair-minded person given the sensationalism of Watergate and the vitriolic commentary by some that is being unloaded on the 1972 Nixon campaign and in some quarters on the President himself, that the public realize that the Democrats did, in fact, according to all three affidavits in my possession, spy on an official of the Republican National Committee and that they approached an Inspector of the D.C. Metropolitan Police Department to gain his cooperation in bugging Republican rooms at the then Wardman Park Hotel.

Fair play dictates that the United States immediately conduct an investigation into the charges contained in the attached affidavits. It seems to me in fairness that this investigation be conducted before the television cameras with appropriate parties under oath.

To the extent that any of the allegations contained in the affidavits are true, it is my fervent hope that they will aid this Committee in its quest for legislative answers to ending once and for all illegal, unlawful, corrupt and detestible campaign activities conducted by one camp against the other.

One final point. The justification for the Committee's existence is to design legislation to end the kind of activity that is alleged to have occurred, both in 1960 and 1972, and possibly even in other campaigns in other years and for other federal offices. Thus I urge the Senate Watergate Committee to begin immediately to draft appropriate legislation that will forever clearly make such activity unlawful and to that end I offer my services and the services of the Republican National Committee. I call upon my counterpart, Mr. Strauss and the Democrat National Committee, to do likewise for this issue transcends even the most remote partisan consideration. It has been said before by others but I believe worth repeating that the very confidence of a people in its government is directly proportionate to their confidence in their nation's electoral process. This is a matter not to be trifled with, but one which cries out for the immediate attention of the Senate Watergate Committee, the Congress, the President and all Americans.

AFFIDAVIT

John W. Leon, 525 Dupont Circle Building, Washington, D.C. being duly sworn, voluntarily deposes and says:

1. I am a licensed investigator doing business in the District of Columbia and Maryland under the agency named Allied Investigating Services with offices in the Dupont Circle Building, Washington, D.C. This has been my profession for more than fifteen years.

2. I have known Carmine S. Bellino, Chief Investigator, Senate-select Watergate Committee for more than twenty years.

3. During the 1960 Presidential Campaign, John F. Kennedy versus Richard M. Nixon, I was retained by Carmine Bellino to infiltrate the operations of Mr. Albert B. "Ab" Hermann, then and now an official of the Republican National Committee. Following an unsuccessful attempt to penetrate the office operations of the Republican National Committee, I was instructed by Carmine Bellino, to place "Ab" Hermann under physical surveillance, and to observe the activities of and visitors to Mr. Hermann's office, utilizing field glasses from my office, a nearby vantage point. Additionally I attempted to pick up conversation in Mr. Hermann's office, utilizing an electronic device known as "the big ear", aimed at Mr. Hermann's window from a nearby vantage point. This activity took place for five or six days in September or October, 1960. The results of my efforts were reported to Mr. Carmine Bellino who was assisting Robert F. Kennedy during the Presidential Campaign.

4. During the 1960 Presidential Campaign Carmine Bellino also directed Washington, D.C. investigators John Joseph Frank, Oliver W. Angelone, and Ed Jones in efforts to develop information concerning the Nixon activities and strategy. Messrs. Frank and Jones assisted me in surveillances of Ab Herman on two or three nights each.

5. The services of Ed Jones during surveillances of Ab Hermann were made available to me by Carmine Bellino, who instructed Ed Jones to meet me in the vicinity of Mr. Hermann's Republican National Committee office. During hours of conversation with me Mr. Jones described himself as "the world's greatest wiretapper" and told me that he had successfully tapped the telephones of James Hoffa, former Teamsters' Union President, acting under the direction of Carmine Bellino for Robert F. Kennedy. According to Ed Jones, Mr. Hoffa's telephones had been tapped in Tampa, Florida.

6. During long conversations with me Ed Jones stated that he had tapped the telephones of three ministers in the Mayflower Hotel in the fall of 1960. According to Jones, Carmine Bellino suspected that these min-

isters were responsible for some of the anti-Catholic, anti-Kennedy literature that was distributed during the 1960 campaign. Ed Jones told me he could not spend much time with me on surveillance because he had several good wiretaps going for Bellino.

7. On the morning following the Kennedy-Nixon television debate (a crucial factor in the election) John Frank, Oliver W. Agnelone, and a third investigator whose name I cannot recall were discussing the debate in the office adjacent to mine in the Dupont Circle building. There was agreement that Mr. Kennedy was extremely well prepared for points raised by Mr. Nixon—that he "had the debate all wrapped up". Oliver Angelone remarked "Jonesy really did his job well this time." Although I did not participate in installation of eavesdropping devices and did not tap telephone lines for Carmine Bellino during the 1960 campaign, I am confident that Ed Jones and Oliver Angelone successfully bugged the Nixon space or tapped his phones prior to the television debate.

8. Carmine Bellino has served on the staff of several U.S. Senate Committees and has been closely identified with Senators Robert F. and Edward Kennedy. Prior to the Watergate inquiry, Mr. Bellino served as Chief Investigator, U.S. Subcommittee on Administrative Practice and Procedures, chaired by Senator Edward Kennedy.

9. During the late 1950s and early 1960s Oliver W. Angelone was a successful private investigator in the Washington, D.C. area. He had many contracts, had several good-paying clients, possessed sophisticated bugging and wire-tapping equipment, and had the nerve needed to tackle eavesdropping activity. He also had master keys to hotels in Washington, D.C. including the Carlton and Mayflower. Mr. Angelone is currently employed as an investigator, General Services Administration in New York City.

10. Ed Jones served on the Senate Labor-Racketeering Committee staff headed by Chief Counsel Robert F. Kennedy.

11. John Joseph Frank, Oliver W. Angelone, and I were indicted in the Washington, D.C. eavesdropping matter at the Mayflower Hotel in 1962 involving El Paso Gas Co. and Tennessee Gas Co. This case received wide publicity in the news media during the period 1962–1964.

Dated at Washington, D.C. this 8th day of June, 1973.

JOHN W. LEON.

AFFIDAVIT

Joseph Shimon, being duly sworn deposes and voluntarily states:

I have been a private investigator in the Washington, D.C. area for more than ten years. Prior to 1962 I served on the Metropolitan Police Force and in 1960 was an Inspector in that Department.

In late summer or early fall, 1960, I was approached by Oliver W. "Bill" Angelone, a private investigator, with offices on Jefferson Place, Washington, D.C. We had lunch at Billy Martin's Restaurant and after lunch conferred in Mr. Angelone's office.

Mr. Angelone explained to me that he was doing some work for Carmine S. Bellino, who was supervising investigative activity for the John F. Kennedy Presidential Campaign Committee. Mr. Angelone said that Republicans campaigning for Richard M. Nixon planned to occupy the top two floors of the Wardman Park Hotel and that he (Angelone) planned to install eavesdropping devices in that space.

Since Angelone was aware that I had several contacts with the security personnel at the Wardman Park Hotel he solicited my assistance to gain access to the top two floors at the hotel. He suggested that keys to the space be obtained and the security force be "taken care of". Additionally Mr. Angelone requested that I participate as a member of the "bugging" team to accomplish the installation of electronic eavesdropping devices.

After considerable discussion of the proposed bugging activity I declined Mr. Angelone's offer because I did not desire to jeopardize my status in the Metropolitan Police Department.

During the 1960 Presidential Campaign I was aware that Bill Angelone, John Joseph Frank, John Leon, and Ed Jones were engaged in investigative work for Carmine S. Bellino and the Kennedy Campaign Committee, but I did not participate in their activities.

JOSEPH SHIMON.

AFFIDAVIT

Edward Murray Jones, being duly sworn deposes and voluntarily states:

I am 67 years of age and reside in the Philippine Islands.

Prior to 1965 I was employed in investigative work for more than 15 years.

During the 1960 Presidential Campaign I was employed by the John F. Kennedy Campaign Committee for three or four months. During this period I was generally supervised by Mr. Carmine Bellino. My assignments were in the area of background checks, political research, and checking security of space and communications of Democrat facilities.

At no time during the 1960 Campaign did I participate in or have knowledge of telephone tapping activity or utilization of any electronic eavesdropping devices against Republican Party officials.

It is my recollection that I did participate in two surveillance efforts prior to the 1960 Presidential election. Although I could not identify the subjects of these surveillances, I assume they were. Republican officials or supporters. Two or three teams and cars were used in the surveillances and other members of the team had the responsibility of identification of the subject. I recall that Carmine Bellino was present on one or both surveillances.

One of the surveillances was at National Airport, Washington, D.C., where we attempted to pick up an individual coming to Washington. The other surveillance effort involved an individual with offices in the vicinity of 19th and M Streets, NW., Washington, D.C.

Dated at Washington, D.C., this 6th day of July, 1973.

EDWARD MURRAY JONES.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in the Philadelphia Inquirer on July 28, 1973, entitled "It May Be a Red Herring But—"

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

IT MAY BE A RED HERRING BUT . . .

Although they have the earmarks of a red herring to divert attention from the Watergate scandals, the serious allegations of Republican National Committee Chairman George Bush should be investigated by Congress and the Justice Department.

He has made public three affidavits suggesing that Richard M. Nixon, in his first try for the Presidency in 1960, was the target of surveillance operations by Democrats. It is alleged that an attempt was made to bug a hotel room where Mr. Nixon was preparing for one of his televised debates with John F. Kennedy.

Other statements in the affidavits charge that attempts were made to tap telephones used by Mr. Nixon during the 1960 campaign and that electronic listening devices were used "to infiltrate the operations" of his campaign organization.

Two of the affidavits alleged, moreover, that Carmine S. Bellino, who is now chief investigator for the Senate Watergate Committee and was a campaign worker for Mr. Kennedy in the 1960 campaign, tried to recruit persons to bug Mr. Nixon's hotel room. Mr. Bellino promptly denounced the charges as "absolutely false."

Mr. Bush deflated the impact of the charges by conceding at the outset "I cannot and do not vouch for the veracity of the statements contained in the affidavits." But the Republican chairman wants an investigation of the charges in the interests of "fair play," and that's fair enough. No doubt if the situation were reversed—if it were alleged that workers for Mr. Nixon had attempted to bug the hotel room of Mr. Kennedy—there would be clamor for a full investigation, and properly so.

Although the committee headed by Sen. Ervin is restricted to investigation of matters relating to the 1972 campaign—Senate Republicans having failed in a move to broaden its authority to include earlier campaigns—there no doubt are other committees of Congress that could initiate an inquiry. Perhaps the first to be questioned should be Mr. Bush.

Meanwhile there should be no sidetracking of the Ervin committee's efforts to learn the whole truth about Watergate and all its sordid ramifications. Whatever did or did not happen in 1960, it could provide no justification for the misuse of White House authority and violations of the law relative to re-election of the President in 1972.

TWENTIETH ANNIVERSARY OF THE SMALL BUSINESS ADMINISTRATION

Mr. BIBLE. Mr. President, July 30 marks the 20th anniversary of the Small Business Administration and, as chairman of the Select Committee on Small Business, I would like to observe this occasion with some comments.

Anniversaries are a time for recollections. If one thing stands out in looking back over the last 20 years, it is the rapidity of change in America.

It is thus quite useful and appropriate to remember where we have come from in the small business field, as one possible guide to an uncertain future.

Therefore, it is appropriate that a national salute to American small businessmen, present and past, is being held today at the Dwight D. Eisenhower Presidential Center and Library at Abilene, Kans., with the anticipated attendance of hundreds of government, business, and banking leaders.

As SBA Administrator Thomas S. Kleppe said so very well in his scheduled remarks at Abilene today:

We offer a richly deserved national salute to the men and women who toil daily in more than eight million small businesses across the land . . . it is not within our power to express adequately our gratitude for the numerous unheralded contributions they (small businessmen) have made to the nation's economic strength.

Mr. President, the beginning of interest in "small business" as a separate, identifiable segment of the American economy began in 1940 and 1941. The Commerce Department set up a "small business unit" at that time. Congress es-

tablished, in both the Senate and the House, temporary committees on small business and also created the Small War Plants Administration to assure that a fair proportion of World War II contracts were available to smaller firms.

A decade later in 1951, Congress repeated this pattern of action. It made the Senate Small Business Committee permanent and created the Small Defense Plants Administration to assist small firms with Government contract opportunities arising out of the Korean war.

In 1953 the enactment of the Small Business Act merged this Government contracting function of the SDPA and the authority for Government loans—pioneered in New Deal days by the Reconstruction Finance Corporation—and gave the resulting agency the new name of the Small Business Administration.

However, Congress had something more in mind than helping small firms in raising capital and in doing business with the Federal Government. The debate at that time clearly reflects recognition of the special problems of new, small, and independent business firms in an economy which was growing ever more complex.

Congress deliberately made SBA an independent unit of the Government with its Administrator reporting directly to the President. The Congress felt that this would strengthen the Administrator's position as a spokesman for the 97½ percent of U.S. enterprises which are small business and which, because of their diversity and size, are underrepresented in the councils of Government.

Congress provided SBA with specific powers and duties to assist new small businesses with their management and technical problems. Also, through the years SBA became the major U.S. agency providing loans to those damaged by flood, storm, or other physical disasters.

In 1958 Congress further broadened the financing responsibilities of SBA with the passage of the Small Business Investment Act. This resulted in the creation of some 300 private corporations which are now furnishing venture capital to new small firms. This activity has also put SBA in a position to monitor the most vital trends in the growth of free enterprise in our Nation. This history, I feel, contains many lessons for us today.

It is worthy of note, I believe, that the executive branch and the Congress cooperated closely in the creation of our basic small business laws and institutions. President Dwight Eisenhower approved and signed both the Small Business Act and the Small Business Investment Act, as his predecessors, Harry S. Truman and Franklin D. Roosevelt, had signed the legislation setting up the SDPA and SWPA.

Major initiatives in the creation of SBA in nurturing and protecting it over the years and in perfecting the legislative framework have come from the Congress. We should recall with thanks the work of such distinguished economic statesmen as Senator JOHN SPARKMAN of Alabama; Senator Lyndon B. Johnson, of Texas; Senator HUBERT H. HUMPHREY, of Minnesota; Senator RUSSELL LONG, of Louisiana; Senator George Smathers of Florida; Senators John Kennedy and Leverett Saltonstall of Massachusetts; Senator JACOB JAVITS of New York; and Senator BARRY GOLDWATER, of Arizona.

There have been triumphs of SBA over the past 20 years, and many of them were associated with the labor of such gifted Administrators as Wendell Barnes, John Horne, Eugene Foley, Robert Mott, Howard Samuels, and Thomas Kleppe.

However, I believe that in a larger perspective the achievements of SBA were possible because of cooperation between the legislative and executive branches of Government, and because men from different parts of the country and different schools of thought united their efforts in devotion to small business and to the free enterprise system as it has evolved in this country.

The Small Business Administration during its 20 years of existence has made dramatic contributions to the nation's economic growth. Since SBA's inception in 1953, our nation's small businesses have grown from 4.2 million to over 8 million strong. They account for 43 percent of our gross national product and provide over 50 percent of the country's jobs.

During its 20 years of existence, SBA has helped provide more than $13 billion in credit and equity financing.

Last year, SBA made over 200,000 disaster loans to victims of natural catastrophes, totaling almost $1.5 billion compared with 200 for $1.3 million during its first fiscal year. In 1953 the small business share of Federal procurement amounted to about $3.5 billion. In fiscal year 1973, it was over $12.5 billion.

It is part of our folklore that nearly every American business started as a new small business, and that the growth of these firms fueled the greatest economic miracle in the annals of mankind.

But the SBA and small business also have a psychological value. They stand for the American dream, that a man should be able to own his own business and make it prosper through his ingenuity and hard work for the benefit of himself, his family, and the public.

Perhaps this is the most important role of small business. It is a powerful beacon to the energies of men and women, and we dare not let this light be extinguished! As Senator SPARKMAN, a long-time chairman of the Small Business Committee, recently said:

> I think the country will run into serious trouble in the years ahead in attempting to solve its domestic and international problems. . . . if we allow present small business difficulties to remain unsolved.

In the past several decades, during which there has been interest in small business, the speed of change in America has been breathtaking, and many new problems have been created for smaller firms.

Technology has probably been the most visible expression of this change. In the early 1940's, we were impressed by airplanes which could travel 350 miles per hour. Long ago, air flight soared past the sound barrier. Now, it is almost commonplace that spacecraft travel to and from the moon—a round trip of nearly one-half million miles at speeds of thousands of miles per hour. Technology changes have had a major impact on small businesses and upon the structure of the business world.

Our economy has probably changed just as fast and as profoundly as technology. The changes are usually less perceptible and more difficult to cop with. However, recently we have experienced a system of direct controls which have very immediate effects on the economy and small business.

Our attitudes and priorities as a people had also been shifting. For example, the airplane ran into what might be called "an environmental barrier" when the Congress refused to authorize construction of a supersonic commercial air transport. Every year now brings new legislation, upgrading the standards of our air, water, or agricultural or industrial products.

The laws and regulations have proliferated to the extent where the weight of the tax system, of paperwork, and of multigovernment regulations must constantly be reexamined and made fairer to the smaller business. In fact, the entire role of the Government in American life has been opened to the most penetrating questions.

Crime has become a significant handicap to commerce and to its existence in some areas.

In this atmosphere of change and flux, it seems to me that we must apply all our combined reason and vigor to assure the relevance of SBA today and in the next 20 years.

New and small firms will still need financial and management assistance, probably even more so. The changes in American life which are all around us can mean either opportunity or difficulty for our small business community, depending on what is done or not done about them by men in positions of responsibility. I believe we must give a great deal of attention to the survival of new and small independent businesses as part of our way of life. We must try to look ahead to be sure that small business—with all its material and psychological benefits—is a partner in progress, rather than its unintended victim.

If this sounds like an agenda for hard labor rather than the usual catalog of praise on such an occasion, it is because of my feeling that we cannot afford to rest on our laurels. SBA is the principal agency of the Federal Government devoted to small business, and its conduct will have much to do about the number and strength of small independent firms 20 years from now. The preservation of small business, it seems to me, will be the context in which the performance of SBA should be judged. I hope that this performance will be equal to the promise held out for SBA by the pioneers of small business, who I believe history will record held a shining vision of this country and free enterprise.

I congratulate the Sl \ on the achieve-

ment of its 20th anniversary and wish it well in its difficult missions.

EXPORT CONTROLS

Mr. FANNIN. Mr. President, this country is experiencing a dislocation in farm production, largely caused by crop failures elsewhere in the world. This situation resulted in the imposition of temporary export controls by the Commerce Department on June 27. An immediate embargo was placed on the export of soybeans and cottonseeds and their by-products to forestall domestic shortages of meat, poultry, and milk supplies.

In light of our being placed in the position of carrying the burden of crop failures around the world, I was dismayed when I learned of the attitude of two of our large trading partners. It has been reported that bitter complaints were expressed over the imposition of the controls. The controls have been labeled "an act of treachery" by a Japanese spokesman, and a French leader called the controls an "aggresssive act." Further, it was reported that President Pompidou declared that it was "unthinkand unimaginable" for France to heavily rely on foreign producers for protein supplies. Even in this country, critics such as the former Ambassador to Japan, Edwin Reischauer, said it was "absolute folly" that Japan did not receive special consideration in regard to soybean exports.

Mr. President, let us put this criticism in proper perspective. It is interesting to note that for several years now the European Economic Community has been complaining about soybean imports, which amount to 60 percent of all our exports of that farm product. It is ironic that the same voices and farm pressure groups complaining about export controls have likewise been urging the EEC to place a tariff on the import of soybeans. Since they have effectively achieved their objectives of limiting the import of soybeans, it is difficult for me to be sympathetic to the latest outbursts.

Now let us see why this country has been able to export around 40 percent of our soybean production. Those why buy our soybeans do so because we grow 75 percent of the world's production and our shipments constitute 90 percent of all exports. Thus, our trading partners are not being altruistic when they accept our soybeans without quota or tariff. They are doing so because we offer a dependable, quality supply of a much-needed product.

Soybeans need a scarce combination of winter daylight, modest temperatures, good soil, and plentiful moisture. Thus, soybeans are grown only in China, Brazil, and the American Midwest. Our trading partners are left with one reliable source of supply.

Mr. President, we are not only growing substantial amounts of soybeans—production is expected to be up 24 percent—but have the potential for vast new acreages that could be used for that product if necessary. The agricultural acreage set-aside program has released 13.5 million acres for feed grains including soybeans, and another 20 million unused but fertile acres are available. This country has spent billions of dollars to take land out of production and this year it is spending vast sums to put 25 million acres back into production.

In addition, it is estimated that 70 percent of current corn acreage is interchangeable with soybeans whenever the bean price reaches approximately three times the price of corn.

Mr. President, if our trading partners are well aware of the foregoing facts, why would they call for a tariff on soybean imports? There are several reasons for this action:

First, certain European farmers grow rapeseed which is a competitor of the soybean, although of lesser protein content, and if the soybean imorts were restricted, the acreage of rapeseed could be expanded;

Second, an EEC member would like to have vegetable oils from its former African territories sold in Europe on equal terms with soybean oil. At the present time, most soybeans are crushed into oil upon import while most tropical beans are crushed prior to export so the developing countries suffer from the tariffs on oils; and

Third, soybean meal is displacing traditional European feedstuffs and additional land has been converted to wheat production with high artificial support prices.

Mr. President, perhaps the expressed desire to seek other sources of protein is merely a device to limit certain agricultural imports into the EEC. While overall U.S. farm exports, including soybeans, to the EEC have risen since its formation, exports on which a variable levy is maintained have substantially declined. For example, U.S. exports of these agricultural products declined from $529 million in 1967 to $448 million in 1971.

There is no question of our long-term ability or will to supply agricultural supplies to our trading partners. We are facing a short-term distortion whereby the United States has wound up carrying the crop failures around the world. At the present, we are having a temporary problem in compensating fully for production setbacks in other countries.

Faced with the difficult and complex negotiations that lie ahead in the trade area and the problems inherent in any attempt to reform the international monetary system, it is difficult for me to understand the level of criticism at this point in time over the embargo on certain agricultural products. Unless, Mr. President, the criticism is made with other motives in mind.

Mr. President, I would like to respond to our trading partners by offering three suggestions:

First, as they are assured of a quality supply of U.S. agricultural products, they should eliminate the inconsistent statements regarding increased tariffs on one hand and complaints of export controls on the other;

Second, they should open their market to all agricultural products by the elimination of quotas, modification of the Common Agricultural Policy, and application of the most-favored-nation treatment to American citrus; and

Third, they should guarantee a stable access to their markets for our agricultural products which will enable the American farmer to quickly produce a quality product at a reasonable price.

THE FOREST SERVICE

Mr. McINTYRE. Mr. President, I am deeply concerned by reports that the administration is narrowing the focus of the U.S. Forest Service.

I can appreciate the fact that rising demand for timber products and the economic importance of increased lumber and plywood production poses a great temptation to "unilateralize" forest use by maximizing timber cutting and sales.

But in my judgment this is a serious mistake, Mr. President, and we will be paying tomorrow for our shortsighted expedience today.

Not only are we told by the Forest Service that it is already far behind schedule in replanting forests, leading to the conclusion that replanting will fall even farther behind if harvesting is, indeed, accelerated, but we are also told by conservationists that the 11.8 billion board feet now slated to be sold off in fiscal 1973 and fiscal 1974 is more than can be safely cut.

But beyond these related problems lies the central folly of abandoning the historic multiple-use concept of national forest management.

The national forests of New England, for example, were established to provide protection of mountain watersheds and timberlands and encompass two-thirds of all New England peaks above 4,000 feet elevation. These forests also provide protective habitat for wildlife, game birds, and songbirds.

The Multiple Use-Sustained Yield Act of 1960 confirmed and underscored the longstanding Forest Service policy of administering national forests for outdoor recreation, range, watershed, fish and wildlife enhancement as well as timber production. With 60 million Americans living within a day's drive of these New England national forests, it is imperative that these lands be administered for the recreation and enjoyment of this and future generations as well as for production.

As detailed in the "Guide for Managing the National Forests of New England," a major objective is the development of high standards of management to protect and improve land and resource productivity, including the proscription that not more than 25 percent of any one watershed can be harvested by clearcutting techniques over a 10-year cycle.

Mr. President, I am proud that we have a new Forest Service laboratory in Durham, N.H., to help develop those high standards of forest management. One of its goals is the development of new high yield timber productivity which would lessen reliance on clearcutting, a practice which provides immediate rewards but exacts its toll over a period of years.

I welcome these efforts by the Forest Service to increase timber production to meet the rise in demand when they are

carried out within the overall confines of proper managerial standards, just as I continue to look for leadership from the Forest Service in maintaining a balanced use of these precious lands and a controlled interaction between all those interested in quality planning for the national forests.

Mr. President, to free the Forest Service to provide that leadership, I would urge the Agriculture Committee to begin an immediate investigation of a report titled "Financial Planning Advice." This 85-page report, which reportedly reflects the White House Office of Management and Budget's wishes, has been sent to U.S. Forest Service field offices around the country.

This report states that—

Planning for new recreation projects will not be done in fiscal year 1974.

And that—

Recreation operation and maintenance costs will be reduced by giving consideration to closing up to 80 percent of facilities for which the standard level of operation and maintenance is estimated to cost more than $3 per visitor-day for campground and $6 per visitor-day for picnic, boating and swimming sites.

Such directives, if carried out, would not only frustrate the growing wishes of more and more Americans to avail themselves of the beauty, the tranquillity and the restorative powers of the national forests, it would dangerously subvert the historic principle of multiple use of those great forest lands.

NO BEEF IN THE GROCERY STORES

Mr. BEALL. Mr. President, I ask unanimous consent that a statement prepared by Senator BROCK relating to the beef shortage be printed at this point in the RECORD.

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

STATEMENT BY SENATOR BROCK

Mr. President, the August recess is almost upon us, and most Senators and Congressmen will be returning to their home areas to face what I am now certain will be a positively irate constituency.

What will you say to them when they ask why there is no beef in the grocery stores? How can you possibly explain away the responsibility each one bears for this incredible situation?

Oh, we can set up straw men and blame it all on them. Blame it on the farmer. Blame it on the the meatpacker. Blame it on the grocer. Blame it on the Administration. There is plenty of blame to go around.

But the people can't eat blame, and they will have little sympathy for politicians who cop a plea saying, "I didn't have anything to do with it."

Mr. President, the time has come—it is, in fact long overdue, to bite the bullet. The time has come to tell the American people the facts.

It is now clear that within a matter of two or three weeks in some communities a housewife, a United States Senator, or the richest man in America may not be able to walk into his local supermarket and buy beef.

The Spencer Foods Company, a large Iowa meatpacker, shut down operations earlier this week. The Armour plant in Brownsville, Texas is shutting down its slaughtering operations today. These represent but the tip of an iceberg. Wholesalers, supermarkets and restaurants have no idea where they are going to get meat once their present inventories are used up, and that is only a matter of days in some areas.

Meanwhile, the beef shortage will work its inevitable anguish on the price of other meats. Pork, lamb and chicken prices are already starting to skyrocket out of the reach of many families.

Certainly a return to freer markets will require hardship. It would be demogogic to argue otherwise. Yet the price we would pay in the short term is far less than that yet to come if we refuse to do what is right today. By facing our adversity squarely, we can come to grips with the issue and resolve it by increasing supplies. On the other hand, continued reliance upon politically expedient, and economically devastating, controls can only lead to higher prices and shortages.

This is the harvest we are reaping for our ill-advised venture into economic controls two years ago, coupled with Congress' refusal to use that time for more basic remedies. In 1971 the Administration, in response to pressures, international and domestic, started the American people on their journey through the Phases.

I will not duck the issue, for I, too, accepted the unacceptable. I said, "reluctantly," but this is not time for quibbling about semantics. We have now reached the danger point, and we need to know why.

These controls were obviously intended to stop inflation. It's regrettable no one was able to apply them to a spend-thrift Congress. Look at the record—just in the past few days and weeks.

Both House and Senate have voted for spending ceilings. Both House and Senate have voted for bills which far exceeded the Budget. Both House and Senate have voted to force the President to spend every dime Congress Appropriates. Now who's kidding whom. You can't cut spending and increase it at the same time.

Congress must accept its share of the responsibility to control inflation. The first step would be to pass meaningful budget control legislation, and live with it.

In so many words, let's put controls on government excesses, where they are really needed, rather than on the working people of America where we already have too many limitations on productivity.

Of these, I've had enough. I've had enough of "fine tuning," or more properly stated, flagrant meddling. We must get back to the American way of doing business, to the natural law of supply and demand. We must reinstitute the free market economy, and yesterday isn't soon enough.

The "fine tuning" metaphor is a nice one. The picture gets a little fuzzy, so you turn the knob, and the sound fades out. Then you turn it back and there's the fuzziness again. Back and forth you go, but it never seems to be quite right. Maybe its time to admit that government is a lousy farmer, a lousy businessman, a lousy consumer.

It certainly is time to realize that you can't tinker with a machine as complex as the American economy without disasterous results. Let's call off the tinkerers. No government can equal the collective competence of the American consumer. His ability to say 'no' is the only control that works in the long term.

The free market is a magnificent economic structure. It is resourceful, adaptable and flexible. It is a thousand times more creative than the government. Yet government can wreck it, and that is just what is happening.

Let's move to Phase Zero, and do it now. We need no more evidence than the empty shelves in the butcher shops which are coming all too soon.

THE GOALS OF NASA

Mr. MOSS. Mr. President, a decade and a half ago, Congress passed the National Aeronautics and Space Act of 1958, creating NASA and marking the beginning of vigorous U.S. participation in the space age.

In establishing NASA, Congress stated eight specific objectives to be sought in conducting the aeronautical and space activities of the United States. These objectives stand today in section 102 of the act, and are as follows:

First. The expansion of human knowledge of phenomena in the atmosphere and space;

Second. The improvement of the usefulness, performance, speed, safety, and efficiency of aeronautical and space vehicles;

Third. The development and operation of vehicles capable of carrying instruments, equipment, supplies, and living organisms through space;

Fourth. The establishment of long-range studies of the potential benefits to be gained from, the opportunities for, and the problems involved in the utilization of aeronautical and space activities for peaceful and scientific purposes;

Fifth. The preservation of the role of the United States as a leader in aeronautical and space sciences and technology and in the application thereof to the conduct of peaceful activities within and outside the atmosphere;

Sixth. The making available to agencies directly concerned with national defense of discoveries that have military value or significance, and the furnishing by such agencies, to the civilian agency established to direct and control nonmilitary aeronautical and space activities, of information as to discoveries which have value or significance to that agency;

Seventh. Cooperation by the United States with other nations and groups of nations in work done pursuant to this act and in the peaceful application of the results thereof; and

Eighth. The most effective utilization of the scientific and engineering resources of the United States, with close cooperation among all interested agencies of the United States in order to avoid unnecessary duplication of effort, facilities, and equipment.

From its earliest days, NASA has basically relied on the aerospace industry in working toward these objectives. In the peak funding years of the mid-1960's, over 90 percent of the NASA budget was spent in the private sector. Today, about three-quarters of the funds appropriated to NASA are expended through contracts, most of them with the aerospace industry.

Thus our long-range ability to pursue the goals established by the Congress in 1958 is heavily dependent on the strength and viability of the aerospace industry.

In recent years we have seen rapid change in the character and health of that industry—for example:

Employment in U.S. aerospace industries has dropped one-third from the peak in 1968;

U.S. balance of payments in aerospace products was more than $3 billion on the positive side in 1972;

Imports of European aerospace products have grown 700 percent since 1958;

Declining stock market prices have raised the possibility of mergers and outside control of major aerospace companies; and

International alliances between American and foreign aerospace companies are becoming common.

I believe that, as the 15th anniversary of NASA approaches, it is both important and timely to assess our future capabilities to meet our stated national objectives in aeronautics and space. To begin this assessment, the Committee on Aeronautical and Space Sciences is opening hearings this fall to inquire into the state of the aerospace industry, its importance in achieving the goals listed in the NASA Act and the relevance of these goals to our Nation's future.

In short, we want to know where we stand today, where we want to go, and what is our rate of progress. The hearings will focus on the following questions:

Are the goals set by Congress 15 years ago still proper, or has experience indicated a need for change?

Are there basic faults in the Government-industry roles and relationships used to seek these objectives?

Are new steps necessary to enhance the stability of design and management teams, and to insure an adequate supply of scientists and engineers in the necessary disciplines?

What effects do project size, type, duration, and funding have on the state of the industry, and its prospects?

What are the potential effects of the current trend toward more international competition and greater international involvement in aerospace projects?

Are we placing adequate emphasis on all major areas in which aerospace science and technology is applicable?

We plan to open these hearings on September 26 and 27. The total range of our inquiry will take more than can be accomplished in two days. Later hearings will be scheduled as time permits.

SENATOR CHARLES H. PERCY VOTE ON GRAVEL-STEVENS AMENDMENT TO S. 1081

Mr. PERCY. Mr. President, I was in committee during the debate on the Gravel-Stevens amendment to S. 1081 and was unable to make a statement at that time on my reasons for opposing it. I would like to state now for the record the reasons why though I did vote for the "trans-Alaskan pipeline authorization act," I voted against the Gravel-Stevens amendment to the act. That amendment was adopted by the Senate on July 17 by a vote of 49 to 48, and affirmed on a motion to table the motion to reconsider by a vote of 50 to 49.

The Gravel-Stevens amendment, as modified, stated in the findings and declaration section that no actions taken by the Secretary of the Interior, or by any other Federal agency, with respect to construction of the trans-Alaskan pipeline system shall be subject to judicial review.

In the operative section, the amendment authorized and directed the issuance by the Secretary of the Interior and all other Federal agencies of any authorizations they deem necessary for the construction of the trans-Alaskan pipeline, a State of Alaska highway, and three Alaskan airports. These authorizations were required to be made without further action under the National Environmental Policy Act or any other law, and without regard to the provisions of any other law.

Finally, the amendment stated that actions previously taken by the executive branch shall be regarded as satisfactory compliance with the National Environmental Policy Act—NEPA—and all other applicable laws.

The purpose of the amendment was to speed construction of the trans-Alaskan pipeline by removing all legal and judicial barriers to the project, including litigation already pending in Federal court.

This purpose was to be accomplished at the expense of the rights of citizens to sue against any alleged improper or capricious actions by Federal officials. It was to be accomplished particularly at the expense of NEPA, the law designed to protect the environment from ill-considered Federal projects.

Mr. President, I voted against the Gravel-Stevens amendment for several reasons: First, because I am, at this early date in its history, opposed to any weakening of such an important act as NEPA; second, because I am opposed to Congress circumscribing the jurisdiction of the courts in this manner; third, because I am opposed to so broad a grant of authority to the executive branch. I will explain each of these reasons more fully.

I believe the amendment weakened NEPA by attempting to exempt from its coverage a project of extraordinary potential environmental impact and intense controversy, which is to be undertaken on Federal land.

By exempting the trans-Alaskan pipeline from NEPA on the grounds that the need for oil overrides all other considerations, we are setting a precedent for future exemptions on this and other such "needs" grounds, and the environment will be the potential loser. Similarly, by stipulating that the Secretary of the Interior has fully complied with the requirements of NEPA when a pending lawsuit contends he has not, the Congress is denying the rights of citizens to seek a judicial remedy for redress of grievances.

The second reason for my vote is that I believe the Gravel-Stevens amendment overstepped the extremely important boundary between the powers of the legislative and judicial branches.

By withdrawing the Alaskan pipeline from the purview of the courts, the Congress is attempting to prevent the courts from fulfilling their responsibilities to rule on the legality of public and private actions. By stating that the pipeline is to be authorized notwithstanding the provisions of any law except S. 1081, we are virtually challenging potential litigants to find other avenues for judicial review. They might well contend that other laws do indeed apply. For example, would pipeline construction be exempt from antitrust laws, contract laws, procurement laws, civil rights laws, as well as environmental laws?

The irony would be if this amendment created by its own terms new grounds for litigation, including constitutional grounds, which delayed the Alaskan pipeline even longer than the litigation it sought to override. Such a situation was predicted by the distinguished floor manager of the bill, Senator JACKSON, who also voted against the Gravel-Stevens amendment—and surely he is regarded as a strong proponent of the pipeline itself.

My final reason for voting against the Gravel-Stevens amendment was that it granted exceptionally broad powers to officers of the executive branch.

The amendment directed the Secretary of the Interior and any other agency heads to grant whatever permits or authorizations they deem necessary to build a pipeline, a highway, and three airports. This authority was unfettered by a requirement to comply with any other law, and it was to be immune from judicial scrutiny. It in effect had the Senate certify actions of the executive branch of Government as fully complying with the requirements of NEPA when many Senators would have difficulty knowing whether such requirements had been adhered to or not.

It is difficult to conceive of a more unrestricted grant of authority to officers of the executive branch. Even the President is not often so richly endowed.

Mr. President, I firmly believe that we as a nation need all the Alaskan oil that can be found. We need it as soon as possible consistent with a respect for the environment of the Alaskan and Canadian wilderness and the ocean and coastal areas.

But I believe this amendment has gone too far in rushing to obtain the oil, while giving insufficient regard to environmental concerns and the jurisdiction of the courts. It is a dangerous precedent for the Congress to be establishing.

FARMWORKERS' STRUGGLE

Mr. KENNEDY. Mr. President, for years, the migrant farmworkers and the seasonal farmworkers have blistered their bodies in the agricultural fields of America, forced to work without the protection of law or the protection of labor organizations. Yet their work has been vital to the success of the Nation's agricultural economy.

The "Grapes of Wrath" by Steinbeck told some of the stories of their lives. Edward R. Murrow brought us up to date in 1960 with the "Harvest of Shame" and a few years ago, NBC revisited those fields and found much the same plight facing the farmworkers.

There still are some 800,000 children under 16 who work in the fields, according to the Department of Agriculture, including 325,000 between 10 and 13. The best Government estimate of the average income of migrant farmworkers and the

seasonal farmworkers is some $3,000 per year for a family of four. And there are some 5 million farmworkers and their families in that population. The vast majority are not covered by the minimum wage, even with the reforms in the legislation approved by the Senate this year.

Despite their existence at the very bottom of the economic ladder where their health problems are among the most serious of any population group in the country, barely 6 percent are covered by medicaid. An equally low percentage are ever treated under any Federal health program.

They remain essentially neglected by Government.

But today there is a difference. It is a difference that stems from the sacrifice and efforts of Cesar Chavez and the United Farm Workers Union, the first attempt to provide these workers with the means to voice their desire for a decent wage and a decent life.

Their struggle over the past 8 years is history and most of us applauded the limited sucesses that came with the signing of their first contracts 3 years ago.

Now they are engaged once more in an equally difficult battle, one which finds the largest and most powerful independent union, the Teamsters, arrayed against them in the California fields. There has been violence and there has been a disturbing repetition of restrictive local injunctions issued and withdrawn, massive arrests of picketers by local law enforcement agencies which have drawn Justice Department investigations, and grand jury investigations of certain Teamster officials.

Yet the farmworkers' struggle continues.

As one who has followed this struggle from its inception, I would urge my colleagues to examine the article written by Harry Bernstein, labor writer for the Los Angeles Times who has covered this field for decades and who has written a perceptive article on the current situation in the July issue of the Progressive magazine.

And I urge my colleagues to consider his conclusion:

In their struggle to break the UFWU growers are raising wages. In the competition, farm workers may move up a rung on the nation's economic ladder. But until the time comes when the farm workers are free to choose their own union, when they are treated as dignified citizens and not as pawns, however valued, of the Teamster-grower alliance, their struggle will not be ended.

I ask unanimous consent that his article be printed in the RECORD.

I also ask that correspondence between my office and the Justice Department on this subject be printed in the RECORD.

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

DUEL IN THE SUN UNION BUSTING, TEAMSTER STYLE

(By Harry Bernstein)

"Sometimes I feel like one of those hired gunslingers you see in old Western cowboy movies," Bill Grami mused as he sipped some wine before dinner in the softly lighted dining room of a Salinas hotel. The image seemed to appeal to his well-developed sense of humor. Solidly built, intelligent, ruthlessly ambitious, Grami smilingly explained his thoughts to me:

"You know, the ranchers are having a hell of a time with the outlaw band when into town rides the gunslinger. The worried ranchers, who don't know how to handle themselves in such situations, hire the gunslinger. There is a big fight, the town is saved, and the gunslinger moves on to new territory."

The hotel paging system flicked on. A voice called Grami to the telephone. As he was leaving, he laughed. "It really isn't a very good analogy, I'm no gunslinger. But sometimes that's the way I feel. Know what I mean?"

Grami is director of organizing for the Western Conference of Teamsters. He was in Salinas, California, to negotiate with a group of lettuce growers who wanted a union contract with the Teamsters as protection against the threatened unionization of their workers by Cesar Chavez's AFL–CIO United Farm Workers Union. Within a few days the Teamster-grower deal was signed.

Grami's analogy was partially correct. He and the Teamsters Union have, indeed, been hired by ranchers in California to destroy what the ranchers regard as an outlaw band: Chavez and his UFWU. But the men who hired the Teamsters are not hapless ranchers. They are corporate owners who are faced with the prospect of losing control of a work force which for decades has accepted backbreaking jobs in almost stolid silence at below-poverty wages.

And the Teamsters are not ordinary gunslingers of old. The men directing the show of strength against the farm workers' union are wealthy, conservative leaders of the nation's largest union, flanked by highly paid lawyers and public relations men and $50 a day thugs who ride herd on workers threatening to strike much as cowboys ride herd on restless cattle.

It is a sordid story which makes a mockery of trade union traditions. It is a strange story, because the motives of some of the principals are not clear-cut, and many officials of the Teamsters Union say privately they want to get out of their role as union-busters, but do not know how. But it is, too, a story of heroes and heroines who, despite serious mistakes, have already changed the nature of this country's farm labor system.

The most easily understood aspect of the situation is the role of the growers in their alliance with the Teamsters. The start of the California farm labor system is generally dated May 12, 1869, when the golden spike was driven into the last rail to link the Union Pacific with the General Pacific railroad, opening an easy East-West route. It was boom time for growers ready and now able to start shipping eastward large quantities of food from an area ideal for year-round growing.

The growers needed workers for the jobs, and completion of the railroad, along with an end to the gold rush, provided the manpower. Thousands of Chinese working in the railroads and digging the gold were suddenly looking for jobs. Their labor was cheap compared to wages expected by whites, and the hot, hard field work was taken over in large part by the Chinese.

The depression of 1880 caused serious unemployment among white American workers, led to the Chinese Exclusion Act in 1882, and cut off the major source of foreign farm labor. But the pattern of farm employment in California had begun, and it did not change essentially until 1964 when Congress, at the insistence of men such as former Secretary of Labor W. Willard Wirtz, killed Public Law 78, which was used to bring into California and other states hundreds of thousands of Mexican nationals as the prime source of cheap labor.

"Crops will rot and people in this country will go hungry," a spokesman for the growers warned as they watched the end of the "bracero" system, but the crops did not rot. Production continued to rise as wages were pushed up slightly to attract more American workers. The bulk of the work force, however, was and still is composed of Mexican-Americans, and they appeared as docile and uncomplaining as the Mexican nationals they replaced.

These mostly illiterate Mexican-Americans, along with illegal aliens fleeing from the even deeper poverty of Mexico, were still "hands" to the growers. It was into this scene, then, that Chavez arrived, stirring workers by calling on them to join *La Huelga* (the strike) and *La Causa* (the cause), speaking to them in Spanish, identifying himself with them. "We will have dignity and enough food to eat, and we will provide education to our children. God wants this for us. We will succeed," Chavez told the farm workers.

It was this man and his followers that drove the growers to seek out the Teamsters Union as an ally, a protector, even though the growers had for decades ruthlessly fought all attempts to organize farm workers. Now growers were demanding that the Teamsters quickly sign union contracts as a means of destroying Chavez and his UFWU.

Chavez—praying, fasting, organizing—flaunted the symbols of his Catholic religion before growers who were long accustomed to fighting off unions by cynically labeling them "Communist." Teamsters and growers denounced him as a dangerous, radical revolutionary, but, as one grower said, "It was like calling the Pope a Red."

Backed by leaders of the Catholic Church and most other religions, by powerful political figures, by young people and liberals hungry for a cause to believe in, Chavez and his union moved ahead. The growers were no longer able to follow their old patterns, *La Causa* flourished, greatly aided by a worldwide boycott against California table grapes. The growers, worn down by five years of constant struggle, finally agreed to recognize and sign contracts with the UFWU.

As the UFWU battle for recognition continued in the grape industry, the growers dramatically changed their historical opposition to laws which would regulate labor relations in agriculture. They decided that only with such legislation could they stop the boycott, which is the UFWU's most effective weapon so far.

In 1967, a group of twenty-two prominent California growers arranged a secret meeting with Teamsters Union leaders in the plush Century Plaza Hotel in Los Angeles, far from the dusty fields where workers might learn of the proposals being made. The growers said frankly that they wanted a tough, experienced organization—the Teamsters—to help beat back Chavez. One high Teamster official maintains firmly that the growers' proposal was rejected because "they wanted no elections, only a sure thing." But if the deal was not made that day, it was made in the months that followed.

If the motivation of the growers—preservation of the status quo—is easy to understand, the motives which pushed the Teamsters into their union-busting alliance with the growers are far more complex. The UFWU has sworn statements from former Teamsters who say that a group of growers gave sizable but unknown sums of money to Teamster officials in Modesto, California, to join the battle against Chavez. But it is unlikely that the money—said to total about $10,000 or so—would corrupt men like Grami or Frank E. Fitzsimmons, president of the two million-member Teamsters Union. Grami might have been tempted, however, by the promise of growers to pay the Teamsters $7 a month union dues deducted from the pay of at least 40,000 workers and, in time, from that of more than 100,000, if all went as planned.

But it took better arguments to persuade men like Fitzsimmons, and those arguments were found. It is true that when field workers strike or boycott, workers in canneries are quickly affected, as are truck drivers and food wareheouse workers, all of whom are longtime members of the Teamsters. So, the growers and their allies within the Teamsters argued that if the Teamsters would represent all workers in food growing and processing, no worker would suffer because of some "irrational act" of men like Chavez.

Looking for a somewhat rational excuse for union-busting, Teamsters who could not be bribed with money accepted the argument of the growers, and came up with further arguments of their own. They reasoned that the UFWU is predominantly Mexican-American, most of its meetings are conducted in Spanish, and, as one Teamster official said, "We really do believe Chavez would just move right in and try to take our cannery workers from us once he wins in the fields. Cannery workers are also largely Mexican-Americans, too, you know."

More important, perhaps, than any of these considerations in explaining why the Teamsters joined in an alliance with growers is what might be called the "cultural collusion" between them. Growers and Teamster officials generally have common interests, common ideas about business and politics, about race. Mostly Anglos, they have comparable incomes—$40,000 or so a year plus expenses, for those most active in the fight against Chavez. They eat in the same fine restaurants, often together; play on the same golf courses; take their kids on the same kinds of vacations and holidays. They talk about the stock market, the dangers of radicals and Communists, and their mutual distrust of "the Mexicans," Chavez, and his followers, who are called Chavistas. Chavez obviously does not fit into that kind of scene, and both growers and Teamster officials look with disbelief at Chavez and his staff, with their $5 a week salaries and their burning determination to help farm workers get more than they now get out of a system that has provided such a good life for a few people.

Einar Mohn, head of the Western Conference of Teamsters, and Fitzsimmons are infuriated by the good-guy, almost saintly, image Chavez and his followers have achieved. They complain bitterly, as do the growers, that the nation's press does not portray Chavez as they see him; a radical revolutionary who hates Anglos, is incompetent as a trade unionist, and is not "a man of his word."

Most books, magazine articles, and news stories have, indeed, fostered the contrast between the good-guy farm workers and the bad-guy grower-Teamster alliance. But these images are reflections of reality, repeated over and over again, and most recently in Coachella Valley.

In April the UFWU was negotiating a new contract with grape growers to replace the union's first contracts, which had been won at the end of the five-year strike and boycott. Two growers, Lionel Steinberg and Ken Larson, renewed their pacts with UFWU, but the rest decided to try to break away, and once again the Teamsters rode into town, invited by the growers. It took only two days for the growers to "negotiate" a contract with Teamster officials, and the UFWU immediately called a strike against the grower-Teamster alliance. The strikers lined the hot, dusty dirt roads in front of the growers' vineyards, urging fellow workers once again to join *La Huelga*.

In one memorable scene, a Catholic priest was leading a large crowd of Mexican-American workers in prayer. The workers were kneeling in the dust. Facing them, standing, was a line of a dozen beefy Anglos, several with dark glasses, staring contemptuously at the praying workers. The Teamster "muscle," in white T-shirts, hard hats, and blue jackets with "Teamsters" emblazoned on the back, had been hired for $50 a day, plus expenses. Most were armed with bats, hoe handles, sharpened grape stakes, and other weapons which were later confiscated by sheriff's deputies. With such enforcers, growers felt confident workers would stay in the field, and many did.

Chavez is not unaware of the value of his "good guy" image, of the impact of a picture of praying workers facing a gang of thugs. But he lives that image daily. Last year, Chavez received a total of $5,144 from the UFWU. This included his $5 a week salary (standard for all UFWU elected officers and appointed staffers), and such expenses as $960 for house rent, $1,440 for food for himself and his family, and $1,904 for medical bills incurred in Arizona where he fasted for nearly a month. (He was fasting to protest passage of an Arizona state farm labor law which is designed to prohibit the boycott, the UFWU's best weapon, and to set up elections which the UFWU said would exclude most migrant workers.) In contrast to the image, and reality, of Chavez's poverty stands Fitzsimmons, who draws $125,000 a year salary, plus an unlimited expense account, and flies around the nation in his private, union-furnished jet.

The Teamsters do pride themselves on their reputation as a tough organization, and many claim that it is this reputation which has gained them actual support from farm workers. The truth is, say the growers and Teamsters, farm workers now want to be represented by Teamsters. But the California State Supreme Court has called such claims nonsense. That unusual opinion came in a ruling against a group of growers who complained they were unfairly caught in the middle of a jurisdictional battle between two rival unions, the Teamsters and the UFWU. The court said the undisputed fact is that the growers knew the Teamsters did not represent a majority or even a substantial number of field workers when they signed contracts with the Teamsters. And, even worse, the growers knew that Chavez's UFWU *did* represent the workers.

A group of prominent religious, civic, and labor leaders conducted their own survey of Coachella Valley workers and reported that they found 795 for the UFWU, eighty for the Teamsters, and seventy-eight for no union at all. "It would be a great injustice to the workers if the grape growers make agreements with the Teamsters against the will of their workers," the group said, but the agreements were made anyway.

Monsignor George Higgins, research secretary for the National Conference of Catholic Bishops, said the Coachella Valley deal between growers and Teamsters "will be recorded as one of the darkest and most shameful days in American labor history." AFL–CIO President George Meany, in announcing the labor federation was giving $1.6 million to the UFWU to fight the grower-Teamster alliance, called that alliance "one of the most vicious union-busting efforts we have ever seen."

Mohn, the head of the Western Conference of Teamsters, predicts that in the long run the public will "see through" Chavez and the UFWU and recognize the gains made for farm workers by the Teamsters. Indeed, the UFWU is not without faults and flaws in its operations. Inexperienced in labor relations, filled with bitterness against "Anglo exploiters" of Mexican-Americans, the UFWU was inept in negotiations, inefficient in handling grievances, and ran the industry's first union hiring hall in almost chaotic fashion.

The UFWU leaders show little sympathy for many real problems of growers, who are often besieged with difficulties ranging from killer storms to depressed markets which at times fluctuate frantically and result in heavy losses. Such problems are regarded by UFWU officials as excuses of Anglo growers to avoid raising wages. In time, if it survives, the UFWU will gain the experience needed to negotiate contracts, to run a hiring hall, to handle grievances. Regular meetings are held among UFWU members, and those meetings appear to provide a valuable source of communications between union leaders and rank and file members.

The Teamsters, however, have never called meetings of the farm workers who are covered by the contracts given them by the growers. Mohn says that it may take "about two years" before farm workers will actually take part in regular Teamsters meetings. By then, he believes, a more mechanized farming industry will have attracted more sophisticated workers, "and as jobs become more attractive to whites, we can build a union that can have structure and that can negotiate [with management] from strength and have membership participation." (Persons of Mexican ancestry are members of the Caucasian race, as are other whites, who are generally known as Anglos. However, some persons of Mexican ancestry refer to themselves as brown.)

Mohn insists he is not a "racist" and notes the large number of Mexican-Americans who are Teamsters Union members. But to Chavez and the UFWU, Mohn's statements about "whites" are further evidence of that "cultural collusion" which helped bring the growers and Teamsters together in the first place. Chavez distrusts "Anglos" and has said so on several occasions. But, considering the history of discrimination against the Mexican-American community throughout the Southwest, that distrust is understandable, although most of the support for the UFWU has come from "Anglos" such as Meany, other union leaders, church leaders, students, and liberals.

The outcome of the conflict is uncertain. If the Teamster-grower alliance wins, Chavez and the UFWU will be eliminated. If the UFWU wins, the Teamsters Union will not be hurt, except for some ego wounds to its leadership. I am convinced that despite the immorality of the Teamster-grower alliance, farm workers will inevitably benefit from the current struggle. Every time the UFWU makes a gain, or even threatens to make one, the growers will try at least to match that on paper, and many of those "paper contract benefits" will be passed on to farm workers.

In their struggle to break the UFWU, growers are raising wages. In the competition, farm workers may move up a rung on the nation's economic ladder. But until the time comes when the farm workers are free to choose their own union, when they are treated as dignified citizens and not as pawns, however valued, of the Teamster-grower alliance, their struggle will not be ended.

JUNE 29, 1973.

HON. ELLIOT RICHARDSON,
Attorney General.

DEAR MR. ATTORNEY GENERAL: The increasing violence and intimidation in the labor management dispute involving the United Farm Workers Union and the Teamsters' Union in the Coachella and San Joaquin Valleys of California concern us greatly. Individuals have been hospitalized and property has been destroyed.

It is quite possible that contrary to such statutes as 18 U.S.C. 241, violence and threats of violence will deprive farmworkers of the opportunity to exercise their First Amendment rights in connection with the strike against certain California grape growers. In view of the rising level of tension and potential for further violence, which seems inherent in this situation, we would urge that Justice Department observers be sent to these areas immediately to recommend any

further action that they deem necessary to assure the protection of the civil rights of all concerned.

Sincerely,

EDWARD M. KENNEDY,
HARRISON A. WILLIAMS, Jr.

JULY 10, 1973.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: The concerns expressed in your joint letter with Senator Williams regarding potential conflict between the UFW and other labor organizations in California has been the subject of Departmental attention for some time, as you may be aware.

Local law enforcement agencies have been monitoring the matter, and have been keeping the local FBI and through that agency, the United States Attorney, informed of developments. Personnel from the Department of Justice Community Relations Service have made on-site visits to attempt to ameliorate the situation, and, of course, we are prepared to implement any investigative action which the situation may require. Any indications of violation of federal statutes should be brought promptly to the attention of the United States Attorney so that appropriate action can be taken.

I appreciate your concern in this matter; please be assured that whatever action is required for full and fair enforcement of the law will be undertaken promptly by this Department.

Sincerely,

ELLIOT L. RICHARDSON,
Attorney General.

U.S. SENATE,
COMMITTEE ON LABOR AND
PUBLIC WELFARE,
Washington, D.C., May 24, 1973.

The Honorable ELLIOT L. RICHARDSON,
The Attorney General of the United States,
Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: We understand that the Department of Justice has had under consideration the presentation to a grand jury of evidence concerning allegations—which the FBI has investigated—that during 1970, certain lettuce growers in the Salinas, California, area made payments of money "to (an) officer or employee of a labor organization" within the meaning of Section 302 of the Labor-Management Relations Act, for the purpose of disrupting United Farm Workers Union organizing activities. These allegations, if proven true, would raise substantial questions of possible criminal liability under such Act, and possibly other Federal Statutes as well.

We believe it most important that there be an early resolution of the validity of these charges, which have recently been the subject of widespread press attention, and would urge that you make a personal determination as to whether such allegations have been properly pursued within your Department, and whether additional investigation or other steps should be taken at this time.

We would very much appreciate your advising us of your conclusions with regard to this matter and your plans for its further disposition.

Sincerely,

EDWARD M. KENNEDY.
WALTER F. MONDALE.
HARRISON A. WILLIAMS, Jr.
JACOB K. JAVITS.

JUNE 13, 1973.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Thank you for your letter of May 24, 1973, in which you inquired about an investigation concerning possible Taft-Hartley violations involving lettuce growers and union officials in Salinas, California, in 1970.

For the past year and a half the Department has indeed conducted an intensive investigation into allegations that there were illegal payments of money to a certain official of the International Brotherhood of Teamsters during a strike conducted by the United Farm Workers Organizing Committee. In the early stages of this investigation, the Federal Bureau of Investigation conducted over 55 interviews and between mid-June and mid-October, 1972, a special grand jury in San Francisco heard 13 days of testimony from some 42 witnesses and subpoenaed over 15 boxes of records.

In order to better analyze the testimony and documents, an attorney from the Criminal Division of the Department was assigned in the fall of 1972 to assist the United States Attorney's office in San Francisco in this case.

Although the bulk of the investigation has been completed, there are several aspects which remain unresolved. One factual problem has been the corroboration of the somewhat inconsistent testimony of a central witness before the grand jury. At the present time the FBI is conducting a number of additional interviews to resolve this problem. One other obstacle before a final determination is made in this case is to determine the precise roles of various union officials during the time of the 1970 strike. This matter is also under active investigation at the present time.

At the conclusion of the present round of interviews, it is anticipated that the grand jury in San Francisco will hear further testimony in the case. The grand jury is expected to meet in July 1973 at which time it is hoped that the matter will be finally resolved.

Thank you for your interest in this matter, and please be assured that you will be advised as to any action taken in this case.

Sincerely,

ELLIOT L. RICHARDSON,
The Attorney General.

JULY 20, 1973.

Hon. ELLIOT RICHARDSON,
Attorney General, Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: I have received a copy of a telegram from Cesar Chavez, of the United Farm Workers Union to your office. That telegram alleges serious failures by the Immigration Department in fulfilling its responsibilities to prevent the use of illegal aliens as strikebreakers.

I would appreciate receiving a report of your investigation into the specific allegations reported by Mr. Chavez. They are as follows, according to the telegram:

"In Fresno, County patrolmen refused to check the fields before first alerting the growers that they are coming."

"In Santa Maria, the Department claims that only matrons can arrest women, and there are no women working for the Immigration Service."

"The Department often answers complaints by saying that there are no patrolmen working that day, or that there is only one person at the office and he can't go out to check a ranch."

"On July second, Immigration took eleven illegals from Security Farms and left twenty-five others on the grounds that there was no room in the bus. They refused to make two trips."

"In addition, we have evidence of illegals being used at numerous other struck ranches throughout California and Arizona. Their locations are:

"Coachella, at Second and Pierce; 50th and Jackson in the Carian Camp; Moreno Ranch at Highway 86 and 85th Avenue; Karahadian Ranch at 50th and Buchanan; the Churchian Ranch at 50th and Van Buren; Bagdarsarian Ranch at Highway 195 and Garfield; CID Camp at 5th and Dillon; and the Moreno Ranch at Highway 86 and 82nd Avenue.

"Fresno: The Glainni Ranch; ITO; and L. R. Hamilton.

"Livingston: A. Gallo.

"Arizona: Martori Bros. at Arrowhead Road in Glendale; the El Dorado Ranch of Tenneco in Lichfield Park; the Boswell Ranch in Lichfield Park; Macchiaroli Fruit Company in Queen Creek; Centennial Farms at Harguahala; the Bodine Ranch in Glendale.

"Labor contractors who provide illegal aliens in Glendale, Arizona: Pancho Sanchez at 59th between Union Hills and Bearsly; Jose Rodriguez, Carlos Cabrera and Augie Espinoza; also Lalo Casas in Tolleson and Reuben Garza in South Phoenix."

Clearly the Department of Justice must use every resource available to it to assure that the protection of the law is provided to individuals such as the farmworkers who traditionally have been restricted to the lowest rung of the socioeconomic ladder in this nation.

Thank you for your assistance in this matter.

Sincerely,

EDWARD M. KENNEDY.

MEETING OF THE PACIFIC NORTHWEST CHAPTER OF THE INDUSTRIAL RELATIONS RESEARCH ASSOCIATION

Mr. MAGNUSON. Mr. President, on the evening of July 19, an event important to the encouragement of amicable labor-management relations in the Pacific Northwest occurred in Seattle—the initial meeting of the Pacific Northwest chapter of the Industrial Relations Research Association.

The meeting brought together people of the area prominent in organized labor and in management to fraternize and break bread together in a common cause—the improvement of the collective-bargaining process and the economic climate of this important area of our Nation.

This is a project worthy of support. For my part, I extend best wishes for the success and growing influence of this mutual endeavor of management and labor.

The initiative in establishing the chapter was shared by many people, but it was largely spearheaded by the Federal Mediation and Conciliation Service. W. J. Usery, Jr., the national director of the FMCS, was the scheduled speaker, but because of extremely important strike negotiations in Washington in which he was involved, Mr. Usery was unable to attend and his prepared address was read for him.

Mr. Usery's thoughtful remarks should be of interest to other areas contemplating formation of IRRA chapters and for that reason I ask unanimous consent that they be printed in the RECORD for the perusal of my colleagues.

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

THE IRRA: FORUM FOR BARGAINING IMPROVEMENT

(By W. J. Usery, Jr.)

There's always a special feeling of excitement about something new. And that's especially true when it involves people coming together to make our world a better place.

So it is a distinct honor and pleasure for me to be with you tonight as you launch the northwest chapter of the Industrial Relations Research Association.

I join you in your hope that this gathering will result in a sharing of knowledge that will bring a new understanding to the collective bargaining process in Idaho, Oregon, and Washington.

We are fortunate in America. We have an unrestricted right to the exchange of knowledge. Our precious freedoms . . . of assembly . . . of speech . . . of the press . . . and of religion . . . were explicitly designed by our forefathers to create the blending of knowledge that has been the strength of our democracy.

By your action tonight you are lighting another lantern of learning that will help to improve life for the people of your three great States.

The IRRA bylaws call for the encouragement of research in all aspects of labor relations. Members are free to draw their own conclusions and hold their own beliefs.

While no commitment is asked of any member, I would suggest that each of you be dedicated to the cause of the free collective bargaining.

Because that process is one of the wonders of our American dream, I am convinced that the collective bargaining process has been the catalyst that has caused liberty-loving workers and investors to come together when other elements would have torn us apart.

We can look to much of the rest of the world and see what has happened when collective bargaining has either been destroyed, or has not been permitted to be born. There we find, in a variety of forms, governments that have crushed those inalienable rights of life, liberty and the pursuit of happiness.

Tyranny and free collective bargaining cannot co-exist. So it seems that in the pursuit of liberty, we would do well to protect and promote the collective bargaining cause.

Your northwest chapter of the IRRA is being formed at an opportune time. The demand for responsible labor-management relations has seldom been greater.

In the public sector, we have just begun to see collective bargaining emerging on a grand scale.

There are in the United States 11 million employees at the state, county and municipal levels. Of these, an estimated nine million hold jobs that would—under accepted standards—make them eligible for union representation. But only three million are now in unions—and fully half of those are teachers.

Once small and struggling public sector unions are becoming large, dynamic institutions. The American Federation of State, County and Municipal Employees, for example, has more than doubled its size in the past five years and now ranks among the larger unions in the Nation with 625,000 members. And they have just begun to grow.

In the federal sector, there are two-and-a-half million of us on the payroll. At least two million federal workers are eligible for union representation—and just over a million of those are now represented by a labor organization.

They are located in 3,400 units that have been certified by the government as being represented by unions. But in 1,300 of these units—with 400,000 workers—an initial contract has yet to be negotiated.

This situation exists in spite of the constant urging by the President and his predecessors to bring a mature and responsible labor relations program to the federal employees and their agencies.

We cannot allow this condition to continue. It is dangerous. We have seen how the frustrations of delay in getting an initial contract have ended in bitterness and blood in other public sector cases. We can ill afford to have such performances repeated anywhere, and least of all at the federal level.

We have, in public sector labor relations, a great opportunity to develop methods that will bring peace and justice and goodwill.

We can find in the private sector, too, new challenges that will enhance the free collective bargaining system.

This is an era of economic change throughout the world. And as leaders, we in the United States are right in the middle of those changes.

For some time now, we have heard about "runaway" industries. The first reference was to those industries of the highly industrialized and well-paid Northeastern United States that fled to the South.

But in recent years, the term has taken on a new meaning. The reference to the "runaway" has been to the American firm that has taken its production and services to foreign lands.

Just as the word "conglomerate" was becoming fashionable, a new multi-syllable word came into use. The word was "multi-national." And it referred generally to the major American corporations that invested funds in the development of production, service and marketing systems overseas.

Today another word has come into play. That word is "cosmocorps." Pull that word apart and it might conjure up images of a dead body floating in space.

But in fact, that word is meant to express the interchange of capital into production and services, regardless of geographic location.

America and Americans are feeling the effects of the cross-pollenization of all the world's investment capital.

One of the results is that for the first time since our early history—when the English by King George's law dominated all manufacturing in our colonies—we are finding foreign investors operating production and service facilities in the United States on a massive scale.

A British company has purchased Gimbel's—a trick that Macy's was never able to accomplish.

Two Japanese companies have joined to create the Auburn Steel Co., Inc., in Auburn, New York, to construct and operate a steel producing plant.

A French tire maker will employ 1,800 workers in two plants it is building in South Carolina.

A Japanese company has invested six million dollars in a new plant on a former corn field in Wisconsin to manufacture soy sauce and teriyaki sauce.

A British company is publishing newspapers in 21 communities in the United States.

The Sony Corporation, a fully owned subsidiary of a Japanese firm, is assembling color television sets in California, and soon will be producing television picture tubes there.

A German company has joined with an American company to print the Ladies Home Journal in a Virginia printing plant.

A Japanese-based company that manufactures 20 percent of the world's zippers has eleven production plants in the United States.

Mazda—the company that makes the car with the rotary engine—is spending 16 million dollars on a new headquarters building and parts warehouse in California.

The Swiss-based Nestle firm has bought out the Stouffer Corporation, which was a division of Litton Industries.

And that Kiwi shoe polish that is made in the United States is the product of an Australian company.

The list goes on and on. In fact, the people of South Carolina are now boasting that their state has more German money than any country in the world outside of Germany.

It may be German marks or Swiss francs, but the South Carolinians have a valid point.

In the South Carolina community of Spartanburg alone two Austrian firms, a Canadian company, an English corporation, seven West German companies and six Swiss-owned firms are operating production and service facilities.

That adds up to 17 companies in one community in just one of the 50 United States.

In all, South Carolina has lured nearly 800 million dollars in investments from 41 corporations which are headquartered in eight foreign nations.

What does this mean to us—people who are professionals in the field of industrial relations?

I suggest that it means that we must work to gain a far wider knowledge of labor-management relations.

Will these companies bring with them the standards of their own lands? And if not, will their American managements be influenced by the industrial relations policies of the home country?

The manager of the Sony company has said that the only thing Japanese about his firm's labor relations is that—and these are his words as reported in the New York Times:

"Nobody hired is going to be fired, there will be no layoffs."

That's good to hear. But it's a condition of work. And it does involve labor-management relations.

It behooves each of us—now—to learn as much as we can about the collective bargaining practices of other nations if we are to do our job as the industrial relations peacemakers of the United States.

By doing this, we will better be able to serve the foreign companies who are investing in production and service facilities here . . . the people they employ . . . the communities that become their adopted homes . . . and the nation that has made them welcome.

There is every indication that foreign investment in our land will accelerate even beyond its current pace.

The decline of the dollar on the world money market . . . the increase in transportation costs . . . the sharp rise in wages and employee benefits in foreign countries—all are making it more attractive for foreign corporations to create facilities in the midst of the world's greatest market, the United States.

That market has been built on a foundation of free collective bargaining. And this has been a banner year for that process.

We are witnessing a new determination to use reasonableness and persuasion—rather than economic force—in negotiations.

Both labor and management are finding that the price that must be paid for interrupted production is too high in today's competitive world. They are learning that lost American production opens new markets—and expands old ones—for foreign-made goods in the United States.

Hundreds of new contracts—many of them affecting thousands of workers—have been reached in peace in the textile industry.

Our martime industry is on the verge of a collective bargaining stability it has never before enjoyed.

In the electrical goods industry, which has been hard pressed by foreign imports, we have seen settlements at General Electric and Westinghouse. And they came in an atmosphere of harmony.

Only a few strikes interferred with the generally peaceful and responsible negotiations in the oil and rubber industries.

In the vital trucking industry and Postal Service, too, the collective bargaining process has come through with flying colors.

In the auto industry, there is talk of peace

coming from both sides rather than dire predictions of strikes.

The prospects for next year are indeed brighter because of the historic moves made by the United Steelworkers of America and ten of our top steel-producing companies.

They have agreed that they will make every effort to resolve their differences through negotiations. But should they fall short, they will accept the decision of an arbitration panel.

It should be noted that the steel industry and the union that represents its workers have not been warring parties. It has been 14 years since there has been a strike in that basic industry.

A pressure equal to that of a work stoppage is responsible for their unique understanding. That pressure is foreign competition—competition so tough that even the threat of a strike has caused severe economic damage in recent years to both management and the workers.

This pressure caused the industry and the union in the late 1960's to begin working toward the experimental negotiating agreement that will be tested next year.

It is an intricate plan. And I'll not go into all of the details.

But a key factor in its effectiveness involves time limits—deadlines that must be met if the parties are to gain a freely bargained settlement without third-party dictates.

Formal negotiations will open on February 1. By April 15, the negotiators will have agreed to all issues or will have decided which issues must go to arbitration.

This is a crucial date. Because at this time, management and the union will be forced to determine not only which issues they can agree to—but which issues they will either abandon or leave to the judgment of arbitrators.

Five days later the arbitrators will receive any issue that has not been withdrawn or resolved. The arbitrators will have 20 days in which to render a decision.

Now I am firmly convinced that the pressure of being forced—by their own free will—to submit issues to arbitrators will result in a reasonable settlement being reached by reasonable men through collective bargaining.

The prospect of uncertain results rendered by arbitrators will, I believe, provide a compelling incentive for the parties to agree.

Well, my friends, I have attempted to touch no more than the surface of the challenges that are available to us in our obligation to protect and promote the free collective bargaining process.

What can you do through your new chapter of the IRRA to be effective in meeting these challenges? I have a few suggestions.

First of all, give every member the incentive to be active and involved.

To do this, establish programs that are interesting and rewarding.

Keep constantly in mind that your strength lies in the benefits derived from your chapter by those who negotiate.

By this I mean, we in government and many in the academic world are interested and care about the collective bargaining process. But at countdown time, your group will succeed only if the negotiators—from management and from labor—gain knowledge of value from the organization.

You can, in confidence, discuss what happened in negotiating situations. What worked—and why? What failed—and why?

Such discussions—away from the crisis atmosphere and under the cool light of reason—can produce lasting benefits. For management, for labor, for the community and your State and our Nation.

I urge you to make your IRRA chapter the leader in fostering new ideas in collective bargaining. The combinations of available strategies for collective bargaining are unlimited. And we are fortunate to be involved in a field where fresh ideas and new methods are welcomed.

For example, consider what impact might be made by the use of deadline buffers like those adopted by the steel industry. Should earlier use of mediation be promoted to reduce impasse situations? Does the threat of binding arbitration bring more responsible negotiations?

Test your theories against the facts in a variety of conditions in both the public and private sectors.

And as you learn, go beyond your own world and preach the gospel of free collective bargaining.

Have open conferences on the processes of free collective bargaining, and all it embraces — mediation — fact-finding — arbitration.

Have open conferences on new developments in industrial relations in the public sector and in the private sector.

Find methods of using the tools of collective bargaining to reduce tensions in the social areas—in race relations and the area of equality of opportunity: in rent strikes and student-teacher-establishment conflicts.

Promote the understanding of collective bargaining through seminars and programs for teachers—and through the development of industrial relations courses for students at all levels.

What I am suggesting is that you devote yourselves to utilizing the process of collective bargaining to making the future better than the past. It is a worthwhile effort—because the future is where all of us, and our children, will spend the rest of our lives.

THE NIXON ADMINISTRATION'S ATTITUDE ON THE NATION'S FORESTS

Mr. METCALF. Mr. President, in an article in the July 22 Daily Missoulian of Missoula, Mont., State editor Dale A. Burk revealed additional proof that the Nixon administration regards the Nation's forests almost solely as a source of timber supply for America's timber industry.

Mr. Burk quoted from a confidential, interoffice Forest Service memorandum sent from Washington to all field officials. That memo, running to 85 pages, left no doubt that the beleaguered agency has been instructed by the administration and OMB to ignore the multiple-use mandate of Congress and concentrate on cutting trees.

To quote Mr. Burk:

Sources within the agency said the directive originates from orders given the agency through the Nixon Administration's Office of Management and Budget and that it nullified plans Chief of the Forest Service John R. McGuire had sent to his field forces last November.

The effect of the increased timber emphasis is to "defer or decrease activities in such areas as research, training, recreation, area studies, and equipment maintenance," Mr. Burk said.

Sample quotations from the Forest Service memo include:

Cost savings realized through road and trail system operation shall be reprogrammed to timber support activities only.

The distribution [under recreation and public use categories of funding] includes continuation of funding for landscape management participation of timber sale areas.

Allotments for land status and line location include continuation of funding to permit marking of land lines and monuments in support of timber management activities.

In a later article, Mr. George C. Wilson, writing in yesterday's Washington Post, addressed himself to the same Forest Service memorandum. He excerpted significant quotes with regard to land use planning and recreation:

Fiscal 1974 general land use planning will be primarily concentrated on the largest timber producing forests and areas where it must be done in response to high impact development (e.g., oil, gas or coal; transmission lines, etc.) Defer planning for less critical areas . . .

Planning for new recreation projects will not be done in FY 1974. Close high-cost, low-use facilities. Shift as much work as feasible to timber purchasers, states and counties, permittees or contractors . . .

Mr. President, what further proof could one ask for Mr. Nixon's continued insensitivity to all but commercial values? Aspects of recreation, wildlife, watershed, land use planning, environmental studies, etc., are to be subordinated to the insatiable demands of industry for more timber. And all this despite the fact that inexcusable waste marks the logging and processing industries—up to a quarter of every tree is left on the ground after felling and up to a quarter of the remainder is left on the sawmill floor. Funds are slashed for the Forest Service research which would remedy this and they are likewise slashed on reforestation after the timber is cut.

Senator MANSFIELD and I are deeply concerned about the impact of the latest OMB venture into the management of Montana's precious natural resources. We will continue to do all we can to see that these ruinous policies are corrected. Our forests are not simply a private preserve of the timber interests, as Mr. Nixon, Mr. Ash, and Secretary Butz would have us believe.

Mr. President, both Mr. Burk and Mr. Wilson are outstanding writers in the field of natural resources. I commend them for bringing these latest revelations to the American people. I ask unanimous consent that their articles, along with the first 17 pages of the confidential memorandum, be printed in the RECORD. These pages, which contain a table of contents, will give the reader a good idea of the scope and thrust of the entire memo:

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

USFS FIELD FORCES TOLD TO INCREASE TIMBER CUT

(By Dale A. Burk, Missoulian State Editor)

U.S. Forest Service field forces have been ordered to direct their activities specifically at increasing the timber cut on the national forests while deferring or decreasing activities in such areas as research, training, recreation, area studies, and equipment maintenance.

Additionally, the agency's Washington office has directed that specific funding for soil and water management, recreation, wildlife, road construction and silvicultural management are to be used specifically to facilitate or increase the timber cut rather than con-

tribute to the items supposedly provided for in the budgeting process.

These general orders are contained in an internal Forest Service document obtained by The Missoulian from sources outside the agency in Washington, D.C.

Titled "Fiscal Year 1974 President's Budget Financial Planning Advice," the 85-page document was sent from the Forest Service's Washington office to regional foresters, directors and area directors.

Sources within the agency said the directive originates from orders given the agency through the Nixon administration's Office of Management and Budget and that it nullified plans Chief of the Forest Service John R. McGuire had sent to his field forces last November.

The document also calls for a reduction in Forest Service employes from 20,355 full-time employes in fiscal 1973 to 18,810 in fiscal 1974.

"The timber sales program target is 11.7 billion board feet," the Washington office of the Forest Service states in the document. "You are aware that this will be increased. However, the dollar and manpower allotments shown in this advice do not include any increases for this purpose. Information on increased timber sales program will be handled separately as soon as the situation is finalized. You should plan to meet all the targets listed including the social goals and manpower and dollar savings opportunities."

The document then advises the field forces that the Washington office plans to "review your program activity accomplishments quarterly in chief and staff meetings" and that "program adjustments including dollars, manpower, and targets may be shifted where performance dictates this action."

The document states that the 1974 timber sales figure is "consistent with the programmed allowable harvest level, past sell and harvest performance levels, environmental constraints, and salvage and commercial thinning needs."

"In light of the current high demand for timber products for housing, etc., and the national economic importance of increased lumber and plywood production, you must make every effort to insure that these levels are met or exceeded," the document states.

The report notes that in addition to regular funds for timbering operations, field officer's attention is called to "allotments associated with timber production in other resource activities.

"The amounts shown are for support of timber production," the document states. "Work plans are to reflect the use of these funds accordingly."

The funds are listed under such categories as range resource management, range revegetation, mining resources, recreation, wildlife, soil and water management, fire management and reforestation and stand improvement.

Specific direction is given in several categories where funding and activities are to be directed at increasing or accelerating the timber cut. They include orders that:

"Cost savings realized through road and trail system operation shall be reprogrammed to timber support activities only."

"The Forest Development Road and Trail Program of Work in construction-reconstruction shall be developed to support, on order of priority: the prior year carryover FS contract construction-projects, the fiscal year 1974 timber sale and harvest program, the 1975 timber sale program. No other work is authorized."

Allotments for land status and line location "include continuation of funding to permit marking of land lines and monuments in support of timber management activities."

Under recreation and public use categories of funding, the document states that "The distribution includes continuation of funding for landscape management participation on timber sale areas" and that "recreation financing is expected to cover all necessary landscape management services required for timber activity planning."

Under wildlife surveys, inventories and habitat improvement, the Washington office orders that "the fiscal year 1974 allotment includes continuation of wildlife expertise in timber management planning."

Under soil and water management, the document orders that "The fiscal year 1974 allotments for soil and water are distributed to only one item by this office. Allotments include funding for design support services related to timber sales preparation and administration, including monitoring the effects of timber management activities."

Under silvicultural measures, the directive orders that reforestation and timber stand improvement efforts are to be made on sites which afford opportunities for high returns and that "all work should be done primarily in those areas where the programmed allowable harvest levels can be increased soon after reforestation or stand improvement work is accomplished successfully."

The directive orders the agency's field forces under a "planning and inventories" section to limit land use planning to those areas where activity levels in the next five years will be greatest or where high-level commitments cannot be deferred. It does not identify these "high-level commitments."

Also ordered is that existing resource information is to be used in planning except where new field inventories must be made to fill critical data gaps.

Specific instructions given the field by the Washington office in the planning and inventory fields were:

1. Detailed analyses of most new study areas will be deferred for fiscal 1974 except the five areas (not identified) where there is a firm commitment to Congress or on other new study areas where such analyses logically must be conducted in conjunction with necessary critical planning on adjacent areas.

2. On inventoried roadless areas not selected as new study areas, the planning and preparation of environmental statements will be generally limited to only those sites required for meeting fiscal year 1975–76 program goals.

3. Fiscal year 1974 general land-use planning will be primarily concentrated on the largest timber-producing forests and areas where it must be done in response to high impact developments. Routine planning on less critical areas is to be deferred.

4. In fiscal 1974, timber inventory efforts will be concentrated primarily on the largest-producing forests and on areas where comprehensive land-use plans are in preparation.

5. For fiscal 1974, examinations of reforestation and timber stand improvement backlog acreages will be deferred on sites expected to yield less than 50 cubic feet per year after treatment.

6. The inventory of temporary roads specified in the "National Forests in a Quality Environment—Action Plan" will be deferred for fiscal 1974.

7. Planning for new recreation projects will not be done in fiscal 1974.

8. Road construction design will be shifted to timber purchasers where feasible or to engineering contractors.

Some of the policy outlines issued by the Washington office in the document include:

Training costs are to be reduced by 30 per cent in fiscal 1974 with these costs to be reduced by concentrating on training needed by employes to perform in their present position deferring training needed to prepare employees for possible next assigment in career development, being more critical of who needs management training, and reducing the length of training sessions.

Costs associated with attendance of Forest Service personnel at meetings both within and outside the agency are to be reduced by limiting attendance only to those meetings "deemed essential" and restricting agency-financed attendance to functionary participants.

Inspection of agency actions such as the general field inspection conducted by the Washington office will be deferred for fiscal year 1974 and service trips by the agency's Washington office personnel will not be made unless specifically requested by the regions and approved by the appropriate deputy chief of the agency.

As many reports as possible will be eliminated or deferred, including "unit accomplishment reports primarily designed for informing the general public will not be published in fiscal year 1974."

Less essential maintenance, replacement and new purchases of equipment, vehicles and signs will be deferred and commercial rather than in-house services will be contracted to "reduce manpower and dollars which are being utilized by these activities."

On other functional programs, the agency will eliminate low priority projects, close high-cost and low-use facilities, and shift as much work as feasible to timber purchasers, states and counties, permittees or contractors.

This category includes shifting fire detection and initial fire fighting attacks to the states, a shift of nursery production to the states, and contract in fiscal 1974 70 per cent of the reforestation and timber stand improvement and 90 per cent of such work in 1975.

Also ordered are extensive testing of sample scaling to obtain timber sales volume on sales offered after Jan. 1, 1974, with application of this technique suggested whenever the sampling error is likely to be within 2 per cent.

The use of third party scaling "will be increased where payoff is most significant," the document states. "Most pay off is beyond F.Y. 74, and W.O. (Washington office) will develop a package of implementation directives."

Recreation operation and maintenance costs are to be reduced in fiscal 1974 by closing up to 80 per cent of facilities for which the standard level of operation and maintenance is estimated at more than $3 per visitor day for campground and $6 per visitor day for picnic, boating and swimming sites, shortening the periods of operations of facilities, contracting cleanup work, and opening visitor information centers later in the spring and closing them earlier in the fall.

Regional centralized Forest Service materials testing and soils testing labors will be phased out in fiscal 1974 in Region 1 (located at Ft. Missoula), Region 4 and Region 5 and routine testing contracted out.

CUT MORE, FOREST SERVICE TOLD—GUIDELINES URGE DOWNPLAY IN RECREATIONAL USE

(By George C. Wilson)

The U.S. Forest Service must concentrate on getting trees sold and cut even if this means postponing or cancelling programs designed to help hikers and others use the national forests, according to the latest White House budget guidance.

This Nixon administration philosophy runs through an 85-page report entitled "Financial Planning Advice," which the U.S. Forest Service has sent to its field offices around the country.

John R. McGuire, chief of the U.S. Forest Service, said the document represents his im-

plementation of what the White House Office of Management and Budget wants his agency to do in fiscal 1974.

McGuire, while stopping short of disavowing the directive, said "it is unfortunate that the country is facing inflation and thus cannot do more for natural resources." He added that the budget does not include "everything we would like to do."

The book of guidance will further fuel the current controversy over how much the Forest Service should get to manage the national forests and who should receive top priority in using them.

"In light of the current high demand for timber products for housing, etc.," states the guidance document, "and the national economic importance of increased lumber and plywood production, you must make every effort to insure that these levels are met or exceeded."

The levels refer to the amount of timber that can be sold and cut from the national forests. Secretary of Agriculture Earl L. Butz and John T. Dunlop, director of the President's Cost of Living Council, announced on May 29 that 10 per cent more timber would be sold off in calendar 1973 than contemplated originally for fiscal 1973. The amount for that year and fiscal 1974 is 11.8 billion board feet, more than can safely be cut in the opinion of some conservationists, but not in the view of McGuire.

McGuire has said however, that the Forest Service is way behind schedule in replanting the forests—a pacing item for determining how many trees can be cut down without reducing the yearly yield.

The guidance document stresses that in spending money, productive areas of the national forests should take precedence over the out-of-way places favored by hikers birdwatchers, hunters and fishermen:

"Limit land-use planning to those areas where activity levels in the next five years will be greatest or where high-level commitments cannot be deferred . . . Fiscal 1974 general land use planning will be primarily concentrated on the largest timber producing forests and areas where it must be done in response to high impact developments (e.g., oil, gas or coal; transmission lines; etc.). Defer routine planning for less critical areas. . . .

"Planning for new recreation projects will not be done in FY 1974," the document continues. "Close high-cost, low-use facilities. Shift as much work as feasible to timber purchasers, states and counties, permittees or contractors . . ."

Further, the guidance book states, "recreation operation and maintenances costs will be reduced by giving consideration to closing up to 80 per cent of facilities for which standard level of operation and maintenance is estimated to cost more than $3 per visitor-day for campground and $6 per visitor-day for picnic, boating and swimming sites. Exceptions where justified can be made . . ."

In guidance which goes against the new trend for people to use parks and forests in the off-season to avoid crowds, the document states that U.S. forest facilities will be open a shorter time than usual in the off season in fiscal 1974.

In discussing roads and trails that run through the national forests, the budget guidance stated that any money saved in maintaining those routes "shall be reprogrammed to timber support activities."

This type of emphasis and the amount of money in the Nixon administration budget for the Forest Service is only part of the reason the service has suddenly become so controversial. Other reasons include the growing number of people who want to use the forests for recreation, the militancy of environmental groups who are suing the Forest Service over its tree-cutting practices in a number of places, and qualms among lawmakers about shipping U.S. logs to Japan at a time when timber supplies are limited.

FISCAL YEAR 1974 PRESIDENT'S BUDGET
FINANCIAL PLANNING ADVICE

Reply to: 6520 Financial Management.

To: Regional Foresters, Directors and Area Directors.

The attached tentative field planning advice for fiscal year 1974 supersedes the financial portion of the Chief's Program and Work Planning Advice sent to you on November 22, 1972. Use the new advice to update your work and financial plans.

The financial situation and redirection was covered in detail at the March 29 and 30 Regional Foresters and Directors meeting. The fund distribution for NPS programs is the result of discussions at this meeting. The Research and S&PF programs remain about the same as the November advice except for the allocation accounts and the C–M 2 program, which is based on a $16 million level.

The field distribution assumes a $3.3 million and 109 PFT position reduction in the Washington Office compared with fiscal year 1973. This is being accomplished through normal attrition by filling no vacancies above GS–8 either existing or expected unless absolutely necessary. Where an essential position must be filled, we will (a) try to shift prorities within the Washington Office Division concerned; (b) shift priorities within the Deputy Area; or (c) go to Chief and Staff with a proposal to fill by reassignment from another Deputy Area or from the field.

The travel from this office has been modified from that shown in the November advice. Specific details will follow. You should also closely examine travel and meeting locations which require special per diem rates.

The timber sales program target is 11.7 billion board feet. You are aware that this will be increased. However, the dollar and manpower allotments shown in this advice do not include any increases for this purpose. Information on increased timber sales program will be handled separately as soon as the situation is finalized. You should plan to meet all the targets listed including the social goals and manpower and dollar savings opportunities.

We plan to review your program activity accomplishments quarterly in Chief and Staff meeting. Program adjustments including dollars, manpower, and targets may be shifted where performance dictates this action.

The allotments do not include any allowance for the last pay raise. We have not received any instructions on how increased 1974 pay costs associated with E.O. 11691 will be handled. However, you should plan on receiving funds for this purpose until advised further. In accomplishing this we suggest that you use current salary rates in your plans and use an adjusting entry to bring your dollar totals into agreement with amounts contained herein.

Included in this package is a summary of approved recommendations and action being taken as a result of Associate Chief Resler's interdisciplinary teams which reviewed special projects, methods of doing business and training, meetings and inspections. You will note that program activity targets have been assigned for selected items. Please let us have your ideas on targets which should be assigned for any other items by June 11.

The actions required to conform with the ten standard Regions will require adjustments at some Regional Offices, Station headquarters and the S&PF Area Offices. Funding, staffing, and attainment targets will be modified accordingly. We will move as rapidly as possible in providing you with the information you need to plan effectively in response to forthcoming organizational changes. However, we urge you to firm up your field unit plans without delay because only minor changes are anticipated below the Regional Office level.

DISTRIBUTION OF EMPLOYMENT CEILINGS

The following table shows the tentative distribution of fiscal year 1974 employment ceilings. This distribution is subject to change as the Regions are realigned.

TENTATIVE FISCAL YEAR 1974 EMPLOYMENT CEILING DISTRIBUTION

Unit	Fiscal year 1972 (PFT) ceiling	Mar. 17, 1973 actual (PFT)	Fiscal year 1974 (PFT) ceiling	"Other" ceilings—1973 budget submissions: Fiscal year 1973	"Other" ceilings—1973 budget submissions: Fiscal year 1974
R–1	2,104	2,067	1,934	3,062	3,132
R–2	1,134	1,122	982	1,435	1,468
R–3	1,102	1,083	956	1,359	1,390
R–4	1,455	1,417	1,282	2,105	2,153
R–5	3,012	3,054	2,731	3,397	3,475
R–6	3,746	3,682	3,533	3,777	3,863
R–8	2,485	2,444	2,304	1,340	1,371
R–9	1,715	1,692	1,473	1,219	1,247
R–10	251	265	279	123	125
Total	17,004	16,826	15,474	17,817	18,224
SA	149	139	133	106	109
NA	110	106	101	12	13
Total	259	245	234	118	122
INT	222	220	205	77	78
NC	235	234	214	62	64
NE	368	363	[1] 342	104	107
PNW	282	280	265	100	102
PSW	264	256	241	76	77
RM	208	196	192	37	38
SE	314	305	289	43	44
SO	324	313	315	38	39
FPL	354	350	345	7	7
Total	2,571	2,517	2,408	544	556
ITF (to R–8)	30	23	[2] 26	29	29
Washington office	711	744	655	67	69
BIFC	(3)	(3)	13		
Grand total	20,575	20,355	18,810	18,575	19,000

[1] Includes 10 ceilings for research work units NE–1110 and NE–1199, Beltsville.
[2] ITF ceiling allotted to R–8. 13 ceilings provided for research project work and balance for NFS, S. & PF., and support services.
[3] R–1, R–4.

TRAINING, MEETINGS AND INSPECTIONS POLICY

A. Training

Our target for fiscal year 1974 is to reduce training costs by 30 percent. However, essential training activities will be conducted as follows:

1. Training needed to carry out special emphasis programs resulting from legislation, executive or Chief's direction (e.g., pollution abatement, upward mobility, timber production, environmental quality monitoring, civil rights, executive development (OMB A–44) etc.).

2. Training needed to accomplish recurrent management and production tasks under established output programs (e.g., safety, job certification and/or qualification for timber management, fire, engineering, and fiscal responsibility).

3. Training needed to meet minimum requirements for orientation and supervisory skills, etc.

Training costs will be reduced by:

1. Concentrating on training needed by employees to perform in their present positions (exception might be upward mobility and executive development for line officers).

2. Deferring training needed to prepare for possible next assignment (career development).

3. Being much more critical in decisions regarding who needs management training (K–T, SED, SIMM).

4. Considering alternatives to full-time training.

5. Exploring possibilities for savings by reviewing length of sessions, location of training, numbers of participants and training methods.

B. Meetings

Costs associated with attendance at meettings will be reduced. The following guidelines apply:

External Meetings

1. Limit through priority evaluation the number of meetings in which the "OFFICIAL" Forest Services presence is deemed essential.

2. Restrict FS-financed attendance to principally functionary participants (i.e., officers, committee members, etc.). Encourage attendance on official time, w/o per diem.

3. Reduce number of official attendees to the minimum and have one person "cover" the meeting for the Forest Service, when practical.

Internal Meetings

1. Examine traditional annual meetings to test if they still meet the need for which originally designed (and especially if they must be held in fiscal year 1974).

2. Examine length and location (especially where special per diem rates are needed) of meetings.

3. Closely examine number of attendees.

4. Seek alternatives (use other forms of communication).

These guidelines will be followed in applying the following procedures:

1. All meetings, attendance, and locations will be reviewed carefully by the concerned Deputy for WO-approved meetings. All meeting attendance will be approved in writing. Location evaluation for internal meetings will be documented.

2. Regional Foresters, Station Directors, and Area Directors will impose formal meeting controls, authorize meeting attendance in writing, and keep records where this is not being done. Records will document location evaluation for internal meetings.

C. Inspections

All GFI's imposed by the Washington Office will be deferred for fiscal year 1974 unless specifically requested by the appropriate Deputy Chief.

Washington Office service trips will not be made unless specifically requested by the Regions, Stations or Areas and/or established and approved by the appropriate Deputy Chief.

The GII of Eastern-Northeastern and the GRI of the Southern Station will be postponed. Other inspections and program reviews will be conducted under our inspection standards whenever determined essential in providing firm program direction in meeting goals and evaluation of quality controls.

Based upon the standard Region reorganization, Forest GII's will be postponed in Regions, 1, 3, and 4.

Inspections of Forests being studied for combination in Regions 2, 5, 6, and 9 will be postponed due to the disrupting effects of these studies.

Functional assistance trips to Forests, S&PF field locations and Research work units will be closely scrutinized. Approval procedures will be imposed by Regions, Stations and Areas.

SAVINGS OPPORTUNITIES

For special projects and methods of doing business

During the March 29–30, 1973 RF&D meeting, a list of potential opportunities for dollar and manpower shifts and/or savings for F. Y. 1974 was reviewed and commented upon. Based upon RF&D comments received and further review by Chief of Staff, the following specific items and/or direction are approved and will be implemented Service-wide for F. Y. 1974.

As part of this package, we are also placing those specific actions that can be reasonably quantified as reportable items in the quarterly program activity summary. We plan to monitor progress towards accomplishment of the tasks listed.

Category and general description

A. Information systems and reports:

General opportunity—Defer implementation of new systems and inventories. Reduce the frequency of detailed functional reports. Consolidate reports where feasible.

Specific opportunity:

1. The Biennial updating of the Project Work Inventory for F. Y. 1974 has been cancelled.

2. During the July 1973 annual review of the Forest Service Reports Schedule, Make a maximum effort to identify internally generated reports that can be eliminated or at least deferred for fiscal year 1974 such as the annual Range Statistical report.

3. The Inform project will be maintained at the F. Y. 1973 level and the previously planned expansion to accelerate completion of the project will be deferred for F. Y. 1974.

4. The S&PF multiple accomplishment report will be revised to achieve an approximate $7,500 reduction in cost.

5. Unit accomplishment reports primarily designed for informing the general public will not be published in F.Y. 1974. (i.e.,—Regional or Forest Annual report).

6. The collection of RIM data will be limited to only the collection of sufficient data to maintain the system for F.Y. 1974.

Category and general description

B. Business services and I&E:

General—Reduce the overall level of services and staffing but maintain quality of work for tasks undertaken.

Specific opportunity:

1. Each Regional Forester, Director and Area Director will, singly and jointly, review and capture those feasible opportunities for combination of business management staffing units where two or more headquarters exist in one locality. Criteria for consideration will include a measure of the impact on the efficiency of the units being supported. Increased efficiency of the business management unit alone may not be an adequate basis for a combination.

2. The existing staffing at the NFO will be assigned to operating positions as rapidly as possible. Target date for completion is June 30, 1974.

3. Forest Service voucher staffing will be reduced commensurate with the shift of work to the USDA Central Voucher Payment Center. Target date for completion is December 1973 based on anticipated implementation of CVPC Phase II, prior to that date.

4. Based on the experience, and cost/benefit information gained from a current trial of work processing methods, use of word processing techniques, Mag Card Typewriters and standardized responses to routine correspondence will be accelerated at the W. O. Field units are encouraged to do the same.

5. Multi-color publications will be reduced to an absolute minimum for F.Y. 1974 Service-wide.

6. As a target for 7/1/74, Business Management staffing will be adjusted in proportion to overall program reductions Service-wide. B&F, Adm. Services, Resource and Personnel Management sections and/or activities will be combined where efficiencies can be obtained. This will require withdrawal of some delegations to lower levels (e.g., S.O.'s) and consolidation at higher levels or with other management activities. Recognize that some jobs will have to be done by other professional and business management staff.

7. In view of the current impact of reduced dollars and manpower ceilings on all programs, across-the-board support activities for I&E efforts, (spending and manpower) will be reduced proportionately to other program reductions Service-wide.

Category and general proposal

C. *Planning and inventories:* Limit land-use planning to those areas where activity levels in the next five years will be greatest or where high-level commitments cannot be deferred. Use existing resource information except where new field inventories must be made to fill critical data gaps. Coordinate functional inventory efforts to facilitate development of comprehensive land-use plans. Contract data collection and design work to the maximum feasible extent.

Specific opportunity:

1. Detailed analyses of most new Study Areas will be deferred for F. Y. 74 except the 5 Areas where there is a firm commitment to Congress or on other new study areas where such analyses logically must be conducted in conjunction with necessary critical planning on adjacent areas.

2. On inventoried roadless areas not selected as new study areas, the planning and preparation of environmental statements will be generally limited to only those sites required for meeting F. Y. 1975–76 program goals.

3. F.Y. 1974 general land-use planning will be primarily concentrated on the largest timber producing Forests and areas where it must be done in response to high impact developments (e.g., oil, gas or coal; transmission lines; etc.) Defer routine planning or less critical areas.

4. In F. Y. 1974, timber inventory efforts will be concentrated primarily on the largest-producing Forests and on areas where comprehensive land-use plans are in preparation.

5. For F. Y. 1974, examinations of reforestation and TSI backlog acreages will be deferred on sites expected to yield less than 50 cubic feet per year after treatment, and on the roadless areas where development must be deferred pending completion of detailed study analyses. Contract routine examinations.

6. The inventory of temporary roads specified in the National Forests in a Quality Environment—Action Plan will be deferred for F. Y. 1974.

7. Planning for new recreation projects will not be done in F. Y. 1974.

8a. Road construction design will be shifted to timber purchasers where feasible or to engineering contractors.

b. Engineering design staff should be con-

solidated in technical support centers rather than maintaining separate staff at Ranger District or Supervisors' office as opportunities permit.

9. Maintain spending for FRES implementation to the dollars required to maintain the 1973 level of development of the system. Do not request field participation not covered by that funding.

Category and general description

Specific opportunity:

D. Equipment, vehicles, and signs:

General opportunity—Defer less essential maintenance, replacement, and new purchases. Use commercial sources rather than in-house. This would reduce the manpower and dollars which are being utilized by these activities.

Specific opportunity:

1. Preventive maintenance of radios as recommended by the telecommunications study, will be phased out in F. Y. 1974.

2a. All new purchases of aircraft will be deferred for F. Y. 1974. Emphasis will be placed on safety and improving business management practices of air operations.

b. Aircraft that should not be replaced will be identified and phased out. Rental aircraft will be used where more economical.

c. Identify and retain only those few F. S. owned aircraft that should be retained on basis of efficiency, and/or special purpose high priority aircraft that cannot be obtained by contract.

3. Regions will use commercial, state or prison shops in lieu of Forest Service sign shops. Exception should be made only in very specific cases where commercial sources cannot provide very unique or highly specialized signs.

4. Sign replacement and new signing will be deferred except for necessary safety precautions and new entry informational signs until fiscal year 1975.

5. As a target, the Forest Service will shift emphasis toward use of GSA or other rental of needed fleet equipment and reduce fleet size 20 percent Servicewide in fiscal year 1974. Replacement will be deferred accordingly. Use MASS rent vs buying analysis techniques to help make decisions.

6. As a target, approximately 30 of the 77 equipment maintenance shops will be eliminated in fiscal year 1974. Commercial services will be used wherever possible. The MASS publication "In House and Out House Vehicle Repairs" should be used as a basis for helping make these decisions. A few shops should be retained because of such factors as remoteness from commercial facilities, need for support during fire emergencies and lack of availability during season of use. Complete phase out is not a final objective, but close-out should occur where dollar and manpower savings exist, and we can provide adequate service.

7. There will be a 20 percent reduction Service-wide in ownership of specialized equipment, such as hydroseeders, dozers and road graders in fiscal year 1974.

8. There will be a reduction in the current equipment development and testing program performed in-house. This will be done by deferring projects in timber, fire, range, and recreation and by contracting more work to commercial shops and to commercial testing laboratories. New equipment development and testing projects evolving from RD&A and other high priority projects will also be done. Advances in equipment development by the private sector will be thoroughly analyzed for all possible Forest Service applications.

Category and general proposal

Specific opportunity:

E. Other functional programs: Eliminate low-priority projects. Close high-cost, low-use facilities. Shift as much work as feasible to timber purchasers, States and counties, permittees or contractors.

1a. Fire detection will be contracted starting in F.Y. 1974 to States for selected Forests or parts of Forests where States can provide adequate service without increasing the cost of detection.

b. Initial attack will be contracted starting in F.Y. 1974 to States for selected Forests or parts where States can provide adequate services without increasing the cost of initial attack.

2a. A shift of nursery production to States will be accelerated where existing State nurseries can produce adequate stock for equal or lower cost than Forest Service. Begin with Fall 1973 and Spring 1974 seedbed preparation. Tentatively, specific Forest Service nurseries to be considered would be: Bend and Wind River in R–6; Chittenden and Towney in Michigan; and Eveleth in Minnesota. Other opportunities exist. Stress should be toward identifying feasibility of cooperation agreements with State(s).

b. The feasibility of contracting for State operation of existing F. S. nurseries in Colorado, Nebraska, and California will be initiated early in 1974. Private sources will also be explored if necessary.

3. Opportunities for consolidating the tree improvement programs (seed orchard nursery management) of NFS, S&PF and Research will be examined early in 1974. Should probably be in NFS or S&PF. Also, work toward state and private industry involvement. 80% of seed orchards are in South. Try to lease to state or cooperative private nursery where feasible.

4. As a target, 70 percent of F.Y. 1974 reforestation and TSI work and 90 percent of F.Y. 1975 work should be contracted.

5a. Extensive testing of sample scaling to obtain timber sales volume will be initiated on sales offered after 1/1/74. Suggest application whenever sampling error is likely to be within 2 percent

b. The use of 3rd party scaling will be increased where pay off is most significant. Most pay off is beyond F.Y. "74", and W. O. will develop a package of implementation directives.

6. As a target for F.Y. 1974, recreation operation and maintenance costs will be reduced by giving consideration to:

a. Closing up to 80 percent of facilities for which standard level of operation and maintenance is estimated to cost more than $3.00 per visitor day for campground and $6.00 per visitor day for picnic, boating and swimming sites. Exceptions where justified can be made. Proximity of other federal and private facilities and opportunities for private sector and private management to provide service will be used as part of criteria to determine level provided by Forest Service.

b. Periods of operation of facilities will be shortened to reduce offseason cost where appropriate.

c. As a target for F.Y. 1974, 80 percent of cleanup work will be contracted.

7. VIS center operating costs will be reduced by:

a. Deferring opening of centers in spring, closing early in fall, especially those centers with low use and high manpower requirements. Encourage self service opportunities. Make maximum use of Volunteers in the National Forest Act of 1972.

b. Consider closing those centers with lowest-use-to-manpower requirements ratio.

c. Implementation of Project Hiking will be deferred indefinitely.

8. Spending for barometer watersheds and associated manpower will be reduced by 20 percent. Target will be to reduce number of barometer watersheds, not to cut activity on each one now monitored.

9. As a guide, road maintenance costs will be reduced by:

a. Closing roads (if physically possible) where expected use benefits over the next 5 years are less than projected maintenance costs;

b. Shifting maintenance to States, counties and other institutions wherever feasible.

c. Shifting an additional 20 percent planned force account maintenance to contracts.

d. Programming a maximum feasible share of road maintenance through timber sale contracts.

e. Capturing opportunities for cooperator to do maintenance work for Forest Service when he is in the area.

10. Regional centralized F. S. materials testing and soils testing labs will be phased out in F. Y. 1974 in R–1, R–4 and R–5 and routine testing contracted out. However, a central materials engineering capability should be retained and carried out by the Regional materials Engineer for Quality Control.

11. Participation in Cooperative Manpower training programs will be geared to the opportunities available under the Administration Policy of decentralization and decategorization through implementation of special manpower revenue sharing in F. Y. 1974.

12. Staffing and spending for International Forestry will be reduced by approximately 20 percent in F. Y. 1974.

THE CHILD ABUSE BILL, S. 1191

Mr. KENNEDY. Mr. President, I would like to take this time to express my support for the child abuse bill. The bill, S. 1191, passed the Senate on July 14, gives national attention and priority to a problem that should not and cannot be ignored. Child abuse incidences have reached a crisis stage over the years and today child abuse has been reported as the No. 1 killer of children in America. The American Academy of Pediatrics has given it the highest priority among unsolved health problems of children. Over 250,000 cases of child abuse and neglect were reported last year. Of this number, 50,000 received permanent injuries and an estimated 700 to 800 died. Surveys of the statistics show that the majority of abused children are under 4 years old and that the incidence of abuse involving females is higher than that affecting males. Moreover, these cases show that both parents are often guilty and that child abuse cases involve children of all races and religions, and in homes of all socioeconomic levels, but most frequently in poorer families.

Prior to 1960, only two States had laws providing for the reporting of child abuse. As the problem became more widespread, States began to legislate new laws to protect children against this kind of treatment. Since 1960, every State has provided some type of law for the reporting of child abuse and neglect. These laws in many instances, curtailed child abuse, but too many times they have proved inadequate, because courts vary in their interpretation of abuse and child welfare agencies fail to provide sufficient comprehensive followup to the families involved. The cyclical nature of child abuse lends itself to the need for well developed ongoing family-child oriented programs. Authorities in the field attest that 90 percent of parent abusers could be helped in such family-type programs. Since 1966, a few such crisis type and community-hospital treatment programs have been developed and put into operation. However, in the face of cutbacks of all social programs, such programs

will be seriously affected and as a result their effectiveness will be lessened.

An example would be my home State of Massachusetts, where reports of child abuse incidences have been set at 7,000 per year. These incidences were reported by the police department, Children's Protective Service, and the Division of Child Guardianship. Such high statistics indicate the urgent needs of this problem and suggest how important it is that we act now to help solve the problem. Since 1970, in Boston alone, there have been 13 deaths due to child abuse. Three of these children had been previously known to the Department of Public Welfare as victims of child abuse.

The Massachusetts Department of Welfare is unable to handle the large number of abuse cases they receive. The staff suffers from large caseloads, frequent turnovers in employment status, inadequate access to needed legal and psychiatric information and dwindling financial support for carrying out their programs. Consequently the kind of help that they could provide is not available and though many children receive some treatment for the abuse they suffer, too often they are returned to environments where no change has occurred. Fortunately in Massachusetts the problem is eased by other resourceful agencies. One such agency is the Children's Protective Service or the Massachusetts Society for the Prevention of Cruelty to Children. In that statewide voluntary agency, privately solicited funds and an endowment make it possible to sustain assistance to many families. The agency accepts referrals from all sources and last year they saw over 1,400 cases of child abuse yet costs have forced CPS to take only one out of every three of their referrals and to close some of their cases that would probably benefit from longer periods of observation.

Other agencies that help to meet the need are the hospitals. Boston City Hospital, because of increasing numbers of abuse cases is serving as a protective shelter for children. Children's Hospital has established a multispecialty interagency child abuse group which works with the parents and child in the home. At Massachusetts General Hospital, a similar team approach is being developed. These programs, though obviously helpful are conducted at an expense to the hospital. More such programs are needed. Not only by children in the State of Massachusetts, but children in every city where inadequate help is provided in this area. At a time when child service programs have been recognized as inadequate and child abuse stands as the No. 1 killer of children, then I feel very strongly that S. 1191 should be enacted to stop these senseless and tragic deaths. The factual knowledge and skills to be gained with the implementation of S. 1191 will provide safeguards for every child who might be abused, and I am pleased to see its passage.

S. 1560—EXTENSION OF THE EMERGENCY EMPLOYMENT ACT OF 1971

Mr. MAGNUSON. Mr. President, I want to express my support for S. 1560, a bill to extend the Emergency Employment Act of 1971. This bill provides public service employment for Vietnam veterans, long-term unemployed persons, and the disadvantaged.

It will also allow 6,000 Washington State workers employed today under this program, to keep their jobs. Yesterday, the Senate overwhelmingly passed S. 1559, a bill to provide job training for the disadvantaged. Together, these bills provide a powerful program for those workers needing training and a job.

The Emergency Employment Act of 1971 has worked. Local officials have hailed it as the best Federal program enacted in the last 4 years. The jobs created under EEA have been meaningful and productive.

Congress should extend this program. As Senator NELSON, the distinguished floor manager knows, I have led the fight as chairman of the Labor, Health, Education, and Welfare Appropriation Subcommittee, to see that this program receives full funding.

In fiscal year 1972, I floor managed the appropriation bill that provided the initial $1 billion to get this program started. In fiscal year 1973, my subcommittee provided $1.25 billion for EEA. Once this authorization bill is enacted, I pledge my efforts to provide additional funds in fiscal year 1974.

Does it not make sense to give a person a job instead of paying him unemployment compensation or welfare benefits? People in my State want to work. In 1969, the unemployment rate stood at 3.3 percent in Washington State. In 1971, at the height of the so-called Nixon recession, unemployment totaled 15 percent and my State was experiencing an economic recession. Today, unemployment still stands at 7.5 percent—well above the national average—and yet the administration wants to end the EEA program which now provides 6,126 jobs in Washington State. This is an absolute mistake.

I want to express praise to Chairman NELSON and Senator JAVITS for their outstanding leadership in providing the Nation with meaningful manpower training and public service employment programs. Thousands of persons will benefit from their efforts.

Mr. President, I ask unanimous consent to print in the RECORD some statistics on the impact of the EEA program in Washington State and a copy of my testimony before the committee in support of both S. 1560 and S. 1559.

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

PUBLIC EMPLOYMENT PROGRAM—CURRENT EMPLOYMENT AND CUMULATIVE EMPLOYMENT, FEBRUARY 1973

Washington	6,000	13,757	69,292,372
Clark County	105	287	1,202,500
Thurston County	40	79	470,650
Yakima County	223	509	2,186,827
Seattle	885	1,919	11,044,986
Tacoma	210	409	2,324,532
King County	932	2,554	13,832,266
Pierce County	293	603	3,192,379
Snohomish County	582	1,487	6,996,704
Whatcom County	91	204	1,009,703
Kitsap County	186	368	1,838,777
Spokane	207	524	2,511,367
Washington Indian Tribes	49	97	445,785
Balance of Washington	2,197	4,717	22,235,796

[From Hearing, Friday, May 4, 1973]

JOB TRAINING AND EMPLOYMENT LEGISLATION, 1973

U.S. SENATE, SUBCOMMITTEE ON EMPLOYMENT, POVERTY, AND MIGRATORY LABOR OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C.

The subcommittee met, pursuant to recess, at 10 a.m. in room 4200, Dirksen Office Building, Senator Gaylord Nelson (chairman) presiding.

Present: Senators Nelson, Taft, Dominick, and Schweiker.

Committee staff members present: Richard E. Johnson, counsel; and John K. Scales, minority counsel.

Senator NELSON. Our first witness this morning is Senator Magnuson of Washington.

Senator, the committee is very pleased to have you before the committee this morning. Your statement will be printed in full in the record, and you present it in whatever way you wish.

STATEMENT OF HON. WARREN G. MAGNUSON, A U.S. SENATOR FROM THE STATE OF WASHINGTON

Senator MAGNUSON. Thank you, Mr. Chairman, I appreciate the opportunity to be here not only to testify on this particular bill, but this is one of my first opportunities to thank this committee for the fine cooperation we had over the past 2 years in getting support for my two major extensions of unemployment insurance. Unemployment has been a very serious matter in many areas of the Nation, including my State. This problem fits into a proper discussion of this particular bill, too.

Now, the act before you, and I want to commend the Senator from Wisconsin, Senator Nelson, and Senator Javits for their efforts to initiate reforms in the Nation's manpower training program.

I especially endorse section 201(b)(9) of their bill. Specifically, this section authorizes transitional public service employment as one of the allowable activities that a prime sponsor under the act may engage in.

As the chairman knows, I have been a very strong supporter of the Emergency Employment Act of 1971, which this committee is responsible for authorizing after, I might add, a very long and bitter struggle with the administration.

As chairman of the Labor, Health, Education, and Welfare Appropriations Subcommittee. I think I have had some experience with that, I floor-managed the appropriation bill providing the initial $1 billion in funding for the Emergency Employment Act; and in fiscal year 1973, my subcommittee approved an additional $1.25 billion for this critical job-producing program.

The Emergency Employment Act of 1971 made possible, and I am sure this committee has the figures, but I want to repeat them, for 192,675 federally-supported public service jobs for unemployed and underemployed workers in fiscal year 1972.

Now, had they all been on the relief rolls, or had they received some form of unemployment insurance, this would have been more costly in real terms. At that peak, 9,000 of these jobs were being held by unemployed Washington State workers in my State.

It is with this background in mind that I oppose the decision by the Nixon administration to phase out EEA. That decision is premature, in my judgment, because the national rate of unemployment, 5 percent, is still far too high.

In the State of Washington, the total rate of unemployment is still 8.3 percent, but I think 9.5 would be a figure closer to actual truth.

In Washington State, 6,176 people are now working because of the Emergency Employment Act of 1971. If this program is ended,

these people will lose their existing jobs and, because unemployment is so high in Washington State, many will be forced to accept some form of government-sponsored relief.

May I add something here which I talked to the chairman about many times informally, when people go on relief, or have to go on relief, the minimum cost is $4,250 a year. I know that. That is the minimum, and then you figure the humility, the embarrassment, men that want to work, they do not even want to tell their neighbors they are on relief, and it all adds up to the need for a program like public employment for the unemployed.

Now, I said the decision is premature, and over 6,000 workers are involved now in my State. This simply does not make sense to me. If these people are working and providing local government with a vital service, why should the Federal Government terminate their jobs? Particularly when not enough private sector jobs exist in many areas of the Nation.

Mr. Chairman, it was with this problem in mind that I contacted your subcommittee about adding a provision to S. 1599 that would allow prime sponsors at their discretion to use their funds for public service employment jobs if the prime sponsor determined that this was the wisest use of limited manpower training dollars, and that is what you are trying to do in your bill, as I understand it.

It is obvious to me that training an individual for a job that does not exist is the worst possible use of these resources. The individual living in a State with a high rate of unemployment wants a job, not a training course.

More specifically, under section 201(b)(9) prime sponsors in Washington could use most of their manpower funds, for as long as necessary, to provide public service employment to the unemployed, including engineers, scientists, and technicians.

Of course, as soon as local officials find that community manpower needs have changed, they would be free to reallocate their manpower sources among other activities suggested in section 201 in order to meet new priorities.

I feel that my State and the local units of government within its boundaries are ready to assume responsibiltiy for this type of decisionmaking.

They have been progressively prepared for undertaking such programs by being involved in Federal manpower projects and locally funded manpower activities and by receiving mayors' and Governors' grants for the purpose of coordinating manpower planning.

The city of Seattle and surrounding units of government including King and Snohomish Counties have formed a consortium in order to be designated as a pilot comprehensive manpower program, CMP.

As such, they would receive a bloc grant for several categorical manpower programs rather than a separate grant for each program.

I hope that the Department of Labor will soon approve their CMP application. These units of government have certainly shown an outstanding ability to run a wide variety of manpower activities.

Recently, they rapidly mounted very complex and responsive manpower program activities to implement the provisions of the Emergency Employment Act.

In addition to this desirable flexibility in delivery that S. 1599 authorizes, I like the nature of the public service employment authorized—transitional employment for unemployed and underemployed persons in jobs providing needed public services.

Since all manpower efforts are focused upon preparing people for, and matching them with, existing jobs, it is logical that funds for public employment programs should be limited to those enabling participants to move onto the employer's regular payroll or obtain other suitable public or private employment.

In conclusion, I believe that public service employment can often be a very effective means of resolving manpower problems.

However, I think that State and local officials are in the best position to determine when an individual will benefit more from public service employment than from another manpower activity.

Therefore, I favor the approach embodied in section 201 of S. 1559 which would integrate public service employment as but one allowable activity in a comprehensive manpower system.

So, I heartily endorse the bill. I compliment you people on bringing it to the attention of the Senate, and I think this is very desirable flexibility in trying to meet this problem.

Senator NELSON. We appreciate your taking the time to come over this morning to present your testimony.

Senator MAGNUSON. Thank you. One thing I want to add, Senator, is that manpower training is a laudable goal.

We try to do the best we can, but when you get down to the Appropriations Committee with the Department of Labor, the hearings will start next week, you will find the number of enrollees who are put into, as it were, the pipeline for training, and then the number of jobs that are available when they come out, it is a pretty sad story. Your bill attempts to provide both training and jobs.

Senator NELSON. That is what it is all about.

I am puzzled myself by the timing of the administration's proposal to terminate the program.

In any event with the unemployment at the level it is, the program should be continued for another year or two or three.

I quite frankly myself think you ought to have a permanent public service employment act.

Senator MAGNUSON. You are so right, I have often thought the same thing, in view of the fact that we have such difficulties, as you will recall vividly, on the Senate floor, and going over to the House, in getting assistance for the long-term unemployed.

The Congressman from Wisconsin was a lot of trouble, as you recall, and I think he was serious about what he was saying, but I think we have got to consider some point on the unemployment question when we have a permanent piece of legislation. I do not know what figure you might use, 6 percent, 6½ percent, the experts will figure it out, but when it reaches that, unemployment benefits are expended or a job is offered.

Thank you.

Senator NELSON. The next witness is Mr. Kenneth Young, assistant director of the Department of Legislation, AFL–CIO.

Your statement will be printed in full in the record. You may present it however you please.

It would be helpful if the witness would summarize the main points of the presentation.

A PUERTO RICAN ANNIVERSARY

Mr. KENNEDY. Mr. President, I want to express my own warm personal congratulations to the Governor of the Commonwealth of Puerto Rico, Rafael Hernandez Colón, and to the people of the Commonwealth during this week celebrating the 21st anniversary of the Estado Libre Asociado. In my own State, the Puerto Rican communities of Boston and other cities across the State are celebrating the anniversary with a variety of fiestas.

Today in Puerto Rico, the hopes for a decent standard of living for its citizens seem more realistic than ever before in the past. However, difficult and challenging economic hurdles still must be overcome.

The Baltimore Sun, in a perceptive editorial, notes the unique Commonwealth relations forged by the innovative mind and political will of former Gov. Luis Munoz Marin. The Estado Libre Asociado has provided a special reservoir of strength, a sense of national pride, during the past two decades.

I have no doubt that with the continued leadership of men like Gov. Hernandez Colón, the distinguished Resident Commissioner Jaime Benitez, and others, that the future of Puerto Rico in the next two decades will be one of accelerated progress and continued freedom.

Mr. President, I ask unanimous consent that the editorial in today's Baltimore Sun be printed in the RECORD.

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

A PUERTO RICAN ANNIVERSARY

More than two decades have gone by since Puerto Rico shed the last real vestiges of its long colonial past and assumed a new and unprecedented political status of freedom in association with the United States, called in English commonwealth. The time has gone fast, and now, looking back from the twenty-first anniversary of commonwealth, Gov. Rafael Hernandez Colon says with confidence that "as the people of Puerto Rico have acquired greater self-government and greater freedom to direct their own affairs, their union with the United States has gained greater strength."

His confidence, despite all the difficulties of those years, is justified. The island's development in all fields over that time has been remarkable. But it has been no "miracle." It did not happen from the blue. Nor did it happen by the generosity of outsiders, though the mainland has indeed been generous and on the whole understanding. It happened because Puerto Rico was fortunate in possessing a group of men, not a large group to start with, of quite extraordinary political and economic and social imagination and skill.

They have brought it so far. Tremendous difficulties remain. Hernandez in his anniversary address lists them: pollution, breakdown of the environment, social dislocations, drug addiction, chronic unemployment, proliferation of slums and extreme poverty among much of the population. It is a list of heavy burdens, but the record gives every reason to suppose that they will be borne, and bit by bit be lightened—not least because of the atmosphere of national pride that greater freedom has created.

CONFERENCE ON "THE OCEANS AND NATIONAL ECONOMIC DEVELOPMENT"

Mr. MAGNUSON. Mr. President, on July 16, 1973, more than 600 persons gathered in Seattle, Washington to attend a conference on "The Oceans and National Economic Development," sponsored by the National Oceanic and Atmospheric Administration. The conference was an outstanding success, and provided the forum for a wide range of discussions on the nature and goals of our Nation's oceans program.

Senator HOLLINGS prepared remarks to be delivered at the conference. However,

because of Senate business, it was necessary that he cancel his personal appearance in Seattle.

Because the nature of his speech and the important documentation it contains on the need for a dynamic national oceans policy, I ask unanimous consent that the text be printed in the RECORD.

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

THE NEED FOR A NATIONAL OCEAN POLICY

(By ERNEST F. HOLLINGS, Chairman Subcommittee on Oceans and Atmosphere)

The theme of this meeting is "The Oceans and National Economic Development." It would be more accurate were it called "The Oceans and National Economic Decline." It is no accident that this time of America's economic peril both at home and abroad comes after an almost 30-year decline of our status as a world seapower. It is no accident that Russia's power and influence among nations rises while America's drops. For almost 20 years Russia has assigned the highest national priority to the development of Soviet seapower. The United States emerged from World War II as the greatest maritime power the world had ever seen. But now we have lost the position by default. As a total seapower, we are now second- or third-rate . . . and losing ground all the time.

By "total seapower" I mean truly broad-spectrum seapower—military seapower, economic seapower, and political seapower. This includes a powerful, efficient navy; a large, modern merchant marine; a healthy, growing fishing industry; a dynamic ocean research program; leadership in ocean technology; ocean policy positions that represent national self-interest in international negotiations; progressive, intelligent coastal zone management; and an ocean business climate that encourages industry to tap all of the potential resources of the sea.

The United States has over 24,000 miles of coastline on three major oceans and the Gulf of Mexico We have always been a seapower by geography, history and tradition. In these times economic and political necessity dictate it. But if we, as a people and a nation, do not act accordingly, we will soon become a world power of little consequence. At home our economic problems will compound along with deterioration of the dollar, our standard of living, our industry, and our opportunities. As we abdicate our position of world leadership, rest assured there are others—friend and foe alike—ready and anxious to step into our shoes.

Why do we ignore, while others energetically exploit the economic and political opportunities of wide-spectrum seapower? The Congress has certainly tried to do its share. Senator Magnuson has been a leader in the fight to produce a framework for a successful national oceans program, but the approval of financial support has not been forthcoming. The problem rests with the Administration, and the Office of Management and Budget. Partisan politics aside, the OMB simply is not convinced that America has a first-priority stake in the ocean.

I might suggest that the OMB suffers from a shortness of perspective, but that would not be productive. If America has not been sold on the need for a dynamic national ocean policy, then someone must sell it. I believe the President will listen, and I believe it is our job to get that message to him.

Meeting here this week, we are ocean people talking to ocean people . . . to ourselves. We're already sold. We have to sell others. We must relate national ocean needs and opportunities to the critical national problems that dominate today's headlines. We must show in clear, pragmatic terms the crucial interdependence between the ocean and all the people of these great United States. Unless we do this, we will be tilting at windmills. And, ocean programs will be shoved aside in favor of "more important" crisis demands.

We are facing crisis demands whose solutions can restore America's traditional seapower role. I won't give you another list of potential ocean resources. Instead, I believe that the decline in American seapower has had a direct impact on . . .

The embarrassing and frightening plunge of the U.S. dollar on world money markets . . .

Inflation here at home . . .

The energy crisis . . .

Signs of a pending raw materials crisis . . .

Lower demand and prices for U.S. exports . . .

Rising prices for goods we buy overseas . . .

The flood of foreign goods undercutting American products and American jobs here at home . . .

Our declining prestige and influence around the world . . .

The rise in the economic and political strength of both our competitors abroad . . .

These are the kinds of things that concern America today. Behind such economic indicators are jobs being lost, paychecks that look bigger but buy less, savings that erode faster than they grow, shortages of goods and services that have always been plentiful, and—running through it all—a mounting fear that all is not well with America, that this great nation is in deep trouble.

These are the problems that broad-spectrum seapower must help solve if the oceans are to enjoy the priority attention *we* know they deserve. I am convinced, as are the Russians, the Japanese and many of the nations of Europe, that seapower and national economic health are tied tightly together.

We must sharpen the focus of America's stake in the oceans into critical national perspective. In doing so, I make three fundamental assumptions:

First. Economic strength can result in political strength both at home and abroad.

Second. Economic strength at home is absolutely dependent on our strength in markets abroad.

And, third, strength in markets abroad is dependent not only on our own domestic productivity but also on maintenance of an American posture among all the nations of the world *at the very least* equal to that of the Soviet Union—or whatever other powers may be vying for world supremacy.

Seapower is a major weapon in our three-front war—a superpower contest with Russia, so as better to maintain our own international economic standing, and finally, a fight to keep our economic health here at home. Presently, we are losing on all three of those fronts.

To understand the Russian front, let's first look at a peculiarity of nuclear weaponry. Once the superpowers have decided on the degree of over-kill they need to assure the complete destruction of each other, you have a nuclear stand-off. The only continuing requirement is the costly business of update. Otherwise, competition ends.

There being no competition, in nuclear stand-off as in nuclear war, nobody can win. Clearly, this does not serve the Soviet Union's oft-stated objective, so succinctly put by Nikita Krushchev when he said: "We will bury you."

Since it cannot bury us in a pile of nuclear rubble without courting a like fate itself, the Kremlin has opted for another battleground. It is a battleground on which success not only permits the support of a nuclear stand-off capability and of more conventional military forces, but also awards to the victor great political power and influence among nations. It is a battleground on which there are no constraints on victory and on which the distinction between victor and vanquished is clear and often total. It is a battleground on which we can, indeed, be buried.

That battleground is economic, and the weapons of this war are production, technology, trade, finance, investment, profit and loss. These are the very things America first brought to their highest order of development. Put bluntly, the Russians have chosen to battle us on our own ground, using our own weapons.

As a superpower with the world's largest land area, the second-highest gross national product and the third-biggest population. As a nation that is self-sufficient in energy and most raw materials and a net exporter of many, how does Russia view seapower? What has she done about it? How does she use it? To what ends? What does this mean to us?

When the Kremlin thinks of seapower, it thinks in terms not only of naval forces—already the world's largest—but it also thinks of merchant fleets, maritime aid, fishing fleets, intelligence gathering, oceanographic research, ocean mineral resources and ocean engineering. Broad-spectrum seapower is their primary instrument for the global extension of "dynamic Soviet national power." In dismal contrast to the United States, they have assigned the highest national priorities to building the Soviet Union into the world's leading maritime power.

From a third-rate coastal naval power right after World War II, the Soviet Union today deploys the world's largest, most modern surface navy—2,012 ships, of which 1,312 are combat ships and 700 are auxiliaries. According to U.S. Naval Intelligence, Russian combat ships carry more firepower per ton than any other navy.

Russia boasts the world's largest, most modern and fastest-growing submarine fleet, including 110 nuclear-powered and 240 diesel-powered vessels. Over 50 fire ballistic missiles; another 65 fire cruise missiles. The latest addition to their undersea fleet is the Delta Class ballistic missile firing submarine—the largest undersea craft ever built anywhere. Our best information is that it carries 12 SS–N–8 missiles with a range of 4,000 nautical miles—thus giving the Soviet Union an undersea nuclear deterrent comparable to our yet-to-be developed Trident.

In contrast the U.S. Navy's active fleet totals fewer than 700 vessels—including a submarine fleet of only 136 craft, of which 100 are nuclear and only 41 are missile-firing. Only in aircraft carriers does the U.S. outnumber the U.S.S.R. Even this advantage may be short-lived, for the Russians have now launched their first aircraft carrier—at 40,000 tons, the largest warship ever built in Soviet yards.

The Russian Navy has six missions: Deterrence, politics, ideology economics, intelligence gathering, base acquisition and defense. In their execution, Soviet warships now routinely patrol in the Mediterranean and Caribbean Seas, the Atlantic, Pacific and Indian Oceans, and the dozens of seas that adjoin the Russian land-mass. A permanent naval force is maintained off West Africa in position at any time to interdict European trade routes to the Indian Ocean—including the all-important Middle East oil route. There is an almost-continuous Soviet naval presence at both ends of the Suez Canal—should it ever open—and the Red navy even ventures occasionally into the Gulf of Mexico, posing a potential threat to the Panama Canal. Soviet submarines, including those armed with nuclear missiles, have operated regularly off both coasts of the United States for over a decade.

Now, let's turn to other elements of broad-spectrum seapower.

In 1957 Russian commercial fishermen caught 2.5 million metric tons of fish—mostly in their own coastal waters and the North Pacific. Today, the annual catch is

over *eight* million tons, caught mostly off other nations' shores. The goal for 1975 is over 10 million tons.

In 1960 the United States landed 2.5 million tons; in 1972 is was 2.5 million tons. In 1956 the United States was the world's second largest fishing nation; Russia was fourth. Today, the United States is sixth; Russia is third and expects to be first before 1980.

The U.S. fishing fleet consists of almost 90,000 ships and boats—including over 70,000 "motorboats" and 2,000 that are powered by only sail or muscle. The Russian fishing fleet numbers over 4,000 ocean-going vessels and 80,000 smaller, coastal craft. Between now and 1975 they plan to increase their sea-going fleet by another 1,000 vessels. Since 1958 the gross registered tonnage of the Soviet fishing fleet has grown from 2.2 million to over five million today—more than 11 times the tonnage of the U.S. fleet. Included in the Soviet tally are 450 large stern trawlers of 2,600-to-3,200 tons each, plus hundreds of medium trawlers, mother ships, factory ships, refrigerator transports, whaling vessels and support ships.

Fifteen years ago the Soviet investment in her fishing industry was running $263 million a year at the official exchange rate; today it is over $1 billion a year, with 70-to-80 percent going into expansion of her fleet. During this period Soviet exports of fish and fish products has risen from around $20 million a year to over $100 million; her imports have dropped to a token amount. U.S. fisheries exports since 1960 have risen from $44.2 million to $257.9 million a year, while imports have shot up from $363.3 million to a shocking $1,949.4 million.

Soviet fisheries feed her people, show the Soviet flag all over the world and give her a positive fisheries trade balance. U.S. fisheries not only fail to meet domestic needs and seldom show the flag in foreign ports, but they have produced a deficit trade balance. This deficit is equal to nearly one-third the total adverse balance of payments for all U.S. foreign trade in goods and services.

You see what happens when we don't pay our way in international trade in the continuing devaluation of the dollar and the resulting consequences here at home. And, it's not that we don't have the fish. In 1972 foreign fishing fleets operating between 12 and 200 nautical miles off U.S. coasts took over three million tons of fish, with the Russians and the Japanese taking over one million tons each. U.S. fishermen took a scant 318,000 tons from those same waters and only 273,500 tons from international waters offshore of other nations.

Considering the sharp rise in foreign fisheries activities off our coasts, the moribund state of U.S. fisheries and the catastrophic effects on our balance of payments, surely there is a message in there somewhere . . . a message that even the OMB can understand.

In 1950, the Russian merchant fleet ranked 21st in the world, with 432 major merchant ships totalling only 1.8 million deadweight tons. A year ago, it ranked sixth both in number of vessels, 2,079, and carrying capacity, 15 million tons. In 1947 the U.S. ranked first with the greatest merchant fleet ever assembled—2,114 ships totalling 23.7 million tons.

In the last four years the Russian merchant fleet increased by 627 new ships and four million deadweight tons. Simultaneously, the U.S. fleet dropped by 317 ships and 1.9 million tons. Sixty per cent of the U.S. fleet is over 20 years old. The entire Soviet fleet is less than 20 years old; half is less than 10 years old. Today the Russians carry half their foreign trade and are targeting for three-quarters by 1975. The U.S. carries only five per cent of *its* trade. For our raw materials and fuels, for getting our goods to overseas markets, we are now absolutely dependent on foreign flag vessels.

The Soviet merchant marine, however, does more than just carry Russian foreign trade. It is an important instrument of Soviet global political power. Most Russian foreign aid and trade arrives in Soviet flag vessels; the red hammer and sickle flag is a common sight in world ports. The majority of U.S. aid and trade arrives in foreign flag vessels; the stars and stripes in foreign ports are becoming a novelty.

Soviet shipbuilding capacity, never much, was badly damaged in World War II. Now quite possibly they have the greatest shipbuilding capacity in the world. They have at least 18 modern yards with a total employment of 265,000. In contrast, the U.S. has 20 major yards employing 234,000 people. Much of our capacity is antiquated and simply can't compete.

The Russians are building 12-to-15 nuclear submarines a year; can build 20 a year on a one-shift basis; 30 on a three-shift basis. U.S. yards average 4.5 nuclear boats a year, with a capacity of five or six on a three-shift basis. Today, at least 50 per cent of the merchantmen being added to the Soviet fleet are built in Russian yards, and they are building ships for export. Ten years ago 98 ships (919,000 tons) were added to the Russian merchant marine. At that time hardly any were built in Russian yards.

Knowledge provides the very basis of seapower. Russia supports the largest oceanographic research effort of any nation in the world. This may exceed the combined efforts of the U.S. and its NATO and SEATO allies. The Russian research fleet numbers some 150 vessels, not including those under 700 gross tons and those devoted exclusively to fisheries research. Their ships are modern, well-equipped and often quite large, with seven ranging between 5,600 and 7,000 tons. The United States currently operates 70 research vessels before budget cutbacks recently forced deactivation of a number of our best ships. The Soviet oceanographic effort is well staffed and usually well funded.

The Russian operational inventory of manned habitats and research submersibles still greatly lags behind the U.S. in both quantity and quality. U.S., French, Swiss and Japanese development of submersibles and manner habitats has been impressive in terms of both performance and numbers. What is not impressive is the number of these vehicles now in lay-up because there is no demand for their services. Thus, where we do have a lead—largely developed by private industry with private funds—we choose to let it lapse.

Another aspect of broad-spectrum Soviet seapower is maritime aid, concentrated largely in the developing States of Africa, the Middle East, India, Southeast Asia and Cuba. In this effort, the Russians seek not only economic and political favor, but also bases from which to service their far flung naval and fishing fleets. Maritime assistance programs of the Soviet Union include fisheries, port development, manpower training and naval aid. The Russians have provided over 300 naval vessels—including both guided missile patrol boats and submarines—to more than a dozen countries. Remember that it was such a guided missile patrol boat—given by Russia to Egypt—that sank the Israeli destroyer Eilat with a single hit.

Finally, there is the Soviet fleet of some 50 dedicated intelligence collection ships—many built from the keel up for the sole purpose of electronic surveillance. They regularly monitor our submarine-launched ballistic missile test shots off Cape Kennedy. Seldom were our carriers off Vietnam free of the company of at least one Russian intelligence ship.

Now I admit we don't see Soviet goods flooding our domestic markets or offering much competition in traditional European markets. But look at the uncommitted and largely developing countries of the "Third World". There, Russia is an ever-more constant presence. This occurs at a time of declining American presence. We are foolhardy in the extreme if we continue to allow this shifting balance of power. Not only do we need the support of these nations in world councils, but the underdeveloped States are both today's sources of many critical raw materials, including oil, and tomorrow's markets for goods and services. Under present circumstances, the Soviet Union stands to preempt both . . . largely through the exercise of global, broad-spectrum seapower.

Let me turn briefly to the second front. After World War II the United States spent billions of dollars and freely transferred its technology to help rebuild the economies of friend and foe alike. The success of this effort is obvious in the international trade statistics and in the precipitous decline in our own balance of payments.

In the free-for-all competition of world trade, everyone wants to win, but most competitors do not consciously seek destruction of each other—only to win. There is a fine difference. The Soviet Union, however, not only seeks to win and to win absolutely—to become *the* world's superpower—but it also wants to eliminate competition from the United States.

If we don't compete successfully in world markets, including our own, that's our fault. Since we can't reduce the competitiveness of others, we ourselves have to become more competitive. In the 28 years since the end of World War II, we have gotten a little flabby around our industrial middles. Now, we have to trim out, to sharpen management in both business and Government.

America can have the hottest technology, the best market intelligence and the most efficient production lines. But without raw materials to feed those lines and energy to keep them running, we're out of business. Don't ever forget it: For a rising proportion of both its raw materials and energy fuels, America is a have-not nation. Furthermore, some of the most important deposits are located in regions where they may be denied to us, not for economic but for political reasons. Conversely, if they are politically available but we lack the foreign exchange, they are still denied to us.

This brings me to the two key functions of seapower on this second front:

One, improving our balance of payments through the production of ocean goods and services.

And, two, assuring a continuous and adequate supply of energy and raw materials.

Of 71 strategic materials, including fuels, required to support our modern industrial economy, 69 are imported in whole or in part. We import only 20 per cent of our aluminum, but we import 80 per cent of our bauxite, the ore from which we produce aluminum. We import a third of our iron ore, 40 per cent of our zinc, 20 per cent of our copper, over 25 per cent of our *crude oil* and refined products, 90 per cent of our cobalt, and virtually 100 per cent of our tin, chromium, nickel, manganese and natural rubber—just to mention a few. In contrast, the Soviet Union is self-sufficient in all 71 key materials except rubber and tin.

Ships are needed to carry these materials. To the extent that these are American flag vessels, our future security is enhanced. The spectre of a future raw materials crisis haunts the present. Land-side reserves are fixed. Resources are being drawn down faster than they are being discovered. And, demand is rising at a frightening rate. This nation, the world's largest consumer of both raw materials and energy, must look to other sources of supply. Unless we contemplate trying to mine the moon or Mars, the only untapped source on this planet is the ocean.

Industry, on its own initiative, is ready to

mine deep ocean manganese nodules—sources of copper, nickel, iron, manganese and cobalt, at least. It is blocked for lack of a suitable legal climate, a matter that is tied up in international hassling. Hopefully that problem will be solved in Santiago with a new Convention on Law of the Sea.

Another logical step is to look at the sedimentary oozes that cover most of the deep ocean floor—potentially economic and incredibly vast sources of aluminum, iron, cement and other materials.

Immediately we need to push oceanographic investigation of the kinematics of plate tectonic—sea-floor spreading—theory. There is evidence that mineralization occurring along the mid-oceanic rifts and ridges is continually producing rich deposits of copper, iron, zinc, gold, silver, vanadium, nickel, lead, chromium, cobalt, manganese, mercury, uranium and others. You have seen an example of this mineralization process in the so-called "hot holes" in the Red Sea. Furthermore, if present theory holds true, such deposits will be found to extend outward from divergent plate boundaries (the mid-oceanic ridges) across the deep ocean floor all the way to the adjacent continental land masses.

Little is understood about ocean floor processes at present, but it is virtually certain that mineral raw materials resources are continually being renewed from deep within the earth. Whether the rate of renewal in any way matches the rate of man's consumption is anyone's guess. But it is a wide-spread process, and it is in our national, as well as mankind's, interest to find out. Greater consideration should be given to the potentials of mining on and under the nation's continental shelves. The Soviet Union, after a recently completed survey of *its* Arctic shelf, has concluded that mineral resources there exceed the land-side deposits of Russia, Canada and Alaska combined.

We will come out of our present energy crisis by exploiting new petroleum deposits, by building safe nuclear generating stations, by gasifying coal, by reducing oil shale and the like. But the fix will be only temporary. If we don't run out of conventional resources first, we will one day reach the limit of the amount of heat we can release to the environment without catastrophic consequences to the earth's climate.

Before that time comes, we will have to turn to other sources of energy—namely solar and lunar power. Lunar, or tidal, power can be taken from the sea. Both France and Russia have full-scale experimental tidal power plants in operation. Some old theory, recently revived, indicates that solar energy may also best be taken from the sea—utilizing the considerable temperature differences that exist between surface and deep ocean waters. The world's great ocean currents and waves as well as the winds are other manifestations of solar energy in the sea.

There are many other examples where we can turn to the sea to fulfill our most fundamental national needs, but I must turn to the third front.

The third front is the home front. Much of our national wealth—both natural and man-made—exists at or near America's vast coastlines. Whether it is used for places to live, as ports, as industrial siting, as a source of cooling water, as wilderness preservation, as high-intensity recreation. . . . the national coastal zone is under great economic and social pressure.

It is a tremendous national resource. It is our duty to manage the coastal zone efficiently. This efficiency helps control how well we compete both at home and abroad. There are many examples. In the interests of time, I will restrict myself to two—the oil and liquefied natural gas import problem and one answer, at least, to the intense pressure on existing coastal real estate, a fixed asset.

It is generally conceded that imports of crude oil and liquefied natural gas—LNG—will increase greatly in the next decade. By 1980, it is estimated that 300 VLCC's—Very Large Crude Carriers—will be needed to import crude oil alone. There is presently one port in the United States capable of handling these ships—and that is right here in Puget Sound. First of all, we have to assure the availability of this carrying capacity. Hopefully, a substantial portion of it will be flying the American flag. Even more importantly, we need to provide unloading facilities for these mammoth tankers. Where we locate these facilities and how we build and operate them bears not only on the efficiency and sufficiency of our energy supply, but also on the integrity of the coastal zone itself.

The unloading and transshipment of LNG poses comparable but not identical problems. Even large LNG tankers will not draw so much water, but the danger to human life and property from a casualty on one of these ships in a populated area is frightening to contemplate. If sanity prevails, special attention must also be given to the siting, construction and operation of LNG ports. Fortunately the U.S. has already begun the construction of a fleet of these tankers.

This leads naturally into my second example—artificial islands. Common to virtually all coastal zone problems are rising use demands on a fixed parcel of real estate. The destruction of irreplaceable natural coastal environment for explicit economic uses is a continuing process and a growing source of conflict among the American people. A growing number of activities are considered simply as bad neighbors by a growing number of people already living in the coastal regions. Social and political controversy result and, good neighbors or not, national economic efficiency is damaged.

Simultaneously, we have the fact that the electric power industry seeks on its own to locate nuclear electric power plants offshore, and—entirely separately—superports for VLCC's also will be located offshore. Presumably, the necessary reception facilities and refinery capacity will be built onshore, if sites are found where such "bad neighbors" will be tolerated.

I offer for your consideration the possibility of much greater efficiency in the use of both national economic resources *and* the coastal zone if we examine and try to solve the whole problem, rather than taking the uncoordinated, fragmented approach. The whole problem is simply the need for more coastal real estate to accommodate more and more conflicting uses.

One answer could be multiple-use artificial islands. If several users participate in the construction and maintenance of such newly created coastal real estate, the shared cost to each user will be much less than if each user goes out and builds his own facility. The most expensive part of such structures is the breakwater. The larger the island, the lower the proportional cost. Experience in Europe indicates that for islands of 1,200 acres or more built in the North Sea, the cost may be equal to or cheaper than developing prime coastal land ashore.

The different uses to which such islands could be put seems only to be limited by comparative economics. Among such uses are: Oil and LNG ports, refineries, general cargo ports, waste processing and recycling facilities, jet ports, siting for bad-neighbor industry generally, high-intensity ocean recreation, fishing ports and fish-processing plants, mariculture, electric power stations, and sand-and-gravel mining.

Not all of these uses would be mutually compatible on a single island. The point is, however, that the construction of such islands would relieve many of the pressures on the natural coastal zone. They would enable more efficient use and protection of this irreplaceable national asset. Development of such offshore islands systems could be a joint effort by both Government and industry. Frankly, industry should bear the brunt of the cost—since it would be seeking a profit.

There are many other areas where coastal zone management demands urgent attention—upgrading of our coastal fisheries, protection of living resources, and the balancing of coastal zone uses such as recreation, industry, and residential development. Last year Congress provided, and the President signed into law, the legislative framework for tackling the most pressing of these problems. So far, the OMB has stripped the Coastal Zone Management Act of any substance by refusing to permit its funding. Here again, on this third front, we need to convince the White House and the OMB that efficient management of coastal resources is in the vital national interest. And, as I have said already, arguments must be couched in terms that relate to the critical, headlined issues of our times—balance of payments, inflation, environmental degradation, jobs, leisure time outlets, reduced congestion in cities, national confidence and national pride.

Underlying the effectiveness of our contest on all three fronts of our national struggle—whether with Russia specifically, with the rest of the trading world generally or with ourselves here at home—is the need for a sound and growing ocean science and technology. NOAA Administrator Bob White has described such knowledge as the "other seapower." I say it is the very basis of seapower—the foundation we absolutely must have in order to:

Reduce our *political* dependency on foreign basic resources, while at the same time assuring their *political* availability;

Reduce the outflow of dollars by substituting ocean resources for foreign land-side resources;

Increase our national earning power by producing and selling more ocean goods and services;

Assure our future national economic security by developing the technology to use promising new ocean resources for both energy and raw materials;

And, in general, to reduce fear and restore national self-confidence by strengthening our economic stature both at home and abroad and by restoring our political posture in the world community.

If, however, we are to see *implemented* Government policies and an encouraging ocean business climate we are going to have to sell *ocean* and do so in terms that generate enthusiasm among non-ocean people.

That's the biggest and most important job we have before us—for our own good and for the good of America.

Thank you and good selling!

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1974

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of H.R. 8760, which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 8760) making appropriations for the Department of Transportation and

related agencies for the fiscal year ending June 30, 1974, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

The PRESIDING OFFICER. The time for debate on the bill is limited to 30 minutes, to be equally divided and controlled by the Senator from North Dakota (Mr. YOUNG) and the Senator from New Jersey (Mr. CASE), with 20 minutes on amendments, debatable motions, and appeals.

The notice is in error. It will be corrected.

The Chair corrects the previous notice. Debate will be limited to 30 minutes.

Mr. ROBERT C. BYRD. Mr. President, debate should be limited to 30 minutes, with 10 minutes on each amendment, and the agreement should be in the usual form. Mr. MANSFIELD designates his time to me.

Mr. President, I am exceedingly proud of the performance of this subcommittee. I believe that its actions in regard to this bill conform to the wishes of our distinguished chairman of the full committee, Mr. MCCLELLAN, and to the sentiment as expressed by the Senate sometime ago in establishing an overall ceiling which was below the ceiling recommended by the President.

The figure in this bill, I stress, is a reduction in new budget authority of $47 million below the administration's request, and again I say it is $162 million less than the funds appropriated during fiscal year 1973.

The subcommittee took testimony on estimates totaling $8,086,061,000, which consisted of $5,075,157,000 in liquidating cash and $3,010,732,000 in new obligational authority. The committee's recommendation totals $8,000,866,000 consisting of $5,037,471,994 in liquidating cash after certain adjustments and $2,963,394,006 in new obligational authority. This is a reduction in new budget authority of $47,338,000 below the administration's request and $162,057,089 less than the funds appropriated during fiscal year 1973.

It should be noted that the House deferred action on three items since authorizations had not passed the House. Those items were: First, a $25 million request for Coast Guard Reserve training; second, a $93 million request for grants to the National Railroad Passenger Corporation—Amtrak; and third, $35,063,000 of the request for traffic and highway safety by the National Highway Traffic Safety Administration. This committee is recommending appropriation of funds for two of these items subject to passage of the authorizing legislation. $115,500,000 is recommended for grants by Amtrak and $25 million, the full budget estimate for Coast Guard's Reserve training program.

Since the above items were "deferred" by the House, the House bill did not include funds for them. This is the principal reason why the committee's recommendation totals $210,163,000 over the House bill.

ADMINISTRATIVE USER CHARGES

Before proceeding to the specific appropriations recommended, I shall briefly explain the committee's action regarding section 315 of H.R. 8760. This section of the bill, as passed by the House, would prohibit the Department from implementing any new user charges. This section was inserted by the House, because of its concern that new aviation user charges, amounting to $30 to $50 million would be imposed administratively by the Federal Aviation Administration without any congressional review or approval. The effect of section 315 upon the Department, as it reads in H.R. 8760, is to prevent any administrative changes in user charges now in effect for even routine administrative services performed by other parts of the Department, even if there are cost increases. It is, therefore, recommended that section 315 be amended to read as follows:

None of the funds in this Act shall be available for the implementation or execution of a program in the Department of Transportation to collect fees, charges, or prices for approvals, tests, authorizations, certificates, permits, registrations, and ratings *which did not exist as of January 1, 1973, until such program is reviewed and approved by the appropriate committees of the Congress.*

The total amount of new budget authority recommended is broken down as follows:

TITLE I—DEPARTMENT OF TRANSPORTATION	
Office of the Secretary	$52,000,000
Coast Guard	752,478,006
Federal Aviation Administration	1,554,450,000
Federal Highway Administration	48,763,000
National Highway Traffic Safety Administration	49,757,000
Federal Railroad Administration	163,250,000
Urban Mass Transportation Administration	45,800,000
TITLE II—RELATED AGENCIES	
National Transportation Safety Board	7,975,000
Civil Aeronautics Board	81,198,000
Interstate Commerce Commission	34,750,000
Panama Canal Zone Government	62,500,000
Washington Metropolitan Area Transit Authority	110,473,000
Total new budget (obligational) authority	2,963,394,006

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

The committee recommends $52 million for the Office of the Secretary, including $24,200,000 for salaries and expenses. This does not include funding for the five additional positions included in the House bill. In denying the request for restoration of 10 staff assistants for the secretarial representatives, the committee has no objection to the funding of these positions from the amount recommended herein.

For transportation, planning, research, and development, the committee recommends $26,500,00. In restoring the $1 million House reduction to the Department's universty research programs, the committee recognizes the importance of bringing to bear the intellectual resources of the Nation's universities and colleges on interdisciplinary solutions to transportation problems. The committee notes, however, that the success of this program will depend, in large part, upon firm direction by the Department.

Other major programs for fiscal year 1974 under this appropriation consist of:

First, climatic impact assessment, for which $5.8 million is recommended. This program studies the environmental effect of fleet operations on high altitude aircraft;

Second, automotive energy optimization, for which $2.1 million has been included for the study of methods to reduce fuel consumption by 30 percent with state-of-the-art technology;

Third, noise abatement, for which $2 million is recommended; and

Fourth, State and local planning grants, for which $1 million is provided to obtain state and local input into national transportation planning.

The committee recommends concurrence with the House denial of the Department's $500,000 request for transportation research activities overseas. Testimony revealed that $143,000 of the 1972 appropriation for this item is still unobligated.

For grants-in-aid for natural gas pipeline safety, the committee recommends an appropriation of $1.5 million. This represents an increase of $625,000 over the House allowance. The recent increase in gas explosions resulting in loss of lives as well as substantial property damage makes it imperative that the Department pursue its responsibilities in this area with great urgency. The committee is disturbed that a report requested of the Department last year concerning the personnel and funding necessary to establish an effective gas pipeline safety program has still not been received.

COAST GUARD

For operating expenses of the Coast Guard, the committee recommends $547,900,000. Of the $3.5 million increase over the House bill, $922,000 is provided to reactivate 13 Coast Guard SAR stations—in addition to $600,000 provided by the House—$1.5 million is included for the manning of various units of the Loran chains program, and $1,078,000 is to provide funding for a three-helicopter force at Cordova, Alaska. Such helicopters are to be transferred from storage.

For acquisition, construction, and improvements, the committee recommends $77,250,000. The $2,750,000 over the House allowance and budget request is included for the construction of a helicopter search and rescue station to be located at a suitable point between San Francisco, Calif., and Astoria, Oreg. Although the Coast Guard has listed such a station for future funding, it was felt that the station was needed at the present time.

The House language limiting availability of A.C. & I. funds to June 30, 1975, was extended by the committee to June

30, 1977, primarily due to the combination of logistics and a short construction season for the Alaskan projects.

The committee recommends concurrence with the House allowance of $4 million for alteration of bridges.

For reserve training, as mentioned earlier in my summary, the House deferred action due to lack of authorizing legislation. The committee recommends an appropriation of $25 million subject to passage of authorizing legislation.

The committee recommends $14 million for the Coast Guard's research, development, test, and evaluation programs, the same as the House allowance. This is the area where the Coast Guard conducts its marine safety and environmental protection programs.

In the State boating safety assistance program, the committee recommends $3,500,000, the same as in the House bill and $1 million below the budget estimate.

FEDERAL AVIATION ADMINISTRATION

For operations of the Federal Aviation Administration, the committee recommends $1,206,800,000. The $13.3 million increase over the House bill is to enable the FAA to continue its air transportation security program in 1974.

The committee recommends the sum of $13,750,000 for engineering and development. The House cut of $2,250,000 is restored in order to provide the full budget amount to enable the FAA to continue its programed level of research and activities connected with its efforts to reduce aircraft noise and to eliminate aircraft accidents.

For facilities and equipment, the committee recommends the budget request and House allowance of $250 million. However, the limitation on availability to June 30, 1975, included in the House bill is considered too restrictive. The committee is advised by the FAA that the majority of projects, some 90 percent, are completed within a 3-year period. For this reason, the committee recommends extending the availability of the 1974 appropriation to June 30, 1976.

For research, engineering, and development, the committee recommends $66,500,000. This $11.5 million increase over the House bill is provided to permit the FAA to continue its efforts in the improvement of navigation, communication, and all weather landing systems which, if delayed, could lead to increased traffic delays in high density terminal areas.

In grants-in-aid for airports, the committee recommends $200 million in liquidating cash, the same amount provided in the House bill. A new minimum obligation limitation of $310 million is recommended for 1974. This is the level provided in Public Law 93-44.

With respect to the National Capital airports, the committee recommends concurrence with the $14.4 million for operation and maintenance and $3 million for construction contained in the House bill. It should be noted that the FAA predicts that revenues will exceed direct operating costs for both National and Dulles airports in fiscal year 1974. These revenues are deposited in the general fund of the Treasury. Here again, the committee recommends extending the June 30, 1975, availability cutoff provided in the House bill to June 30, 1976.

FEDERAL HIGHWAY ADMINISTRATION

I turn now, Mr. President, to the Federal Highway Administration. By far, the largest single item in this bill is the $4,315,900,000 recommended for Federal-aid highways. The major portion of this amount will be paid out to the States for work on our Federal-aid highway system. Under this program, the Federal Government pays 90 percent of the costs of interstate projects and 70 percent of most other Federal-aid projects.

For salaries and expenses, the committee recommends $114,700,000. Of this amount, $101,900,000 would be transferred from the "Federal-aid highways" trust fund, and $12,800,000 would be a direct appropriation. This is a reduction of $1.5 million below the House allowance.

For highway beautification, the committee recommends an obligation limitation of $55 million, increasing the House allowance by $10 million.

For rail crossing demonstration projects, $18 million is recommended. This $8 million increase over the House is provided to enable the Department to carry out this program without delays which could occur from inadequate funding.

The committee recommends an appropriation of $11,943,000, including $5,943,000 for Elko, Nev., and $6 million for Wheeling, W. Va., for railroad-highway crossings demonstration projects. This recommended appropriation is contingent upon enactment of the Federal-Aid Highway Act of 1973.

For forest highways, public lands highways, and territorial highways, the House allowed the full budget estimate. The committee recommends concurrence.

The committee is also recommending that the $5 million obligation limitation on public lands highways be increased to $12 million.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

For the traffic and highway safety program of the NHTSA, we recommend $49,757,000. Of this amount, $5 million is made available contingent upon enactment of authorizing legislation. Of the amount allowed by the House, $9 million was by transfer from the appropriation "construction of compliance facilities." Concurrence with this transfer is recommended since testimony revealed that actual construction of the facility is not scheduled for fiscal year 1974.

The House bill set an obligation limitation of $80 million for the administration's State and community highway safety grant program for fiscal year 1974. The committee recommends a limitation of $85 million, the same as the fiscal 1973 amount.

FEDERAL RAILROAD ADMINISTRATION

For salaries and expenses of the Office of the Administrator, we recommend $2,900,000, the same as the House allowance.

A level of $10,350,000, the same as for fiscal year 1973 is recommended for the administration's railroad research efforts.

In the area of railroad safety, the committee is greatly concerned with the administration's failure to hire additional safety inspectors authorized by the Congress. The incidence of train accidents due to defective or improperly maintained roadway and track is alarming. For this reason, we have recommended restoration of the $1 million House cut in this appropriation and, in addition, recommend $1.4 million to be used only for hiring an additional 95 safety inspectors. Also, since this program would prove ineffective without providing grants-in-aid to the States, the committee recommends a $1.5 million appropriation to make such grants to States certified by the FRA to assist in policing the railroad regulations.

For high-speed ground research, the committee recommends an appropriation of $23.6 million. Of the $6.5 million increase over the House, $3 million is intended for the FRA's advanced systems program and $3.5 million is to permit retrofitting of the propulsion drive system on the Metroliner fleet.

For grants to the National Railroad Passenger Corporation, the committee recommends an appropriation of $115,500,000. In addition to the $93 million budget request, funds are provided for the following services:

Mexican service via St. Louis, Little Rock, and Dallas	$4,500,000
San Joaquin Valley between Oakland and Bakersfield	500,000
Washington, D.C.—Cumberland, Maryland	400.000
Metroliner Station at New Carrollton, Maryland	7,100,000
New York-Kansas City and Chicago-Florida routes	10,000,000

Of the amount appropriated, $61.5 million is contingent upon passage of authorizing legislation by the 93d Congress.

URBAN MASS TRANSPORTATION ADMINISTRATION

For administration expenses, $5 million is recommended. This allowance anticipates usage of the $2 million carryover.

In restoring $11.2 million of the House cut to the administration's research and development program, the committee anticipates that the 1974 program will include $28.6 million for new systems, $20,650,000 for PRT research and development, $4,250,000 for seeking solutions to the problems of the elderly, handicapped, and other transportation disadvantaged, and $1 million for development of a nonpolluting taxi.

The committee proposes to limit UMTA's program commitments in fiscal year 1974 to $1 billion. This is $20 million over the House allowance and permits a program comprised of $880,300,000 for capital facilities, $38 million for technical studies, $74,700,000 for research, and $7 million for administrative expenses.

TITLE II—RELATED AGENCIES

Mr. President, the committee recommends concurrence with the House provision of $296,896,000 for the five transportation related agencies contained in this bill.

The $7,975,000 provided for the National Transportation Safety Board should be sufficient to enable it to carry out its responsibilities in the areas of

aviation accidents and selected surface transportation accidents.

The bill recommends allowance of the full budget request of $81,198,000 for the Civil Aeronautics Board. Of this amount, $14,767,000 is for the Board's salaries and expenses and $66,431,000 is for subsidy payments to qualified local service and Alaskan air carriers.

The recommendations of $59 million for operating expenses and $3.5 million for capital outlay of the Panama Canal Zone Government will be repaid to the Treasury. These amounts are, in effect, an advance of funds to be repaid through charges for services rendered or from revenues of the Panama Canal Co.

The $34,750,000 appropriation for the Interstate Commerce Commission allows for 70 new positions.

Finally, the committee recommends the full amounts of the budget requests of the Washington Metropolitan Area Transit Authority. This would provide $7,385,000 for design and construction of the Arlington Cemetery station and an additional Smithsonian station entrance, as authorized by Public Law 92–517. In addition, an advance appropriation for fiscal year 1975 of $90,360,000 is also provided. The committee also recommends the $12.7 million for Federal subsidies to the WMATA revenue bonds. This subsidy covers 25 percent of the interest and issue costs of these bonds.

Mr. President, in conclusion, let me say that I believe the committee has presented a budget that is carefully trimmed but at the same time should enable the Department of Transportation and related agencies to carry out their responsibilities in a most effective way in fiscal year 1974.

Mr. President, I want to express my appreciation and the appreciation of the subcommittee and the full committee—and the Senate, I am sure—to the distinguished Senator from Alaska (Mr. STEVENS) for the excellent work he has done in connection with this bill. He has conducted practically all the hearings that were conducted on this bill. He began on Friday, 2 weeks ago yesterday, opened the hearings, and almost daily during those 2 weeks conducted hearings, mornings and afternoons. I not only want to express my gratitude but also want to commend him on a job very well done.

Mr. President, I yield to the Senator from Alaska such time as I may have, if he desires to use it.

Mr. STEVENS. Mr. President, I am grateful to the distinguished manager of the bill for his comments.

I am pleased to express my support for the passage of H.R. 8760, the fiscal year 1974 appropriations for the Department of Transportation and related agencies.

Commencing on July 13, at the request of the distinguished Transportation Subcommittee Chairman ROBERT C. BYRD, I chaired 6 days of hearings at which the top representatives of each Department of Transportation agency and several public witnesses appeared to testify on the budget requests and appeals for various phases of the Department's operations. A substantial record was compiled and a significant amount of budget information was obtained from the witnesses.

The subsequent markup sessions at both the subcommittee and full Appropriations Committee levels were extremely constructive and productive, and the Senate version of H.R. 8760 reflects a responsible consideration by the Senate Appropriations Committee of the concern by all branches of Government for economic responsibility. The Appropriations Committee recommendations are $47,338,000 below the fiscal year 1974 budget estimates, and $162,057,089 below the fiscal year 1973 appropriations.

At a time when fiscal responsibility in the area of Government spending is of great importance to us all, I am convinced that the programs supported by the various transportation agencies and sustained by the committee are vital to the assurance of an effective national transportation program for fiscal year 1974. The spending priorities contained in the Senate version of H.R. 8760 reflect a judicious use of Federal funding to insure that the transportation requirements of the United States continue to be supported within responsible spending limits.

It is my hope that H.R. 8760 will receive a favorable response from the Senate and continue to the conference committee in the form adopted by the Senate Appropriations Committee.

Mr. President, I was pleased to have the opportunity to work with the Senator from West Virginia. I believe this is a very important bill and one that meets the needs of the country in the area of mass transportation, of providing the operations of the Department of Transportation, in general, the type of funding that is within our ability to support at the present time.

Mr. ROBERT C. BYRD. Mr. President, I also want to express appreciation to the distinguished senior Senator from New Jersey (Mr. CASE), the ranking member of the subcommittee, for the many courtesies and the cooperation and the advice and counsel accorded to me by the Senator from New Jersey. As always in the past, it has been a pleasure to work with the Senator from New Jersey, as it has been to work with the Senator from Alaska, in connection with the bill.

I also want to thank the distinguished chairman, Mr. MCCLELLAN, for the usual solid support he gives to all subcommittee chairmen in their efforts to reduce the overall figure below the administration's budget.

I also want to thank our able staff—Mr. Witeck, Mr. English, and the other members of the staff—without whose support and efforts our work would be far less easy and not as effective.

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

Mr. ROBERT C. BYRD. I yield to my distinguished chairman.

Mr. MCCLELLAN. Mr. President, I express my appreciation to the distinguished chairman of the subcommittee, the Senator from West Virginia (Mr. ROBERT C. BYRD), the ranking minority member, the Senator from New Jersey (Mr. CASE), the Senator from Alaska (Mr. STEVENS), and all members of the committee for a very conscientious effort to reduce public expenditures, particularly in the field of transportation obligations.

The $47 million, the amount that this bill is under the budget, does not seem like a very large amount when we think in terms of billions of dollars; but it does signal an effort on the part of Congress to hold the line on expenditures and to try to make reductions.

I am gratified with the results, particularly of this subcommittee and others that are making a sincere effort to hold down expenditures. I think we are in a testing period in this country with respect to whether we have the will, really have the will to meet our responsibility here with regard to public expenditures. If we have the will we have the way, and the test now is, Do we have the will?

I am gratified that the Senator from West Virginia (Mr. ROBERT C. BYRD) as chairman of the subcommittee, and his ranking minority member, and others on the committee, and other subcommittee chairmen, and their colleagues in many instances are making a sincere effort to show a disposition to reduce expenditures and to move toward a balanced budget.

I am very gratified and I want to express appreciation to the Senator and to the members of his subcommittee.

Mr. ROBERT C. BYRD. Mr. President, again, I thank the distinguished chairman.

Mr. President, I yield to the distinguished Senator from New Jersey.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. CASE. Mr. President, I wish to join my colleagues in expressing satisfaction with this bill. I think we have done a good job and we have cut it. If every appropriation bill is handled in the same fashion, we are going to be under the budget. When I say "budget," of course, I mean recommendations from downtown which did not provide for a balanced budget; but we may be able to balance it and that would be an occasion for great satisfaction, I know, for my chairman, and all members of the committee.

Mr. President, I have no desire to take the time on specific parts of the bill. I think they speak for themselves and the report is very clear. We have, I think, several amendments which may be offered, and I now yield the floor for the time being.

The ACTING PRESIDENT pro tempore. The clerk will state the first committee amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall have been considered to have been waived if the request is agreed to.

The ACTING PRESIDENT pro tempore. Without objection, the committee

amendments are considered and agreed to en bloc.

The amendments agreed to en bloc are as follows:

On page 2, in line 9, strike out "$24,300,000" and insert "$24,200,000"; in line 15, strike out "$25,500,000" and insert "$26,500,000"; and in line 22, strike out "$875,000" and insert "$1,500,000".

On page 3, in line 11, strike out "$544,400,000" and insert "$547,900,000".

On page 4, in line 18, strike out "$74,500,000" and insert "$77,250,000"; and in line 19,, strike out "1975" and insert "1977".

On page 5, after line 2, insert the following:

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $25,000,000: *Provided*, That amounts equal to the obligated balances against the appropriations for "Reserve training" for the two preceding years shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation: *Provided*, That this appropriation shall be available only upon the enactment into law of authorizing legislation by the Ninety-third Congress.

On page 6, in line 11, strike out "$1,193,500,000" and insert "$1,206,800,000"; and in line 24, strike out "$11,500,000" and insert "$13,750,000".

On page 7, in line 19, strike out "1975" and insert "1976".

On page 8, in line 10, strike out "$55,000,000" and insert "$66,500,000".

On page 10, at the beginning of line 5, strike out "$14,300,000" and insert "$12,800,000"; and the end of the same line, strike out "$9,000,000" and insert "$7,500,000"; in line 9, strike out "$25,100,000" and insert "$23,600,000"; and in line 16, strike out "$1,000,000" and insert "$1,020,000".

On page 11, in line 8, strike out "$10,000,000" and insert "$18,000,000"; in line 9. strike out "$3,000,000" and insert "$5,400,000"; after line 10, insert the following:

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

For necessary expenses of railroad-highway crossings demonstration projects, to remain available until expended: $11,943,000, of which $5,943,000 is for projects at Elko, Nevada, and $6,000,000 is for projects at Wheeling, West Virginia; and $7,962,000 of these amounts shall be derived from the Highway Trust Fund: *Provided*, That this appropriation shall be available only upon enactment into law by authorizing legislation of the Ninety-third Congress.

And in line 25, strike out "$2,600,000" and insert "$2,500,000".

On page 12, at the end of line 4, strike out "$15,000,000" and insert "$5,000,000"; and beginning with line 18, strike out:

RIGHT-OF-WAY REVOLVING FUND (LIQUIDATION OF CONTRACT AUTHORIZATION) (TRUST FUND)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 103(c), as authorized by section 7(c) of the Federal Aid Highway Act of 1968, $4,000,000, to remain available until expended, and to be derived from the "Highway trust fund" at such times and in such amounts as may be necessary to meet current withdrawals.

On page 13, in line 23, strike out "$44,632,000" and insert "$49,755,000".

On page 14, in line 6, after "Act" insert a colon and the following:

Provided further, That $5,000,000 of such funds shall be available only upon enactment into law by authorizing legislation of the 93d Congress.

In line 22, strike out "$10,500,000" and insert $10,350,000"; and at the end of line 26, strike out "$7,000,000" and insert "$9,400,000".

On page 15 beginning with line 1, insert the following:

GRANTS-IN-AID FOR RAILROAD SAFETY

For grants-in-aid to carry out a railroad safety program, $1,500,000: *Provided*, That this appropriation shall be available only upon enactment of authorizing legislation by the Ninety-third Congress.

At the end of line 9, strike out "$17,100,000" and insert "$23,600,000"; and beginning with line 11, insert the following:

REDUCTION IN APPROPRIATIONS

Appropriations heretofore granted under the head "Grants to National Railroad Passenger Corporation" are reduced by the sum of $9,100,000.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation, $115,500,000, to remain available until expended, of which $61,500,000 shall be available only upon the enactment into law of authorizing legislation by the Ninety-third Congress: *Provided*, That not to exceed $7,100,000 is to be expended only in connection with the construction of station and related facilities to serve the Metroliner at New Carrollton, Maryland.

On page 17, at the end of line 11, strike out "$5,200,000" and insert "$5,000,000 to remain available until expended."; in line 18, strike out "$29,600,000" and insert "$40,800,000"; in line 19, strike out "$27,100,000" and insert "$37,800,000"; and at the end of line 20, strike out "$2,000,000" and insert "$2,500,000".

On page 23, in line 20, strike out "$280,000,000" and insert "$310,000,000"; and at the end of line 24, strike out "$45,000,000" and insert "$55,000,000".

On page 24, at the end of line 3, strike out "$80,000,000" and insert "$85,000,000"; at the end of line 17, strike out "$5,000,000" and insert "$12,000,000" and in line 23, strike out "$980,000,000" and insert "$1,000,000,000".

On page 27, in line 3, after "ratings", strike out "which are in excess of the levels in effect on January 1, 1973" and insert "which did not exist as of January 1, 1973, until such program is reviewed and approved by the appropriate committees of the Congress".

Mr. SCOTT of Pennsylvania. Mr. President, included in the Department of Transportation appropriations bill are funds for the Federal Aviation Administration's facilities and equipment program. Most of the funds will be used to meet the urgent needs of the air navigation and air traffic control system.

Of particular importance in the bill are funds for an instrument landing system at Allentown, Pa., in the Lehigh Valley. This is one of the fastest growing areas of the Commonwealth and air traffic at the Allentown-Bethlehem-Easton Airport has reflected that. I am pleased that the FAA has recognized the need for an improved instrument landing system at the A–B–E airport in Lehigh County.

Mr. ROBERT C. BYRD. Mr. President, I send to the desk two amendments and I ask unanimous consent that they may be considered en bloc.

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

The amendments will be stated.

The amendments were stated, as follows:

On page 9, line 13 of the reported bill, strike "1975" and insert "1976".

On page 14, line 26 of the reported bill, following "$400,000" and preceding the period, insert ", of which $1,400,000 shall be available only for additional safety inspectors"

Mr. ROBERT C. BYRD. Mr. President, these two committee amendments are described in the committee report on pages 13 and 21. They were omitted from the printed amendments that were agreed to en bloc earlier.

The ACTING PRESIDENT pro tempore. Without objection, these amendments are agreed to en bloc.

Mr. BEALL. Mr. President, on behalf of Senator Mathias and myself, I send to the desk an amendment and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

On page 2, line 9, immediately after the semicolon, add the following: "including not to exceed $1,000,000 for allocation to the Office of Pipeline Safety for a study of the safety of natural gas pipeline distribution systems which shall consider such areas as the use of plastic pipes, the evaluation of the conditions of existing distribution systems, third party damages, the need for expanding present regulations on service lines, the effectiveness of "odors" given to natural gas, and the utilization of the system approach to pipeline safety,"

On page 2, line 9, strike $24,200,000 and insert in lieu thereof $25,200,000.

Mr. BEALL. Mr. President, this amendment would provide up to $1 million to the Office of Pipeline Safety for a study of the safety of natural gasline distribution systems. This is similar to the amendment that I offered on June 30 to the HUD appropriations measure and which the Senate adopted. Unfortunately, the amendment was deleted in conference with the House because, as I understand it, they felt that the HUD appropriations bill was not the appropriate vehicle.

Mr. President, the appropriate vehicle is now before us and I hope that this amendment will pass. Before discussing the amendment, I want to commend the committee for increasing the appropriations for section 5 of the Natural Gas Pipeline Safety Act, which provides grants to States for developing and implementing safety programs. This is needed and I know the committee, in the

words of the report, has "concern over the recent rash of gas explosions."

In addition to expanding the grants-in-aid program, in my judgment, it is critical that we expand our research efforts and the funds for this program are provided in the appropriations to the Office of the Secretary. Accordingly, my proposal would amend this section of the bill and add $1 million for a study.

The Office of Pipeline Safety, which is under the Assistant Secretary for Environment, Safety and Consumer Affairs in the Office of the Secretary of Transportation, is responsible for administering the Natural Gas Pipeline Safety Act of 1968.

This Office develops and enforces safety standards for the pipeline systems which transport natural gas and hazardous liquids. Their program is built around three program elements: Safety standards development, operations and compliance—through inspection—of interstate transmission facilities, and provision of assistance to State and local governments for the developing and implementing safety programs.

The Office carries out the program of grants-in-aid for gas pipeline safety, which I previously mentioned and which the committee has provided increased funding.

Finally, the Office also carries out a research program. It is this effort that my amendment will accelerate.

When inadequate research funds are provided, priorities have to be made and at present the two important priorities of the Office seem to be the study of liquid natural gas and the Alaskan pipeline. Both of these are of critical importance. The problem of natural gas explosions in residential areas is also of critical concern and a matter of urgency. I do not believe that we can wait for the answers. When I introduced the amendment to the HUD appropriations bill, I recalled the explosion that had taken place in Bowie, where three people were killed and the explosion that had occurred in Columbia, Md. Fortunately, in the Columbia case, the residents were on vacation. Since then, another explosion occurred on July 16 in Annandale, burning two people and this was the fifth natural gas explosion in the Washington area in the last 16 months to cause death, serious injury, or major damage.

Although the Office of Pipeline Safety is concerned about the natural gas explosions of residential areas. Without adequate funds, they simply cannot give it the priority which I believe it deserves. What would the Office be expected to do with this additional money?

I specifically list some of the areas which I believe cry out for immediate attention. I believe that we need to examine the use of plastic pipes, taking a look at the time and environmental effects, particularly on existing systems that are now in the ground that were placed there a few years ago. The Bowie explosion apparently resulted from a crack in a one-half inch plastic gas service line.

The amendment would also direct the Office of Pipeline Safety to evaluate the conditions of existing distribution systems. We really need to develop some way to evaluate these lines in place to determine whether the existing lines are safe and adequate.

The amendment further requires a study of third party damages. In the special study on prevention of damages to pipelines issued just yesterday, the National Transportation Safety Board noted that 71 percent of distribution system accidents involved outside-forces damage and that 42 percent of the outside-force accidents related to evacuation damages.

This was the case in the first Annandale explosion. A model code has been developed and many States and local jurisdictions have enacted statutes requiring the contractors and the distribution utility companies to get together prior to construction. We need to monitor carefully what has been done, determine the effectiveness of these programs and see whether we need to revise the program and perhaps even come up with a new model statute.

In addition, the study would examine the need for expanding present DOT regulations on service lines. Service lines are those lines which run from the street to the house. Presently, we only regulate those lines until they reach the meter, and not the lines inside the house. We need to look at existing regulations and determine if we need to expand them. The most recent Annandale explosion, where the gas pipe split inside the building, underscores the importance of this effort.

Finally, we need to know and the study directs an examination into the effectiveness of present "odors" added to natural gas. For example, in the Bowie explosion, there evidently was no warning odor. Natural gas does not emit an odor and companies add aromatic chemicals so that leaks may be sensed and detected. It is suspected that in some cases the chemicals added may be filtered out, particularly if the natural gas had worked its way through the soil.

The study would include an examination of the potential of "system safety" technology to prevent accidents.

Our aerospace, aviation, and military activities have demonstrated the advantage of the new technology of system safety. These methods are being adapted to other areas but they have not yet been employed on the surface modes of transportation. The potential for system safety appears great for pipeline safety. As a special study of the systematic approach by the National Safety Board of May 25, 1973 observed:

System safety procedures are employed in the aerospace field as the first step in the safety chain. This is a marked departure from the accident-based approach to safety in other modes in which reliance is placed upon the lessons learned from accidents in order to formulate remedial action. Investigations of accidents are an important part of the safety chain to determine weaknesses in a safety system, but should not be the primary method used to create a safe system.

Mr. President, a Washington Post article of July 8 estimated that one-quarter of the 80,000 reported household gas leaks checked each year by the Washington Gas & Light Co. are serious enough that they could result in explosions if left unattended. The National Observer of July 28 began a front page article as follows: "One million miles of gas pipeline lie stretched across the United States. . . . Nearly all of them leak." Nationwide, there were 62 deaths in 1972, a 32-percent increase over the previous year, as a result of explosions caused by escaped natural gas. The calamity of natural gas explosions can strike as swiftly and unexpectedly as a bolt of lightning. If we are to prevent this kind of disaster from repeating itself over and over, we must make certain that adequate safeguards and standards are provided and adhered to in the design, construction, and maintenance of our pipeline and gas hookups in residential areas.

In addition, it is critical that public education on the problem and the danger signs be increased. It seems to me that the magnitude of this problem and its continued potential for catastrophe make it imperative that we step-up our efforts in this area. This amendment contemplates an accelerated examination of this serious problem which affects citizens' lives, safety, and property all over the country. It is hoped that the study will be completed as soon as possible.

Obviously, we must be concerned with the increasing frequency with which these types of events are happening. For that reason, I hope the Senate will accept this amendment and hold it in conference so that we will achieve an accelerated and coordinated effort to solve this problem of utmost priority and urgent national concern. I ask unanimous consent that the National Observer article to which I earlier referred be printed in the RECORD.

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

GAS PIPELINES—THEY LEAK

(By William J. Lanouette)

One million miles of gas pipelines lie stretched across the United States. Some, like the transmission lines that take gas from the fields in the Southwest to the big cities of the Northeast, are 3½ feet in diameter. Others, like those keeping your house appliances going, may measure only ⅜ of an inch across.

Nearly all of them leak.

You probably read about the dozen or so most spectacular gas leaks each year—the ones that blow suburban houses into chips and splinters and wipe out whole city blocks.

But what about the other leaks—the ones that controls or coincidence prevented from becoming front-page disasters? Because of the complicated nature of the nation's gas-pipeline system, and the fragmented Federal, state, and local jurisdictions that regulate it, even counting the yearly accidents is a confusing enterprise. Anticipating future trouble, and trying to prevent it, is even more elusive. But help is on the way.

AT LEAST 693,163 LEAKS LAST YEAR

Federal safety officials say there were at least 693,163 gas leaks last year. That's the number reported to the Office of Pipeline Safety (OPS), the Washington-based national watchdog agency for the gas-pipeline network.

When OPS sends its required annual report to Congress, however, the statistics

change. In 1972 their report says there were 1,293 leaks. Not 693,163.

Why this wild discrepancy? It depends on viewpoint. Thus, OPS, under the Natural Gas Pipeline Safety Act of 1968 that created it, is only required by law to tell Congress about gas-pipeline "failures." A leak becomes a "failure" only if someone is killed or hospitalized, or if a fire starts, or if property damage exceeds $5,000. Taking this viewpoint the OPS reports that the 1,293 gas-pipeline "failures" that occurred in 1972 killed 54 persons, injured 434 others, and caused $2,998,893 in damage.

But even those figures are misleading. For example, the year's estimated property damage accounts only for the property of the gas companies. If damage to other buildings is included, the figure would be at least five times higher.

A PERPLEXING QUESTION

Indeed, it is precisely such discrepancies, resulting from the different and often competitive viewpoints, that make the question of gas-pipeline safety so perplexing. An array of fragmented jurisdictional authority also hampers the ability of any single agency to successfully regulate an industry that has increased more than 20-fold in the last 50 years. In 1920 natural gas provided 4.4 per cent of the nation's energy needs. Today, with total energy consumption more than trebled, it provides 32.9 per cent. The continuing demand for energy, coupled with expanding patterns of construction in the nation's suburban sprawl, makes the task of preventing future gas disasters essential.

Last month, escaping gas led to an explosion that killed two persons and seriously injured a third in Bowie, Md., a Washington suburb. Last week, three persons were badly hurt when two plate-glass windows were blown out of a restaurant in another Washington suburb.

"Natural gas is a good, clean, safe fuel if it's handled properly," says Barry Sweedler, an inspector for the Federal National Transportation Safety Board and research director of a forthcoming report on gas-pipeline safety. "But the potential problems have us concerned."

A principal concern, because it accounts for about a third of all gas-pipeline accidents, is the frequency with which construction workers accidentally dig into buried gas lines. In the fast-growing Washington, D.C., area, for example, during a four-month period last year, the Washington Gas Light Co. received 6,000 calls about pipeline leaks, of which 2,200 were construction related.

ACCIDENTAL HOLOCAUST

In March 1972 one of the company's gas mains in the suburb of Annandale was accidentally struck by a backhoe, a mechanical excavator. Gas seeping from the line exploded, demolishing two houses, damaging a third. The blast killed a woman and her two children and seriously injured a gas-company employee.

To prevent similar accidents, Fairfax County, in which Annandale is located, enacted an ordinance requiring contractors to notify all utility companies with underground lines in the area at least two days before beginning excavation. The utility companies are then required to locate their lines, and the contractor must hand-dig around these lines to avoid striking them. This approach has several drawbacks. Among them:

Contractors have strong economic incentives to carry out their excavation with the more efficient power equipment.

Even if construction trenches are hand-dug, many new plastic gas lines can be broken with a pick.

At best, county inspectors can only make spot checks at the hundreds of construction sites.

Under the ordinance a contractor may not begin to dig until the location of all utility lines is marked, and until all companies which do not have lines at his site tell him so; with 16 operators of underground utility lines in the county, the clearance procedure is difficult.

Some contractors might consider violating the ordinance, risking a misdemeanor with a maximum fine of $300 or imprisonment of up to 30 days, a gamble worth taking.

A few local jurisdictions, including Rochester, N.Y., Detroit, and Bridgeport, Conn., have instituted single-call notification systems, so that contractors can dial one telephone number to request information on all underground utility lines in the area. In Rochester, for example, contractors are urged to call "Mac Mole" and "Gus Gopher," while diggers in Detroit are invited to telephone a throaty young voice named "Miss Dig." In Houston, and Portland, Ore., underground work is monitored by permit systems.

Joseph Kleinberg, a superintendent at the Rochester Gas & Electric Corp. and an originator of the "Mac Mole" program, says that "despite rapidly increasing construction in our area, the number of gas-pipeline accidents has dropped. In 1963, the year before we began our call system, we had about 5,000 calls from contractors and 350 incidents. In 1972 we had more than 12,000 calls and only 260 incidents." He predicts that 15 or 20 such systems will be operating around the country soon.

FURTHER SAFETY PROBLEMS

Even if this approach were expanded to cover many more local jurisdictions however, there is a further safety problem with gas pipelines. Says Carl R. Johnson, an Ohio Public Utilities commissioner: "A number of these pipes have been in the ground for 25 or 30 years, and some have been down there a lot longer than that. The action of the elements—soil, acidity, water, bacteria—are not really known in a lot of areas. The probability of a disaster is likely to increase with the passage of years. Corrosion was listed as the cause of 195 of the 1,293 "failures" that OPS reported to Congress for 1972. The annual figures are expected to increase.

Commissioner Johnson is a member of the Transportation Department's Technical Pipeline Safety Standards Committee, a 15-member board that reviews Federal regulations in such areas as pipe testing, repair procedures, and pressure standards. Even this enterprise is limited, however, since Federal jurisdiction for pipeline safety goes only from the well, through the transmission lines, the local distribution system, and ends at the customer's service line or gas meter. Then a welter of local building codes, and the standards of each individual gas company, prevail.

To further complicate the regulatory situation, the jurisdictions that devise pipeline-safety standards seldom apply them. In fact, the Federal Government has original jurisdiction to enforce its regulations and civil penalties in only two States, Louisiana and New Jersey. In all others, plus the District of Columbia and Puerto Rico, the individual power commissions have agreed to exercise that authority.

Although 45 of the 50 jurisdictions have authority to impose fines for breaking the law, not a single one of 73,726 "deficiencies" was punished by the fine last year. Of these 70,249 were discovered in New York state alone.

Roy Siskin, a spokesman for the American Gas Association, which represents about 300 distributors, described the present situation of legal liability that frequently accompanies natural-gas accidents as a jungle. "It's simple," he said. "Everybody sues everybody." Few guidelines are available to judges hearing these cases.

The OPS, meanwhile, continues to operate with a small staff of field inspectors and no early prospect that Congress will authorize the hiring of more. Director Joseph C. Caldwell prefers to stress that his office's data-collection procedures are now established and that reports in future years will yield a detailed assessment of trends in gas-pipeline safety.

Because 1972 was the first year that comprehensive figures were compiled, placing pipeline safety in perspective is speculative at best. "As an industry, the accident rate is extremely low," boasts Ron Jones, the pipeline co-ordinator at the American Petroleum Institute, a body of natural gas producers.

"It's difficult to say if we're having more accidents each year or not," adds Barry Sweedler. "In some recent accidents we've been extremely lucky. If they'd happened a few miles down the line, or at another time of day, the death rate would be very much higher. I don't foresee a drastic reduction in the number of serious accidents unless action is taken in a number of areas."

Sweedler urges the public to become more aware of what to do when faced with a gas leak: Don't strike a match or change a light switch, get as much fresh air into the area as you can, then get out and call the gas company and the fire company from another telephone.

He emphasizes the need for better training for gas-company personnel and complains that often each company has its own emergency procedures which are incompatible with those of nearby firms. Sometimes a company will have good procedures and not follow them. Other times, there are no company rules. "So far," he says, "we've been lucky."

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

Mr. BEALL. I yield.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator from Maryland, the author of the amendment discussed the matter with me and the distinguished ranking member of the committee and with the Senator from Alaska (Mr. STEVENS). My understanding is that they are prepared to accept it and I am prepared to accept it.

Mr. CASE. Mr. President, I accept the amendment.

The ACTING PRESIDENT pro tempore. Do Senators yield back their time?

Mr. BEALL. Mr. President, I yield back my time.

Mr. ROBERT C. BYRD. Mr. President, I yield back my time.

The ACTING PRESIDENT pro tempore. All time is yielded back. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

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

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

The legislative clerk proceeded to call the roll.

Mr. STEVENS. 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.

Mr. STEVENS. Mr. President, on behalf of the Senator from New York (Mr. JAVITS), I send to the desk an amendment and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

On page 6, line 1, strike the figure "3,500,000" and insert in lieu thereof "$4,500,000."

Mr. STEVENS. Mr. President, this is an amendment that seeks restoration of the $1 million that was not appealed by the department, I understand.

I offer the amendment on behalf of the Senator from New York.

Mr. STEVENS. Mr. President, I yield 3 minutes to the Senator from New York.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized for 3 minutes.

Mr. JAVITS. Mr. President, I am very grateful to the Senator from West Virginia (Mr. ROBERT C. BYRD) and the Senator from Alaska (Mr. STEVENS) for looking at the $1 million figure to increase the appropriations for State boating safety assistance from $3.5 million to $4.5 million.

Mr. President, I ask unanimous consent that the presentation of the State of New York addressed to the Senator from West Virginia be printed at this point in the RECORD.

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

STATE OF NEW YORK,
WASHINGTON OFFICE,
Washington, D.C., July 19, 1973.

The Honorable ROBERT C. BYRD,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR BYRD: The New York Office of Parks and Recreation has asked me to convey to members of the Senate Transportation Appropriations Subcommittee its opposition to the cut in funding for the Safe Boating Assistance Program (P.L. 92–75). The Administration budgeted $4.5 million for FY 1974 and the House cut this figure to $3.5 million.

Public Law 92–75 provides that the State share of the matching funds shall increase each year during the life of the authorization. New York and other states making use of these funds can thereby anticipate having to assume a greater share of the cost in succeeding years. However, this unforeseen cut in overall Federal spending, should the House figure be sustained, will work a hardship on the various states' programs. In New York, for example, the enforcement aspect of the program will suffer.

I would like to urge the Senate Appropriations Committee to restore the funding level for the State Boating Assistance Program to the $4.5 million level. It would be most unfortunate so early in the life of the Act to cut the funding for a worthy viable program for which the states will eventually assume major responsibility.

Sincerely,

ROGER W. HOOKER, Jr.

Mr. JAVITS. Mr. President, I wish to point out the critically important aspect of this matter to my particular State and other States, as my State in many ways does its utmost to be in the forefront of developments of this character, where State participation is vital. Boating has become a very major activity for the shore front and we have a very important shore front, including Long Island, in the State of New York.

I am very grateful to the Senator from Alaska for his handling of this matter immediately before my arrival and to the Senator from West Virginia for handling it, as well. Boating safety is becoming increasingly important as more and more boats are being used all over the country. I understand that Senator COTTON, who played such a vital role in the enactment of Public Law 92–75 which authorizes funds for this program is very interested in seeing this program go forward as quickly as possible. I share that view completely and my amendment seeks to do just that.

Mr. ROBERT C. BYRD. Mr. President, I want to assure the distinguished Senator that the subcommittee was pleased to accept his amendment this morning. The subcommittee recognizes that it is a very meritorious item.

I thank the Senator for offering the amendment.

I will be glad to take the amendment to conference and defend it as best I can. Even if the amendment had not been so meritorious, I think I would have accepted the amendment rather than do battle with the Senator from New York because I know that he would win.

Mr. JAVITS. The Senator is very kind. However, that is not always the case. I would hope that was the case, however, with this amendment.

We will undertake to furnish to the Senator from West Virginia background material which will enable him to hold this particular item in conference.

Also, I wish to note that, with respect to the addition which the committee made to reactivate 13 Coast Guard search and rescue stations, that $922,000 additional to the $600,000 provided by a floor amendment in the House would enable the Coast Guard to fully reactivate the 13 stations at a total cost of $1,522,000. One of the problems of the State of New York is this question of full reactivation. We have two stations at Galloo Island and Sodus Point.

And I gather that when the committee says in the report that it intends the Coast Guard stations in question shall be made truly and fully operative on a full-time basis that the objective of the appropriation is a full activation rather than just the necessary appropriations. The committee is giving them what it understands to be required for a reactivation. Is that correct? It is important to make this point because the Coast Guard had indicated it would not operate the station on a full-time basis after the House had added the $600,000 on the floor, which they thought would do the job.

Mr. ROBERT C. BYRD. Mr. President, the Senator is correct. The committee report language accurately reflects the intention of the subcommittee and the full committee in this respect.

Mr. JAVITS. Mr. President, I thank my colleague.

Mr. CASE. Mr. President, I would like to join as a cosponsor of the amendment. The amendment simply restores the amount that the budget originally asked for; the House eliminated it; it was not appealed.

In connection with the program, not only the people of New York but the people of New Jersey are benefited and lives are involved as well as property. It is a matter of lasting interest.

I hope we may be able to give it favorable consideration.

Mr. ROBERT C. BYRD. Mr. President, my two colleagues have clearly stated the facts. This matter was not appealed. I am confident that it is a meritorious matter. I am willing to accept the amendment on behalf of this side of the aisle and to take it to conference.

Mr. STEVENS. Mr. President, I yield back my time.

Mr. ROBERT C. BYRD. I yield back my time.

The ACTING PRESIDENT pro tempore. All time is yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time not be charged.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President. I understood that the distinguished Senator from Illinois (Mr. PERCY) had an amendment to offer, but I understand now he does not. I do understand that he wishes merely to engage in a brief colloquy prior to passage of the bill.

Therefore, I ask that we go to third reading.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 8760) was read the third time.

Amtrak Service in Arkansas (H.R. 8760)

AMTRAK SERVICE IN ARKANSAS (H.R. 8760)

Mr. McCLELLAN. Mr. President, the 1973 Supplemental Appropriations Act (Public Law 92–607), signed into law on October 31, 1972, contained funds for Amtrak to rectify a gross injustices being perpetrated upon the people of the State of Arkansas.

The $4.1 million contained in that measure was to be used to provide Amtrak rail passenger service in Arkansas, as part of a proposed north-south route linking the United States with Mexico. Arkansas has been arbitrarily excluded from our national rail system, and these supplemental moneys were to redress that wrong while, at the same time, initiating an important, new international transportation service for our citizens.

Despite the law, however, the Office of Management and Budget has refused to release these funds, and the 2 million people of my State still remain without rail passenger service.

The withholding of these supplemental funds has not been and cannot be justified. There are 13 States where Amtrak

is presently operating which have considerably smaller populations than Arkansas. Thus, to bar the 2 million people of Arkansas from the system on this basis is totally without foundation.

There also is no valid argument for not establishing this service because of cost. Of the 26 total Amtrak passenger routes, only one is making a profit. All the rest are operating at substantial losses—and some close to or in excess of the cost to bring Arkansas into the system. Moreover, many of the 25 losing routes have demonstrated little likelihood of operating profitably, thereby making it all the more reasonable that Arkansas be given an opportunity to demonstrate its very considerable Amtrak ridership potential.

But, Mr. President, there is an even more compelling reason for putting an end to this rank discrimination. If there is to be a national policy of providing rail passenger service, subsidized by the Federal Government, then every State in the Union—all of our people—are entitled to that service. All who are paying for this subsidized service are entitled to receive it. There should be no such thing as second class citizenship in this great Nation—for the right to enjoy railroad passenger service or for any other right.

I, therefore, urge all of my colleagues to join with me in putting an end to this inequality, by supporting H.R. 8760 which once again provides the funds necessary to bring Arkansas into the national rail transportation system.

THE NEED FOR FUNDS TO KEEP KANSAS CITY-ST. LOUIS AMTRAK SERVICE

Mr. SYMINGTON. Mr. President, the people of Missouri are on the verge of losing the only passenger rail service between our State's two largest metropolitan areas.

In 1966, the Missouri Pacific Railroad operated four trains in each direction daily between Kansas City and St. Louis. Four months ago, Amtrak announced its intention to drop the last train now running between these two cities. That is the National Limited which connects Missouri with Washington, D.C., and New York City.

In order to keep the National Limited, Amtrak will need less than $5 million to meet anticipated losses for fiscal year 1974.

Amtrak President Roger Lewis recently testified before the Senate Appropriations Committee that if his agency's budget request was increased by only $10 million, Amtrak could keep the National Limited as well as the train which now runs between Chicago and Florida.

The Appropriations Committee has recommended that amount and I join with my colleague Senator EAGLETON in urging the Senate to approve the $10 million increase for this fiscal year.

It is our hope that Amtrak will work to make the National Limited competitive with air and bus transportation and thereby make this rail passenger route a self-supporting service.

Efforts will need to be made to improve scheduling connections, to decrease travel time between cities in Missouri, and to add one or more trains in each direction to attract daily commuters who cannot stay overnight just to make a trip across our State.

Although Amtrak wanted to stop the National Limited next Thursday, August 2, the Interstate Commerce Commission has ordered it to continue operations for 4 more months while hearings are held on the Amtrak request.

We have asked the ICC for such hearings, and will insist that they be held if Amtrak proceeds with its petition to discontinue this route. However, the Congress could avoid the need for hearings by voting an additional $10 million to meet this year's costs on the National Limited and Chicago-Florida routes.

The outpouring of support for continuing the National Limited has been overwhelming in our State. The Governor, the State house of representatives, the judges of the various county courts, officials from Kansas City and St. Louis, and Mayor John Christy of Jefferson City, have wired or written to us asking that the Congress provide the money to keep this train.

We have long believed in the importance of this rail passenger service to Missourians and firmly support the additional appropriation to operate the National Limited.

PROHIBITION AGAINST NEW AVIATION USER FEES

Mr. PEARSON. Mr. President, there has been considerable speculation in the aviation community, and particularly in the general aviation trade press, that the Administration will seek in the near future to obtain by administrative action certain new fees and charges to be levied against the aviation community to defray the cost of various FAA administrative responsibilities.

The Department has had under consideration not only proposals for new fees and charges for the certification of aircraft types, but also additional fees to be levied against pilots and owners of private aircraft as well.

The cost allocation study of the Secretary of Transportation is due to be transmitted to the Congress in the near future. It is rumored that this report will contain recommendations for substantial increases in the contribution of general aviation and the airlines to the airport/airways trust fund. There is no clear reading at this time as to whether these charges may be sought to be implemented by administrative action.

Mr. President, I commend the Committee on Appropriations for its action in reporting section 315 of the pending Department of Transportation Appropriations Act for the fiscal year ending June 30, 1974. Section 315 clearly states—

> None of the funds in this Act shall be available for the implementation or execution of a program in the Department of Transportation to collect fees, charges or prices for approvals, tests, authorizations, certificates, permits, registrations, and ratings which did not exist as of January 1, 1973, until such program is reviewed and approved by the appropriate committees of the Congress.

Mr. President, this simply means that the suggested new fees and charges may not be levied without the express consideration and approval of the Congress. I commend the committee for reporting this measure, and believe that it is in the public interest to require congressional review of fees and charges levied against the aviation community by the Federal Government.

Mr. MONDALE. Mr. President, I wish to commend Senator ROBERT C. BYRD and the Appropriations Subcommittee on Transportation for providing an addition of $922,000 to reactivate 13 Coast Guard search and rescue stations. This sum, in addition to the $600,000 provided by the floor amendment in the House, should enable the Coast Guard to fully reactivate 13 search and rescue stations in the Great Lakes region which have been closed since April 1.

One of these Coast Guard stations is located at Grand Marais, Minn. Had this station remained closed, or "disestablished," there would have been greatly increased risks to recreational boaters and commercial vessels off the North Shore of Lake Superior, where sudden storms can overtake lake craft with little or no warning. Duluth, 135 miles down the coast of Lake Superior, is the next closest search and rescue station available. This 135-mile distance is twice that of any other disestablished station, many of them on far calmer waters than Lake Superior.

Mr. President, I also wish to commend my colleague, Congressman JOHN BLATNIK, the distinguished chairman of the Committee on Public Works, for his great efforts to reopen the Grand Marias Coast Guard station.

I hope that the Grand Marais station will be reopened as soon as possible.

Mr. TUNNEY. Mr. President, today the Senate is considering the fiscal year 1974 appropriations for the Coast Guard. I offered an amendment to this bill which was accepted by the Senate Appropriations Committee. The amendment calls for the appropriation of "an additional $2.75 million for the construction of a helicopter search and rescue (SAR) station to be located at a suitable point between San Francisco, Calif. and Astoria, Oreg." This search-and-rescue facility would serve the northern coastal area of California.

The northern portion of the scenic California coastline has suffered a series of natural disasters including tidal waves, "freak" storms often of hurricane force, such as the one which occurred on August 16, 1972, severe flooding and frequent ocean storms.

The need for a SAR facility for the north coast has been demonstrated repeatedly and has been recognized by the Coast Guard for some time. From a meeting held on January 4, 1966, between Humboldt County Board of Supervisors and the Coast Guard Commandant, 12th Coast Guard District, an agreement was reached in which 12.8 acres of land at Arcata Airport were set aside for the development of a helicopter base. Subsequent plans and specifications were drawn by the Coast Guard—drawing No. D–743–01 dated May 6, 1966. However, due to the escalation of the Vietnam conflict and limited funding, the project was held in abeyance. It has remained in this category ever since.

In recent action, the Coast Guard has

listed a SAR facility for Humboldt County for future funding. The people of Humboldt County were promised this facility in 1966 and they have been waiting 7 long years to get it. During this time period, the board of supervisors of Humboldt County has developed a system of nine airports which aid in disaster relief and benefit not only Humboldt County residents as well. Foresighted officials in the area can credit themselves with countless missions of mercy which have meant life itself to the individuals involved. But the local community cannot continue carrying the burden alone, especially in light of the area's rapidly growing commercial fishing industry and the quickly expanding tourist industry.

In June of this year, I offered an amendment to the bill which contains the fiscal year 1974 authorization for the Coast Guard. My amendment called for the authorization of $2.75 million for construction of this SAR facility. I was pleased that the Senate Commerce Committee accepted my amendment which subsequently passed the Senate and was accepted by the House. The bill, which included funding for the Humboldt County SAR station, became law on July 9, 1973 (Public Law 93–065).

Now that the facility is authorized, I urge the Senate to pass the fiscal year 1974 appropriations for the Coast Guard with my amendment calling for the appropriation of $2.75 million for construction of a Coast Guard search and rescue station to be located on the northern coast of California. I would also urge that the conferees recognize the urgent need for this facility and fight to retain these funds in the final conference report.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the pending measure be temporarily laid aside until the hour of 10:55 a.m.

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

Mr. ROBERT C. BYRD. Mr. President, it is my understanding that the vote is to occur on final passage of this bill at 11 a.m. Is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. STEVENS. Mr. President, reserving the right to object, I am informed that the Senator from Kansas (Mr. DOLE) wishes to enter into some colloquy with the manager of the bill or members of the committee.

Mr. ROBERT C. BYRD. Very well. Mr. President, I withhold my request at this time.

Mr. DOLE. My understanding from the Federal Aviation Administration's budget justification data is that certain flight service stations, including two at Emporia and Hill City, Kans., are scheduled to be closed and replaced by unmanned facilities.

For the purpose of clarifying the legislative history on this matter, I wish to verify my understanding of the language contained in the report on this bill at page 11.

Do I correctly understand the committee's intention to direct that these facilities and others like them be maintained at the current level of service and that there be no dismissal or transfer of personnel from them until such time as the unmanned facilities are constructed and operating satisfactorily?

Mr. ROBERT C. BYRD. The Senator is eminently correct.

Mr. DOLE. I thank the Senator. I understand the unmanned facilities may be in operation by 1979. In the meantime, as the Senator from Virginia has now verified, we can expect the two flight service stations in Kansas, and I think some 28 others, to be in full operation until that time?

Mr. ROBERT C. BYRD. Yes.

Mr. CASE. Mr. President, the chairman of the subcomittee has correctly stated the position of the subcommittee and of the full committee on this.

Mr. DOLE. I thank the Senator.

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

Mr. DOLE. I yield.

Mr. STEVENS. It is my memory that we had a letter from the distinguished ranking minority member of the full committee (Mr. YOUNG), the Senator from Colorado (Mr. DOMINICK), and other Senators, and we went into this matter with the FAA and I think the language that is in the report is the answer to the inquiry made and that our colleagues raised concerning the decommissioning of any of the flight service stations before any of the automated flight systems are in place and satisfactorily operating. We have had similar problems in Alaska. This replacement would not apply in Alaska or other parts of the country until the replacements are operating satisfactorily. That is our understanding from the FAA regarding the procedure in the future with regard to the automated service systems.

Mr. DOLE. I appreciate the answer of the Senator from Alaska. I think that answers the questions raised in the letter.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Kansas.

Mr. President, I now renew my request.

The ACTING PRESIDENT pro tempore. Without objection, the bill will be temporarily laid aside until 10:45 a.m.

Mr. ROBERT C. BYRD. Mr. President, the bill has already advanced to third reading. Is that correct?

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is correct.

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

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

The legislative clerk proceeded to call the roll.

Mr. 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.

FEDERAL CAMPAIGN ACT AMENDMENTS OF 1973

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of the unfinished business, which is S. 372, which the clerk will read by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 372) to amend the Communications Act of 1934 to relieve broadcasters of the equal time requirement of section 315 with respect to Presidential and Vice Presidential candidates and to amend the Campaign Communications Reform Act to provide further limitation on expenditures in election campaigns for Federal elective office.

The Senate resumed the consideration of the bill.

Mr. ROBERT C. BYRD. Mr. President, I have cleared this request with the distinguished Senator from Illinois (Mr. STEVENSON), with the manager of the bill, and, through another party, with the distinguished ranking Republican member of the committee (Mr. COOK.).

I ask unanimous consent that time on all amendments to be offered by Mr. STEVENSON, with the exception of the amendment that is pending, be limited to 30 minutes; that time be equally divided in accordance with the usual form; that the time on the pending amendment be limited to 1 hour, to be equally divided in accordance with the usual form; that time on an amendment by Mr. CHURCH be limited to 30 minutes, to be equally divided in accordance with the usual form; that time on an amendment by Mr. WEICKER be limited to 30 minutes, to be equally divided in accordance with the usual form.

I have cleared this request also with Mr. WEICKER and Mr. CHURCH.

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

Mr. ROBERT C. BYRD. I yield.

Mr. STEVENSON. It is possible that I may offer a motion to recommit with instructions. I just wanted to be sure that any such motion was not included in the request by the acting majority leader.

Mr. ROBERT C. BYRD. There would be 30 minutes on a motion to recommit, in accordance with the agreement entered into the other day.

May I ask the Chair if I am correct?

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is correct.

Mr. STEVENSON. I thank the Senator.

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

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? Without objection, the agreement is entered into.

The ACTING PRESIDENT pro tempore. The question now is on the amendment of the Senator from Illinois (Mr. STEVENSON) No. 433, with a 1 hour limitation on debate.

Who yields time?

Mr. STEVENSON. Mr. President, I suggest the absence of a quorum, with the time to be charged equally to both sides.

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

The legislative clerk proceeded to call the roll.

Mr. STEVENSON. 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.

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

I send to the desk a technical modification to amendment 433 on behalf of myself and the Senator from Maryland and ask unanimous consent that the amendment be so modified.

The ACTING PRESIDENT pro tempore. Without objection the amendment is so modified.

The modification is as follows:

MODIFICATION OF AMENDMENT NO. 433

At the end of the amendment insert the following: On page 56, line 12, strike "the lesser of".

Mr. STEVENSON. Mr. President, yesterday we engaged in some discussion of section 615 on contributions by individuals to political committees.

I think in truth that on a reexamination of section 615, it lies somewhere in between the positions that I and the distinguished chairman of the Committee on Rules and Administration discussed yesterday.

If an individual makes a contribution to a candidate, section 615 would effectively limit all contributions to both candidates and political committees to an aggregate amount of $100,000. However, if, on the other hand, the individual made no contribution to a candidate, but instead made contributions to political committees, he could, upon my reasoning of this section, make unlimited contributions. The effect would be the same. There is, in the face of it, no limitation on contributions to political committees except for individuals to make contributions to both candidates and political committees.

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

Mr. STEVENSON. Mr. President, if the Senator would give me just 1 additional minute to try to explain the amendment, I will be willing to yield to the Senator from Nevada.

The amendment does two things. It is technical. It is an attempt to try to conform the language of this amendment to the intention expressed by the distinguished chairman yesterday. The intention is to prohibit individual contributions to both candidates and political committees once that $100,000 level now in the bill has been reached.

This amendment would remove all possible ambiguity on that point by taking the aggregate family limit providing in section 615, which on its face permits giving to candidates, except that the limitation in subsection (b) explicitly prohibits contributions to either the candidate or a political committee once the aggregate ceiling is reached.

As it now stands, section 615 prohibits individual political contributions if the individual family has given a total of $100,000 to Federal candidates and political committees during the calendar year.

This amendment makes another change which is not technical but substantive. The amendment would also prohibit contributions to an individual candidate or political committees if he has given $25,000 to candidates or political committees during the political year.

The $25,000 applies separately to each individual, and the other limitation applies to all members of the family.

There are several reasons for a separate treatment for members of the family. They are all individuals. They are all equal. A wife may have her own money or earn her own money. I do not see why she should be prohibited from giving her money because the husband has already given up to the family level.

The second limitation is particularly the cases where members of the family are contributing to opposing candidates in a campaign.

I recognize it will be argued that this provision would permit evasion, that it would permit one individual to give in the name of another. That is a problem that we always face in drawing laws. We have to draw them tightly. In this case, other provisions of this bill should lead to effective enforcement. It does establish an independent Commission. An individual could not do indirectly legally what he is prohibited from doing directly. And the law explicitly does prohibit giving by one in the name of another.

That, Mr. President, is the purpose of this amendment. The first part is technical, simply to conform the language of the bill to the express intent of the committee, and second, to reduce that $100,000 aggregate limit for families to a $25,000 aggregate limit for individuals.

I reserve the remainder of my time.

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

I would like to ask the Senator, his amendment is unprinted, and I wonder if we could at least have it read, so we would have an opportunity to examine it, rather than relying on what the Senator says.

Mr. STEVENSON. The amendment has been printed. It is No. 433.

Mr. CANNON. But amendment 433 has been modified, and I do not know what the modification consists of.

Mr. STEVENSON. It is a technical modification. I apologize for not explaining it to the chairman, but I shall do so now.

Section 615(a) says:

No individual shall make any contribution during any calendar year to or for the benefit of any candidate which is in excess of the lesser of—

Then it is followed by subsection (1) and subsection (2). Those 2 subsections have limits, the lesser of which is $5,000.

Since my amendment eliminated subsection (2), I in this amendment make the conforming change in section 615(a) to eliminate that expression "the lesser of". All it does is eliminate the words "the lesser of".

Mr. CANNON. And that is the only provision of the modification?

Mr. STEVENSON. That is the only change.

Mr. CANNON. Otherwise, amendment 433 stands as it is. May I ask the Senator a question or two? From what he has said, do I correctly interpret his amendment 433 to mean that, if a man such as his constituent whom we discussed yesterday somewhat has 4 minor children and a wife, all members of his famliy, contributions could be made to the extent of $150,000 by that family, in other words $25,000 each, under the Senator's amendment?

Mr. STEVENSON. Existing law already prohibits that. With this bill, there will be more enforcement of that law against contributions by one in the name of another. So, referring to the individual from my own State again, he, like all others would be, under this amendment, limited to an aggregate contribution of $25,000. His wife would be able to contribute in her own right $25,000.

Mr. CANNON. So his wife could give $25,000——

Mr. STEVENSON. Some wives, as I know in this case, would be Democrats and would like to give to candidates of their party, and not be locked out by the husband's contribution.

Mr. CANNON. So the man himself could give $25,000, his wife could give $25,000, and if he has three children, each of whom might give in their own right, they could each give $25,000, so that would be a total of $125,000 that that family could give?

Mr. STEVENSON. The Senator is absolutely correct; they are all entitled to their own rights, including the right to participate.

I do say to the chairman that I, for one, would not mind making it a lower individual contribution.

Mr. CANNON. I most certainly would not be agreeable to making it any lower. I am trying to arrive at some provision so that we do not make it so no one can conduct a campaign. The Senator from South Dakota (Mr. McGOVERN), who ran for the presidency last year and ran a poor man's campaign, could not have operated under this provision of the law, because he had to go out and get big loans from individuals in order to get the seed money to go out and solicit small contributions to conduct a campaign, and he could not have operated under this provision of the law. He just simply could not have conducted a campaign.

That is the sort of thing we are likely to get ourselves into. At first glance, I thought the Senator was just simply changing the $100,000 to $25,000, and if that were the case, I would have to oppose it, because I think it is unrealistic, and it would put the committees out of business, the national committees, as well as restrict the ability of the candidate, through those committees, to conduct a campaign.

But if the Senator is going to permit each member of the family to give $25,000, I think I would be inclined to go along on this amendment. It would mean that in any event the man and his wife could give $50,000, and if he has other children, most people do think that each one could give a like amount. We made it $100,000 overall, for all of the immediate family members, because we thought that family influence was a thing we were trying to control; but the Senator apparently is not concerned too much about family influence.

I do not know about my colleague on the minority side, but I——

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. CANNON. I would be almost inclined to accept that amendment, it having been made very clear in the history

here that this does not provide a $25,000 limit for an individual family.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. STEVENSON. That is certainly not the intent.

Mr. CANNON. Mr. President, I suggest the absence of a quorum, on my time.

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

The second assistant legislative clerk proceeded to call the roll.

Mr. MATHIAS. 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.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

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

AMENDMENT NO. 438

Mr. MATHIAS. Mr. President, I call up my amendment No. 438, and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MATHIAS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

On page 49, line 6, strike "paragraph" and insert in lieu thereof "paragraphs".

On page 49, between lines 6 and 7 insert the following:

"(3) No candidate or his immediate family may make loans or advances from their personal funds in connection with his campaign for nomination for election, or election, to Federal office unless such loan or advance is evidenced by a written instrument fully disclosing the terms and conditions of such loan or advance.

(4) For purposes of this subsection, any such loan or advance shall be included in computing the total amount of such expenditures only to the extent of the balance of such loan or advance outstanding and unpaid."

On page 49, line 7, strike "(3)" and insert in lieu thereof "(5)".

Mr. MATHIAS. Mr. President, I offer an amendment to the amendment, by striking out lines 1, 2, and 3 on page 1——

The ACTING PRESIDENT pro tempore. The Chair would advise the Senator from Maryland that an amendment to the amendment would not be in order, but a modification would be in order.

Mr. MATHIAS. Mr. President, I modify my amendment by striking out the first three lines and providing that the language of the amendment be added at the end of section 608 of the pending bill.

The ACTING PRESIDENT pro tempore. Will the Senator please send his modification to the desk?

The text of the amendment as modified is as follows:

On page 44, immediately before line 22 insert:

"(3) No candidate or his immediate family may make loans or advances from their personal funds in connection with his campaign for nomination for election, or election, to Federal office unless such loan or advance is evidenced by a written instrument fully disclosing the terms and conditions of such loan or advance.

(4) For the purposes of this subsection, any such loan or advance shall be included in computing to total amount of such expenditures only to the extent of the balance of such loan or advance outstanding and unpaid."

Mr. MATHIAS. Mr. President, this is a simple amendment. It is merely a clarification of the language which is already in the law and which is contemplated as being continued in the law by the bill. It is the result of an amendment which I offered last year and which was adopted as a part of the statute which was enacted, of limiting the amount which a candidate or members of the immediate family can contribute to his own campaign.

In that amendment which I offered, very frankly, we did not consider the problems which might arise by the distinction between a contribution by the candidate and a loan by the candidate.

In the 1972 election, there were instances where questions arose in various States as to whether loans were to be considered as contributions or whether loans were additional to contributions and, if so, how should they be treated.

The amendment makes two things clear. It makes it clear that if there is to be a loan to the campaign by the candidate or his immediate family, there must be some formal evidence of that. It cannot be just some understanding or money paid in which they later call a loan. It has to be evidence that it was a loan and some formal, written record made of the transaction so that there can be no doubt about it.

Second, it makes it clear for the purposes of computing the balances for computing the sums of money that the candidate has put into his own campaign, either by way of loan or contribution, that the total limit is to be computed by considering any unpaid money for outstanding debts that the campaign committee may owe to the candidate. This will clear up one of the uncertainties that has existed as a result of the original language.

Mr. CANNON. Mr. President, will the Senator from Maryland yield for a question?

Mr. MATHIAS. I am happy to yield to the Senator from Nevada.

Mr. CANNON. Is not my understanding correct that the loan would have to be evidenced by an instrument in writing stating the terms and conditions for repayments and, in addition, would cover the situation where a loan may be made by a member of the family to the candidate to the campaign and if that loan were fully repaid then the full amount could still thereafter be spent, that is, the limited amount in the campaign and the loan would not be chargeable to the overall limit, once repaid?

Mr. MATHIAS. The chairman is correct. Let me give the Senator a hypothetical case which might occur in a Senate campaign where the limit is $35,000. If the candidate were to loan $17,500 to his campaign, that amount remaining unpaid, it would be charged against his limit. He could, thereafter, contribute no more than $17,500 to his own campaign. If the original loan were repaid, then he could contribute another $17,500, but he can have no more than $35,000 invested in the campaign outstanding at any one time.

Mr. CANNON. Mr. President, I think this is a good amendment. That was the interpretation placed by me informally, at the request of one of the candidates who had that kind of situation occur in the last campaign. It was my interpretation of what the law does. So I am very happy to see that made clear.

Mr. LONG. Did we not raise that figure——

Mr. CANNON. This has no relation to the Senator's amendment.

Mr. LONG. I thank the Senator.

Mr. CANNON. This is just related to the evidencing of a loan and to the repayment and whether it counts against the total. The Senator's amendment, yes, was modifying another section of the bill.

Mr. LONG. I thank the Senator.

This matter is becoming so complicated that I do not know whether anybody can understand it. I certainly hope the distinguished chairman of the committee can understand it, because it is so complicated that it is going to take a genius who is both a lawyer and a CPA to run for office.

Mr. CANNON. The Senator is absolutely correct. I assure him that I am not at all certain that I completely understand it, in light of all the amendments that have been offered up to this time.

Mr. President, I am prepared to yield back the remainder of my time on the Senator's amendment.

The ACTING PRESIDENT pro tempore. Is all time yielded back on the amendment?

Mr. MATHIAS. I am prepared to yield back my time, but before doing so, in order to conform the amendment to the original modification, I also strike lines 7 and 8 on page 2 of the amendment.

The ACTING PRESIDENT pro tempore. The amendment is so modified.

Mr. MATHIAS. I yield back the remainder of my time.

Mr. CANNON. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment, as modified.

The amendment as modified, was agreed to.

Mr. CANNON. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. Does the Senator ask unanimous consent that the Stevenson amendment be temporarily laid aside?

Mr. CANNON. Yes.

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

The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. CANNON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 49, between lines 3 and 4, insert the following:

SEC. 16. (a) Paragraph (a) of section 591 of title 18, United States Code, is amended by—

(1) inserting "or" before "(4)"; and

(2) striking out "and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States".

(b) Such section 591 is amended by striking out paragraph (d) and inserting in lieu thereof the following:

"(d) 'political committee' means—

"(1) any committee, club, association, or other group of persons which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000;

"(2) any national committee, association, or organization of a political party, any State affiliate or subsidiary of a national political party, and any State central committee of a political party; and

"(3) any committee, association, or organization engaged in the administration of a separate segregated fund described in section 610;".

(c) Such section 591 is amended by—

(1) inserting in paragraph (e)(1) after "subscription" the following: (including any assessment, fee, or membership dues)";

(2) striking out in such paragraph "or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States" and inserting in lieu thereof the following: "or for the purpose of financing any operations of a political committee, or for the purpose of paying, at any time, any debt or obligation incurred by a candidate or a political committee in connection with any campaign for nomination for election, or for election, to Federal office"; and

(3) striking out subparagraphs (2) and (3) of paragraph (e) and redesignating subparagraphs (4) and (5) as (2) and (3), respectively.

(d) Such section 591 is amended by striking out paragraph (f) and inserting in lieu thereof the following:

(f) 'expenditure' means a purchase, payment, distribution, loan (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations, and in the ordinary course of business), advance, deposit, or gift of money or anything of value, made for the purpose of—

"(1) influencing the nomination for election, or the election, of any person to Federal office, or to the office of presidential and vice presidential elector;

"(2) influencing the result of a primary election held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President;

"(3) financing any operations of a political committee; or

"(4) paying, at any time, any debt or obligation incurred by a candidate or a political committee in connection with any campaign for nomination for election, or for election, to Federal office;".

On page 49, line 4, strike "Sec. 16." and insert "Sec. 17.".

On page 50, line 8, strike "Sec. 17." and insert "Sec. 18.".

On page 50, line 19, strike "Sec. 18." and insert "Sec. 19.".

Mr. CANNON. Mr. President, this is a technical, conforming amendment relating to the definitions contained in the bill. It makes no substantive changes. It simply conforms the definitions throughout the bill that are deemed to be necessary.

I yield back the remainder of my time.

Mr. STAFFORD. I yield back the remainder of the time for the minority.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CANNON. Mr. President, I ask unanimous consent that the Stevenson amendment be laid aside temporarily, and I send to the desk another amendment.

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

The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. CANNON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 35, line 6, after the word "title" and before the word "may", add the following words: "and of Sections 602, 608, 610, 611, 612, 613, 614, 615, and 616 of title 18, United States Code,"

Mr. CANNON. Mr. President, this technical amendment is simply designed to clarify that the purpose of the act is to provide the Federal Elections Commission with primary enforcement powers concerning both the disclosure provisions of the Federal Election Campaign Act and the contribution, expenditure and other limitations set forth in title 18, United States Code. This intention is clearly set forth in section 309(d) of S. 372 which establishes the Commission as the primary civil and criminal enforcement agency for all of these provisions. The amendment simply would make clear that the powers of the Commission to assess civil penalties similarly deals with both the disclosure provisions and the limitations provisions.

I yield back the remainder of my time.

Mr. STAFFORD. I yield back the time for the minority.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The question occurs on the amendment of the Senator from Illinois. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—I have cleared this with the distinguished Senator from California (Mr. CRANSTON)—that on each of his amendments there be a time limitation of 30 minutes instead of 1 hour, and that the time be controlled in accordance with the usual form.

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

Mr. ROBERT C. BYRD. I also ask unanimous consent—and I hope this is agreeable to the minority—that after the first rollcall vote today, the time limitation on each succeeding rollcall vote today be limited to 10 minutes, with the warning bell to sound after the first 2½ minutes.

Mr. STAFFORD. That is agreeable.

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

Who yields time on the amendment?

Mr. STEVENSON. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally charged to both sides.

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

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STEVENSON. 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.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the name of the Senator from Maine (Mr. HATHAWAY) and the name of the Senator from California (Mr. CRANSTON) may be entered as cosponsors of the amendment.

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

Mr. STEVENSON. Mr. President, I am very hopeful that the distinguished chairman and the ranking minority member of the Committee on Rules and Administration will accept the amendment as modified. If so, the bill will go a long way toward eliminating the most corrupting influence in our politics, the large campaign contribution.

Mr. CANNON. Mr. President, I am inclined to accept the amendment. I think the amendment really opens up the bill rather than to tighten it up.

The first part of the amendment, which was for clarification purposes, does exactly what I interpret the bill to do anyway, so I am happy to accept that.

On the second part, the limit now would make it, as I understand it, as developed in colloquy, a limit of $25,000. That is not a limit for a family, but for each member of a family, so that each member of the family could contribute $25,000 to all candidates and all committees in any one year.

Under the committee bill the limit would be $100,000, but it is limited to an entire family. So with a family of five, under the Senator's amendment, $125,000 could be given, but under the committee bill they would be able to give $100,000. On the other hand, if it were a family of two, husband and wife, under the Senator's amendment, they could only give $50,000 to all candidates and all committees in a year, and under the committee bill they could give $100,000.

I think that is near enough a situation—I do not want to see us get in a position where we are restricting it to the extent that a candidate who has no funds cannot operate a campaign.

Under the provisions we have written in the bill so far, a poor man's candidate, such as the distinguished Senator from South Dakota last year, could not have

been conducted. The bill, with the restrictions written in this year, would not have permitted him to conduct the type campaign that he conducted, which everyone considered a poor man's campaign.

Based on that explanation I am prepared to accept the amendment, and I yield back my time.

Mr. MATHIAS. Mr. President, would the Senator yield?

Mr. CANNON. I yield.

Mr. MATHIAS. I am happy that the distinguished chairman takes the position he has taken. I think it is the correct position. There does arrive the question sometimes as to whether or not a family will encourage or make it possible for contributions to be given in the name of minors, even very small children. I think this is a practice that is ludicrous on its face, when you have 2-year-old and 3-year-old children purportedly giving thousands of dollars to a campaign.

I believe this amendment will discourage that practice. It puts the burden on each individual contributor; it puts the limit on each individual contributor. That is the way it should be and I believe many fraudulent contributions in the names of minor members of the family, small children, will be less likely to occur under the amended language.

I am happy the chairman is taking the amendment.

Mr. CANNON. Contributions could not be made in the name of another, even under the committee amendment, so with or without this amendment it would not make a difference whether you could make contributions in the name of another.

Mr. MATHIAS. In the case of a family it could be children with property under the control of a parent, for instance. Under those circumstances it might be possible.

Mr. CANNON. Not without violating the law.

Mr. MATHIAS. In that event this amendment reinforces what the chairman has already said.

Mr. CANNON. I am prepared to yield back my time.

Mr. STEVENS. I am prepared to yield back my time.

Mr. STAFFORD. Mr. President, on the advice of counsel for the minority we are prepared to accept the amendment. But I wish to have the record clear that speaking individually, as an individual Senator I would be opposed to that portion of the amendment which would permit an aggregate gift or gifts to exceed $100,000.

The ACTING PRESIDENT pro tempore. Is there a request that the yeas and nays be withdrawn?

Mr. STEVENSON. Mr. President, I ask unanimous consent that the order for the yeas and nays be rescinded.

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

Mr. CANNON. Mr. President, we are prepared to vote.

The ACTING PRESIDENT pro tempore. All time is yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

AMENDMENT NO. 409

Mr. WEICKER. Mr. President, I call up my amendment No. 409, which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

The amendment is as follows:

On page 19, line 17, strike "tenth" and insert "fourteenth".

On page 19, line 20, beginning with "Any strike out through the period on line 24.

On page 20, line 5, strike "paragraph" and insert "paragraphs".

On page 20, line 22, strike out the closing quotation marks and the final period.

On page 20, between lines 22 and 23, insert the following:

"(3) In addition to any other information required to be included in the report filed on the fourteenth day next preceding the date on which an election is held, that report shall contain a budget of expenditures to be made, or obligations to be incurred, prior to the day after the date of such election in connection with a candidate's campaign by the person filing the report. The budget so contained shall be set forth in such form and detail as the Commission may prescribe.".

On page 50, line 24, strike out "(d)(2)" and insert "(e)(2)".

On page 51, line 5, strike "(e)" and insert "(f)".

On page 51, line 16, strike "(d)(2)" and insert "(e)(2)".

On page 51, line 22, strike "(e)" and insert "(f)".

On page 53, between lines 10 and 11, insert the following:

"(c) No expenditures may be made, or obligations incurred, by or on behalf of a candidate in connection with his campaign during the fourteen-day period ending on the date of any election in which he is a candidate unless such expenditure or obligation was reported, in the report filed under section 304(a)(3) of the Federal Election Campaign Act of 1971, as being budgeted for that period.".

On page 53, line 11, strike out "(e)(1)" and insert "(d)(1)".

On page 54, line 3, strike "(d)(1)" and insert "(e)(1)".

On page 54, line 22, strike "(e)" and insert "(f)".

On page 55, line 3, strike "(f)" and insert "(g)".

On page 55, line 12, strike "(g)" and insert "(h)".

On page 55, line 19, strike "(h)" and insert "(i)".

On page 55, beginning with line 20, strike out "(c), (d), and (e)," and insert "(d), (e), and (f),".

On page 55, line 25, strike "(c)(3)" and insert "(d)(3)".

On page 57, beginning with line 8, strike out through line 3 on page 58, and insert in lieu thereof the following:

"(b) No contribution made to or for the benefit of a candidate after the fourteenth day next preceding the date on which an election is held in which he is a candidate may be accepted by that candidate or by any other person on his behalf.".

On page 58, in lines 4 and 5, strike out "and by subsection (b)".

Mr. WEICKER. Mr. President, I ask for the yeas and nays on the amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STAFFORD. Mr. President, will the Senator state what the amendment does?

Mr. WEICKER. I certainly will. The number of the amendment is 409.

As I understand it, there is a 30-minute limitation, which I have agreed to on this amendment.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. WEICKER. Mr. President, very simply, the amendment accomplishes the following:

It brings to an end, 2 weeks before an election, the collection of money or the expenditure of money, or at least the expenditure in that it has not been contracted for.

The advantages to this amendment, I think, are many. No. 1. Two weeks before the election takes place, the public has a full and complete picture as to what role money played in the election—a complete picture insofar as contributors are concerned, a complete picture insofar as expenditures are concerned—and it is not a question of something coming in after the election. The full story is there 2 weeks before the election.

Advantage No. 2. It eliminates contributions coming in to a successful candidate. I stated before the committee, when I presented this concept, that all of us know this. I will not speak for anyone else but myself. I would say from one-quarter to one-fifth of the funds which I raised in my campaign came to me after I was elected, in a perfectly legal insofar as reporting of the moneys is concerned, but the fact is that that is not good money at all. It is money which is contributed to the power of the office for which the candidate ran, rather than to his ideas, or the individual, or what he stood for. I do not think that is good money. It is legal money at this point. There is no question about that. But I do not think it is good money.

No. 3. The one fear we all have is deficits. We all live with this, and they are nightmares. Quite frankly, this is a self-policing concept. Granted, one is not going to be able to submit a financial report 48 hours after an election. So it means that from the day one collects the first penny to the day he makes the last expenditure for his election, he has got to keep books and records. And so, come 2 weeks before the election, not only would the candidate have a report to turn in, but the candidate himself will know exactly what is going on throughout the entire election period, and will not permit himself to get into a deficit position.

Point No. 4. Why could not he get into a deficit position? Because there is a limitation of $5,000 out of the candidate's own pocket. It does not make any difference that he would have a large deficit. That is the total amount allowed to the candidate, and if the deficit is over $5,000, he is in violation of the law and he would be subject to the penalty provisions of this section.

Point No. 5. The argument is made—Mr. President, could we have just a little order here?

The ACTING PRESIDENT pro tempore. The Senate will be in order. Senators will please take their seats.

Mr. WEICKER. Point No. 5. I know the argument is going to be made, How

can you anticipate what is going to happen in that last 2-week period? Well, the bill provides for that. The candidate can go ahead and budget for a particular amount for newspaper advertisements. He is allowed to go ahead and spend it, should something occur, like shifting tactics. He is allowed to go ahead and make the expenditure if something happens. He does not have to spend it. But when the public gets that report, it gets a full picture.

Again, speaking from the practical side, how many of us sitting here in the Senate Chamber would give testimony that last minute expenditures in a campaign have done us any good? I know in the campaigns I have run both for Congress and the Senate we started out in the beginning with plans for our campaigns. They change to some extent in the middle and at the end. And then in the last minutes some of our well wishers will run in and say, "Hey, you have to do thus and so. You have to spend money in this area." Really, when we heed those requests, they have not gained us one more vote. We have satisfied the requests of some well wishers. So we are not going to lose anything by cutting ourselves off at the time period of 2 weeks prior to an election.

So that is it in brief—a cutoff point 2 weeks before the election, a complete report on the role money played in the election, a self-policing procedure whereby we are not going to have deficits hanging over our heads for months and sometimes for years.

In my mind there is no question that it will reduce the role that money will play in any particular campaign. There is no question in my mind, as I think we have all seen, that probably the single most corrupting force in American politics is money. Any time we can cut down its influence, any time we can get it out as a matter of public knowledge is all to the good. This amendment accomplishes both of those objectives.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. CANNON. Mr. President, I yield myself 3 minutes on the amendment.

I, very regretfully, have to say to my colleague that I oppose the amendment. I think we have a quite adequate system of reporting in the bill now. At least, it is certainly more adequate than it has ever been before. But the burdens that this amendment would impose are along the following lines: If a candidate has to budget 14 days before the election, file that budget with the commission, and he cannot go outside the budget, and an opponent comes up with something 3 days before the election, as one did in one of my elections, and he has not budgeted for that particular reaction or response, he has no opportunity to respond to it, if I understood the Senator's remarks correctly.

In other words, the amendment itself, as I understood the Senator to describe it, would provide that the budget would have to be filed in detail, and that

> No expenditures may be made, or obligations incurred, by or on behalf of a candidate in connection with his campaign during the fourteen-day period ending on the date of any election in which he is a candidate unless such expenditure or obligation was reported, in the report filed under section 304(a)(3) of the Federal Election Campaign Act of 1971, as being budgeted for that period.

It is absolutely impractical to budget all the candidate's expenditures that may occur during that last rush period of the final days of the campaign.

Furthermore, in many instances an individual does not know how much money he is going to have for that last 14-day period, and therefore he would just have to enter a blanket budget for everything under the sun so that he would be protected if it were going to be meaningful.

As far as the 14-day reporting is concerned, we already have a 10-day report to the Commission in the bill. We have changed some of the provisions in existing law, but we have now the 10th day requirement of the 10th day before each election, in addition to the other three quarterly reporting periods in the bill.

I certainly share the Senator's concern. The committee has very well pointed out the danger in the type of situation that could occur under previous law.

Mr. PASTORE. Mr. President, if the Senator will yield, I think one thing we are losing sight of—and I can see the purpose of the amendment of the Senator from Connecticut—is that where we operate under the existing law, which is a limitation solely upon radio, television, newspaper advertising, and billboard advertising, with respect to everything else, the sky is the limit.

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

Mr. CANNON. Mr. President, I yield another 5 minutes.

Mr. PASTORE. If we were operating under existing law I could buy the amendment. I think that it would be a good amendment, because if a candidate can spend any amount of money for direct mailing or anything apart from the limited areas I have already mentioned under the existing law, it would be all right, because he could smother his opposition with a tremendous amount of expenditures during the 14 days. When the witnesses appeared before our committee, they said, "You do not need the 14-day provision, because you have disclosure." However, one does not mean anything without the other. A candidate has a limitation no matter when he spends it. If he wants to spend it 2 months before the election, that is his business.

All he can do is spend the amount of money permissible under this particular bill. And I repeat again that I think the overall ceiling is sufficient. The Senator's amendment becomes more or less unnecessary. Without a ceiling on all expenditures which S. 372 has, I would vote for it 100 times.

Mr. CANNON. Mr. President, I would like to explain one further bad feature of this provision, and that is the provision that no contributions can be made to or for the benefit of the candidate after the 14th day next preceding the election.

Many candidates are scurrying around in the last week or 10 days trying to get money with which to run their elections. This is not the case of the last Presidential election in which raising money was no problem. There were suitcases of money all over the lot. However, this is a situation in a congressional candidate's election, and when he comes down to the 14th day, if he does not have all his money, he has to stop right then and there. He cannot go out and get money over the overall limitation. But he may be up to the last day of his campaign trying to raise enough money to continue the campaign and still be within the legal limitation.

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

Mr. CANNON. I yield to the Senator from Georgia.

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

Mr. NUNN. Mr. President, is it the Senator's understanding that this prohibition would really prohibit any kind of debt after the election, and no funds could be raised after the election with which to pay off any debts?

Mr. CANNON. I think that the Senator had better address his question to the Senator from Connecticut.

Mr. NUNN. Mr. President, I ask the Senator from Connecticut if this means that there would be no debt allowed in a campaign. Is this what the Senator is providing by his amendment, that a candidate cannot have anything other than all cash?

Mr. WEICKER. Mr. President, basically the amendment is saying that, yes. It means that now we are ending up with a deficit at the end of a campaign. I think too many of us have for too long ended up with huge deficits.

Mr. NUNN. What happens if the debt is $10,000 or $15,000 in the last 14 days?

Mr. WEICKER. It means that the candidate has violated the law and has gone over the $5,000 which he is allowed to spend and he is in violation of the law.

I do not understand why there is great concern in this matter. We have budgetary procedures as Senators when we budget the moneys of the United States.

The problem arises—and I take it on my own shoulders and do not point the finger at anyone else—because the budgetary procedures in our own campaigns are simply horrendous. We do not follow budgetary procedures, and we should do so from the day that we get in the first dollar until we are through collecting funds. We have to match the income with the outgo.

Mr. NUNN. Mr. President, where is the $5,000 limitation? Is it in the Senator's amendment?

Mr. WEICKER. The answer is that the amount would be whatever the amount is in the bill.

Mr. NUNN. Does the Senator believe that anyone other than an incumbent could possibly under this kind of situation run a campaign such as we have to run? From now until the day we die, we would be on a voluntary basis, and we could not run a campaign on this basis.

No one except an incumbent could possibly meet such conditions.

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

Mr. WEICKER. Mr. President, we are just having a debate here on this matter.

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

Mr. BEALL. Would the Senator yield?

Mr. WEICKER. Mr. President, I will first answer the question. One has to spend the money that he has. We, as Senators, have to run the Government of the United States and judge our expenditures accordingly. The Government of the United States can spend big deficits. However, I do not think that individuals can. But, from the day that a candidate starts his campaign until he finishes, he should run it on the basis of the contributions received and plan his outgo.

I am tired of getting in these positions of having these extraordinary deficits. It requires one to spend months and months trying to raise funds rather than performing his duties here, which is something I do not like.

Mr. PASTORE. Mr. President, I do not want to be misunderstood in this. I mean this very seriously. Because of the fine participation of the Senator from Connecticut in the Watergate hearings, I think that the Senator has become an idol of the people, and rightfully so. I do not mean to be funny.

I think it is a fact that when the Senator comes to raising money for his next campaign he will not have much trouble.

The Senator from Connecticut under this bill will be entitled to raise and spend $416,600. He will be allowed to collect and to spend up to that much.

Let us assume that the Senator had raised this amount of money within 2 weeks after announcing his candidacy. A Democrat running against the Senator will have to raise money, and under the law he is entitled to raise as much as the Senator is entitled to raise and spend, or $416,600.

Let us say that it gets up into the middle of September or the middle of October and the Democratic candidate has only been able to raise $200,000. However, the Senator from Connecticut already has $416,600 which he is permitted to spend under the law. Is the Senator from Connecticut saying to me that this poor fellow who is running against him and who has only been able to raise $200,000 as against the Senator's $416,000, while he is entitled under the law to raise and spend $416,600, that 14 days before the election he will have to shut off the contributions that are offered to him?

Mr. WEICKER, Mr. President, I have not raised any $416,600.

Mr. PASTORE. The Senator from Connecticut will not have any trouble getting money.

Mr. WEICKER. It is not a matter of whether one has trouble or not. That is the very reason that I voted for the Brooke amendment on yesterday that would eliminate our use of the frank before the election. We cannot get around the fact that there will be trouble.

Mr. PASTORE. If the Senator will yield further, apart from all of that, the law has limited candidates to what they can raise and spend. They cannot raise or spend any more than that amount.

The whole purpose of this was to put everyone on an even keel. We have a formula. I repeat again that if we did not have the overall ceiling, I would be for it. However, the fact is that people have been blitzed in the last 14 days before an election.

I agree with the Senator. But where you have an overall ceiling, where each party can only raise so much and spend so much, I think it would be unfair to shut off a candidate who, up to that time, has not been able to reach the limit permitted by the law.

Mr. WEICKER. Mr. President, let me say, first of all, that I am not deeply concerned by the argument of the Senator from Rhode Island. I commend him and commend the committee, the Senator from Nevada (Mr. CANNON) and the rest. I think we all have the same objective in mind. It is a question of how we get there.

The difficulty is that this matter of a limitation I have disagreed with as a conceptual matter for a long time, because x number of dollars in Connecticut can do so much, and the same number of dollars spent in Idaho can do perhaps a lot more or a lot less.

But let me go over and respond to the points that have been raised as far as the cutoff is concerned. As I have pointed out, you can go ahead and budget for x number of dollars in your final accounting for the last 2 weeks. You do not have to spend the money, but you can go ahead and budget for it.

Second, as far as the limitation is concerned, I have discussed that with the Senator from Rhode Island, and I have pointed out that we are asked to budget a year at a time, right here on the floor of the U.S. Senate, for the Government's purposes. My gosh, I think we should certainly be able to do the same thing for ourselves.

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

Mr. WEICKER. I yield.

Mr. BEALL. We do run the Government by supplemental appropriations, I believe, year after year; so our budgeting process is not very successful.

Mr. WEICKER. Well, we try. We try. But that does not mean we should not apply the highest possible standard to ourselves.

As far as the last 2-week period is concerned, remember this: No more money can come in as of that 2-week cutoff point, so you know exactly what you have and what you do not have, what you can contract for and what you cannot contract for.

I realize this is only one man's way of driving to a point where we have, in effect, reduced the role of money, where we have conquered those things that I think hurt the system most and hurt us individually.

Take the two points, for instance, that I have raised: Do Senators think it is proper that a substantial portion of the funds we receive, we receive after we have won the office? What kind of measure of faith in each one of us is that? The measure of faith in the office and the power of that office has nothing to do with the individual. I do not think that is right.

Then lastly, as far as the budgeting process is concerned, the best thing that could ever happen, in my opinion, is to force us to budget, so that we do not have to stagger around with these deficits. I bet if we went over the list of Senators on the floor, we could find many of us who are still sitting here with huge deficits from our 1970 campaigns. Why should we be worrying about that? Under this system, we would not be worrying about it, because we would not have that deficit.

Mr. NUNN. Mr. President, will the Senator from Nevada yield?

Mr. CANNON. I yield the Senator from Georgia such time as he may require.

The PRESIDING OFFICER (Mr. BARTLETT). The Senator will be recognized for only 1 minute, because at the hour of 10:55 we have to turn to other business previously ordered.

Mr. NUNN. I shall try to wrap it up in 1 minute.

I share some of the concerns of the Senator from Connecticut about the evils of the present system. I certainly do not want to diminish those. But this particular amendment, in my opinion, first of all, would prohibit a debt at all. I think it would have the result of locking in an incumbent. I think you would have to be, if not an incumbent, a Governor, an ex-Governor, a Lieutenant Governor, or a Member of the House of Representatives to have any chance under the system the Senator is talking about.

Moreover, I think it would lead us directly to public financing. Maybe we want to go to public financing, but if we do want to go to public financing, I say let us debate it as an open issue, but not as a subterfuge on an amendment that would force us into public financing because it would prohibit any unknown person from ever becoming a Member of this body.

The PRESIDING OFFICER. The hour of 10:55 having arrived——

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate spend the remaining 5 minutes debating the amendments to this bill, before turning to the appropriation bill at 11 a.m.

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

Mr. PASTORE. Mr. President, all I want to say is this: The only reason that there is any magic to this bill at all is the fact that we have an overall ceiling. We have had the experience in the past that sometimes it is very easy for an incumbent to raise his money, but the opposition finds it very difficult. Then they take a poll, and when the opponent begins to raise his percentage on the polls, he finds he can collect money a little bit easier, and in many instances we find that money is more readily contributed when the polls begin to show that the opposition is doing well.

I would hope that if we maintain the ceiling, we could do without this amend-

ment; but if we cannot maintain the ceiling we ought to have it.

Mr. BEALL. Mr. President, will the Senator from Nevada yield to me?

Mr. CANNON. I yield.

Mr. BEALL. Mr. President, I sympathize with the aims of the Senator from Connecticut in trying to limit expenditures and limit contributions to the candidate rather than the office, and I think it is a desirable goal we should seek to attain. I think we are all dreadfully afraid of deficits when we get into political campaigns.

But it seems to me this does in fact heavily favor the incumbent, because I am sure it has been the experience of each of us that when we start out in a campaign, trying to establish credibility as a candidate, we have to make believe we have a chance to win, which will probably induce them to contribute, but we probably do not reach that stage until 2 or 3 weeks before the end of the campaign. So it seems to me that if the amendment of the Senator from Connecticut has merit, it would have greater merit if he would cut it off on election day, rather than 2 or 3 weeks before the election.

I also have a technical question. I notice on page 57, the Senator would cut out everything beginning with line 8, through line 3 on page 58. This knocks out some language that we labored mightily over yesterday afternoon with regard to a $5,000 limitation in the case of a candidate and a $15,000 limitation on the President, and the rights of campaign committees, senatorial campaign committees and congressional campaign committees to make contributions and participate in these elections.

I wonder why the Senator found it necessary to eliminate that language, and how his amendment affects what was worked out yesterday afternoon.

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

Mr. CANNON. I yield to the Senator from Rhode Island.

Mr. WEICKER. I would only—Mr. President, I believe I am responding to the question of the Senator from Maryland.

I could only say this: In a technical sense, obviously, the amendment would change this bill; as we drafted our amendment, it would change that language. And this amendment was drafted prior to the amendment coming in yesterday.

Mr. BEALL. But it still would eliminate the whole section here providing limitations on committees.

Mr. WEICKER. I am trying to substitute my amendment for the language drafted by the committee. That is why we are here debating it.

Mr. BEALL. In addition, then, to putting the limitation on the time when you can obligate expenditures and receive contributions, the amendment would also eliminate the limitations imposed upon the candidates for President and other offices, and also imposing the limitation or lack of limitation on State committees, congressional campaign committees, and Senatorial campaign committees.

Mr. WEICKER. No, that is not the intent of the amendment.

Mr. BEALL. I think that is what the amendment would do.

Mr. WEICKER. As I explained to the Senator from Maryland, the amendment that he has before him was sent to the desk prior to the other amendments that were passed or failed yesterday.

Mr. BEALL. I am aware of that, but nevertheless the amendment strikes out the whole section of the bill that was amended yesterday afternoon. Not only has the language been struck that was put in yesterday, but the original language has been struck, and I wonder why the Senator would strike the original language. I wonder why the Senator would not add the limitation as an addendum to the section rather than a substitute.

Mr. WEICKER. I would have modified it, but those matters were passed on yesterday.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, with respect to the campaign reform bill, that there be a 30-minute time limitation on each of the following amendments, to be equally divided and in the usual form:

One amendment by Senator BARTLETT.

Two amendments by Senator BAYH.

Two amendments by Senator JAVITS.

One amendment by Senator KENNEDY.

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

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1974

The PRESIDING OFFICER (Mr. PELL). The hour of 11 a.m. having arrived, under the previous order the Senate will now resume the consideration of H.R. 8760, which the clerk will state.

The legislative clerk read as follows:

H.R. 8760, making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1974, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. ROBERT C. BYRD. Mr. President, I yield 1 minute to the distinguished Senator from Nebraska (Mr. HRUSKA).

Mr. HRUSKA. Mr. President, I ask unanimous consent that third reading of the bill, H.R. 8760, be vacated for the purposes of considering an amendment which is at the desk and which I ask be called up and given immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be stated.

The legislative clerk read as follows:

On page 11, line 15 strike "$11,943,000" and insert "$15,000,000"; same page, line 17 following "West Virginia" and preceding the colon insert ", and $3,057,000 for projects at Lincoln, Nebr." and on line 17 strike "$7,962,000" and insert "$10,000,000."

Mr. HRUSKA. Mr. President, the purpose of the amendment is to appropriate a total equaling the full amount of the authorization and add one project to the two demonstration projects now listed. It adds to the two projects—one in Nevada and one in West Virginia—a third project which is in Lincoln, Nebraska.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator from Nebraska has discussed this matter with me, as well as the distinguished Senator from Alaska (Mr. STEVENS), and we are prepared to accept it.

Mr. STEVENS. Mr. President, I am happy to accept the amendment.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

Mr. ROBERT C. BYRD. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Nebraska (Mr. HRUSKA).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. THURMOND. Mr. President, I ask unanimous consent that Stanley Hackett, a member of the staff, be allowed the privilege of the floor for the remainder of the day.

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

The bill is open to further amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask for third reading.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 5 minutes.

The PRESIDING OFFICER. The Senator from West Virginia has 5 minutes remaining.

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

Mr. President, I yield 1 minute to the distinguished Senator from Michigan (Mr. HART).

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 minute.

Mr. HART. Mr. President, I regret very much that full funding is thought not to be possible on this bill. The pressure of environmental considerations, and mechanical repair of automobiles in the marketplace, will compel us to do this. I hope that we are not heading toward marketplace pressures.

To do that on a dollar cost benefit basis will provide enormous protection to the consumers of this country and assist in maintaining decent air levels and add to safety on the highways.

I know the competing pressures under which the able members on the Appropriations Committee are compelled to operate. I hope very much that this concept which the Senator from Washington (Mr. MAGNUSON) and I will present to the committee very soon will be

among those found to be possible to achieve.

Mr. ROBERT C. BYRD. I thank the Senator from Michigan for his comments. The committee allowed the full budget request for this item. He can be assured that the committee will certainly be receptive to any suggestions and advice the Senator may have as we continue to take up bills in the future.

Mr. HART. Maybe our speeches should be directed to the budget department.

Mr. ROBERT C. BYRD. Mr. President, I yield 2 minutes to the Senator from Illinois (Mr. PERCY).

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 minutes.

Mr. PERCY. Mr. President, Congress has been, of late, responding to the need for budgetary oversight authority. It has done so because of the too frequent disregard by the executive branch of congressional authorizations and spending directives.

It is in this connection that I respectfully invite the attention of the Senator from West Virginia (Mr. ROBERT C. BYRD) to a report made on November 16, 1972, by the Office of Audits of the Department of Transportation. I learned recently and I am sorry it was only recently—of a possible misuse of appropriated funds by the Coast Guard.

I asked the GAO to look into it and have received not only a copy of the aforementioned interval DOT audit but also a reply from the Coast Guard, which was requested last February, but which did not come in until June 21, 1973.

I read their reply several times—it took me back to my Navy days—but I really could not understand it because it does not seem responsive to the report on the misallocation of funds. At least, it does not directly answer the points raised. Nor does it, in any way, say that they recognized there was misuse, other than to commend the integrity and capability of the officers who made the audit and to indicate, really, that they hoped the response clarified the issue.

So far as I am concerned, it simply does not.

First, I should like to know whether this report has been made available to the Subcommittee on Appropriations by the Department of Transportation on the possible misallocation of Coast Guard funds, exceeding $3 million, where operating expenses were used for construction.

Mr. ROBERT C. BYRD. Mr. President, in response to the distinguished Senator from Illinois, the report was not made available to the Subcommittee on Appropriations. This is a report made by an internal audit, that the distinguished Senator from Illinois has secured from the GAO. The subcommittee was not provided with this information either by the distinguished Senator or by the GAO. But I am glad that the Senator has called this to my attention, and to the attention of the committee members assembled here, and he may be sure that the matter will be looked into by the subcommittee.

Mr. President, I wonder whether the distinguished Senator from Alaska (Mr. STEVENS) might not also respond to that.

Mr. STEVENS. Mr. President, I am happy to do so.

The Senator from Illinois has raised an interesting question. Having conducted the hearings, but not having any knowledge of the memorandum, I did not ask the Department for it. This issue was not raised in the hearing. We are pleased to have it raised now. But I cannot say that the Department refused to give it to us because we never asked for it. We never knew it existed. The issue was not raised in the subcommittee or in the hearings. We will be happy to look into the matter, now that the Senator from Illinois has raised the question.

Mr. PERCY. Mr. President, let me take just 2 minutes to put into the RECORD that——

The PRESIDING OFFICER (Mr. PELL). All time on the bill has now expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 2 additional minutes.

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

Mr. ROBERT C. BYRD. And, Mr. President, may we please have order in the Senate?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. PERCY. Mr. President, I am sorry I could not obtain this information early enough to turn it over to the subcommittee, but I was unable, this morning, to get through to the Department of Transportation and the GAO.

The appropriate people were not there so that we could find out whether they were familiar with the audit and were following up on it. I have not got that information, but it will be turned over to the subcommittee when I receive it.

But the audit would indicate that Federal law, enacted in 1964, provided that the Coast Guard must receive prior congressional authorization for acquisition, construction, and improvement type projects whether funded under operating expenses or the A.C. and I. accounts, with only 2 exceptions: the A.C. and I. funds may be used without prior authorization to restore damaged or destroyed facilities or where the project costs less than $200,000.

In 1967, a Coast Guard program manual was promulgated stating that construction projects costing less than $200,000 may be funded out of either A.C. and I. or O.E. funds. This would seem to be in contradiction with the applicable law.

The audit found that during 1971 and 1972, 23 projects, costing a total of $3.2 million, which lawfully should have been funded with A.C. and I. appropriations, were funded out of the O.E. account.

In addition, three of these projects cost more than $200,000, which would seem to be irregular under both the law and the Coast Guard's own manual.

I feel that every branch of Government should observe the law. Congressional appropriation and authorization directives should be and must be followed. We have the responsibility for oversight in this regard.

I appreciate very much the assurance of my distinguished colleagues that this material, which I shall turn over to the subcommittee, will be analyzed by its very capable and able staff.

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

The PRESIDING OFFICER. All time has expired. 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 legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Mississippi (Mr. EASTLAND), the Senator from Texas (Mr. BENTSEN), and the Senator from Alabama (Mr. ALLEN) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. ABOUREZK) is absent on official business.

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

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

Mr. SCOTT of Pennsylvania. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is absent because of illness in his family.

The Senator from Massachusetts (Mr. BROOKE) is absent on official business.

The Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Nebraska (Mr. CURTIS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Colorado (Mr. DOMINICK), the Senator from Michigan (Mr. GRIFFIN), and the Senators from Ohio (Mr. SAXBE and Mr. TAFT) are necessarily absent.

The Senator from Idaho (Mr. MCCLURE) is detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Nebraska (Mr. CURTIS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Idaho (Mr. MCCLURE), and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The result was announced—yeas 79, nays 1, as follows:

[No. 345 Leg.]

YEAS—79

Aiken	Dole	Javits
Baker	Eagleton	Johnston
Bartlett	Ervin	Kennedy
Bayh	Fannin	Long
Beall	Fong	Magnuson
Bellmon	Fulbright	Mansfield
Bennett	Gurney	Mathias
Bible	Hansen	McClellan
Biden	Hart	McGee
Burdick	Hartke	McGovern
Byrd, Harry F., Jr.	Haskell	McIntyre
	Hatfield	Metcalf
Byrd, Robert C.	Hathaway	Mondale
Cannon	Helms	Montoya
Case	Hollings	Moss
Chiles	Hruska	Muskie
Clark	Huddleston	Nelson
Cook	Inouye	Nunn
Cranston	Jackson	Packwood

Pastore	Schweiker	Talmadge
Pearson	Scott, Pa.	Thurmond
Pell	Scott, Va.	Tower
Percy	Sparkman	Tunney
Proxmire	Stafford	Weicker
Randolph	Stevens	Williams
Ribicoff	Stevenson	Young
Roth	Symington	

NAYS—1

Church

NOT VOTING—20

Abourezk	Curtis	Hughes
Allen	Domenici	Humphrey
Bentsen	Dominick	McClure
Brock	Eastland	Saxbe
Brooke	Goldwater	Stennis
Buckley	Gravel	Taft
Cotton	Griffin	

So the bill (H.R. 8760) was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer (Mr. PELL) appointed Mr. ROBERT C. BYRD, Mr. MCCLELLAN, Mr. MAGNUSON, Mr. PASTORE, Mr. BIBLE, Mr. MANSFIELD, Mr. CASE, Mr. YOUNG, Mr. COTTON, Mr. STEVENS, Mr. MATHIAS, and Mr. SCHWEIKER conferees on the part of the Senate.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1973

The Senate continued with the consideration of the bill (S. 372) to amend the Communications Act of 1934 to relieve broadcasters of the equal time requirement of section 315 with respect to Presidential and Vice Presidential candidates and to amend the Campaign Communications Reform Act to provide further limitation on expenditures in election campaigns for Federal elective office.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on the amendment by Mr. MONDALE there be a 10-minute limitation, the time to be divided and controlled in the usual form.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on an amendment by Mr. EAGLETON there be a 30-minute limitation, with the time divided in the usual form.

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

Mr. MANSFIELD. Mr. President, for the information of Senators, from now on, beginning with the Weicker amendment, votes will consume only 10 minutes, with the warning bell sounded 2½ minutes after the beginning of the vote, to allow 7½ minutes for Senators to get to the Chamber.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from Texas (Mr. BENTSEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), and the Senator from Minnesota (Mr. HUMPHREY) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. ABOUREZK) is absent on official business.

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

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "nay."

Mr. SCOTT of Pennsylvania. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is absent because of illness in his family.

The Senator from Massachusetts (Mr. BROOKE) is absent on official business.

The Senator from Tennesssee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Nebraska (Mr. CURTIS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Colorado (Mr. DOMINICK), the Senator from Michigan (Mr. GRIFFIN), and the Senators from Ohio (Mr. SAXBE and Mr. TAFT) are necessarily absent.

If present and voting, the Senator from Massachusetts (Mr. BROOKE) and the Senator from Nebraska (Mr. CURTIS) would each vote "nay."

The result was announced—yeas 8, nays 72, as follows:

[No. 346 Leg.]

YEAS—8

Baker	Nelson	Stafford
Hollings	Proxmire	Weicker
Inouye	Ribicoff	

NAYS—72

Aiken	Hansen	Moss
Bartlett	Hart	Muskie
Bayh	Hartke	Nunn
Beall	Haskell	Packwood
Bellmon	Hatfield	Pastore
Bennett	Hathaway	Pearson
Bible	Helms	Pell
Biden	Hruska	Percy
Burdick	Huddleston	Randolph
Byrd, Harry F., Jr.	Jackson	Roth
	Javits	Schweiker
Byrd, Robert C.	Johnston	Scott, Pa.
Cannon	Kennedy	Scott, Va.
Case	Long	Sparkman
Chiles	Magnuson	Stevens
Church	Mansfield	Stevenson
Clark	Mathias	Symington
Cook	McClellan	Talmadge
Dole	McClure	Thurmond
Eagleton	McGee	Tower
Ervin	McGovern	Tunney
Fannin	McIntyre	Williams
Fong	Metcalf	Young
Fulbright	Mondale	
Gurney	Montoya	

NOT VOTING—20

Abourezk	Cranston	Griffin
Allen	Curtis	Hughes
Bentsen	Domenici	Humphrey
Brock	Dominick	Saxbe
Brooke	Eastland	Stennis
Buckley	Goldwater	Taft
Cotton	Gravel	

So Mr. WEICKER's amendment was rejected.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on an amendment by Mr. Bellmon there be a 20-minute limitation, to be equally divided in the usual form.

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

Mr. EAGLETON. Mr. President, I have amendments at the desk identified as No. 402.

The PRESIDING OFFICER. The clerk will read the amendments.

The legislative clerk proceeded to read the amendments.

Mr. EAGLETON. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

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

The amendments (No. 402) are as follows:

On page 51, line 4, strike "15 cents" and insert in lieu thereof "10 cents".

On page 51, line 21, strike "20 cents" and insert in lieu thereof "15 cents".

Mr. EAGLETON. Mr. President, I do not think this amendment will take a great deal of time. There is a 30-minute time limit. I doubt that I will use even that.

Mr. President, this amendment, No. 402——

Mr. NELSON. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order so the Senator can explain his amendment. The Senate will be in order.

Mr. EAGLETON. Mr. President, amendment No. 402 would reduce the limitations on campaign expenditures to 10 cents in the primary and 15 cents in the general election, multiplied by the voting age population. This is in contrast to the ceilings in the committee bill of 15 cents in the primary and 20 cents in the general election. My amendment does not change the minimum allowable expenditures of $125,000 in the primary and $175,000 in the general election, as reported in the committee bill.

My purpose in offering this amendment is simple—to halt the rapidly rising amount of money that it takes for challengers and incumbents alike to run for public office. My hope is to minimize the corruptive role of money in politics and to equalize the spending power of incumbents and challengers.

In the 25 Senate races where incumbents ran last November, they had average expenditures of $491,000. Their 25 major party challengers had average expenditures of $239,000—less than half of the incumbents. Similarly, the 33 winning Senate candidates spent an average of $510,000 while their losing major party opponents spent an average of $268,000. I think it is apparent that an incumbent has a fundraising advantage and a limitation on campaign spending will serve to reduce that advantage. Similarly, there is a correlation between the candidate that won and the candidate that had the money to spend. I think a limitation on campaign spending will better

equalize the resources available to candidates and make campaigns more a test of men than money.

While I am aware that there is a bottom level at which campaign spending limits will put the challenger at a disadvantage by not allowing him to overcome the natural advantages of an incumbent, I do not think we are approaching that level by the limits in my amendment. I ask unanimous consent that a table comparing the State-by-State limits of my amendment with those of the committee bill be printed at this point in the RECORD.

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

STATE BY STATE BREAKDOWN OF EXPENDITURE LIMITATIONS AS PROVIDED IN S. 372 COMPARED TO THE LIMITATIONS OF EAGLETON AMENDMENT NO. 402

State	S. 372—Committee bill		Eagleton amendment No. 402	
	Primary: 15 cents per vote per $125,000 floor	General: 20 cents per vote per $175,000 floor	Primary: 10 cents per vote per $125,000 floor	General: 15 cents per vote per $175,000 floor
Alabama	$341,100	$454,800	$227,400	$341,100
Alaska	125,000	175,000	125,000	175,000
Arizona	185,850	247,800	125,000	185,850
Arkansas	196,500	262,000	131,000	196,500
California	2,091,750	2,789,000	1,394,500	2,091,750
Colorado	233,700	311,600	155,800	233,700
Connecticut	315,900	421,200	210,600	315,900
Delaware	125,000	175,000	125,000	175,000
District of Columbia	125,000	175,000	125,000	175,000
Florida	765,750	1,021,000	510,500	765,750
Georgia	465,600	62 ,800	310,400	565,600
Hawaii	125,000	175,000	125,000	175,000
Idaho	125,000	175,000	125,000	175,000
Illinois	1,131,300	1,508,400	754,200	1,131,300
Indiana	526,350	701,800	350,900	526,350
Iowa	286,350	381,800	190,900	286,350
Kansas	231,150	308,200	154,100	231,150
Kentucky	330,900	441,200	220,600	330,900
Louisiana	350,850	467,800	233,900	350,850
Maine	125,000	175,000	125,000	175,000
Maryland	403,200	537,600	268,800	403,200
Massachusetts	593,250	791,000	395,500	593,250
Michigan	881,100	1,174,800	587,400	881,100
Minnesota	384,000	512,000	256,000	384,000
Mississippi	210,450	280,600	140,300	210,450
Missouri	489,900	653,200	326,600	489,900
Montana	$125,000	$175,000	$125,000	$175,000
Nebraska	153,300	204,400	125,000	175,000
Nevada	125,000	175,000	125,000	175,000
New Hampshire	125,000	175,000	125,000	175,000
New Jersey	753,750	1,005,000	502,500	753,750
New Mexico	125,000	175,000	125,000	175,000
New York	1,915,950	2,554,600	1,277,300	1,915,950
North Carolina	519,450	692,600	346,300	519,450
North Dakota	125,000	175,000	125,000	175,000
Ohio	1,077,750	1,437,000	718,500	1,077,750
Oklahoma	271,800	362,400	181,200	271,800
Oregon	225,000	300,000	150,000	225,000
Pennsylvania	1,224,150	1,632,200	816,100	1,224,150
Rhode Island	125,000	175,000	125,000	175,000
South Carolina	255,900	341,200	170,600	255,900
South Dakota	125,000	175,000	125,000	175,000
Tennessee	406,950	542,600	271,300	406,950
Texas	1,152,150	1,536,200	768,100	1,152,150
Utah	125,000	175,000	125,000	175,000
Vermont	125,000	175,000	125,000	175,000
Virginia	479,550	639,400	319,700	479,550
Washington	355,650	474,200	237,100	355,650
West Virginia	177,300	236,400	125,000	177,300
Wisconsin	443,250	591,000	295,500	443,250
Wyoming	125,000	175,000	125,000	175,000

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

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes.

Mr. COOK. Mr. President, for the benefit of those who have not received the sheets that have been passed around, together with the oblong sheets that came from the Committee on Rules and Administration under the chairman of the committee, I point out that under the Eagleton amendment, in a primary a candidate would have the figure listed in the fifth column, called other proposals, at 10 cents a candidate, marked the Eagleton primary figure; and the third column over would be the general election figure.

Mr. EAGLETON. Mr. President, is that the 15-cent figure in that column?

Mr. COOK. Yes, it is. I must confess that I have no objection to this. We started at the Commerce Committee with 25 cents. The Committee on Rules and Administration reduced that to 20 cents in the general election and 15 cents in the primary.

Mr. PASTORE. Mr. President, if the Senator would yield, in the Rules Committee did the members have various Senators and other candidates who ran in the election, appear before the Committee and testify? The Committee did not have such witnesses before it.

I want to say that I will take any figure that is suggested here.

I point out that in the Commerce Committee we made a thorough study of the amounts that had been spent in the past. The Senator from South Dakota (Mr. MCGOVERN), who was a Presidential candidate the last time, appeared before our committee and said: I come from a large State which has a large area with a scattered population. And you cannot compare my State with the State of Rhode Island where you have a small area and a condensed population.

For that reason, we came out with 25 cents for the primary and 25 cents for the general election, because we determined that in many States, a primary is just as decisive as the election. I will tell the Senate that in my State a primary is not as decisive as an election.

In many States, when you reduce it to 10 cents in a primary, we are not giving them the opportunity to expose themselves and the issues before the election.

Now, instead of the 20 cents and 15 cents, the Senator proposes to make it 15 cents and 10 cents. If that is what the Senate wants to do, that it all right with me. However, it is absolutely out of focus with everything that has transpired up to now.

Let us not forget that the next time out the costs for a candidate will increase and not decrease. Let us look at what this figure would do.

Mr. EAGLETON. Mr. President, in brief response to the Senator from Rhode Island, I want to make it clear that certain changes made in the committee bill with respect to the small States are unchanged by my amendment. Rhode Island and South Dakota would be the same under the committee bill.

Mr. PASTORE. The Senator has made it rather comfortable for the State of Rhode Island. Under my formula, Rhode Island would have only gotten $167,000. However, we have other States, the marginal States, that would be hurt.

I have not studied this sheet. However, it ought to be studied.

I do not care what we do here this afternoon. However, we need a complete and thorough study. In the Commerce Committee we went to 25 cents and 25 cents. The Rules Committee made it 20 cents and 15 cents.

I am ready to subscribe to that. I have no fault to find with it. Let us try it out, if possible. However, if we go below that, we will have trouble in the small States.

Mr. COOK. Mr. President, while we are debating this, the figures applied to my State are more than I ever spent in a campaign. However, candidates will have problems with the 15 cents in a general election. If a candidate makes a mass mailing throughout a State, that is an 8-cent stamp for each voter to begin with on a mass mailing to all voters of his State. That leaves the candidate 7 cents per eligible voter for the remainder of the campaign in his State. I think we ought to take that into consideration.

By the time we have the next election, a stamp will cost 10 cents, I believe. Then we will have 5 cents left of the 15 cents. And if a candidate makes one mass mailing, it will leave him 5 cents to spend for each eligible voter.

We ought to take these things into consideration and evaluate them. If we go to 10 cents in a primary, we are dealing with those in our own State. We may find that our entire budget is insufficient. I suggest that we look at this very carefully.

Mr. PASTORE. Mr. President, if the Senator will look at his sheet, on the 15 cents per eligible voter, Rhode Island would get $175,000. Of course, that is not what 15 cents comes to; however, that is the minimum amount. South Carolina, which may be three or four times larger than Rhode Island, could need a lot more money to cover it. Yet, South Carolina

would only have $245,000. That is where the inequity is. That is where the trouble is.

For the very small States, $175,000 would be allowed. However, for the larger States compared to Rhode Island, it is unfair.

Mr. EAGLETON. I disagree. I do not know how big Rhode Island is.

Mr. PASTORE. Some 14,000 square miles, including Narragansett Bay.

Mr. EAGLETON. The critical element that determines campaign spending is the number of people in a jurisdiction. Is the Senator talking about people?

Mr. PASTORE. I am talking about people.

Mr. EAGLETON. For instance, to estimate the amount that might be spent in South Carolina we should know the population in South Carolina according to the recent census?

Mr. PASTORE. I do not know because we have not studied it.

Mr. EAGLETON. The campaign spending figures are determined in terms of the census.

Mr. PASTORE. The Senator has asked me the question. It is on his own sheet.

Mr. COOK. Mr. President, may I say that South Carolina has 1,719,000 eligible voters.

Mr. EAGLETON. Then my amendment would provide a reasonable amount for that State's campaign.

Mr. COOK. South Carolina has 1,719,000 voters.

Mr. EAGLETON. About 1,700,000 in South Carolina and 1 million in Rhode Island?

Mr. COOK. No, 1,700,000 in South Carolina and 668,000 in Rhode Island.

Mr. PASTORE. I am talking about babies in the cradle, too, when I say less than a million. I will give you the voting population in a moment; 668,000.

Mr. EAGLETON. For Rhode Island?

Mr. PASTORE. And for South Carolina, 1,719,000. These are totals.

Mr. EAGLETON. There is a similar disparity in the committee bill, for that matter.

Mr. PASTORE. No, no, because when you put it at 25 cents, a $175,000 floor does not make that much difference.

Mr. EAGLETON. Contrasted with the committee bill, Rhode Island is still the minimum and South Carolina is $341,000.

Mr. PASTORE. But that makes a lot of difference.

Mr. EAGLETON. But it is almost triple in population. There is a disparity there, of the difference between 2 to 1 and 3 to 1.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. I yield myself 5 minutes.

Mr. President, I do not have any strong feelings about this proposal. There is no magic about this particular figure. I am a member of the Commerce Committee, and we approved the 25 cents, after we had heard some of the testimony. I might say to my colleague from Rhode Island that we did have testimony from some Senators on the Rules Committee on the proposed formula, and we had other formulas proposed. We had a proposal by a Senator who had just completed an election to try to work in a combination of the area of the State as well as the population, but we thought that was somewhat inequitable, and perhaps no better than the formula we finally came up with.

We finally reduced the proposal of the Commerce Committee to 20 cents in the general and 15 cents in the primary, and a minimum for the small States for the primary of $125,000, and for the general of $175,000.

That is more than I spend on an election, and I would be willing to have it reduced as far as my State is concerned. But I know that every State has a different problem. I am sure there are many States who feel that if it were reduced to the 15 and the 10, it would not give them an adequate opportunity, and, more than that, would not give a contender an adequate opportunity who has to become better known and have some opportunity for exposure in his State.

So I simply say again, Mr. President, that I do not have any strong feeling about it one way or the other. We did arrive at this figure after considerable consideration, and after considering the 25 cents, in the Commerce Committee.

Mr. PASTORE. Mr. President, if the Senator will yield, as far as the Senator from Rhode Island is concerned, once they disturb the 25 cents I will buy anything. I am going to vote for the amendment, but I will say frankly it will not survive. As a matter of fact, I doubt very much that in view of what we are doing to this bill, it will survive at all.

Mr. EAGLETON. Mr. President, I yield such time as he may require to the Senator from Wisconsin.

Mr. NELSON. Mr. President, I endorse the Eagleton amendment, and would like to point out that so far as I know, no one, no candidate in the history of the State of Wisconsin has ever spent $738,000 on a campaign for any office; $738,000 is an abundance of campaign funds that is too lavish and totally unnecessary. I would much prefer, so far as my State is concerned, that we had some limitation around the $400,000 level. That is adequate for any candidate to buy all the TV time that is allowed under the present law. In my State, you can buy $180,000 worth of TV and radio time, and that is all you can buy.

So this is adequate funding for any political campaign, and in my judgment is more than ought to be authorized, but I am going to support it, because it at least provides some kind of limitation.

Mr. EAGLETON. Mr. President, I shall be brief, and then I shall have completed my presentation. I have just one or two responses to the Senator from Kentucky (Mr. COOK).

He mentioned the postage stamp situation. I presume postage will go up to 10 cents. It would be rare indeed if someone mailed statewide to every eligible voter. Perhaps that has been done, but it has never been done in my State. The spending allowance is based on the number of voting age population not the number of registered voters as your mailing.

If there are four registered voters living in one house in St. Louis, in Missouri, it is seldom that you send four letters or pamphlets to that same house, with the postage times four. Usually you cull the list and mail one letter to a given address in which more than one registered voter may be situated.

Also, costs are going up, as the Senator from Kentucky points out; he is correct in that. It is my understanding, however, that in the committee bill there is a cost-of-living escalator clause, and my amendment does not touch that. I would assume that in 1974 costs will be higher than they are now, and in 1976 even higher, and so on. But I think that is covered by the escalator clause already provided by the committee.

As far as I am concerned, I am prepared to yield back the remainder of my time.

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

Mr. EAGLETON. I yield.

Mr. PASTORE. I merely want to make another point that I think Senators ought to know. The Commerce Committee bill excluded the volunteer. This bill does not have the word "volunteer" in it, which naturally means that for every volunteer that works for you or your campaigns or anyone's campaign, you will have to calculate in dollars what services are used.

Mr. COOK. Mr. President, I yield myself 30 seconds.

I agree with the Senator from Missouri that you do not mail a mass mailing to every registered voter. Obviously, he is correct. There is no question about that. But I wanted to raise the point that postage is now 8 cents, and will be 10 cents, and I hope that our escalator clause somehow will be able to keep up, because I must confess we face many problems as we debate this proposal, and as we add more and more amendments, we may end up creating an incumbent's bill.

In other words, with all the facilities that are available to a Senator during the course of his 6-year term, whether anyone can really make a viable campaign against an incumbent on the basis that he can spend no more than the incumbent himself can spend is very doubtful.

In my State, as I have said very emphatically to the Senator, I could not raise that much money even under the 15-cent proposal, which I think makes it—Mr. President, I yield myself 1 more minute—$328,000.

But I do know that when we do it on an equal basis, we put a challenger into a very difficult position. First, we put a challenger in the position of having to get a recognition factor which we have been able to obtain by reason of our office and by reason of our position for a 5½-year period. We have probably gotten letters into 85 percent of the homes of our constituents in our State. And I might say that——

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

Mr. COOK. I yield.

Mr. PASTORE. Is it not a fact that the lower you make the amount, the more you make it an incumbent's bill?

Mr. COOK. That is what bothers me.

Mr. PASTORE. That is just the point.

Mr. COOK. And I want to get into the RECORD that the lower you make it, the more you secure your own election. Those of us on this floor who have had to fight an incumbent and got here as a result of defeating an incumbent realize what we had to do in taking that incumbent on. I do not object to the 10 or 15 cents; I will go along, as the Senator from Rhode Island says, and I will vote for it. But I hope we will not put ourselves in a position where we are eliminating challengers, as on the basis of a candidate in my State in a general election being specifically limited, in running against an incumbent, to spending no more than $328,000.

I might say that sounds shocking to many people who hear it, but that is a campaign fund of $328,000 to reach 2,191,000 eligible voters, and that is not an easy thing to do.

So I think we should get this into the RECORD. I think it should be there for us to discuss and to be able to evaluate.

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

Mr. COOK. I yield.

Mr. CLARK. Mr. President, as a challenger running against an incumbent in the last election, such a limitation on total spending would have been of significant help to me in Iowa, because very often the incumbent can raise money while the unknown challenger cannot. So, I support the Senator's proposal based on my own experience, even though it may or may not be true in most cases. It seems to me that the challenger often finds more difficulty in getting recognition, and also more difficulty in getting money. My campaign spent about a quarter of a million dollars, well under the limit set here—and I recorded everything that I spent before the April 7 deadline, and every contribution under $100—my incumbent opponent spent significantly more than that. So I would cite this limitation, at any rate in my case as a challenger and relatively unknown, as giving a challenger a significant advantage rather than a disadvantage.

In the House races in Iowa, the incumbents traditionally spend up to twice as much as the challengers. So altogether, I am not sure it necessarily follows that spending ceilings help incumbents.

Mr. COOK. The Senator from Iowa may well be correct. I could only say that in my State, and I think both this Senator and my colleagues have expressed to us that one also has to evaluate who holds the Governor's position and how many—if we have to evaluate the volunteer workers from now on, someone in my State will have a very tough time, especially evaluating the time spent by every individual in the highway department that goes out and works for the candidate. That will be a difficult thing to do. The Senator from Iowa will have to admit that. I think we are fooling ourselves if we think we will cut this so close that what in effect will really happen will be to put the unreported forces to work on a tremendous basis. It will be difficult to overcome.

Mr. President, I yield the floor.

Mr. CANNON. Mr. President, I yield 2 minutes on the bill to the Senator from Rhode Island (Mr. PELL).

The PRESIDING OFFICER (Mr. MUSKIE). The Senator from Rhode Island is recognized for 2 minutes.

Mr. PELL. Mr. President, yesterday, we voted on the question of whether a union or a corporation is barred from holding a Government contract if it makes a political campaign contribution. We heard arguments back and forth on the floor and earlier in the committee. Each Senator voted, I believe, according to his conscience.

Yet, I see in today's Washington Post that Common Cause says this was a pure, special interest triumph and makes clear that money talks loudest in the Senate.

I read from the Washington Post:

> Common Cause labeled the outcome "pure special interest triumph" which "makes clear that money talks loudest in the U.S. Senate." Of the Maryland and Virginia senators, only William L. Scott (R-Va.) voted against repeal.

Mr. President, that kind of sanctimonious name-calling does not do an organization any good. I have been proud to be a member of Common Cause in the past, but when that organization derogates our motives without cause and without reason, I find it objectionable. I think that this kind of broadside swashbuckling attack is wrong.

Mr. CANNON. Mr. President, I am inclined to support, as I have said, the Senator's amendment. However, I will say this, that the Commerce Committee left out the volunteer helpers. We added them back in. If this amendment is adopted, I would support a move, if one is made to amend it, to exclude volunteer helpers, because it will be more restrictive. The Commerce Committee had a good point there, because it is difficult to evaluate volunteer helpers.

Mr. PASTORE. Mr. President, why wait for an amendment, then, to be put in by someone else? I think the manager of the bill should do it. I hope that he would do it, because I tell you frankly, Mr. President, if we go down to 10 cents or 15 cents, we have got to do something about the volunteers.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from Nevada yield for a question?

Mr. CANNON. I yield.

Mr. HARRY F. BYRD, JR. Does the Senator from Nevada mean that this bill as reported by the committee would prevent individual citizens from participating in campaigns on a volunteer basis?

Mr. CANNON. No. No. Obviously we could not and would not do that. That is prohibited by the Constitution. But if the services of a volunteer are contributed to a campaign through the organization, then, under the bill, we would have to compute the value of his services.

Mr. HARRY F. BYRD, JR. How in the world would we compute that value? We want hundreds, hopefully thousands of people to work for us in our campaigns. I thought we wanted people to get involved in politics?

Mr. CANNON. We will take care of that in just a moment if the Senator will permit us to.

Mr. EAGLETON. Mr. President, I yield myself 45 seconds to underscore the exchange between the Senator from Kentucky (Mr. COOK) and the Senator from Iowa (Mr. CLARK).

The Senator from Iowa is eminently correct in pointing out to us that the tradition of the incumbent, almost without exception, has been that he is able to raise money in greater amounts than the challenger. The Senator from Iowa pointed that out in his own personal case in most recent years.

I gave the Senate at the outset of my remarks the statistics from last November for every senatorial race. In 25 Senate races where the incumbents ran in November of 1972, they had an average expenditure of $491,000, whereas the 25 challengers had an average expenditure of $239,000. So the incumbents had more than twice as much money as did the challengers in those 25 Senate races last November.

Mr. HUDDLESTON. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. I yield.

Mr. HUDDLESTON. My position is very much like that of the distinguished Senator from Iowa. I want to support this amendment, but I have some reservations about it, as to continued restraint on the ability of candidates to sell themselves to the people.

We talk so much about campaign reform. I am heartily endorsing it. I have been a statewide candidate and prior to that I was a statewide campaign chairman, so I know some of the problems that a candidate and the public are faced with.

But if we in our considerations here assume, as apparently some of us are—at least as the press is—that all campaign money is misspent, or that all campaign expenditures are abused, we forget what a campaign really is.

A campaign, as we know, is an effort on the part of an individual to try to sell himself, to try to sell his views, to try to sell his hopes and aspirations for his people to the people of his State or of a particular district.

We just simply cannot do that without making certain expenditures over which the candidate has no control. It has already been mentioned that the price of postage is set, as is the price of television time, newspaper advertising, and the price of traveling, which is something a candidate cannot control.

The people who are going to suffer, if we are severely restricted, will be the general public, because they will not have the opportunity to know what a candidate is really for and what a candidate is not for, and they will not be able to make the kind of informed judgment as to which candidate will best represent what they consider to be the best interests of their country.

So I believe that we should be somewhat careful. I can support this amendment, because while it is somewhat less than I had to use a year ago in being elected, I could not have been elected under these restrictions last year.

Hopefully, 5 years from now—and that might be a great public service, incidentally—[laughter]—five years from

now, if I am a candidate, I will not have that, as a candidate, as an unknown, and running against an ex-Governor, as I did a year ago.

So, I can support this amendment. I do believe we need restrictions on campaigns, but I hope that we do not lose sight of what a campaign is essentially, which is to give the public the opportunity to learn about the candidates.

Mr. CRANSTON. Mr. President, I believe that the aim the Senator from Missouri to lower the amounts of money being spent in campaigns—is desirable.

It often seems that exorbitant sums are totally wasted in useless campaign advertising and other nonproductive flim-flams. And too much money is spent on campaigns.

But the bill before us already fixes sensible limits. The imposition of too severe limits on campaign spending will serve only the ends of the incumbent. I have said earlier in debate on S. 372 and I want to say again—we must resist any campaign reform which works only to the advantage of the incumbent. The lower the spending limits are, the tougher it will be for a nonincumbent to put on a campaign which is capable of overcoming the natural advantage possessed by an incumbent.

I would prefer to see us retain the present figures in the bill with lower maximum spending limits for Senate races in large population States. For example, in a State like California, the proposed limits substantially exceed the amounts normally spent.

This subject should be thoroughly explored in the forthcoming hearings on public financing of campaigns.

Mr. EAGLETON. Mr. President, I yield back the remainder of my time.

Mr. CANNON. I yield back the remainder of my time.

Mr. EAGLETON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. MUSKIE). All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Missouri (Mr. EAGLETON).

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

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from Texas (Mr. BENTSEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), and the Senator from Minnesota (Mr. HUMPHREY) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. ABOUREZK) is absent on official business.

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

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

Mr. SCOTT of Pennsylvania. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is absent because of illness in his family.

The Senator from Massachusetts (Mr. BROOKE) is absent on official business.

The Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Nebraska (Mr. CURTIS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Colorado (Mr. DOMINICK), the Senator from Michigan (Mr. GRIFFIN), and the Senators from Ohio (Mr. SAXBE and Mr. TAFT) are necessarily absent.

If present and voting, the Senator from Ohio (Mr. TAFT) would vote "yea."

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from Nebraska (Mr. CURTIS). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Nebraska would vote "nay."

The result was announced—yeas 70, nays 11, as follows:

[No. 347 Leg.]

YEAS—70

Aiken	Hartke	Nunn
Bartlett	Haskell	Packwood
Bayh	Hatfield	Pastore
Beall	Hathaway	Pearson
Bellmon	Helms	Pell
Bible	Hollings	Percy
Burdick	Huddleston	Proxmire
Byrd, Harry F., Jr.	Inouye	Randolph
Byrd, Robert C.	Jackson	Ribicoff
Cannon	Johnston	Roth
Case	Kennedy	Schweiker
Chiles	Long	Scott, Va.
Church	Magnuson	Sparkman
Clark	Mansfield	Stafford
Cook	Mathias	Stevens
Dole	McGee	Stevenson
Eagleton	McGovern	Symington
Ervin	McIntyre	Talmadge
Fannin	Metcalf	Thurmond
Fong	Mondale	Tunney
Fulbright	Montoya	Weicker
Gurney	Moss	Williams
Hart	Muskie	Young
	Nelson	

NAYS—11

Baker	Hansen	McClure
Bennett	Hruska	Scott, Pa.
Biden	Javits	Tower
Cranston	McClellan	

NOT VOTING—19

Abourezk	Curtis	Hughes
Allen	Domenici	Humphrey
Bentsen	Dominick	Saxbe
Brock	Eastland	Stennis
Brooke	Goldwater	Taft
Buckley	Gravel	
Cotton	Griffin	

So Mr. EAGLETON's amendment (No. 402) was agreed to.

Mr. CANNON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. CANNON. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 15, line 7, strike the semicolon and insert the following: "but shall not mean or include those who volunteer to work on behalf of a candidate;".

Mr. CANNON. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CANNON. Mr. President, this is the amendment about which I spoke a few minutes ago. The amendment is a technical amendment to eliminate the requirement for computing the value of the services of volunteer workers in the overall limit.

The PRESIDING OFFICER. The Senate will be in order.

The Senator may proceed.

Mr. CANNON. Mr. President, for the benefit of my colleague from Rhode Island I wish to point out that it is the intention that it be applicable to those who volunteer and work without compensation only. If they are to receive compensation, then that compensation, of course, is included in the overall limit.

Mr. President, I submit the amendment on behalf of myself and the Senator from Oregon (Mr. PACKWOOD).

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

Mr. CANNON. I yield.

Mr. MATHIAS. This also includes services which are volunteered gratuitously. For instance, a certified public accountant who volunteers his services as an accountant would be contemplated by the amendment. Is that correct?

Mr. CANNON. If he volunteers his service without compensation it would be included in the amendment.

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

Mr. CANNON. I yield.

Mr. PASTORE. Does the Senator think it should be "volunteer to work without compensation"?

Mr. CANNON. Yes.

Mr. PASTORE. I think we should say that.

Mr. CANNON. Mr. President, I ask unanimous consent that I may be permitted to modify my amendment to say, "to work without compensation.".

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 15, line 7, strike the semicolon and insert the following: "but shall not mean or include those who volunteer to work without compensation on behalf of a candidate;".

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

Mr. CANNON. I yield.

Mr. DOLE. I think I understand the amendment. It cannot be construed to cover State or Federal employees who might be volunteering while they are on duty. Is that correct?

Mr. CANNON. That is not permitted anyway under the law.

Mr. DOLE. I know it is not permitted under law, but sometimes volunteers do appear.

Mr. CANNON. The Senator could not compute the value of those services because they were not permitted to provide them under the Hatch Act.

Mr. DOLE. Would the same thing apply to State employees as to Federal employees?

Mr. CANNON. This applies only to

Federal elections. If a State law prohibited them from working, I guess it would cover them.

Mr. DOLE. My point is it could be an important point for some of us, myself included, if you had a statewide official in your State who might be running for Federal office; it might apply to those State employees once they become candidates for Federal office.

Mr. CANNON. This would apply with respect to volunteer services if they work without compensation. If they are Federal employees they would be in violation of the Hatch Act, I cannot answer the Senator's specific statement.

Mr. DOLE. I am not quarreling with the Senator, but it should apply—if they are State employees and someone in that State is a candidate for Federal office, I assume anybody carrying out his function as a State employee would not be a volunteer under the amendment.

Mr. CANNON. I think that would be a violation of State law, but I cannot answer that without specific knowledge.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. DOLE. I am prepared to yield back the time on this side.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment as modified.

The amendment was agreed to.

AMENDMENT NO. 203 (AS MODIFIED)

Mr. KENNEDY. Mr. President, I call up amendment No. 203, as modified. I call up the amendment on behalf of the Senator from Alaska (Mr. STEVENS) and myself.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment ordered to be printed in the RECORD is as follows:

At the end of the bill, add the following new section:

SEC. 19. The Federal Election Campaign Act of 1971 is amended by adding the following new title after title III and redesignating the existing title IV and the sections thereof accordingly:

"TITLE IV—ASSISTANCE FOR VOTER REGISTRATION AND ELECTION ADMINISTRATION

"SEC. 401. This title may be cited as the 'Voter Registration and Election Administration Assistance Act'.

"DEFINITIONS

"SEC. 402. As used in this title—

"(1) 'Commission' means the Federal Election Commission;

"(2) 'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States;

"(3) 'political subdivision' means any city, county, township, town, borough, parish, village, or other general purpose unit of local government of a State, or an Indian tribe which performs voter registration or election administration functions, as determined by the Secretary of the Interior; and

"(4) 'grant' means grant, loan, contract, or other appropriate financial arrangement.

"FUNCTIONS OF THE COMMISSION

"SEC. 403. (a) The Commission shall—

"(1) make grants, in accord with the provisions of this title, upon the request of State and local officials, to States and political subdivisions thereof to carry out programs of voter registration and election administration;

"(2) collect, analyze, and arrange for the publication and sale by the Government Printing Office of information concerning voter registration and elections in the United States;

"(3) prepare and submit to the President and the Congress on March 31 each year a report on the activities of the Commission under this title and on voter registration and election administration in the States and political subdivisions thereof, including recommendations for such additional legislation as may be appropriate; and

"(4) take such other actions as it deems necessary and proper to carry out its functions under this title.

"(b) The Commission shall not publish or disclose any information which permits the identification of individual voters.

"ADVISORY COUNCIL ON VOTER REGISTRATION AND ELECTION ADMINISTRATION

"SEC. 404. (a) There is hereby established an Advisory Council on Voter Registration and Election Administration, consisting of the Chairman of the Commission, who shall be Chairman of the Council, and sixteen members appointed by the Chairman of the Commission without regard to the civil service laws. Four of the appointed members shall be selected from the general public, and four each shall be selected from the chief election officers of State, county, and municipal governments, respectively. No more than two of the appointed members in each category shall be members of the same political party.

"(b) Each appointed member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Chairman of the Commission at the time of appointment, four at the end of the first year, four at the end of the second year, four at the end of the third year, and four at the end of the fourth year after the date of appointment. An appointed member shall not be eligible to serve continuously for more than two years.

"(c) The Council shall advise and assist the Commission in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this title, including matters arising with respect to the review of applications for grants under this title.

"GRANTS TO DEFRAY COSTS OF EXISTING VOTER REGISTRATION AND ELECTION ACTIVITIES

"SEC. 405. The Commission is authorized to make grants to any State or political subdivision thereof for the purpose of carrying out voter registration and election administration activities. A grant made under this section in any fiscal year shall not be in excess of 10 cents multiplied by the voting age population of the State or political subdivision receiving the grant, and the total amount of grants to any State and the political subdivisions thereof in any fiscal year shall not be in excess of 10 cents multiplied by the voting age population of the State.

"GRANTS TO IMPROVE VOTER REGISTRATION AND ELECTION ADMINISTRATION PROCEDURES

"SEC. 406. (a) The Commission is authorized to make grants to any State or political subdivision thereof to establish and carry out programs to improve voter registration and election administration. Such programs may include, but shall not be limited to:

"(1) programs to increase the number of registered voters or to improve voter registration, such as expanded registration hours and locations, employment of deputy registrars, mobile registration facilities, employment of deputy registrars, door-to-door canvass procedures, election day registration, re-registration programs, and programs to coordinate registration with other jurisdictions;

"(2) programs to improve election and election day activities, such as organization, planning, and evaluation of election and election day activities and responsibilities; improvements in ballot preparation, in use of absentee ballot procedures, and in voter identification, voting and vote-counting on election day; coordination of State and local election activities; and establishment of administrative and judicial mechanisms to deal promptly with election and election day difficulties;

"(3) education and training programs for State and local election officials;

"(4) programs for the prevention and control of fraud; and

"(5) other programs designed to improve voter registration and election administration and approved by the Commission.

"(b) A grant made under this section may be up to 50 per centum of the fair and reasonable cost, as determined by the Commission, of establishing and carrying out such a program. A grant made under this section in any fiscal year shall not be in excess of 10 cents multiplied by the voting age population of the State or political subdivision receiving the grant, and the total amount of grants to any State and the political subdivisions thereof in any fiscal year shall not be in excess of 10 cents multiplied by the voting age population of the State.

"GRANTS TO MODERNIZE VOTER REGISTRATION AND ELECTION ADMINISTRATION

"SEC. 407. (a) The Commission is authorized to make grants to any State for planning and evaluating the use of electronic data processing or other appropriate procedures to modernize voter registration or election administration on a centralized statewide basis. A grant made under this section shall not be in excess of one-half cent multiplied by the voting age population of the State receiving the grant, or $25,000, whichever is greater.

"(b) The Commisison is authorized to make grants to any State for designing, programing, and implementing a centralized statewide voter registration or election administration system as described in subsection (a) of this section. A grant under this subsection shall not be in excess of 10 cents multiplied by the voting age population of the State receiving the grant.

"GRANTS FOR VOTER EDUCATION

"SEC. 408. The Commission is authorized to make grants to any State or political subdivision thereof for the purpose of carrying out nonpartisan citizen education programs in voting and voter registration. A grant made under this section in any fiscal year shall not be in excess of 10 cents multiplied by the voting age population of the State or political subdivision receiving the grant, and the total amount of grants to any State and the political subdivisions thereof in any fiscal year shall not be in excess of 10 cents multiplied by the voting age population of the State.

"TECHNICAL ASSISTANCE AND FRAUD PREVENTION

"SEC. 409. The Commission is authorized to make available technical assistance, including assistance in developing programs for the prevention and control of fraud, to any State or political subdivision thereof for improving voter registration, election administration, and voter participation. Such assistance shall be made available at the request of States and political subdivisions thereof, to

the extent practicable and consistent with the provisions of this title.

"APPLICATIONS FOR GRANTS

"SEC. 410. Except as otherwise specifically provided, grants authorized by section 405, 406, 407, or 408 of this title may be made to States, political subdivisions, or combinations thereof. Such grants may be made only upon application to the Commission at such time or times and containing such information as the Commission may prescribe. The Commission shall provide an explanation of the grant programs authorized by this title to State or local election officials, and shall offer to prepare, upon request, applications for such grants. No application shall be approved unless it—

"(a) demonstrates, to the satisfaction of the Commission, that the applicant has a substantial responsibility for voter registration or election administration within its jurisdiction, and that the grant will not involve duplication of effort within the jurisdiction receiving the grant or the development of incompatible voter registration or election administration systems within a State;

"(b) sets forth the authority for the grant under this title;

"(c) provides 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 provides for making available to the Commission books, documents, papers, and records related to any funds received under this title; and

"(d) provides for making such reports, in such form and containing such information, as the Commission may reasonably require to carry out its functions under this title, for keeping such records, and for affording such access thereto as the Commission may find necessary to assure the correctness and verification of such reports.

"REGULATIONS

"SEC. 411. The Commission is authorized to issue such rules and regulations as may be necessary or appropriate to carry out the provisions of this title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 412. For the purpose of carrying out the provisions of this title, there is authorized to be appropriated, for the fiscal year ending June 30, 1974, and for each of the two succeeding fiscal years, the sum of $15,000,000 each year for sections 405, 406, 407, and 408.".

Mr. KENNEDY. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, the purpose of this amendment is to establish an effective program of Federal financial assistance to State and local governments in carrying out their existing voter registration programs, and election administration and election day activities, and to provide specific financial incentives to encourage State and local governments to modernize their procedures in these areas.

The bill contains five major features:

First, the bill is based on the principle of a voluntary, not mandatory, program of Federal assistance to State and local jurisdictions in the area of election activities. No State or local government will be compelled to take any action under this bill, but those who wish to take advantage of its financial assistance provisions will be able to do so.

Second, the bill establishes a number of types of Federal grants available to State and local governments; based on the voting age population of the jurisdiction receiving the grant.

Mr. President, it is my intention that the definition of voting age population in the amendment shall conform with the definition of voting age population in the committee bill. I have indicated that conforming language in a technical change in the amendment, by using the phrase "voting age population."

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

Mr. KENNEDY. I yield.

Mr. COOK. It would almost have to be and we should get it in the RECORD because it would have to conform because if there is a voter registration program they would have to conform.

Mr. KENNEDY. Mr. President, I ask unanimous consent that a technical change be made in the amendment to define voting age population as defined in the legislation itself, S. 372. The change is already indicated in the amendment at the desk.

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

Mr. KENNEDY. Mr. President, the amendment would provide four types of grants:

"Bloc" grants of 10 cents per eligible voter to States and local jurisdictions to defray costs of existing programs in the area of voter registration, election administration, and election day activities;

"Incentive" grants of 50–50 matching funds for State and local governments to pay for new election and registration activities in the jurisdiction, such as additional registrars, steps to handle election day challenges, streamlined voting and vote-counting procedures, training programs for State and local officials, and fraud prevention;

Grants for computerized election and registration programs, including $25,000 planning grants and 10 cents-a-voter implementation grants to States to modernize voter registration and election activities; and

Grants for voter education, including 10 cents-a-voter grants to States and local governments for nonpartisan citizen education programs.

Third, the grant program will be administered by the new Federal Election Commission to be established by S. 372.

Fourth, an Advisory Council on Voter Registration and Election Administration is established, to include State and local election officials on a bipartisan basis.

Fifth, the amendment authorized $60,000,000 each year for the next 3 fiscal years to carry out the program, with $15,000,000 a year allocated to each of the four categories of grants described above.

Mr. President, of all the figures to come out of the 1972 Presidential election last November, perhaps the most appalling is the estimate that only 56 percent of those who were eligible to vote actually went to the polls on election day. If this figure is correct, then it appears that the voter turnout in 1972 was 5 percentage points lower even than in the low turnout year of 1968, itself one of the lowest voter turnouts in any Presidential election in this century and the lowest turnout since 1948.

And, compounding the problem of shrinking voter turnout, the 1972 election also witnessed another barrage of the sort of election day experience that turns voting into an ordeal for voters and State and local election officials alike—the long lines and the waiting periods confronting citizens who actually reach their polling places; incomplete or missing registration lists, compelling many citizens to go to court to enforce their right to vote; and a plethora of other problems—voting machines that don't work; polling places that don't open; and inadequate and understaffed procedures for handling challenges at the voting booth and in the courts.

How do you think Gov. William Scranton felt at his polling place in Pennsylvania last November 7, when he had to go to court to get an order compelling local officials to let him vote, because his registration card was missing?

And that example represents only the tip of the iceberg of the problems facing voters on election day. We recognize Governor Scranton's name, but what about the thousands of others who suffered similar misadventures, and who were thereby denied the most basic right of all in our democratic society, the right to vote. The path to the polls on election day was a chamber of horrors for countless citizens trying to exercise their right.

In New York City, thousands of eligible voters found themselves in Governor Scranton's shoes because their registration records had disappeared and they were forced to go obtain a court order to let them vote. It is estimated that for every voter who lasted the marathon courthouse course and actually cast his vote in New York City, at least two or three others fell along the way and lost their right to vote.

In St. Louis, thanks to a faulty canvass and preelection purge of voting lists in mid-October, thousands of voters were erroneously stricken from the rolls. Two thousand voters were reinstated by court order, but many more never got to vote.

In Albuquerque, residents received a white slip of paper when they registered, but they could not vote until they received a yellow voting card by mail. For many new registrants, the yellow cards did not arrive, and so, the day before the election, a State court ordered that persons holding a white slip were eligible to vote, provided they appeared in court to assert their rights.

Such examples are legion. The ones I have cited could be multiplied many times over. They are found in every State. But they are enough, I think, to identify the problem and to demonstrate the need for early and effective action by Congress.

I believe that Congress can go far in solving the problems by using the traditional carrot approach of Federal financial assistance, offering grants to State and local governments to help them put their own houses in order.

Today, the Federal Government provides an almost endless array of grants to State and local governments to develop and upgrade social programs for the

benefit of all their citizens. Thanks to Federal recognition of the obvious national interest involved in areas like health and education, food and housing, transportation and welfare, the environment, law enforcement, and drug control, 200 million American citizens today enjoy a higher standard of living and a better quality of life.

But, in spite of the obvious national interest at stake in the area of voting and elections, no such assistance is available today to help State and local governments respond to the massive and growing need for reform. The right to vote is the most basic right in our democratic society, yet for decades the Federal Government has stood mute while the conditions of voting in America progressively deteriorated, until we have reached the point where, for many citizens, voting is no longer a blessing of democracy but a gauntlet to be run by those with the physical stamina and endurance to last the course.

We know the hard-pressed financial condition of our State and local governments. We also know that expenditures for voting and elections come at the bottom of the list when State and local governments draw up their annual budgets. And the reason is not far to seek. They know the priorities Congress sets in Federal spending programs—undoubtedly they set their own priorities accordingly, and so the entire election process suffers.

Now is the time to change all that. The amendment I promise is not the final answer to all the election problems that can be identified, but it is a step in the right direction, a step we can take with full respect for the basic doctrine that elections in America are still the primary responsibility of our State and local governments. The modest sums authorized by this amendment can be a sound investment in the future of America, bringing rich returns for our democracy, and I urge the Senate to accept it.

Mr. President, the amendment is offered on behalf of myself and the distinguished Senator from Alaska (Mr. STEVENS), who has been enormously interested and extremely active in the whole area of voter registration and election day procedures.

Let me point out, finally that on the issue of voter registration, there have been some extensive hearings by the Committee on Post Office and Civil Service, several days of hearings in 1971, and several more days of hearings in 1973. A number of these very same issues were raised during the consideration of this matter by the Committee on Post Office and Civil Service.

I yield to the Senator from Alaska (Mr. STEVENS), who is a member of the Post Office Committee.

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

Mr. KENNEDY. I yield.

Mr. STEVENS. Mr. President, in urging adoption of the amendment, I hope all concerned realize that this is an amendment supported by people who are registrars in the individual States. They met in New Orleans. One of the leaders in this movement is the Lieutenant Governor of Alaska, Red Boucher. He has emphasized the need of flexibility for the States to meet their needs. I think this amendment will do that. It is an authorization. It is not mandatory that the States adopt this procedure. I think this is the best approach we can devise to assist those who are trying to increase the number of our people who are registered to vote.

Mr. CANNON. Mr. President, I yield myself 2 minutes.

I have discussed this amendment with the distinguished Senator from Massachusetts. It is a good amendment. I have supported this proposition. I am a little reluctant to consider it as a part of this bill, but I am willing to accept the amendment and take it to conference.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment, as modified (putting the question).

Mr. KENNEDY's amendment, No. 203, as modified, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STEVENSON. Mr. President, I call up my amendment No. 355.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD in full.

The amendment (No. 355) is as follows:

Strike everything from line 19 on page 52 through line 10 on page 53 and insert in lieu thereof the following:

(2) No candidate for election to the office of President may make expenditures in any State in connection with his campaign for election to such office in excess of 75 per centum the amount which a candidate for election to the office of Senator (or to the office of Delegate, in the case of the District of Columbia) might expend within the State in connection with his campaign for election to the office of Senator (a Delegate).

Mr. STEVENSON. Mr. President, I would like to ask the chairman of the Committee on Rules and Administration and the manager of this bill to explain to the Senate the effect of the Eagleton amendment on spending limitations for Presidential candidates. As I read the bill, it would seem to me that, by limiting the amounts permitted for expenditure by senatorial candidates, the Eagleton amendment has also reduced the amount permitted to be expended by Presidential candidates to the same amount, namely, 15 cents per eligible voter in every State. Is that interpretation of the effect of the Eagleton amendment correct?

Mr. CANNON. Let me find the Eagleton amendment.

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.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I am authorized by the distinguished majority leader to make the following unanimous-consent request. It has been cleared by both sides of the aisle.

I ask unanimous consent that a vote on final passage of the pending bill, S. 372, occur at no later than 3:30 p.m. on Monday next, and that rule XII be waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, keeping in view that agreements have already been reached on some amendments providing for less time than 30 minutes, to be equally divided, and that those agreements will stand, I ask unanimous consent that on all other amendments, with the exception of one amendment by Mr. CHILES and one amendment by Mr. PACKWOOD, time on any amendment be limited to not more than 30 minutes, that time on any amendment to an amendment be limited to 20 minutes, that time on any debatable motion or appeal, with the exception of a possible motion to recommit, be limited to 10 minutes, all to be equally divided in accordance with the usual form.

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

Mr. PERCY. Mr. President, may I address an inquiry to the acting majority leader?

Mr. ROBERT C. BYRD. Yes.

Mr. PERCY. I may note that some of those who have been in attendance today have put aside other engagements. For one, I have to be in Illinois and will be back Monday. Could the Senator advise us as to the earliest votes on Monday? Would it be possible to have the debate and to have the votes delayed as late as possible on Monday?

Mr. ROBERT C. BYRD. Yes. I think that could be done. The leadership will make every effort to back up any rollcall votes on amendments to 2 or 2:30 p.m. on Monday.

Mr. PERCY. That would be extremely helpful.

Mr. ROBERT C. BYRD. With the vote on final passage no later than 3:30 p.m.

Mr. PERCY. I thank the Senator.

Mr. ROBERT C. BYRD. I thank all Senators.

I want to be sure that the Senator from Illinois (Mr. STEVENSON) is fully protected on Monday. It is my understanding that the Senator from Illinois may offer a motion to recommit the bill. Am I correct?

Mr. STEVENSON. Mr. President, I have considered such a motion. I still have not decided. However, after the actions taken by the Senate today, I am much less inclined to make that motion than I was earlier. I do not have any such intention at the present time.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that if the Senator from Illinois, or any other Senator, should wish to make a motion to recommit on Monday, he be assured of 10 minutes on such motion, the time to be equally divided.

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

The text of the unanimous-consent agreement reads as follows:

Ordered, That, during the further consideration of S. 372, the Federal Election Campaign Act Amendments of 1973, debate on any amendment (except an amendment to be offered by Senator Chiles, and one to be offered by Senator Packwood, on which there shall be 1 hour each) shall be limited to not more than 30 minutes, to be equally divided and controlled by the mover of any such amendment and the manager of the bill, and that debate on any amendment in the second degree shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the author of the amendment in the first degree, and that debate on any debatable motion or appeal shall be limited to 10 minutes (with time assured on a motion to recommit, which will be in order, if made), to be equally divided and controlled by the mover of such and the manager of the bill: *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further,* That no amendment (except amendments to be offered by Senators Bellmon, Dominick, Allen, Kennedy, Javits, Scott, of Pennsylvania, Byrd, of Virginia, Humphrey, Tunney, Percy, Bayh, Proxmire, Cranston, Chiles, Nelson, Roth, Stevenson, Taft, Mathias, and Hart) that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 6 hours, to be equally divided and controlled, respectively, by the managers of the bill, the Senator from Rhode Island (Mr. Pastore) and the Senator from Nevada (Mr. Cannon), and the minority leader or his designee: *Provided,* That the said Senators, or any of them, may from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion or appeal.

Mr. CANNON. Mr. President, I yield myself 2 minutes.

If I understood the question of the Senator from Illinois correctly, it was: Would the change in the limit in the amount authorized per vote that we just approved in the Eagleton amendment apply to a Presidential race? And the answer is "Yes." We have a provision in the bill that says the Presidential candidate cannot spend more in any particular State in connection with his campaign than that authorized for the office of Senator from that State. So he would be limited to the 15- and 10-cent limit in each individual State as to the amount of the expenditure.

Mr. STEVENSON. I thank the Senator for that clarification. The fact is that the Eagleton amendment not only limits expenditures for congressional candidates; it also would reduce the permitted expenditures for Presidential candidates. I think that is a highly commendable step by the Senate. It is moving now to control spending by Presidential candidates as well as by congressional candidates. The amendment which I have called up, No. 355, is intended to do exactly that. It has now been done by the Eagleton amendment, albeit somewhat unintentionally.

This amendment has one other purpose. There now is in the bill a provision to limit all expenditures by congressional candidates and Presidential candidates. In the case of the congressional candidates, all expenditures of any kind are counted. It is not at all limited in the case of Presidential candidates, and expenditures made before January 1 are exempted. They would not be counted toward the expenditure limits for Presidential candidates.

Mr. President, I send the modification of my amendment to the desk and ask that my amendment be so modified.

The PRESIDING OFFICER. The clerk will report the modification.

The assistant legislative clerk read as follows:

Strike everything from line 19 on page 52 through line 2 on page 53.

The PRESIDING OFFICER. (Mr. BAYH). The amendment is so modified.

Mr. STEVENSON. Mr. President, this amendment has been modified to eliminate a reduction in the expenditures for a Presidential candidate. What it now does is to remove arbitrarily the January 1 date and include candidates for the Presidential nomination under the overall definition of a candidate that is already in the bill, to allow pre-January 1 expenditures to be exempted from the expenditure limit discriminating in favor of the incumbent Presidential candidates and early front runners, both of whom are in a better position to raise money early than are other candidates.

The January 1 date is less than 2 months before the first primary. And experience teaches that very substantial expenses are incurred prior to the beginning of the election year.

This amendment would place all candidates for Presidential nomination, incumbent and nonincumbent, under the same expenditure ceiling by providing that everything they spend at any time counts against the expenditure limit as is now provided in the bill for congressional candidates.

I would hope that the chairman and ranking minority member of the committee might consider accepting this modified amendment.

Mr. CANNON. Mr. President, I do not have any strong feeling about it. I do not think it is necessary, but if the Senator would prefer to rely on the general definition of "candidate," I have no objection.

Mr. STEVENSON. I thank the chairman. I move the adoption of the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. CANNON. I yield back my time.

Mr. STEVENSON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

Mr. PACKWOOD. Mr. President, I call up my amendment No. 437.

The PRESIDING OFFICER. The amendment will be stated.

Mr. PACKWOOD. I ask that the reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

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

The amendment is as follows:

On page 57, line 14, strike "$5,000" and insert in its place "$3,000."

On page 57, line 17, strike "$15,000" and insert in its place "$3,000".

Mr. PACKWOOD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PACKWOOD. Mr. President, when the bill initially came from the Committee on Rules and Administration, it contained contribution limitations for an individual of $5,000 in the case of a candidate for Congress, $15,000 for a Presidential candidate, and $100,000 aggregate, which has now been changed from a family contribution to $25,000 per individual. That, of course, excludes the normal campaign committees of the parties. We had contributions of the same amount, $5,000 for Congress and $15,000 for President, although there was no aggregate limit.

The Senator from Texas (Mr. BENTSEN) yesterday offered an amendment to reduce both amounts to $3,000 for Members of Congress and $3,000 for the President.

Mr. President, I ask unanimous consent that I may add the name of the Senator from Illinois (Mr. STEVENSON) as a cosponsor.

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

Mr. PACKWOOD. Senators will recall that there is some question as to the appropriateness of the Bentsen amendment, because we had the Proxmire amendment, which was limited only to individuals, and subsequently the Bentsen amendment, that would have limited contribution by the committees to $3,000 for candidates for Congress and $3,000 for candidates for the Presidency.

My amendment would correct what I think was a correct parliamentary ruling, but inadverently struck the Bentsen amendment. I think it is rather important that we do this because as the bill initially came to us, we were trying to give some weight to individuals except a committee, and we had individual contributions for candidates for the Presidency.

We have now substantially reduced the limits that individuals can contribute, and I think wisely, and I have supported it. We have not reduced the amount a committee can give. If we look at the returns in States which at least have public returns, we will find that it is not usually the large individual contributor who contributes the overwhelming amount of money.

It is the large campaign contributions from committees, and all of those committees are well known to us.

If we are going to try to reduce the influence of individual contributors to campaigns, and we have, I think it is unwise to disproportionately increase the influence of committees; because if we are talking about who is beholden to whom and for what, to say that individuals can give a relatively small amount of money but committees can give a substantially larger amount of money, and they have no aggregate limit—under this bill, committees can give to every congressional race the maximum amount they can give, and they can give to every senatorial race, and we are not changing the aggregate limit. I think if we do not change it, if there is to be no aggregate limit on committees, we should reduce them to the same amount, $1,000 for senatorial races and $3,000 for the President, that we have for individuals.

Mr. COOK. Mr. President, I think the Senator from Oregon is to be commended for offering this amendment, because what it does is comply with the figures we have previously put into the bill by reason of the amendment of the Senator from Texas. As Senators know, even in the debate yesterday, when we changed the figure on page 56 from $1,000 to $3,000, and when we changed the figure on page 57, line 2, from $15,000 to $3,000, we really established an inconsistency.

I would have to say to the Senator from Oregon that we still have the exclusions as set forth in item 2 on page 20, with the exception of the amendment of the Senator from Rhode Island which we agreed to yesterday. So I have no objection to the amendment; I think it conforms the figures throughout the bill relative to what can be contributed to an individual Senator's or Representative's race, or an individual Presidential race.

Mr. CANNON. Mr. President, I would not agree with my colleague that those sections are inconsistent with what we did before, but I would agree that in the discussion yesterday several times we referred to the fact that $3,000 is the limit, and it is not the limit under the bill as it now reads, as I found last night, with respect to committees.

For example, this would mean, under the bill as it now stands, that AMPAC, COPE, and a lot of these committees, the National Committee for an Effective Congress, and other organizations, could give $5,000 in the case of a candidate for Congress and $15,000 in the case of a candidate for President. If the Senator's amendment is adopted, that amount would be reduced to $3,000 for all of those committees, except the exceptions that are written in at the bottom of page 57, which we wrote in yesterday, that relate to the party committees and the congressional committees.

Mr. COOK. Mr. President, I yield myself 1 minute. May I say that when it makes it consistent, it makes it consistent on the basis that if we feel that a candidate will be influenced by a major contribution from an individual, obviously we have to consider that that candidate could be influenced by a major contribution from a committee or some organization, other than by a contribution from an individual. Therefore, the consistency that I meant was that it would be totally inconsistent to say that an individual could put $3,000 into the campaign of the Senator from Rhode Island, for example, but that COPE or AMPAC could put $15,000 into his campaign—or $5,000 into a Senator's campaign, and $15,000 into a Presidential campaign.

Therefore, on that basis, it makes it uniform throughout the bill. That is what the Senator from Oregon wants to do, and I think it is a good idea, Mr. President.

Mr. DOLE. Mr. President, will the Senator from Oregon yield?

Mr. PACKWOOD. I yield to the Senator from Kansas.

Mr. DOLE. The Senator from Kentucky may have just answered the question I had. It would apply to all committees, whether it be AMPAC, COPE, Better Business for Packwood, for example; it would apply equally to all committees, as I understand it.

Mr. PACKWOOD. To every committee, and it is my hope that we would not try to avoid it by setting up separate something-or-others. It is my intent that AMPAC, COPE, or the dairy fund can give no more money to a Presidential candidate in 1976 than $3,000.

Mr. DOLE. But is there anything to prevent the creation of 50 committees? In other words, is it not illegal for a candidate to receive moneys from committees in other States?

Mr. PACKWOOD. Let me ask the Senator from Nevada. As I understand the intent of the bill, you are not legally allowed to do that, because that is earmarking. They can give $3,000 to the Committee For the Reelection of DOLE; that is not intended to be allowed by the bill.

Mr. DOLE. If money is raised independently in a fund for a Federal candidate, that is not earmarking. If a committee, for some good reason, decides to support a Federal candidate, who may live in Wyoming and the committee may be in California. That is not prohibited.

Mr. PACKWOOD. It is not prohibited. The test is, Is it a committee to contribute independently? If it is a committee to contribute independently, it is all right.

Mr. DOLE. I can foresee situations when a candidate might receive money from numerous labor and business committees. Would this be legal?

Mr. PACKWOOD. The test is, Is the committee independent? If they are not independent, they are not supposed to give more than $3,000. If they are genuinely independent, it is all right.

Mr. DOLE. I thank the Senator.

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

Mr. PACKWOOD. I yield.

Mr. CHURCH. I am afraid the Senator from Kansas has put his finger on the weakness of this provision of the bill. I think that it will be relatively easy for trade associations, business groups and labor unions to proliferate committees by setting them up in separate States, while it would be exceedingly difficult for openly political committees that solicit contributions in small amounts from citizens all over the country, to do likewise.

I think the limitaton is tilted in favor of the business groups and the labor groups, who may work through various State committees, while it would complicate the efforts of those committees that have no particular vested interest, which have to look to the public at large for contributions, committees that are quite frankly and openly established for the purpose of raising campaign money from the general public on behalf of certain candidates or causes.

Mr. PACKWOOD. Mr. President, in response to the statement of the Senator from Idaho, I think Senator Cook has stated very well that what we are trying to avoid is unlimited contributions, not just from COPE or BANKPAC or whatever the other organizations are; we are trying to limit the amount of money a committee such as the Committee for an Effective Congress can give, in addition to the AFL–CIO and in addition to BANKPAC.

Mr. CHURCH. I know the Senator's objective, and I do not quarrel with it. My point is that the method adopted is clumsy; it will work to the advantage of business groups and labor groups, and against committees established openly for the purpose of securing contributions in small amounts from the citizenry at large, to apply to political campaigns. I think that point has not been refuted in the course of the discussion.

Mr. PACKWOOD. Mr. President, I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, I am not going to labor under any illusion that the Committee for an Effective Congress spends all its sums in small amounts, and does not make substantial contributions, because I know they do. I think the danger raised by the Senator from Idaho is more important, and that is that the lower the amount becomes, which I think we all should realize, the greater the proliferation becomes. That proliferation will occur regardless of whether it is the Committee for an Effective Congress or whether it is the respective committees we are talking about. This is what we have got to understand and to realize, that we are looking at the thing from the broad scope of trying to limit; but we also have to understand that as we do this, we cannot write into law the significance that an organization cannot proliferate itself, because it can. If it feels that it has to, or it desires to, then it will. I think we understand that. We should not be so naive as to believe that that may well not happen. But the lower we put that figure, the more obvious we make it available as a matter of necessity to pursue that course.

Mr. CHURCH. That is the very point. By lowering the figure, we increase the pressure for proliferation. It seems to me to be clear that labor and business groups will find it easier to proliferate than others lacking a nationwide structure. I think, to this extent, the amendment definitely discriminates in favor of business and labor.

Mr. COOK. I have to say, in defense of the amendment, that there is no more equity in having a figure higher for an organization which wishes to exert its influence, if that is what it wishes to do, than it is to have a figure for an individual. So, therefore, I must confess I see the fear of making the figure too low, but I have got to support the Senator's amendment because if we are talking about money, then everyone should start off at the same level. It is no more a degree of equity to say that an organization can give five, but that an individual can give only three. Therefore, I must confess I am concerned about continual reduction because it will create a proliferation, but it is there. It certainly should be, while we are handling it, that it be equitable.

Mr. PACKWOOD. Mr. President, I yield back my time.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. JOHNSTON). All time on this amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Oregon (No. 437).

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

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from Texas (Mr. BENTSEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), and the Senator from Minnesota (Mr. HUMPHREY) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. ABOUREZK), is absent on official business.

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

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

Mr. SCOTT of Pennsylvania. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is absent because of illness in his family.

The Senator from Massachusetts (Mr. BROOKE) is absent on official business.

The Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Nebraska (Mr. CURTIS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Colorado (Mr. DOMINICK), the Senator from Michigan (Mr. GRIFFIN), and the Senators from Ohio (Mr. SAXBE and Mr. TAFT) are necessarily absent.

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from Nebraska (Mr. CURTIS). If present and voting, the Senator from Massachusetts would vote "yea," and the Senator from Nebraska would vote "nay."

The result was announced—yeas 74, nays 7, as follows:

[No. 348 Leg.]

YEAS—74

Aiken	Gurney	Nelson
Baker	Hansen	Nunn
Bartlett	Hart	Packwood
Bayh	Hartke	Pastore
Beall	Haskell	Pearson
Bellmon	Hatfield	Pell
Bible	Hathaway	Percy
Biden	Helms	Proxmire
Burdick	Hollings	Randolph
Byrd, Harry F., Jr.	Huddleston	Ribicoff
	Inouye	Roth
Byrd, Robert C.	Javits	Schweiker
Cannon	Johnston	Scott, Pa.
Case	Kennedy	Scott, Va.
Chiles	Mansfield	Sparkman
Church	Mathias	Stafford
Clark	McClellan	Stevens
Cook	McClure	Stevenson
Cranston	McGee	Symington
Dole	McGovern	Talmadge
Eagleton	McIntyre	Thurmond
Ervin	Metcalf	Tower
Fannin	Mondale	Tunney
Fong	Montoya	Weicker
Fulbright	Muskie	Williams

NAYS—7

Bennett	Long	Young
Hruska	Magnuson	
Jackson	Moss	

NOT VOTING—19

Abourezk	Curtis	Hughes
Allen	Domenici	Humphrey
Bentsen	Dominick	Saxbe
Brock	Eastland	Stennis
Brooke	Goldwater	Taft
Buckley	Gravel	
Cotton	Griffin	

So Mr. PACKWOOD's amendment (No. 437) was agreed to.

Mr. PACKWOOD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT ON S. 1841

Mr. ROBERT C. BYRD. Mr. President, I have cleared this matter on both sides of the aisle.

I ask unanimous consent that at such time as S. 1841, a bill to amend the Communications Act of 1934, is called up and made the pending question before the Senate, there be a time limitation thereon for debate of 1 hour, with a time limitation on any amendment of 30 minutes, with a time limitation on any debatable motion or appeal of 20 minutes, and that the agreement be in the usual form.

I have cleared this matter with Mr. PASTORE, Mr. COOK, Mr. LONG, and other Senators on both sides of the aisle.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The text of the unanimous-consent agreement is as follows:

Ordered, That, during the consideration of S. 1841, to amend the Communications Act of 1934 for one year with respect to certain agreements relating to the broadcasting of home games of certain professional athletic teams, debate on any amendment shall be limited to 30 minutes, to be equally divided and controlled by the mover of any such amendment and the manager of the bill, and that debate on any debatable motion or appeal shall be limited to 20 minutes, to be divided and controlled by the mover of such and the manager of the bill: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the majority and minority leaders or their designees: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion or appeal.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 441

Mr. CHURCH. Mr. President, I send to the desk my amendment No. 441.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. CHURCH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 22, line 6, immediately after "(f)", insert "(1)".

On page 23, line 6, strike out the quotation marks and the second period.

On page 23, between lines 6 and 7, insert the following:

"(f) (1) For purposes of this subsection—

"(A) 'Member of Congress' means Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

"(B) 'income' means gross income as defined in section 61 of the Internal Revenue Code of 1954;

"(C) 'security' means security as defined in section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b);

"(D) 'commodity' means commodity as defined in section 2 of the Commodity Exchange Act, as amended (7 U.S.C. 2);

"(E) 'dealings in securities or commodities' means any acquisition, holding, withholding, use, transfer, disposition, or other transaction involving any security or commodity; and

"(F) 'candidate' means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this subsection, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office.

"(2) Each candidate for election to Congress (other than a candidate who is a Member of Congress) shall file with the Commission a financial disclosure report for the calendar year immediately preceding the year in which he is a candidate. Such report shall be filed not later than thirty days after the individual becomes such a candidate.

"(3) Each individual who has served at any time during any calendar year as a Member of Congress shall file with the Commission

a financial disclosure report for that year. Such report shall be filed not later than May 1 of the year immediately following such calendar year.

"(4) Each financial disclosure report to be filed under this subsection shall be made upon a form which shall be prepared by the Commission and furnished by it upon request. Each such report shall contain a full and complete statement of—

"(A) the amount and source of each item of income, other than reimbursements for expenditures actually incurred, and each gift or aggregate of gifts from one source of a value of more than $100 (other than gifts received from any relative or his spouse) received by him or by him and his spouse jointly during the preceding calendar year, including any fee or other honorarium received by him for or in connection with the preparation or delivery of any speech or address, attendance at any convention or other assembly of individuals, or the preparation of any article or other composition for publication;

"(B) the value of each asset held by him, or by him and his spouse jointly, and the amount of each liability owed by him, or by him and his spouse jointly, as of the close of the preceding calendar year;

"(C) all dealings in securities or commodities by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction during the preceding calendar year; and

"(D) all purchases and sales of real property or any interest therein by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction, during the preceding calendar year.

"(5) The Commission may provide for the grouping of items of income, sources of income, assets, liabilities, dealings in securities or commodities, and purchases and sales of real property when separate itemization is not feasible or is not necessary for an accurate disclosure of the income, net worth, dealing in securities and commodities, or purchases and sales of real property of any individual.

"(6) All reports filed under this subsection shall be maintained by the Commission as public records. Such reports shall be available, under such regulations as the Commission may prescribe, for inspection by the public.".

(2) Subsection (f) of such section 304, as added by paragraph (1) of this subsection, shall apply with respect to calendar years commencing on or after January 1, 1974.

On page 25, line 19, immediately after "304", insert "(a)–(e)".

On page 46, line 20, immediately after "title," insert "(other than section 304(f))."

On page 46, line 23, immediately after "title," insert "(other than section 304(f))."

On page 47, line 2, strike out the quotation marks.

On page 47, between lines 2 and 3, insert the following:

"(c) Any person who willfully fails to file a report required by section 304(f) of this Act, or who knowingly and willfully files a false report under such section, shall be fined $2,000 or imprisoned for not less than one year, or both.".

Mr. CHURCH. Mr. President, the distinguished Senator from Oregon (Mr. PACKWOOD) has asked that his name be added as a cosponsor of this amendment, and I ask unanimous consent to have that done.

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

FULL DISCLOSURE IS A MUST

Mr. CHURCH. Mr. President, this amendment would require that each Member of Congress, as well as each candidate for Congress, disclose his income, net worth, and marketplace transactions, to the Federal Election Commission established by the bill. The disclosure would include income from all sources, gifts received having a value in excess of $100, together with fees and honorariums for speeches, articles, or attendance at conventions, or other assemblies. In addition, the candidate or Member would be required to disclose the value of assets held either in his own name, or by him and his spouse jointly, and any liabilities individually or jointly owed.

All dealings in securities or commodities, whether made by the candidate or Member or by the candidate or Member and his spouse jointly, or by any person acting on his or in their behalf, would also have to be disclosed. In addition, all purchases and sales or real property would be reported.

All reports filed with the Federal Election Commission would be public documents.

I personally feel that the enactment of this comprehensive disclosure statute, applicable to all sources of income, is long overdue. It would go far toward restoring healthy public confidence in our political institutions and in the men who hold—or run for—public office.

Instead of this kind of full disclosure, Congress has contrived for itself a convenient form of partial disclosure which does more to distort than to reveal, and which has aroused more suspicion than it has allayed. It is a dubious system, setting a different standard for the House than for the Senate, and an adequate standard for neither.

Members of the House owning interests worth more than $5,000 or receiving income in excess of $1,000 in any enterprise doing a substantial business with the Government, must name the enterprise, but need not list the actual amount of such holdings. In like manner, sources of outside income for "services rendered" exceeding $5,000; or for capital gains exceeding $5,000; or for reimbursement of expenditures exceeding $1,000, must be identified, but again without any requirement for disclosing the actual amounts involved. Under the rules of the House of Representatives, this is all that need be made public. As for the rest, information of each Member's outside business interests and income are filed in a sealed envelope with the House Committee on Standards of Official Conduct, where the information remains undisclosed, unless the committee votes to open the envelope in the course of an official investigation of the Member involved.

A different rule applies to the Senate, where Members are required to make public nothing other than gifts or political contributions directly received during the preceding year, along with any fee or honorarium amounting to more than $300. All other information concerning a Senator's outside business interests, property and income, goes into a sealed envelope which is filed with the Comptroller General of the United States, where it remains unopened, unless the Senate Select Committee on Standards and Conduct votes to examine its contents in the course of an official investigation of the Senator involved.

I regard this tell-part-but-not-all, show-some-but-not-the-rest arrangement as a hoax on the public. It is a game we ought not play with the people of our respective States.

Accordingly, I long ago adopted a practice of making a full voluntary disclosure of my own. I have been doing so since 1962. That course, however, is an unsatisfactory resolution of the problem, since each voluntary disclosure can be made as the Senator chooses, and no standard applies. Moreover, only a handful of Senators and Congressmen have volunteered.

I want to acknowledge that many Members of Congress—men of unquestionable integrity—hold strong personal feelings against making public their personal business affairs. They argue that they are as much entitled as any other citizen to own business interests, stocks, bonds, notes, or mortgages, and that, therefore, their personal dealings should not be regarded as the public's business.

I sympathize with this argument, but it misses the point. Naturally, Members of Congress need not, indeed should not, refrain from making private investments. But Representatives and Senators do differ from other citizens in one important respect: they make the laws that affect business; they write the taxes that corporations, as well as individuals, must pay. Since Members of Congress must regularly vote on legislation which reaches—often in varying ways—every segment of the economy, there is every legitimate reason for making their private holdings a matter of public record.

Each Member of Congress, in my judgment, should be required to file, under oath, a periodic disclosure of all the property and business interests he owns, the sources and amounts of his income, the nature of any valuable gifts he has received, and the donors thereof. Then the voters, or anyone having doubts to resolve, would be able to compare the Member's voting record in office with his financial portfolio, and determine for himself whether the Member has voted his private pocketbook interest or the general public interest in the discharge of his duties.

Moreover, if periodic disclosures were to reveal an accumulation of wealth without satisfactory explanation or income which is out of line with listed sources, the public would be alerted to possible misconduct in office, bearing further investigation.

I would hope that the Members of the Senate would agree that this proposal is a key element to making the major purpose of this bill a reality. To require the disclosure of campaign contributions without requiring personal financial disclosure is giving to a concerned public, at a time in history when a severe crisis in Government confidence exists, only half a loaf when full satisfaction is needed. By adoption of this amendment, we would assure the people that Congress at least wants an end to concealment,

and open Government substituted in its place.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. CHURCH. I yield.

Mr. PASTORE. I raise this point merely out of curiosity. As an asset would there be included the home and the furniture in the home? Does the Senator mean he would have to say he has three chairs and two tables?

Mr. CHURCH. No. If the Senator would look at the amendment, there is a provision in it which would give the commission the right to prescribe the form in which a grouping would take place. I will read it:

"(5) The Commission may provide for the grouping of items of income, sources of income, assets, liabilities, dealings in securities or commodities, and purchases and sales of real property when separate itemization is not feasible or is not necessary for an accurate disclosure of the income, net worth, dealing in securities and commodities, or purchases and sales of real property of any individual.

Mr. PASTORE. I would assume that the purpose of such a law—and I have no objection to it; I want that clearly understood. I do not have that much to show and I am perfectly willing to show it at any time. But the fact remains that the purpose of such a law is more or less to indicate a conflict of interest. Is that correct?

Mr. CHURCH. The purpose of such a law would permit the public to determine, as far as Congressmen and Senators are concerned, whether they are voting in the public interest, or in the interest of their own pocketbooks.

Mr. PASTORE. Therefore, what difference does a man's home make?

Mr. CHURCH. It makes no difference, except as to his net worth. An itemization of every piece of furniture would not be required.

Mr. PASTORE. Does not the Senator think it would be more effective as a law if the Senator excluded a man's personal abode and the furniture in the house? The point I make is that we could concentrate on what we are trying to get at. I do not think whether a man lives in a $50,000 or $75,000 home it is going to prove anything one way or another when he votes. But whether or not he owns $50,000 in stock in General Electric Corp. or stock in an oil company might make a big difference on how he votes. If he is in the business of buying and selling real estate, that would make a difference.

How would it make a difference whether or not a man owns a Chevrolet or a Ford automobile unless it is felt it would affect how he votes on automobiles?

Mr. CHURCH. But one of the items that should be disclosed is net worth. I see no difficulty in including the residence and its furnishings. After all, they do constitute an item of net worth. I see no reason to exclude them.

Mr. PASTORE. The only reason I raise the question, while I think a Member of Congress should reveal everything he owns in the sense that what he owns might have some reflection on how he votes, I can understand that; but whether or not he is going to become an object of curiosity is another matter. For instance, I bought a house. I had to go out to Kensington because I could not go to Spring Valley. I will tell the Senator why I could not go to Spring Valley; because I could not afford $80,000. So I had to buy a little house for $39,500.

I do not want to be put up to ridicule because I am living in a little $39,000 house when the Senator may be living in a quarter-of-a-million-dollar house. That is what I am trying to avoid. In other words, we do not want a strict invasion of privacy because there are some things in the realm of privacy.

Mr. CHURCH. I am on limited time.

Mr. PASTORE. I know the Senator is on limited time, but this is important.

Mr. CHURCH. The Senator makes a good point. But this amendment would not require the kind of particularization to which the Senator objects. The forms would be uniform. One of the items to be revealed would be net worth. The value of the residential property, together with the debt which might be owing on it, would figure into the net worth of the Member or the candidate running against him. Full disclosure is the purpose of my amendment, not partial disclosure. Today we reveal very little by our rules. Our rules work more to confuse, than to enlighten, the public.

Mr. PERCY. Mr. President, will the Senator yield? I wish to ask the Senator how closely this parallels——

Mr. PASTORE. Will the Senator please use his microphone so we may all hear him?

Mr. PERCY. My question to the distinguished Senator is as to how closely the present amendment parallels the Case proposal which I understand extends beyond Members of Congress. Is it roughly the same, because a number of us are cosponsors of that measure?

Mr. CHURCH. Yes. I, too, am a cosponsor of that measure. I think legislation could be written, in due course, which would apply not only to Congress but also to the executive branch and the judicial branch. Unfortunately, we have a bill before us confined to elections.

Mr. PERCY. I do not question that.

Mr. CHURCH. The provisions are about the same. But this amendment is confined to Congress, to incumbents, and those who run for Congress, owing to the requirement for germaneness.

Mr. PERCY. The disclosure called for is roughly comparable for Members of Congress.

Mr. CHURCH. Yes.

Mr. PERCY. How would the value of the distinguished Senator's home be asserted? Is it the cost? Is it an appraisal every year or every 5 years? Value is what someone is willing to pay and that can be determined only at the time of sale or a reasonable appraisal. I have had three appraisals on my home and I have three different values that widely differ.

Mr. CHURCH. With respect to this question, the amendment directs the Commission to determine the forms, and to deal with such particulars as the Senator raises. The amendment lays down the disclosure requirements but does not attempt to delineate the particulars, because we would be writing a textbook rather than a provision in the bill.

Mr. PERCY. I have one further question. Those of us in a blind trust, which we felt was the best way to protect the public interest, in the absence of such a bill, would have time to break that trust and expose the assets.

Mr. CHURCH. Yes.

Mr. PERCY. I support the amendment. It presents some practical problems, but I think we can work them out.

Mr. CHURCH. As the Senator knows, I appreciate his expression of support. Every time a Cabinet officer is nominated, it is the practice of the Senate to require the nominee to make a full disclosure of his assets. It is also our practice to require the nominee to divest himself of such assets as might constitute, in the judgment of the committee, a possible conflict of interest.

Let me make clear that this amendment does not require divestiture, but it does require disclosure. Its adoption would set a good example for the entire Government and go far toward restoring public confidence in the political profession.

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

Mr. CHURCH. I yield.

Mr. President, I ask the Chair how much time remains?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. SCOTT of Pennsylvania. Mr. President, I yield the Senator 2 additional minutes.

Mr. CHURCH. Mr. President, now I am happy to yield to the Senator from Louisiana.

Mr. LONG. Mr. President, in view of the fact that the burden of the Senator's argument is that a Senator should disclose what he owns, on the theory that even his own home might involve a conflict of interest, why does not the Senator require that Senators divest themselves of those assets? Then there could be no conflict of interest.

Mr. CHURCH. Mr. President, what has the Senator against disclosure? I do not think that rich men are handicapped by full disclosure. They may even be helped by it.

This amendment is not directed against the rich men in this Chamber. It simply opens up and evens things out, making the disclosure requirements we impose on others applicable to ourselves, as well. It would reinforce public confidence in Congress by establishing a uniform, periodic public disclosure of income and holdings. I think this more needs the doing than anything else we have considered in connection with this bill.

Mr. SCOTT of Pennsylvania. Mr. President, I yield 1 minute to the Senator from Maryland (Mr. MATHIAS).

Mr. MATHIAS. I thank the Senator.

Mr. President, I wonder if the sponsor of the amendment would consider striking the words "the value of" on page 4, line 7. It refers to the value of each asset. The reason I suggest it is that it is very hard, as the Senator from Illinois pointed out, to determine the value of assets.

I have made a practice of full disclosure as long as I have been in the Senate. I itemize each asset I have, but I discovered after doing it a couple of years, that it is pretty hard to put an accurate value on property; and, after all, is it the value we are really after? It is curiosity about the net worth of a Senator that is the pertinent point? The real thing we are getting at is disclosure of assets that might represent a conflict of interest. That is what we are getting after. Therefore, the disclosure of the value becomes less important than the kind of interest the Senator may have.

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

Mr. MATHIAS. I yield.

Mr. PASTORE. What the Senator is actually saying is that if a person owns 100 shares in X corporation, he would say, "I own 100 shares in X corporation," without looking in the newspaper to see what it was selling for on that particular day?

Mr. MATHIAS. Yes; anyone who was interested——

Mr. PASTORE. Could look in the newspaper himself.

Mr. SCOTT of Pennsylvania. Mr. President, I am about to yield back my time, but I wish simply to say, as the third Senator in this body who made full disclosure of my assets, without putting a value on something that I cannot put a proper value on, I agree with him.

Mr. CHURCH. Mr. President, it is full disclosure that I am interested in. It may be that putting a value on certain kinds of assets could pose a problem. Since full disclosure is the main objective of this amendment, I would be willing to strike those three words from line 7 of page 4 so as to eliminate the problem to which the Senator alludes.

Mr. President, I ask that the words "the value of" in subsection (B), beginning on line 7 of page 4, be stricken from the amendment.

Mr. SCOTT of Pennsylvania. Mr. President, with that striking, I could support the amendment.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

WAIVER OF RULE XXXVIII, PARAGRAPH 6 DURING AUGUST ADJOURNMENT

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

Mr. SCOTT of Pennsylvania. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the August adjournment that rule XXXVIII, paragraph 6, be waived and, therefore, the nominations submitted by the President to the Senate not be returned because of the recess.

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

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1973

The Senate continued with the consideration of the bill (S. 372) to amend the Communications Act of 1934 to relieve broadcasters of the equal time requirement of section 315 with respect to Presidential and Vice-Presidential candidates and to amend the Campaign Communications Reform Act to provide further limitation on expenditures in election campaigns for Federal elective office.

Mr. LONG. Mr. President, will the Senator yield me 4 minutes?

Mr. CANNON. I yield 4 minutes to the Senator from Louisiana.

Mr. LONG. Mr. President, I oppose the amendment. If anyone thinks it would help him to achieve election or help him achieve the approbation of his constituents or the public in general, more power to him, he is certainly privileged to make a full disclosure of everything he wants to make. But those of us who serve in a legislative body, different from a judicial body, are not expected to be impartial.

We are not expected to be like the image of the Goddess of Justice, blindfolded and holding a scale. We are supposed to know that when we are voting on legislation, we are voting to help some people and hurt others. We should know whom we are voting to help and whom we are voting to hurt. We should know that and act deliberately.

A legislative body is not expected to be unbiased. A Member of this body is not expected to be unbiased. When a Member is running for election, he goes to a man and says, "If you vote for me, I am going to vote to raise your old-age pension and raise taxes for somebody to pay for that." It is an entirely different function than that of the judiciary or the executive branch.

When one comes before a committee to take a job where he is going to administer and make decisions, where he, and he alone, will decide, for better or for worse, with regard to someone's financial interest or with regard to a thing that could benefit or help him, it is quite appropriate that he ought to divest himself of anything where he has a conflict; but there is nothing wrong about a Senator's having an interest in a matter and voting on it, particularly if his interest is parallel with the interests of his State.

Every time I have seen a fight in a political campaign where someone sought to invoke the fact that his opponent owned an interest in something or his opponent had an income from some source, it generally caused it to degrade itself into a dogfight, into one making invidious comparisons, one person saying, "You are unworthy," and the other saying, "You are worse." Those types of things do not appear to make for good government.

If someone wishes to claim that he has divested himself of everything which might involve a conflict of interest let him do so. To require that those who do not think it serves any purpose to make a disclosure of assets, and to do so to the advantage of their opposition, does not make much sense.

As I have said, those who want to contend they are more honest than the other fellow, more power to them. Go ahead and document it. But I do not see that they should say what the other man should disclose or make available or not make available. It should be left to the individual Senator or Member of Congress to make his case and fortify his position the best he can in appearing as a person seeking the approval of the public. The public would be far better to vote for us because of what we advocate and what we do than because of what we own or do not own.

I hope this amendment will not be agreed to.

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

The PRESIDING OFFICER. The Senator from Nevada.

Mr. CANNON. Mr. President, I find myself in a very difficult position for the reason that I am an author of a bill to do exactly the same thing that the Senator would propose, only on a more extensive scale, and I have proposed legislation of this sort over a number of years.

Right now we have pending in the Committee on Rules and Administration four bills that are before the Privileges and the Elections Subcommittee, all on this general subject. This bill was never referred to it. We have not had a chance to have hearings. The Senator from Rhode Island (Mr. PELL) intends to have hearings on all of these bills.

One is a bill by me entitled "To Promote Public Confidence in the Legislative, Executive, and Judicial Branches of the Government of the United States." It includes not only Members of Congress; it includes the President, the Vice President, each Member of Congress, each officer and employee of the United States—including any member of a uniformed service—who is compensated at a rate in excess of $15,000 per annum and any individual occupying the position of an officer or employee of the United States who performs duties of the type generally performed by an individual occupying grade GS–16 of the General Schedule or any higher grade or position.

Mr. President, this subject matter should go to all areas of Government and require a full disclosure. However, we need to have hearings on the legislation.

Senator CASE has a bill very much on the subject, and Senator HART.

Senator ROBERT C. BYRD has a bill on the subject.

Senator BAYH, for himself and other Senators, has a bill on the subject.

Senator CLARK has a bill on the subject.

We desire to have hearings on this and do not wish to encumber the present bill with the type of amendment which does not go nearly as far as it should.

I know that it makes it very difficult for people to say that they are going to vote against such an amendment.

Mr. President, on that basis, I move to lay the amendment on the table.

Mr. CHURCH. Mr. President, would the Senator from Nevada oblige me for a moment so that I might respond to the argument he has made?

Mr. CANNON. Yes; I thought that the Senator's time had expired.

Mr. CHURCH. Mr. President, I ask for 2 or 3 additional minutes so that I might respond.

The PRESIDING OFFICER. Does the

Senator from Nevada withhold his motion?

Mr. CANNON. I withhold my motion for 2 minutes.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, I understand the Senator's argument. Bills are pending—and bills have been pending on this subject for years.

I have been making voluntary disclosures since 1962, and with all due deference to those who introduce these bills—and I am a cosponsor of one of the bills now pending—there is little likelihood of action on them. The past is proof of that statement.

Here, then, is an opportunity to amend this bill, make it applicable to Congress, and get it written into law.

Believe me, once we have made the full-disclosure standard applicable to Congress and to those who run for Congress, then we will proceed to make the standard applicable to other branches of the Government. However, until we bite that bullet, we will not.

The fact that these very bills have been pending for so many sessions, for so many years, bears witness to that truth.

So, I hope that we will now do our duty by requiring full disclosure of holdings and income by Members of Congress and their election opponents. Then we can be sure, having taken that step, that Congress will soon enact legislation extending the requirement to the other branches of the Government, as well.

Mr. PASTORE. Mr. President, if the Senator will yield, I want the RECORD to show, if the motion to lay on the table carries that I support this amendment. We have done this many times before. I think it needs refinement and all of that. However, I think this is getting to be a charade.

Mr. CANNON. Mr. President, I move to lay the amendment on the table.

Mr. CHURCH. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Church amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from Texas (Mr. BENTSEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Arkansas (Mr. FULBRIGHT) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. ABOUREZK) is absent on official business.

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

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "nay."

Mr. SCOTT of Pennsylvania. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is absent because of illness in his family.

The Senator from Massachusetts (Mr. BROOKE) is absent on official business.

The Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Nebraska (Mr. CURTIS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Colorado (Mr. DOMINICK), the Senator from Michigan (Mr. GRIFFIN), and the Senators from Ohio (Mr. SAXBE and Mr. TAFT) are necessarily absent.

On this vote, the Senator from Nebraska (Mr. CURTIS) is paired with the Senator from Massachusetts (Mr. BROOKE). If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Massachusetts would vote "nay."

The result was announced—yeas 15, nays 65, as follows:

[No. 349 Leg.]

YEAS—15

Bennett	Hruska	Scott, Va.
Byrd, Harry F., Jr.	Long	Sparkman
Cannon	McClellan	Talmadge
Ervin	McIntyre	Tower
Fong	Pearson	
	Pell	

NAYS—65

Aiken	Hartke	Muskie
Baker	Haskell	Nelson
Bartlett	Hatfield	Nunn
Bayh	Hathaway	Packwood
Beall	Helms	Pastore
Bellmon	Hollings	Percy
Bible	Huddleston	Proxmire
Biden	Inouye	Randolph
Burdick	Jackson	Ribicoff
Byrd, Robert C.	Javits	Roth
Case	Johnston	Schweiker
Chiles	Kennedy	Scott, Pa.
Church	Magnuson	Stafford
Clark	Mansfield	Stevens
Cook	Mathias	Stevenson
Cranston	McClure	Symington
Dole	McGee	Thurmond
Eagleton	McGovern	Tunney
Fannin	Metcalf	Weicker
Gurney	Mondale	Williams
Hansen	Montoya	Young
Hart	Moss	

NOT VOTING—20

Abourezk	Curtis	Griffin
Allen	Domenici	Hughes
Bentsen	Dominick	Humphrey
Brock	Eastland	Saxbe
Brooke	Fulbright	Stennis
Buckley	Goldwater	Taft
Cotton	Gravel	

So the motion to lay on the table was rejected.

Mr. CHURCH. Mr. President, a typographical error appears in the amendment as printed. On page 5, line 19, the phrase "not less than" should be "not more than." I ask that the amendment be corrected by inserting the word "more" in place of the word "less."

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is so noted and changed.

Mr. CHURCH. Mr. President, the distinguished Senator from Florida (Mr. CHILES), the distinguished Senator from Iowa (Mr. CLARK), the distinguished Senator from Delaware (Mr. BIDEN), the distinguished Senator from Indiana (Mr. BAYH), the distinguished Senator from Hawaii (Mr. INOUYE), the distinguished Senator from Colorado (Mr. HASKELL), and the distinguished Senator from Louisiana (Mr. JOHNSTON) seek to be joined as cosponsors of the amendment.

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

The question is on agreeing to the amendment of the Senator from Idaho.

The amendment was agreed to.

Mr. CHURCH. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 54, line 2, insert the following: strike "the period", and insert the following "; or,

"(C) if it is in excess of $1,000."

Mr. PASTORE. Mr. President, it will not take me very long to explain the amendment. If Senators will look at page 53 of the bill, they will read, on line 19:

(3) For purposes of this subsection, an expenditure shall be held and considered to have been made on behalf of a candidate if it was made by—

(A) an agent of the candidate for the purposes of making any campaign expenditure, or

(B) any person authorized or requested by the candidate to make expenditures on his behalf.

In other words, if a group of professors at Brown University form a group to run a campaign without my asking them to, or become my agents for raising and spending any amount of money over and above the ceiling, my amendment merely adds subsection (C).

This is a loophole that has been criticized by many people and also by many groups, such as Common Cause, the Committee for an Effective Congress, and others. It is described as a loophole that you could drive a truck through.

What I am actually saying is that if a group spends more than $1,000, automatically it is on behalf of the candidate.

Mr. HRUSKA. Mr. President, the first amendment of the Constitution of the United States confers upon every citizen the right of free press and free speech. Would the Senator say that the amendment infringes upon the rights of those professors at Brown University? Would not that indicate that they are contributing in the name of a free press and of free speech for the purpose of obtaining better candidates?

Mr. PASTORE. That is right. That argument has been made time and time again. It raises a very important point in the Constitution. However, the fact remains that we are setting limits on what a candidate can do and cannot do. I think that a number of decisions hold that this is absolutely proper.

They can go ahead and express themselves and do anything they want; but the minute they begin to spend more than a thousand dollars without it being at-

tributable to the candidate, you are actually making a mockery out of the limitation.

So at some point there has to be a cutoff. I realize that that question has to be raised, but the fact is that it constitutes a loophole, which really makes the ceiling a mockery.

Mr. HRUSKA. A mockery of the bill or of the law is one thing, but a mockery of the Constitution——

Mr. PASTORE. It is not a mockery of the Constitution. If it came before the Supreme Court, I have every confidence that the Senator from Rhode Island would be upheld.

Mr. COOK. Mr. President, I yield myself 1 minute. I am not quite sure that this is the place in the bill that the amendment ought to go. The amendment talks about expenditures made on behalf of a candidate. If we turn to page 13 of the bill and read the definition of "political," it means:

> Any committee, club, association, or other group of persons which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000.

What bothers me is that if we put a $1,000 restriction in the language on page 54, does this mean that the Senator, as a candidate, has got to be personally involved in every contract or agreement that is made in his behalf over and above $1,000—that you cannot have an agent do it for you or you cannot have any person authorized or requested by the candidate to do it for you? For instance, if a radio contract is going to be made, if a television program is going to be negotiated, or if a contract for a billboard is going to be negotiated, that means that you as a candidate have to do it personally and no one can do it for you.

Mr. PASTORE. You corrected page 55. That is the reason why I did not do it. Subsection (f) is what you are talking about. Do you see the point I am making? The point I am making is that the committee has to be more or less certified by the candidate himself.

Mr. COOK. That is right.

Mr. PASTORE. Now we have the situation here where, under your definition, you are saying that when anyone acts on behalf of the candidate, he has to be his agent or he has to be authorized. Therefore, any group of people can come in and endorse you without coming to you to be authorized and can spend all kinds of money—labor unions, chambers of commerce, and so forth. So what will you have here? A mockery.

After all, if you want to limit a certain amount, and we have got it down to $3,000, for contributions on the part of any individual; and now here we are constituting a ceiling on expenditures, but at the same time we are saying that if a group acts independently of the candidate, there is no ceiling. You can see how that can constitute a loophole and then that group can raise any kind of money it wants.

After all, when they are spending over $1,000, they are doing it for the benefit of the candidate. I am not saying that when you spend over $1,000 you have got to keep your mouth shut. I am not saying that, or impinging on the right of free speech. All I am saying is that when you spend $1,000 on behalf of any one candidate, you are doing it for his benefit. That is all I am saying.

Mr. COOK. Mr. President, I think I have the floor. May I say to the distinguished Senator from Rhode Island that is exactly what the bill says. It says that if you are a committee, a club, an association, or other group of persons, you constitute a political committee for that candidate and you must qualify and whatever they spend counts against your percentage that you are entitled to spend under the 15 cents and the 10 cents——

Mr. PASTORE. You are not saying that at all. Look on page 55—page 54——

Mr. COOK. Read page 13 starting on line 6——

Mr. PASTORE. Your page 13 applies to title 3. Look on page 53.

Mr. COOK. I see where you want to make the change.

Mr. PASTORE. "For purposes of this subsection, an expenditure——

Mr. COOK. Expenditure, right.

Mr. PASTORE. "Shall be held and considered to have been made on behalf of a candidate if it was made by an agent of the candidate or any persons authorized." So if he is not an agent or not authorized——

Mr. COOK. The point I am making is that if they spend money for the candidate, they qualify as a committee that has to file and be included in the expenditures that the candidate is entitled to spend, and no more.

Mr. PASTORE. Therefore, my amendment would make what you are saying even tighter.

Mr. COOK. Not at all.

Mr. SCOTT of Virginia. Mr. President, will the Senator from Kentucky yield me some time?

Mr. INOUYE. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. INOUYE. How would the Senator's amendment apply to a situation which is rather commonplace during election time—that is, let us say Local 10 of the United Auto Workers endorses so and so for mayor, so and so for city councilman, so and so for treasurer, so and so for the U.S. Senate, and so and so for Congress?

Mr. PASTORE. That is all right. I do not see where that is any expenditure of money. It would not stop anyone from making a political speech.

Mr. INOUYE. They put in a full-page $2,000 advertisement for that purpose.

Mr. PASTORE. Well, if they do that and it costs $2,000, then, according to my amendment, the candidate becomes responsible for that $2,000 share because it was done on his behalf.

Mr. INOUYE. What share would that be?

Mr. PASTORE. Of course you would have that problem anyway under the bill. If the State committee puts you on the same billboard with the Governor or the Lieutenant Governor, then you have to pro rate it, as the bill now reads. All I am pointing out is that this constitutes a loophole, and it is a loophole that should be closed.

Mr. STEVENS. Mr. President, I should like to ask the distinguished Senator from Rhode Island about a different situation, a situation that occurred in my election that I had no knowledge about until after it had taken place.

A group of young people got together and obtained the right to use a theater. They leased the right to use a full length film. They collected the money for it at the door and they netted out. That was a group of young students, I believe, at the university. They leased the right to use the film. They wanted to have a rally. I know that they did have a rally. They had the rally and charged at the door and I think they netted out. I did not spend that money, but they believed they were doing it on my behalf. I did not know about it until it was all over. Suppose they spent over a thousand dollars, I would have to include that in my report that would account for the money I spent, is that what the Senator is saying?

Mr. PASTORE. That is right. That is right. I would go a step further. Let us assume that it was not a group of students. Let us assume that it was a group of businessmen who raised one million dollars to do what you are talking about. Would you consider that fair? There is your loophole. You are talking about a group of students——

Mr. STEVENS. The bill presently says that no one can act for me without my consent. I agree with the Senator from Nebraska (Mr. HRUSKA) that these people have a right to associate with one another. They have the right to rent a theater if they want to, which is what these young people did. For all I know, they might have been handing out ice cream in Point Barrow on my behalf. I did not do it. I think, somehow or other, you have got to get the idea of responsibility in here. I have gone through more elections in the past 10 years than anyone on this floor, and you had better believe it, Mr. President, I have had situations develop that we never realized in a State the size of mine.

Now the Senator is saying that I am going to have to be responsible for anyone who spends a thousand dollars whether I know it or not. Suppose there is someone that I get to organize the finances for my campaign, does that mean that the CPA who will run my finances will go to jail because someone spends money which was not reported because I did not know about it? How would I know about it, when they are spending $1,000, say, in Kodiak, Ketchikan, and other cities in Alaska, which are as far apart as New York is from Los Angeles or New Orleans is from Detroit——

Mr. PASTORE. You do not mean to tell me that anyone will go out and raise a half million dollars——

Mr. STEVENS. You are talking about $1,000. I never had half a million dollars to run with in my life. But I know that if anyone raises $1,000 for my campaign on behalf of any candidate—me or someone else—and we did not know about it, the Senator is saying that I am going to be responsible for it. That is not right.

I know who is raising this, it is Common Cause, as being a loophole. It is not a loophole. If you look at the bill as it stands now, they are responsible and they must file a report of expenditures if they spend more than $1,000.

Mr. COOK. May I say, read page 53, where it says:

> Expenditures made by or on behalf of any candidate shall, for the purposes of this section, be deemed to have been made by such candidate.

Which means that under the terms of the bill, if those expenditures are made, they count under your percentage.

Mr. STEVENS. So that if they are made on my behalf——

Mr. PASTORE. That is just the point—that is just the point——

Mr. STEVENS. Well, let me say to the Senator——

Mr. PASTORE. Mr. President, who has the floor?

The PRESIDING OFFICER (Mr. FANNIN). The Senator from Rhode Island has the floor.

Mr. PASTORE. I thank the Chair. I have the floor.

All I am saying to the Members is that this is a loophole. If you want that loophole in the law, that is for you to decide. But all I am saying is that you can drive a truck through this one. All this will do will be to make a mockery out of the ceiling, because if any group can get together and as long as the candidate does not certify or authorize them, they can spend any amount of money. The sky will be the limit. So what have you done to that law? You have made it a mockery.

Mr. HASKELL. Mr. President, if the distinguished Senator will yield for a moment, what happens if some group that I do not want to be associated with spends money on my behalf, under the Senator's amendment?

Mr. PASTORE. They are fools. Anyone that wants to spend money on behalf of a candidate they know does not want to be associated with him, would have to have his head examined.

Mr. HASKELL. That may be. That is the point. Someone may wish to spend money on my behalf and I do not want to be associated with them. Under the Senator's amendment, that would count against my campaign, would it not?

Mr. BIDEN. Mr. President, if the Senator will yield briefly, the Senator has raised the argument about impinging on free speech which can be very easily answered. The most compelling one is that the last person in the world that would raise that question would be the distinguished Senator from Rhode Island because if we impinge on free speech, I do not know what we would do in the Senate without the Senator being able to make these speeches.

Mr. PASTORE. Well now, I do not talk too often. I may speak up so that I can be heard in this Chamber. All I am saying here is that the Constitution has nothing to do with this. I am not trying to shut anyone up. All I am saying is that when a group begins to spend more than a thousand dollars for anyone, they are acting for him, and it ought to be part of the amount that is expended on his behalf. That is all I am saying.

Mr. MAGNUSON. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I yield.

Mr. MAGNUSON. Suppose 10 professors at Brown want to do something for PASTORE for the Senate. This amendment would say that they could not raise more than a thousand dollars.

Mr. PASTORE. No, it would not say that at all. They could come to me and say, "We want to help you out." If they did not come to me and I did not authorize them, if they got more than a thousand dollars, it would have to become part of my ceiling.

Mr. MAGNUSON. Suppose these 10 professors divided themselves into five committees. They would raise $5,000 for you.

Mr. PASTORE. That is right. I am not denying that.

Mr. MAGNUSON. A committee of two, a committee of one—but they all were acting in concert, and they wanted to raise $5,000 for you.

Mr. PASTORE. That is right.

When this bill was reported by the Committee on Commerce, we took care of this. We made it $100. In the amendment I am proposing now, we are making it $1,000. We were aware of the argument about the Constitution. We debated this matter before the committee and we all agreed on it. When it got to the Rules Committee, they changed it.

Mr. STEVENS. That is not correct. I have been on the committee and was involved in the considerations, and I was on both committees through the time the last campaign bill that was passed; and it was never said that I am responsible for anybody who spends money.

With the limitations of $175,000 in my State, all my opponent would have to do would be to come in and spend $175,000 and I could not spend a dime, because the Senator says I am responsible for anybody who spends more than $1,000 in my State. A fat cat could come into Anchorage and spend $175,000, and I would be through.

It is not right that we ever discussed that type of amendment the way the Senator interprets it right now. We had a limitation—but it still had to be on my behalf—authorized by me.

Mr. PASTORE. I ask the Senator to look at page 10 of the bill. We wrote it in there, and it was voted on by the committee. It is plainly in there.

Any time anybody begins to spend more than a thousand dollars to help you out, do not tell me that he is not helping you and that he is acting under the provision of free speech in the Constitution. All that is being done is subverting the law.

Mr. STEVENS. The Senator keeps saying "to help me out." What about the Senator from Colorado's question? Is it on my behalf "to help me out" if someone spends more than $1,000 and I do not want his support?

The PRESIDING OFFICER. Who yields time?

Mr. COOK. I yield myself 5 minutes, and I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, the thing that troubles me about this argument is its legal side. It is as fundamental a postulate in the law as any I know that without control, you have no authority.

The difficulty here is that you could not enjoin, because of the first amendment, whatever group there was that you did not authorize from propagating those views. If you cannot enjoin them because of the first amendment, and it is certainly true as to that, you cannot control their expenditure, but you are bound by it. This is an anomaly in the law which cannot be surmounted.

The Senator from Rhode Island, who is quite sincere about this matter, argues that this is a loophole. There are many loopholes, even if this is done. The idea that money is not going to be raised illegally or passed under the table or handed from A to B to C justifies the laws of humanity. There are going to be loopholes in this matter no matter what we do.

I cannot see how, in a statute such as this, which involves such stringent penalties—and Senators had better look at how profound the penalties are—for example, section (h) on page 55 reads, in part:

> If any candidate is convicted of violating the provisions of this section because of any expenditure made on his behalf (as determined under subsection (c)(3)) by a political committee, the treasurer of that committee, or any other person authorizing such expenditure, shall be punishable by a fine of not to exceed $25,000, imprisonment for not to exceed five years;

Senators should try to get a treasurer if we legislate what we are being asked to legislate by this amendment.

I appreciate the sincerity and the desire to close loopholes. But to close loopholes where you are saddled with responsibility in an area in which you have no authority and cannot assert any, to enjoin anybody who may act in your interest, is really going far beyond anything we have a right to do, even with the greatest good will and good faith in endeavoring to close loopholes and correct bad campaign practices.

I shall vote against the amendment, and I hope the managers of the bill will have a rollcall vote.

Mr. COOK. I thank the Senator.

I yield to the Senator from Delaware.

Mr. ROTH. I wonder whether the Senator from Rhode Island would answer a question.

Mr. PASTORE. I will.

Mr. ROTH. I wonder whether part of the criticism of the Senator's proposal would not be taken care of—I realize it is a constitutional question, but putting that question aside—if he would be willing to accept an amendment to provide that if you were going to spend more than $1,000, you would have to receive the permission of the candidate.

Mr. PASTORE. That would clarify it. It would make it much stronger. It would actually answer some of the questions that have been raised. I think if you spend a thousand dollars on behalf of anyone, you ought to get his permission.

Mr. JAVITS. That is fine.

Mr. COOK. That is fine.

May I say that what we are really do-

ing here is giving a very definitive sum of money that the candidate can spend. Over that sum of money, he is in violation of this act, and there are serious criminal penalties in it.

If we move outside the realm of the candidate's responsibility, then what we are really talking about is not so much that he might spend $175,000 and leave you without anything, but that he might intentionally spend $5,000 or $6,000 to put you over your limit, under this bill, so that you would be subject to the severe criminal penalties and civil penalties under this act.

Mr. PASTORE. Could we not cure that by amending page 55 of the bill, section (f), by changing the $100 to $1,000?

Mr. COOK. Yes.

Mr. PASTORE. Section (f) would read:

(f) No person shall make any charge for services or products knowingly furnished to, or for the benefit of, any candidate in connection with his campaign for nomination for election, or election, in an amount in excess of $1,000 unless the candidate (or a person specifically authorized by the candidate in writing to do so) certifies in writing to the person making the charge that the payment of that charge will not exceed the expenditure limitations set forth in this section.

That would take care of it.

Mr. COOK. I am not quite sure it would.

Mr. MATHIAS. Mr. President, while the Senator from Kentucky is looking at that, will he yield to me?

Mr. COOK. I yield.

Mr. MATHIAS. I am in sympathy with what the Senator from Rhode Island is trying to do, but I should like to raise with him a philosophical question.

Are we not discouraging the very kind of political activity that ought to be encouraged in the country? By making it difficult for little local groups to organize themselves, on their own initiative, to get excited about reelecting PASTORE or COOK to the Senate, are we not limiting them in their activities, discouraging the grassroots participation which is exactly what ought to be encouraged?

It seems to me that it not only raises the constitutional question which the Senator from Nebraska mentioned, but also, it is going against the tide of local participation.

I am not rising in opposition to the proposition that the Senator from Rhode Island has brought up, but I think he should consider that he may be discouraging rather than encouraging the best kind of political activity.

Mr. PASTORE. That is true. I do not want to do anything to discourage it. That would not stop anybody from talking in the Senator's behalf.

What I am trying to avoid is some clandestine group, clandestine in the sense that they have an ax to grind one way or another, but they are in favor of A as against B. This is all right if they happen to be on the Senator's side.

Let us assume that a group that is antagonistic to the Senator begins to support his opponent.

The opponent could spend only x dollars and the Senator could spend only x dollars. But there is a well-organized group that does not go to the opponent or get authorization from him, and they spend all kinds of money and they justify it because they are not your opponent and the opponent agrees, so what they are doing is they are doubling up the money they can spend under the law. It all depends on whose ox is being gored. They could do this to you now.

Mr. President, I want to say this. I think we are in accord that if we write in that beyond $1,000 you have to get permission of the candidate, it is only a matter of drafting the legislation. For the time being, I am willing to withdraw the amendment and undertake to rewrite it.

Mr. MATHIAS. But under the bill they have to file a report and their activities are in the open.

Mr. PASTORE. But they are spending twice the amount of money that you are authorized to spend. That is the point.

Mr. COOK. Mr. President, I hope the Senator withdraws his amendment and redrafts it, but in his efforts I wish he would remember that the real problems we have with the first amendment, and the problem we debated at length in committee was another loophole they are going to get in the bill. I refer to the organization that decides they are not going to campaign for an individual, but against an individual. They have a campaign saying, "Do not vote for so-and-so. We do not care what you do in this election, but do not vote for X."

That could not be attributed to the other candidate.

Mr. PASTORE. If they say, "Do not vote for MARLOW COOK," they are saying to vote for the Senator's opponent.

Mr. COOK. That is not what the court is going to say.

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

Mr. COOK. I yield.

Mr. YOUNG. In this regard I can think of two or three organizations that if they went to North Dakota and spent $10,000 to defeat me, they would assure my reelection. Could they do this?

Mr. COOK. This is what we are talking about. I am afraid if we put in a few more amendments here nobody is going to win next year without going to jail.

Mr. PASTORE. Mr. President, I withdraw the amendment temporarily. I intend to bring it up later.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. PASTORE. Mr. President, the Senator from Kentucky has spoken my sentiments. I know we are loading up the bill, but the bill we brought from the Committee on Commerce was a good bill. When it went to the Committee on Rules and Administration this loophole was created. I consider it a loophole and I am trying to rectify it. What this body does is no skin off my nose. I am not trying to burden the bill. I admit we have done so much to the bill that it does not have a chance to pass.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. COOK. Mr. President, I wish to correct the record. When we talk about what shape the bill was in when it came from the Committee on Commerce, on page 12 of the report will be found the recommendations made to the Committee on Rules and Administration. I wish that Senators would look at them so we could see the recommendations made by the Committee on Commerce and note some of the proposals the committee resolved before sending it to the Committee on Rules and Administration.

Mr. PASTORE. That may be, but the part they had jurisdiction over touched on what our committee had jurisdiction over, but we never touched what they had jurisdiction over.

AMENDMENT NO. 434

Mr. JAVITS. Mr. President, I call up my amendment No. 434.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

On page 48, lines 5 and 7, strike the figure "2,500,000" and insert in lieu thereof "5,000,000".

Mr. JAVITS. Mr. President, the purpose of the amendment is to give an authorization to the Federal Elections Commission of $5 million instead of $2.5 million.

The PRESIDING OFFICER. The Senate will be in order. The Senator may proceed.

Mr. JAVITS. Mr. President, the purpose is to give authorization to the Commission of $5 million instead of $2.5 million. The authorization will be subject to an appropriation. The reason for it is that we have imposed extensive powers on the Commission. When we realize that the special prosecutor in the Watergate case has asked for $2.8 million to look into one election and the General Accounting Office figures that it cost $1.5 million to administer the old law, it seems to me we should show that we mean what we say by giving the Commission adequate funding, although it is subject to appropriation, to do the job of supervision and adjudication we expect it to do.

Mr. HANSEN. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, for those reasons, I think the figure is too small, considering what we have placed on the back of the Commission. The figure should be doubled, by way of authorization. My staff has discussed this problem with Phillip Hughes, the Director of the Office of Federal Elections about this problem. Mr. Hughes believes that in view of the burdens on the Commission because of the total expenditure limitations, taking over the recordkeeping functions of the Secretary of the Senate and the Clerk of the House and the additional burdens of investigative and prosecution in the elections area, the figure of $5,000,000 is not unreasonable. I agree completely with this and hope my amendment will be adopted.

Mr. COOK. Mr. President, I have no objection to the amendment.

Mr. CANNON. Mr. President, I have discussed the amendment with the Senator from New York. I am ready to accept it.

Mr. JAVITS. I yield back my time.

Mr. CANNON. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

AMENDMENT NO. 442

Mr. JAVITS. Mr. President, I call up my amendment No. 442 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 46, line 9, add the following new paragraph (b) to section 11.

(b) Section 313 is amended by adding the following new subsection:

"(c) There is hereby authorized to be appropriated to the Commission in each fiscal year the sum of $500,000, to be made available in such amounts as the Commission deems appropriate to the States for the purpose of assisting them in complying with their duties as set forth in this section."

Mr. JAVITS. Mr. President, this amendment also refers to a similar problem. It proposes an authorization of $500,000 to the Commission to take care of the costs of States in handling their recordkeeping functions under existing law. There is a good deal of recordkeeping by the States. Many States have tight budgets with respect to paperwork. We are causing an enormous number of reports to be filed. I understand the Committee on Rules and Administration considered $100,000 and decided it was de minimis and did not bother with it. Therefore, after consulting with the Senator from Kentucky and the Senator from Nevada I came up with a figure of $500,000 to be authorized. I might also add that this was discussed with Phillip Hughes and he felt that $500,000 was not an unreasonable sum for this purpose.

Of course, the Committee on Appropriations will determine the exact amount needed, but we should have some type of authorization. I should add that Federal money would help get greater cooperation between the States and the Commission and would most likely lead States to follow Federal procedures more closely than they do now.

Mr. COOK. Mr. President, I accept the amendment. I yield back my time.

Mr. JAVITS. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

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

Mr. JAVITS. I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, for the information of Senators the leadership would like to know if there are any Senators who will be offering amendments this afternoon who will be asking for yea and nay votes.

Mr. PASTORE. I thought I would write out our amendment and have a vote on it this afternoon.

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

Mr. MANSFIELD. I yield.

Mr. HANSEN. I have no amendments to propose but I would like to suggest that I may very well feel constrained to ask for the yeas and nays on amendments that may be presented. I want to serve notice that I would not want to forgo my right to do that.

Mr. MANSFIELD. No, that is all right. I am trying to find out for the information of the Senate if any Senators expect to offer amendments this afternoon who expect to ask for the yeas and nays.

As of now we have the Bellmon amendment which will be offered and on which the yeas and nays will be asked.

I thank the Senator from New York for yielding.

Mr. JAVITS. Mr. President, I call up an unprinted amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. JAVITS. Mr. President, after a Federal election the bill now provides that the report as to what happens should be filed by January 31. The amendment I have sent to the desk asks that it be filed by December 15. The reason is twofold. First, it is just as feasible to file it by December 15, in view of the fact it is still within the period in which the records for the campaign have to be kept together. Second, in a Federal election the person would take office on January 1.

The PRESIDING OFFICER. The Chair wishes to advise the Senator that the section to which the Senator is referring has been amended. Therefore, the amendment is not in order.

Mr. JAVITS. Mr. President, I modify my amendment.

Mr. President, I modify my amendment by asking that the numeral (3) be stricken out and that the amendment constitute a new section and that the subsequent sections be renumbered.

The PRESIDING OFFICER. Will the Senator signify exactly where?

Mr. JAVITS. On page 19, between lines 4 and 5.

The PRESIDING OFFICER. The amendment is in order.

The modified amendment reads as follows:

On page 19, between lines 4 and 5, insert the following:

"(1) striking out 'March, June, and September in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January' in the second sentence of subsection (a) and inserting in lieu thereof: 'April, July, and October, in each year, and on the tenth day next preceding the date on which an election is held, and also on the fifteenth day of December only after an election is held, and by the thirty-first day of January.'"

Mr. JAVITS. Mr. President, as I say, it is not an amendment I would push if the managers did not want it, but it seems to me to be logical to anticipate the period and make it a little closer to the time when the election records, et cetera, are still available, and also precede the time the candidate who has been successful takes office. It would highlight contributions made after the 10th day before an election and also after the election itself. The public would get a better idea of what happens after an election without waiting until January 31 of the next year.

Mr. CANNON. Mr. President, I would hope the Senator would not press his amendment. This puts in an additional reporting time, I think we have covered quite well the reporting requirements. If he were going to insist on this amendment, I would think he would take out the "31st day of April."

Mr. JAVITS. We should.

Mr. President, I thought the Senator was going to accept the amendment. I withdraw the amendment and we will try to work it out.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill is open to further amendment.

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask that it be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 36, beginning with line 3, strike out through line 8 on page 37, and insert in lieu thereof the following:

"(3) If the person against whom a civil penalty is assessed fails to pay the penalty, the Commission shall file a petition for enforcement of its order assessing the penalty in any appropriate district court of the United States. The petition shall designate the person against whom the order is sought to be enforced as the respondent. A copy of the petition shall forthwith be sent by registered or certified mail to the respondent and his attorney of record, and thereupon the Commission shall certify and file in such court the record upon which such order sought to be enforced was issued. The court shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order and decision of the Commission or it may remand the proceedings to the Commission for such further action as it may direct. The court may consider and determine de novo all relevant issues of law but the Commission's findings of fact shall become final thirty days after issuance of its decision order incorporating such findings of fact and shall not thereafter be subject to judicial review.

"(f) Upon application made by any individual holding Federal office, any candidate, or any political committee, the Commission, through its General Counsel, shall provide within a reasonable period of time an advisory opinion, with respect to any specific transaction or activity inquired of, as to whether such transaction or activity would constitute a violation of any provision of this title or of any provision of title 18 over which the Commission has primary jurisdiction under subsection (d). Notwithstanding any other provision of law, no candidate or political committee shall be held or considered to have violated any such provision by the commission or omission of any act with respect to which an advisory opinion has been issued to that candidate or political committee under this subsection.

"CENTRAL CAMPAIGN COMMITTEES

"SEC. 310. (a) Each candidate shall designate one political committee as his central

campaign committee. A candidate for nomination for election, or for election, to the office of President, may also designate one political committee in each State in which he is a candidate as his State campaign committee for that State. The designation shall be made in writing, and a copy of the designation, together with such information as the Commission may require, shall be furnished to the Commission upon the designation of any such committee."

Mr. JOHNSTON. Mr. President, I was very happy when my distinguished colleague from Oklahoma (Mr. BARTLETT) introduced and had adopted amendment No. 427, which provides for advisory opinions by the general counsel of the Commission. However, as I read the amendment, there appear to be circumstances under which an incumbent Federal officer might not be deemed to be a candidate and thus not entitled to an opinion from the Commission. All my amendment does is make it clear that an incumbent Federal officer is entitled to advisory opinions from the Commission.

Legislative counsel has advised us that we had to repeat all of the language of the other amendments; hence the extensive words in the amendment. However, the only change is to allow for advisory opinions to incumbent officers and also to make it clear that this provision for advisory opinions applies to the amendment introduced by the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) in his amendment No. 423.

It is very, very important to those of us who have not been in Federal elections lately to get advisory opinions on what one can do and what one cannot do. In our particular campaign, innumerable questions came up relative to what the law applies to and what it does not apply to. Indeed, we have those questions right now, and advisory opinions for incumbent Congressmen are very important. That is all this amendment does. I hope it will be accepted.

Mr. CANNON. Mr. President, do I understand this amendment further modifies the amendment we approved with respect to advisory opinions, but makes a clarifying point that it applies to officeholders as well as candidates?

Mr. JOHNSTON. Yes.

Mr. CANNON. If the candidate were an officeholder, would not that be covered?

Mr. JOHNSTON. I am advised there are circumstances when he would not. In my own case, I have some question with respect to what can or cannot be done with respect to our obligation to report what we expended in our last campaign. We would like advisory opinions. One is not a candidate until he is so declared to be a candidate. One wants advisory opinions prior to being declared a candidate.

Mr. CANNON. Mr. President, if that is the purpose of the amendment, I support the amendment.

Mr. ROBERT C. BYRD. Mr. President, I think I heard the able Senator from Louisiana refer to the amendment which was adopted yesterday and which was authored by me. Would he state again in what respect his amendment would touch that amendment?

Mr. JOHNSTON. It would simply make it clear that one could get advisory opinions on every aspect of the bill. The Senator's amendment made it a crime to use campaign funds for one's own purposes. Where is the dividing line, for example, between using campaign funds for one's own hotel room when he is on the campaign trail, or for his own food when he is on the campaign trail? When these actions are made a crime, we ought to be able to get advisory opinions as to whether expending campaign funds for this kind of spending was for personal expenses or campaign expenses.

Mr. ROBERT C. BYRD. The Senator is making it possible to secure advisory opinions as to what constitutes lawful expenditures in connection with my amendment. Is that what his amendment does?

Mr. JOHNSTON. That is correct.

Mr. President, I yield back my time on the amendment.

Mr. CANNON. Mr. President, I yield back my time.

Mr. HANSEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is agreeing to the amendment of the Senator from Louisiana (Mr. JOHNSTON). 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 Alabama (Mr. ALLEN), the Senator from Texas (Mr. BENTSEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Iowa (Mr. HUGHES), the Senator from Wyoming (Mr. MCGEE), and the Senator from Utah (Mr. MOSS) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. ABOUREZK) is absent on official business.

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

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

Mr. SCOTT of Pennsylvania. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is absent because of illness in his family.

The Senator from Massachusetts (Mr. BROOKE) is absent on official business.

The Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Nebraska (Mr. CURTIS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Colorado (Mr. DOMINICK), the Senator from Michigan (Mr. GRIFFIN), the Senator for Kansas (Mr. PEARSON), and the Senators from Ohio (Mr. SAXBE and Mr. TAFT) are necessarily absent.

If present and voting, the Senator from Massachusetts (Mr. BROOKE) and the Senator from Nebraska (Mr. CURTIS) would each vote "yea."

The result was announced—yeas 77, nays 0, as follows:

[No. 350 Leg.]

YEAS—77

Aiken	Hansen	Muskie
Baker	Hart	Nelson
Bartlett	Hartke	Nunn
Bayh	Haskell	Packwood
Beall	Hatfield	Pastore
Bellmon	Hathaway	Pell
Bennett	Helms	Percy
Bible	Hollings	Proxmire
Biden	Hruska	Randolph
Burdick	Huddleston	Ribicoff
Byrd, Harry F., Jr.	Inouye	Roth
Byrd, Robert C.	Jackson	Schweiker
Cannon	Javits	Scott, Pa.
Case	Johnston	Scott, Va.
Chiles	Kennedy	Sparkman
Church	Long	Stafford
Clark	Magnuson	Stevens
Cook	Mansfield	Stevenson
Cranston	Mathias	Symington
Dole	McClellan	Talmadge
Eagleton	McClure	Thurmond
Ervin	McGovern	Tower
Fannin	McIntyre	Tunney
Fong	Metcalf	Weicker
Gurney	Mondale	Williams
	Montoya	Young

NAYS—0

NOT VOTING—23

Abourezk	Domenici	Humphrey
Allen	Dominick	McGee
Bentsen	Eastland	Moss
Brock	Fulbright	Pearson
Brooke	Goldwater	Saxbe
Buckley	Gravel	Stennis
Cotton	Griffin	Taft
Curtis	Hughes	

So the Johnston amendment was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, in order that Senators may be informed as to what the schedule will be for the rest of the day, I ask unanimous consent that following the disposition of the Bellmon amendment—on which there will be a roll call vote—the Senator from Indiana (Mr. BAYH) be recognized to call up an amendment. It is my understanding that he will withdraw that amendment. I ask unanimous consent further that following the disposition of the Bayh amendment, the Senate return to the consideration of routine morning business for the rest of the afternoon.

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

Mr. MCCLURE. Mr. President, if the Senator will yield, I am constrained to remark that it is rather remarkable that we have to change all of our plans to come in on Saturday and by 3 o'clock in the afternoon we are all done.

There will be an imposition upon the people who had other plans for Monday. They may be affected just as others of us have been who have had to change our plans in order to be here today.

I wanted the Senate to understand and the assistant majority leader to understand the motivation of those of us who are a little less than happy with the schedule.

Mr. ROBERT C. BYRD. Mr. President, this Senator understands how these things happen. And he appreciates the courtesy and cooperation of all Senators as they work with the joint leadership to keep things on the track.

Mr. President, I ask unanimous consent that on the Bellmon amendment

the time be limited to 10 minutes, to be divided in accordance with the usual form.

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

Mr. BELLMON. Mr. President, I call up amendment No. 301.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. BELLMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. BELLMON'S amendment (No. 301) is as follows:

At the end of the bill insert the following new section:

"SEC. . (a) Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"'§ 614. Early disclosure of elections results in Presidential election years

"'Whoever makes public any information with respect to the number of votes cast for any candidate for election to the office of Presidential and Vice-Presidential elector in the general election held for the appointment of Presidential electors, prior to midnight, eastern standard time, on the first Tuesday in November on which such election is held shall be fined not more than $5,000, imprisoned for not more than one year, or both.'

"(b) Section 591 of title 18, United States Code, is amended by striking out 'and 611' and inserting in lieu thereof '611, and 614'.

"(c) The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"614. Early disclosure of election results in Presidential election years.'."

On page 5, line 19, strike "SEC. 5." and insert in lieu thereof "SEC. 6.".

Mr. BELLMON. Mr. President, if I may have the attention of the Senate, I can be through with this in a matter of about 30 seconds. All the amendment does is make it unlawful for the outcome of the Presidential election races to be disclosed before the hour of midnight, eastern standard time.

The purpose is to make it possible for voters in Western sections of the country to cast their votes without being inhibited by the outcome of the election in States farther east. I have discussed this proposal before, and I shall not take the time to discuss it further now.

I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, may we have order? The Senator has shortened the time on his amendment considerably, and he is entitled to be heard.

Mr. BELLMON. Mr. President, the objective of this amendment is easily understood. Quite simply it would make it unlawful for local election officials to publicly disclose the election returns for President and Vice President prior to midnight, eastern standard time. In so doing, this amendment would prevent the public disclosure of Presidential election returns in the Eastern and Central States while polls are open and citizens are still voting in Western States.

The net effect of this proposal will be to prevent the public disclosure of Presidential election returns until midnight, eastern standard time, 11 p.m., central standard time, 10 p.m., mountain standard time, 9 p.m., Pacific standard time, 8 p.m., Yukon time, 7 p.m., Alaska-Hawaii time, and 6 p.m., Bering time. At these particular times, polls throughout the United States would be closed.

I ask unanimous consent that a table showing the voting hours of the 50 States, as well as the hour of public disclosure under the terms of my amendment be inserted in the RECORD at this point.

Mr. President, this amendment would prevent the nationwide publicizing of election results and predictions based on actual returns tabulated in the Eastern States until after 9 p.m., Pacific standard time, or 1 hour after the polls have closed in California. Because polls in Hawaii close at 6 p.m., local time, those polls will have been closed for an hour. Delayed broadcasting in Alaska would avoid serious problems in Alaska where one-half the voters would still have 1 hour to vote. This amendment, in my view, represents a simple, direct approach to the correction of an election abuse whose time for solution is long overdue.

One thing should be made absolutely clear—voting hours would still be regulated by the States and only the hour of public disclosure by local election officials of Presidential results would be affected. The counting of votes in all races, including the Presidential contest, could begin when the polls close and only the public announcement of the Presidential results would be delayed until the appropriate hour of disclosure.

Before acting upon this proposal, the following important questions must be answered: What is the objective of this legislative proposal? Does Congress have the power to legislate in this area and does this proposal represent the best possible approach to the problem?

By enacting this amendment, the Senate will finally rectify an election abuse which occurs every Presidential election year, the publicizing of Presidential election results in Eastern areas before polls close in our Western States. Because of the differences in voting hours and time zones in various parts of the country, the polls in the east coast States close far earlier than do those in other parts of the country. This variance in publicizing Presidential election returns works a detriment to the free election process, because of the possible influences which come from broadcasting outcomes or prediction of Presidential election results in States long before the polls have closed and before citizens in those States have completed voting.

In every Presidential election year since 1960 citizens have been alarmed, because of the likelihood that the present practice of publicizing and predicting election returns influences the way many votes are cast and discourages others from voting because of the belief that the outcome of the election has already been decided.

Few would contend that the publicizing of election returns while citizens are voting has anything but an undesirable impact. Most States have enacted laws long ago to prevent disclosure of State or local election returns before all polls in the jurisdiction have closed.

Let us ask the question: "What would be your reaction to a western voter if you were to learn that the Eastern States had given an apparent majority of the electoral votes to a certain candidate? Would you continue on your way to vote or would you think that your vote had become meaningless and insignificant?"

Quite clearly, commonsense mandates that Congress act to eliminate the possibility of these questions being raised.

I believe the problem was summarized quite well by Senator HARTKE in a letter addressed in 1967 to Senator PASTORE, chairman of the Subcommittee on Communications of the Senate Commerce Committee. Senator HARTKE stated:

There is, additionally, the question of whether listeners and viewers who have yet to vote are influenced by actual vote results elsewhere or by projections of results. There have been elections recently where the change of majority in one Western State could have tipped a Presidential election. It is possible that some votes already cast have decided the important elections. This, in turn, may have repercussions in local elections.

The late President John F. Kennedy won the 1960 national election by a 112,692 plurality vote. If one voter in each of the 173,000 voting precincts in the United States had switched his vote from Mr. Kennedy to Richard M. Nixon, Nixon would have won the popular vote. . . .

Realistically, had there been a switch of one vote in Kennedy's favor in each of the 10,400 precincts in Illinois plus a switch of nine votes in each of the 5,000 precincts in Texas, Mr. Nixon would have tallied the required 270 electoral votes and would have been our President.

A switch of 27 electoral votes by Illinois and 24 votes by Texas, combined, would have resulted in a different choice of candidate for President of the United States.

I am not disputing the inherent right of the people to know the facts, and the rights of stations and networks to tell the facts along with interpretations . . .

What primarily concerns me is protecting the right of the election process in the greatest democracy on earth.

I would recommend to you that you schedule hearings of our subcommittee to inquire into this matter and its attendant problems.

This concludes the quotation from Senator HARTKE.

In response to this letter, public hearings were held before Senator PASTORE'S subcommittee which aptly restated the problem in its final report by saying:

Common sense seems to indicate that a man who sits down to dinner just before going out to vote, switching on the television, hears that so and so has already been declared the winner, might not engage himself in an exercise in futility.

It seems to me that this was a very practical and commonsense way of looking at the problem, and quite clearly points out the need for Congress to take action.

It is in the interest of this Nation that the greatest number of citizens possible exercise their right to vote and that this fundamental right be carried out independently of and unhampered by prior knowledge of the outcome of the election in other States or regions of the country. S. 372, dealing with the reform

of our election process, provides Congress with the proper vehicle to finally resolve this longstanding abuse.

Other proposals to solve this problem have been introduced.

Senator DOMINICK has introduced an amendment to S. 372 which would provide that in all Federal elections polls would close simultaneously throughout the Nation at 11 p.m., eastern standard time. In my view, this alternative proposal presents several very practical problems in view of the span of time it would create between the opening and closing of the various polls throughout the country.

First, due to a variance in times between the opening and closing of the polls, it would create more favorable voting hours in some States than in others. Polls would stay open until 11 p.m., eastern standard time, but only until 8 p.m. in the Western States.

Second, it would delay the process of counting the votes in the Presidential and all congressional races until after 11 p.m., eastern standard time. People would be forced to stay up all hours of the night just to know who their next Congressman is going to be.

Third, the Federal regulation of "voting hours" in the States, in my opinion, represents a Federal infringement of the States' prerogative.

Under the terms of my amendment, only the public disclosure of Presidential election results would be delayed. Because the States would still control the "voting hours" and since most Eastern States close their polls by 8 p.m., the tabulation and counting of returns for President could begin and be completed by midnight, eastern standard time.

In addition, it should be noted that congressional races are not affected by the terms of my proposal. Results would be announced as they become available. This compares quite favorably with Senator DOMINICK's approach which forecloses the possibility of tabulating the returns in the Presidential race and all congressional races until after the polls close at 11 p.m., eastern standard time. This would have a detrimental impact not only upon those citizens who are anxious to know the results, but also those many thousands of election officials who have to man and count the returns.

It should be stressed that my amendment represents not a suppression of the news, but a regulation of Presidential elections providing for proper returns and the proper release of information concerning these returns.

Quite clearly, Congress has the constitutional authority and responsibility to so act. Article II, section 1 of the Constitution gives Congress the power to determine the time of choosing the electors for President and Vice President. Article I, section 4 empowers Congress to regulate the time, place, and manner for holding elections for Senators and Representatives. The Supreme Court has indicated that this provision may also be applicable to Presidential elections.

Although election officials are appointed by the State, they also serve a Federal function when sitting in Federal elections, and are thus properly subject to Federal regulation. The Supreme Court in 1879 so held in *Ex Parte Siebold*, 100 U.S. 371 (1879). In *Burls and Cannon* v. *United States*, 290 U.S. 534 (1934) the Supreme Court in discussing the "scope of authority" granted to Congress in article II, section 1, held that the powers over Presidential elections are not delegated exclusively to the States, but that Congress also has the authority and responsibility in this area and that authority is not limited merely to determining the "time of choosing the electors, and the day on which they shall get their votes."

Thus, there appears to be ample constitutional authority to support the proposal that a Federal law be enacted as I have proposed which would prohibit election authorities from releasing Presidential election results until a time fixed by Federal law. Such a law I believe to be not only Constitutional, but practical as well.

Mr. President, I wish to refer to a study issued in 1965 by the Congressional Reference Service of the Library of Congress regarding the constitutionality of proposals prohibiting the publicizing of election returns prior to the polls closing in all States. This report concludes as follows:

> There appears to be authoritative support of yet another proposal. Namely, the enactment of a Federal law which would prohibit election authorities from releasing Federal election results until a time fixed by a Federal law. Such a time could be set with regard to the differences in time zones across the country. If it were made a Federal crime for election officials to release this information before the time designated, such a law could be practical and might well be held to be Constitutional. It should be noted, that although election officials are appointed by the State, they also serve a Federal function when acting in Federal elections and are thus properly subject to Federal controls.

Mr. President, this study, although not conclusive in nature, indicates quite clearly that my proposal is constitutional. Certainly, its enactment would solve the problem and, in my view, represents the best approach in achieving the national objective of maximum voter participation. It is time for the Senate to act. I urge adoption of this amendment.

Mr. COOK. Mr. President, we debated this problem on the floor of the Senate not long ago, in connection with a similar proposal by the Senator from Colorado (Mr. DOMINICK). It was Senator DOMINICK's suggestion that poll opening and closing hours be staggered across the country, so that they would all open and close at the same time.

The thing that bothers me about this amendment is that we are asking, by reason of Federal legislative action, that local election officials impound the ballot boxes for a period of whatever the hours may be to conform with a uniform time of disclosure of the results of the votes. I wish we could have hearings on this proposal in the Communications Subcommittee of the Committee on Commerce, because I think it deserves more debate than 10 minutes to determine how we are going to have a uniform reporting system.

We all know the effect of television. We know that after three-fourths of the votes are counted and the results announced, the people in Alaska are just going to the polls. Something really ought to be done about it. But I am concerned about the business of, let us say, a reporter being at a polling place when the back of the machine is opened at 6 o'clock in the East, the results are taken off, and what we are saying in essence is that this reporter, regardless of the first amendment of the Constitution, is going to be in violation of the provisions of this amendment if he discloses the results. This really does bother me in relation to the amendment. I think something ought to be done, but I think we ought to have an opportunity to have hearings, to make a determination of the best way to do it.

Mr. PASTORE. Mr. President, we went all through this in hearings, and we had the presidents of the broadcasting companies up before our committee. I am telling you, when we begin to involve ourselves in this sort of thing, we are getting ourselves into a can of worms. This is a very sensitive subject.

I realize the argument is made sometimes that it would be fairer, because of the difference in the time range, to wait until all the results are in before making any announcement. But the fact remains that I do not see, under the circumstances, how we could ever accomplish it.

Mr. BELLMON. Mr. President, I yield myself 1 minute.

The point is very simple. There is not a State in the Union that allows the results of a race to be revealed until all the pools are closed and all the results can be revealed at the same time. We do not do that as far as Presidential races are concerned. I believe the question is whether we are running the races for the benefit of the news media or for the people to be able to hold their elections and cast their votes in an uninhibited way. Whether we go to the system the Senator from Colorado proposes or the system I propose makes very little difference, but it seems to me that we are on better constitutional grounds to say to the States, "Go ahead and hold your elections when you want to, but as far as revealing the Presidential election results is concerned, hold those up until everyone in the country has had a chance to vote."

That is all my amendment would do.

Mr. COOK. I yield myself 2 minutes; I shall use about half a minute and then yield to the Senator from Washington.

May I say, Mr. President, that in our State this is not the case. We are absolutely divided in two by the eastern time zone and the central time zone. We report our election returns as they are available from the respective counties as soon as they can get them on the television. They are not all held up until they can be made public at one time. So, therefore, we have this problem in our State; but I think we ought to face it with some good sound judgment, and give the matter some hearings before attempting to make such a determination.

I yield to the Senator from Washington.

Mr. MAGNUSON. Mr. President, we had some hearings on this. One of the practical matters involved is that they

would have to split the ballots. We cannot tell the State of Vermont, for example, when it can count its returns for Governor or its other officers. So we would have to have a separate ballot, and then, even in cases where they have the separate ballot, it would be pretty hard to do. I am affected by it more than a lot of people, but I do not know just how you would do it. The States are entitled to set their election policies. When you take the Federal offices and set them aside, you are going to have to have two voting machines, two separate ballots, and all that sort of thing to do it, and that is very impracticable.

But we had hearings on it. We should have hearings again, and see what we can do.

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

Mr. COOK. I yield 1 minute to the Senator from Tennessee.

Mr. BAKER. Mr. President, I have no quarrel with the proposal of the Senator from Oklahoma, but I think it would be very difficult to do what he proposes. The Senator from Rhode Island and I sat together on the Communication Subcommittee.

I think, as far as I am concerned, that the best solution to it would be to have a 24-hour vote, and close the polls by Greenwich mean time at the same hour all over the country. That would make it more convenient than by the Senator's amendment for more people to vote, and we would have a higher percentage of the people participating in the political process. At some future time I am going to have this and other suggestions to make. For now, suffice it to say that a 24-hour vote would have the dual advantages I have just described.

Mr. COOK. Mr. President, on the basis of the colloquy, I oppose the amendment, and I yield back the remainder of my time.

Mr. BELLMON. Mr. President, I yield myself 1 minute. The point has been raised that the States should set the hours for holding their elections. I agree. This amendment does nothing to disturb the States' rights to hold their elections whenever they want to, and the States have the perfect right to go ahead and release the results of all the elections except the Presidential and Vice-Presidential elections.

That is what makes this approach appeal to me more than the idea that has been suggested, that we ought to have, by Federal law, an established time for elections to be held in all the States of the country.

This proposal does not disturb or modify the right of the States to hold their elections when they want to, and to release the results whenever they want to. But this business about holding hearings makes no sense to me. We have talked about this problem for 20 years, and I say it is time we did something about it. Ever since television became a medium of communication in this country, we have had this problem. We can talk until hell freezes over, but I think it is high time we did something.

Mr. PASTORE. Mr. President, I can understand how the Senator feels. This is a problem that has disturbed us all for a long time.

The argument has been made that because of the differential of 3 hours between the East and the West, and because when they report the results in the East, that affects the results of the voting in the West somewhat, a lot of people would like to keep the results off of the presses and the networks, to give them all a chance to finish voting where it might have some effect.

But to get back to the principle stated by the Senator from Oklahoma, the trouble is, when you open up a voting machine, there they are, all there, and in order to give the public the right of publicity, the news people are there when the machine is opened. They are going to look at it and see what the results are, and they are going to call in to their newspapers, and the broadcasters will be there and call in to their networks, and how are we going to avoid that?

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

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from Texas (Mr. BENTSEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Wyoming (Mr. MCGEE), the Senator from Utah (Mr. MOSS), and the Senator from Wisconsin (Mr. NELSON) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. ABOUREZK) is absent on official business.

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

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "nay."

Mr. SCOTT of Pennsylvania. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is absent because of illness in his family.

The Senator from Massachusetts (Mr. BROOKE) is absent on official business.

The Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Nebraska (Mr. CURTIS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Colorado (Mr. DOMINICK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Kansas (Mr. PEARSON), and the Senators from Ohio (Mr. SAXBE and Mr. TAFT) are necessarily absent.

If present and voting, the Senator from New Mexico (Mr. DOMENICI) would vote "yea."

On this vote, the Senator from Nebraska (Mr. CURTIS) is paired with the Senator from Massachusetts (Mr. BROOKE). If present and voting, the Senator from Nebraska would vote "yea," and the Senator from Massachusetts would vote "nay."

The result was announced—yeas 25, nays 51, as follows:

[No. 351 Leg.]

YEAS—25

Baker	Fong	Packwood
Bartlett	Hansen	Percy
Bellmon	Haskell	Proxmire
Burdick	Hatfield	Roth
Byrd, Robert C.	Hruska	Stevens
Case	Mansfield	Thurmond
Church	McClure	Young
Dole	McGovern	
Fannin	Metcalf	

NAYS—51

Aiken	Hathaway	Pastore
Bayh	Helms	Pell
Beall	Hollings	Randolph
Bennett	Huddleston	Ribicoff
Bible	Inouye	Schweiker
Biden	Jackson	Scott, Pa.
Byrd, Harry F., Jr.	Javits	Scott, Va.
Cannon	Johnston	Sparkman
Chiles	Kennedy	Stafford
Clark	Long	Stevenson
Cook	Magnuson	Symington
Cranston	Mathias	Talmadge
Eagleton	McClellan	Tower
Ervin	McIntyre	Tunney
Gurney	Mondale	Weicker
Hart	Montoya	Williams
Hartke	Muskie	
	Nunn	

NOT VOTING—24

Abourezk	Domenici	Humphrey
Allen	Dominick	McGee
Bentsen	Eastland	Moss
Brock	Fulbright	Nelson
Brooke	Goldwater	Pearson
Buckley	Gravel	Saxbe
Cotton	Griffin	Stennis
Curtis	Hughes	Taft

So Mr. BELLMON's amendment (No. 301) was rejected.

AMENDMENT NO. 439

Mr. BAYH. Mr. President, I call up my amendment No. 439.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BAYH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

Insert the following section at an appropriate place:

SEC.—. (a) Whenever the Commission determines that violations referred to Federal law enforcement authorities under section 309(d) of this title are not being promptly and properly investigated and prosecuted, it is authorized to appoint, under section 3109 of title 5, United States Code, one or more special prosecutors for the purpose of investigating such violations and presenting them to the appropriate Federal grand jury for consideration.

(b) Notwithstanding the provisions of section 516 of title 28, United States Code, any individual appointed as a special prosecutor under subsection (a) may prosecute for any violation of the provisions of this title in the district in which the defendant indicted for such violation may be tried.

Mr. BAYH. Mr. President, sometime ago the Senator from Indiana introduced a Comprehensive Campaign Reform Act encompassing a wide variety of items, many of which are covered as well or perhaps better in the measure which is

presently before the Senate. Others are not.

One of the important items contained in my bill would be to give to the Comptroller General the authority to appoint a special prosecutor in the event the Justice Department was not proceeding under the law to enforce the provisions of the Campaign Act.

I want to salute the committee for including the initial authority for the enforcement of this provision in the hands of the Commission which is established by this bill.

There is some room to interpret this language in two different ways, and I want to ask the managers of the bill if they share my interpretation, so that there is no room for someone to doubt this in the future.

Under section 516 of title 28, United States Code, prosecutorial authority is given to the Justice Department and the Attorney General. Under the committee bill, on page 34, subsection (d), at the bottom of the page, is the following language:

(d) Notwithstanding any other provision of law, the Commission shall be the primary civil and criminal enforcement agency for violations of the provisions of this title, and of sections 602, 608, 610, 611, 612, 613, 614, 615, and 616 of title 18, United States Code. Any violation of any such provision shall be prosecuted by the Attorney General or Department of Justice personnel only after consultation with, and with the consent of, the Commission.

I should like to phrase one hypothetical question to the Senator from Nevada or the Senator from Kentucky, or both: In the event, for one reason or another, an Attorney General of the United States refuses to prosecute those who violate this act, does the language contained in subsection (d) give the Commission authority to appoint a special prosecutor to go out and see that this act is enforced, to bring the culprits before the bar of justice and to see that they are prosecuted?

Mr. CANNON. I say to the Senator that, in the judgment of the committee, it does give the Commission that authority, and that was the intention. Not only would they have the authority to appoint a special prosecutor and to prosecute the cases; they would not even have to wait to determine whether the Attorney General was interested or was not interested in going ahead.

We deliberately gave the Commission the primary authority in both criminal and civil matters and authorized them to appoint a general counsel, and I am sure it would be a very competent counsel and an appropriate staff. We authorized the Commission to appoint and fix the compensation of such personnel as may be necessary to fulfill the duties of the Commission in accordance with the act.

So they have full authority to provide a staff. An amendment was offered by Senator JAVITS today that increased the authorization money, so that they would have ample funds available.

We also made it very specific that they had primary jurisdiction but that they were entitled to have full cooperation of the other agencies of Government, but that a violation of the provisions should be prosecuted by the Attorney General or the Department of Justice only after consultation with and with the consent of the Commission.

Mr. BAYH. I appreciate the Senator from Nevada's opinion, as the majority floor manager of this bill. This will carry great weight.

I wish to emphasize that I only took the Senate's time to discuss this matter because under title 28, United States Code, section 516, prosecutorial authority is otherwise given to the Justice Department We do not refer to that specifically in this bill. I want to nail it down so that there will be no question that not only must the Justice Department and the Attorney General consult with the Commission, but also, if the Commission feels that the Justice Department is not doing the job, it can appoint a prosecutorial staff to go out and do it.

As a matter of fact, in section 309, page 33, we have the following language:

The Commission shall have the power— . . . to initiate (through civil proceedings or injunctive relief and through presentations to Federal grand juries), prosecute, defend, or appeal any court action in the name of the Commission for the purpose of enforcing the provisions of . . . This title.

Mr. BAYH. I compliment both Senators for putting this feature in the bill. We all know, whether it might be as to one party or another, that we can see the possible reluctance of bringing before the bar of justice those whose beneficence happened to help the party which controlled the Department of Justice at that time.

Mr. CANNON. In our consideration of the bill, we had considerable discussion on this point, and we wanted to make it perfectly clear that the primary jurisdiction was in the Commission, and the secondary jurisdiction was in the Department of Justice.

Mr. COOK. Mr. President, we wanted to make this very clear, because we have had these problems in many instances. That is why we placed in the bill specific language relating to the primary criminal and civil enforcement agencies. To that extent, it will be noted that we make that perfectly clear in section 7, page 33, and in the primary responsibility on page 34 we make it clear that the Commission has primary jurisdiction as to a number of sections. The primary responsibility provision is on page 34.

We now include the primary civil provision in sections 602, 608, 610, 611, 612, 613, 614, 615, and 616 of title 18, United States Code. So we intended to broaden it. It was our specific intent to do so, and we feel that we have covered it fully.

Mr. BAYH. I appreciate the courtesy of the Senators. I just wanted to be sure that we nailed down the relationship of title 28. We have made the record very clear.

Mr. DOLE. Mr. President, I have discussed a series of questions about when a person becomes a candidate, and the reports required, that are covered under present law and under S. 372. I have discussed this with the majority staff on occasion, and I have discussed it also with the distinguished Senator from Nevada (Mr. CANNON).

The series of questions relates to public opinion polls and whether or not such polls trigger reporting and disclosure requirements.

I am informed that the chairman of the Committee on Rules and Administration has indicated that the answers to the questions posed are all in the affirmative. I merely wanted to make certain that that is the response of the chairman.

Mr. CANNON. If that is the list of questions, the answer to each is in the affirmative.

Mr. DOLE. Mr. President, I ask unanimous consent that the series of questions be printed at this point in the RECORD.

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

Suppose an individual commissions public opinion polls and accepts money to pay for those polls, and these polls are specifically designed to gauge his relative standing in a forthcoming Senate race against an incumbent Senator who is required to make reports and disclosures under the present law.

(1) Is such an individual a "candidate" for purposes of reporting and disclosure, even though he has not officially announced his candidacy?

(2) Would the answer be the same if the individual paid for the polls himself?

(3) Would the answers to the first two questions be the same under S. 372?

(4) Would the answer be the same if the money was accepted or spent and the polls were conducted prior to the year in which the Senatorial race was held?

Suppose polls were commissioned and paid for by a committee acting "on behalf of" a particular individual, and the polls were specifically designed to gauge this individual's relative standing in a forthcoming Senate race against an incumbent Senator.

(1) Would this committee be requested to conform to the organization, reporting and disclosure requirements of present law?

(2) Would the answer be the same under S. 372?

TRANSACTION OF ROUTINE BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine business.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for the transaction of routine business be limited to 15 minutes, with statements therein limited to 5 minutes each.

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

U.S. TOURISTS TIGHTEN MONEY BELTS

Mr. HARRY F. BYRD, JR. Mr. President, one of the outstanding newspapermen in the State of Virginia is D. Lathan Mims, editor and general manager of the Harrisonburg Daily News Record. Mr. Mims spent some weeks in Europe this summer and when he returned he wrote a report for the Daily News Record of Harrisonburg, Va. It is captioned "U.S. Tourists Tighten Money Belts." The article points out the effect that the devaluation of the American dollar, the declin-

ing value of the American dollar has had on the American tourists, and the effect it has had on U.S. military personnel and their families in Europe.

Mr. President, I ask unanimous consent to have printed in the RECORD the article to which I have referred.

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

U.S. TOURISTS TIGHTEN MONEY BELTS

(By Lathan Mims)

ROME.—American tourists in Europe, still flocking to the inflation-plagued continent in droves, are beginning to tighten their money belts.

This becomes evident as one talks with shopkeepers, travel bureau officials, tour guides and others catering to the hordes of drip-dry travelers from middle class America.

The European visitor this summer is caught in a double bind—devaluation of the ever-weakening dollar and galloping inflation that is pushing prices upward at an alarming 10 percent rate in some countries on the traditional grand tour. As a result the tourist is watching his lira and francs more carefully than ever, say veteran guides.

One guide noted an increasing tendency by Americans to beat high restaurant prices by group shopping at small groceries for snacks in hotel rooms. Empty cheap wine bottles left behind tell the story of this do-it-yourself economy.

Inflation, troublesome enough in the United States, is an even more menacing specter in Europe. It is now reportedly even beginning to threaten the European Common Market's existence.

In Paris, mens' jackets, apparently no finer than name brands in Harrisonburg stores, sell for $300. But that's not surprising in a country where watered, artificially-flavored fruit drinks cost 80 cents a glass.

In Italy, where it costs 10 lira (about a penny) to ride elevators in some apartment complexes, tourist stations don't even bother to give penny-sized change—with a fine Italian flair they hand out a tiny piece of candy instead.

In Rome, where restaurant prices have not skyrocketed as much as in Paris, an Associated Press check showed little concern among most tourists over the dollar's troubles. Some explained that their tours were pre-paid weeks ago and hotel and restaurant costs were figured at lower than present rates. But others, not under pre-packaged arrangements, are quick to buy English language newspapers for the latest episode in the dollar's dreary tale.

Undoubtedly the hardest hit among American tourists are the tens of thousands of students making their way from country to country with their clothing and sleeping bags in big back packs. They are hard pressed to meet $6 and $8 a day budgets. A popular offering in book stalls is Arthur Frommer's "Europe on $5–$10 A Day." An ironic twist finds the book selling in Switzerland for 16.70 francs—about the cost of one day's stay for the back-packers.

An AP story quotes one Greenwich, Conn. student as saying, "I have to make it on $6 a day and it gets me less and less." Another student, from Massachusetts, is in Switzerland for the second time in three years and he finds the difference "unbelievable."

"I got about 4.30 francs for the dollar and prices were much lower" three years ago, he reported. "Now my friend just got about 2.80."

Long-time American residents in Europe also are suffering. Again the AP reports that since 1969 the once almighty dollar's purchasing power has shrunk by up to 60 per cent because of various currency adjustments.

"Prices are going up incredibly," a retired American in Rome said. "The meat I buy for my dog now costs what I used to pay for meat for the family a few years ago."

American servicemen are sending their families home and are living on base, American business executives are complaining because their salaries are not rising as rapidly as those of their European counterparts, and more and more retired people are thinking of going home to America.

But the American, resident or tourist, is not the only one feeling inflation's painful bite in Europe in summer 1973.

A Japanese business man obviously well supplied with Parisian saki, took off his trousers in a hotel lobby and offered them to a hotel attendant, shouting, "Here, take these. You French already have taken my skin and everything else."

Other notes and observations from a three-week American Express tour of London, Edinburgh, Paris, Lucerne, Venice, Florence, Naples, Capri and Rome:

Best buy in all Europe for the golfer. The $2.60 greens fee for the famed, 600-year Old Course at St. Andrews, Scotland, the game's birthplace. For non-golfing, shopping wives, a wool shop across the road from the St. Andrews courses offer cashmere sweaters at $21 upward, much under American prices.

Art-loving tourists are plagued by wildcat strikes in Paris' storied museums. In one day, attendants struck both the Louvre and Versailles Palace. With an expected three million tourists in Rome this summer, several museums and monuments are to be closed in July, August and September to give custodians vacations.

Switzerland's Lucerne, a crossroads for American touring parties, does not have Virginia's blue law problems. Merchants open their stores on Saturday nights and Sunday mornings for the Yankee dollar.

It's also in Lucerne that Americans, many at the half-way point of their tours, exchange tips with fellow travelers on what's ahead for them. Opinions and generalizations are as plentiful as the Alpine peaks. "Greece is good but hot. We had rain all over Italy. Paris is too expensive. Our guide is horrible. A waiter insulted us in Germany—we won't go back there."

From these remarks, one wonders of the impressions of visitors to our own tourist-minded Shenandoah Valley and the influence any one of us has on those impressions.

At least one American had a partial solution to the dollar's troubles. He tipped in dollar bills, saying, "If Europe is going to kill my dollars, then Europeans will suffer too."

Pedestrians seem to be winning the eternal battle against Paris' speed-maddened drivers. In five minutes, we saw two of them outside the Louvre jump three or four feet to safety in the nick of time while a French woman nearby shouted "lunatic" at the speeding, horn-blowing drivers.

Rome traffic also is the source of many complaints, although Roman drivers do have the knack of stopping just in time. To ease its congestion, Rome is considering dredging its narrow Tiber River for commuter boats. Perhaps Harrisonburg can do the same for Black's Run, a creek with far less odor than Venice's ancient sewage-scented canals.

During World War II, the American military commands issued booklets to GIs on customs and languages in countries where troops were to be stationed. We suggest the State Department could improve the American's image abroad by offering similar booklets with each new passport.

Occasionally, on the fringes of American touring groups one sees small clusters of natives laughing at the tour parties. It's then that one gets the impression the ugly American is suddenly becoming the funny American.

But, funny or not, the American tourist dollar being spent in Europe this summer obviously is a mainstay in the continent's economy. Thousands of shops advertise their acceptance of credit cards. And almost always three out of four of the advertised cards are issued only in the United States.

ADDRESS OF EARL HAMMER, JR., BEFORE THE VIRGINIA PRESS ASSOCIATION

Mr. HARRY F. BYRD, JR. Mr. President, the speech which has had perhaps the greatest acclaim in Virginia recently was delivered by Earl Hammer, Jr., before the Virginia Press Association at its annual convention at Virginia Beach.

Mr. Hammer is a Virginia native. He is producer of the top-rated television series "The Waltons." He was born in Nelson County, Va. Although he now lives in California, he has maintained a close contact with Virginia and as one will see from his speech, he deeply loves his native State.

The speech has been widely reprinted throughout Virginia. For example, the copublisher and executive editor of the Lynchburg News, Mr. Tom Glass, called it to the attention of editors of the news and it was published in full in the Lynchburg News.

There is so much good commonsense in the speech by Mr. Hammer that I think it is well to insert it in the RECORD so it can be read all over the United States. While it speaks of Virginia a great deal, his philosophy is the type of philosophy that has made this country great.

Mr. President, I ask unanimous consent that there be printed in the RECORD the speech by Mr. Hammer, producer of the top-rated television series "The Waltons."

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

"THE WALTON'S" AN AFFIRMATION OF VIRGINIA

(By Earl Hammer, Jr.)

(Editor's note: Earl Hammer, Jr., the Nelson County native whose top-ranked television series, "The Waltons," is based on his boyhood in Schuyler, gave this acceptance speech recently upon receiving the Virginia Press Association's "Virginian of the Year" award. It should be read by Virginians everywhere for it celebrates, in Mr. Hammer's closing words, "the love I have known here and the values which can sustain us through the uncertain years to come.")

There used to be a story told up in Nelson County about a funeral. The deceased, during his lifetime, had been less than an angel, as a matter of fact, he had been a miserable father, a detestable husband and a thoroughly bad citizen. Yet, at the funeral service, when the Preacher gave his Eulogy, he painted the departed in glowing terms, telling what a splendid husband he had been, what a loss to the community his absence would mean, how terribly his widow and children would miss him. The widow listened to the Eulogy with increasing wonder. Finally she turned to her eldest child and said, "Johnny, go in yonder, look in the coffin, and see if that's your pa."

I feel somewhat like that at the moment. So many fine things have been written and said about me this past year that I sometimes wonder if I shouldn't send somebody to see if that's really me.

They say that you should never let a Virginian start talking about his family because you're liable never to shut him up. You don't run that danger with me. Being a

writer, I am used to communicating primarily through the written word. The idea of speaking to as large a group as this fills me with unabashed terror. I was persuaded to attempt this speech largely through some friends who tried to convince me that for this little while I would be as glib as Johnny Carson with the midnight hour approaching. It hasn't worked. I am a shy introverted writer . . . still reeling from the indignity of having during this past week reached my fiftieth birthday.

They have been a wonderful fifty years, and I would not trade them for anything. I was born in 1923 in Schuyler. There is a guidebook, written during the depression years by writers under the supervision of the WPA. In the book, Schuyler is described as "a tiny hamlet which rises in mild hilarity on Saturday nights." That writer should have been around on Sunday morning when we atoned for our sins at the Baptist Church.

People will tell you that there's a lot more sin around today than there used to be fifty years ago. I'm not sure there is. I always remember something my Grandmother Gianinni said which I asked her about the difference between her generation and mine. She answered "The only difference is that today people do on the front porch what they used to do out back."

When I was growing up back in Nelson County with my father, my mother, my four brothers and my three sisters, it seemed to me then, and it does now, that we were blessed with a good life.

We were in a Depression, and the Alberene Stone Corporation where my father worked as a machinist, had closed. We were poor, but nobody ever bothered to tell us that. All we knew was that we suffered an absence of money. But that didn't bother us. We were too occupied with day to day events: first came an end to winter. The melting of the icicles along the eves. Then March—time to climb Witt's hill with kites made of brown wrapping paper and flown on string which had been collected for that purpose all winter long, the blossoming of the dogwood and redbud and forsythia which told us that spring was back again. Summer would come and with it dozens of cousins from Richmond and Petersburg up to visit. At least once during a summer we would all pile in cars and run over to Uncle Benny Tapscott's farm in Buckingham County. We would feast on fried chicken on snow white cloths over picnic tables. Later on we would all go to the spring house and bring back chilled watermelons and eat them and spit the seeds on the ground. With the coming of fall we would learn to wear shoes again. On a Sunday we would all pile into my father's DeSoto and drive up to the recently opened Skyline Drive. Often we would simply stop the car and look out on the changeless beauty of those autumn leaves. Back home we would gather chinquapins and black walnuts. And when the frost killed the vines we would gather the last of the green tomatoes and the following day my mother's kitchen would be filled with the pungent aroma of green tomato relish. Finally the long silent winter would be upon us. Under our mother's supervision all eight of us children would gather around the long wooden kitchen table and do our homework until one by one we drifted off to bed, and there, sometimes with snow falling outside, we would call goodnight to each other, then sleep in the knowledge that we were secure. We thought we lived in the best of times.

But many years later, after I had grown up and become a writer living in New York, I learned that we had been "economically deprived." That we lived in a "depressed area" and that we suffered from a disease called "familism." The sociologists define "familism" as a type of social organization in which the family is considered more important than either other social groups or the individual.

Not knowing that we were afflicted with "familism", we thought we loved each other. Even today, with a highfaluting sociological name for it, I still prefer to call it love. We were demonstrative in our love, kissing and hugging a lot, often we would drink too much of the recipe, and end up singing old Baptist hymns around the piano.

These are the people, those were the days, the Virginia of the 1930's, that I have tried to record in my books and in the television series—The Waltons. Each week this series is seen by some forty million viewers in this country. It is also seen in Canada, Hong Kong, Japan, Australia, Ireland and Equador, to mention only a few countries . . . and I believe that every viewer goes away with some little knowledge of the good life we know here in Virginia.

In a single week, not long ago, we received commendations from the Council of Christians and Jews, the Society of Southern Baptists, the Religious Public Relations Council of the Methodist Church and the Church of the Latter Day Saints. Last Sunday though I think we went beyond wildest expectations. In a magazine called Twin Circle which is the voice of the National Catholic Press, given equal space with a picture of the Pope is a picture of the Walton family! I hope we haven't gone too far.

In addition, we have received six Emmy Awards, the Peabody Award from the University of Georgia, and the support of every television critic in the country.

In this connection I would like to thank the Members of the Virginia Press Association for a very special reason. In the beginning of the television series, the Waltons was 69th in a line-up of 65 shows in the Neilson ratings. Opposing Flip Wilson and Mod Squad we were in a spot which in television is called, Death Valley. We needed to reach the audience to let them know we were there. It was the members of the press who took up our cause, who informed the viewers of our presence. Thanks largely to the press, the audience found its way to the Waltons. From 69th position in the ratings, we have risen to a position where we are consistently in the top ten. For this I am extremely grateful.

That these plays are autobiographical, I think you know. The characters of the mother and father are based on the characters of my own mother and father. In real life I am the oldest of eight, but on television, due to economic considerations, we were forced to combine the characters of two of my younger brothers.

We do not try to preach sermons on the Waltons. Primarily our aim is to entertain. But certain values keep creeping in . . . while on other channels cardboard, cut out images are chasing each other down shadowy alleys, over on the Waltons we are affirming such old fashioned virtues as self-reliance, thrift, independence, freedom, love of God, respect for one's fellow man. . . . and affirmation of values which are typically Virginian, and which have sustained our country for nearly two hundred years.

The series is also about "familism."

The Disease is rampant here in Virginia, and I'm not sorry about it. Whatever else we can take into this bewildering new age, the most meaningful may be our preservation of a sense of love and reverence for the family and the traditional values therein. You have honored me here tonight most graciously. With your permission I accept that honor on behalf of my mother and in memory of my father.

One further word. I am proud to be a native of Virginia. I love this state, from the red clay hills of Nelson County to the Atlantic surf that pounds outside our door. I hope you will do all you can to keep Virginia green. I earnestly hope that you will keep it a place for lovers. And I pledge you that I will continue, through my writing, to celebrate the love I have known here and the values which can sustain us through the uncertain years to come.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The 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 TO MONDAY AT 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stands in adjournment until the hour of 11 a.m. Monday.

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

ORDER FOR RECOGNITION OF SENATOR STEVENSON MONDAY AND FOR PERIOD FOR TRANSACTION OF ROUTINE BUSINESS, TO BE FOLLOWED BY RESUMPTION OF CONSIDERATION OF THE UNFINISHED BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized on Monday, the distinguished Senator from Illinois (Mr. STEVENSON) be recognized for not to exceed 15 minutes, after which there be a period for the transaction of routine morning business of not to exceed 15 minutes, after which the Senate resume the consideration of the unfinished business.

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—these matters have been cleared on both sides of the aisle—that the Senate proceed to the consideration of Calendar Order Nos. 332 and 336.

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

APPOINTMENT OF ALTERNATES FOR GOVERNORS OF INTERNATIONAL MONETARY FUND AND INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

The bill (S. 1887) to provide for the appointment of alternates for the governors of the International Monetary Fund and of the International Bank for Reconstruction and Development was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

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

first sentence of subsection (b) of section 3 of the Bretton Woods Agreements Act (22 U.S.C. 286a) be amended to read as follows: "The President, by and with the advice and consent of the Senate, shall appoint an alternate for the governor of the Fund and an alternate for the governor of the Bank.".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–350), explaining the purposes of the measure.

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

EXCERPT FROM REPORT NO. 93–350

PURPOSE

The purpose of the bill is to amend subsection (b) of section 3 of the Bretton Woods Agreements Act to change the existing provision that the alternate governor representing the United States on the board of governors of the Fund "shall also serve as alternate for the governor of the Bank." S. 1887 would authorize the President, by and with the advice and consent of the Senate, to appoint different individuals as alternates for the governor of the Fund and of the Bank.

COMMITTEE ACTION

On May 23, 1973, Senator Fulbright (by request) introduced S. 1887 in accordance with an executive communication from the Secretary of the Treasury, who serves as governor of the Fund and the Bank. The text of executive communication 59, dated May 14, 1973, reads as follows:

"THE SECRETARY OF THE TREASURY,
"Washington, D.C., May 10, 1973.

"Hon. SPIRO T. AGNEW,
"President of the Senate,
"Washington, D.C.

"DEAR MR. PRESIDENT: There is transmitted herewith a draft bill, 'To provide for the appointment of alternates for the Governors of the International Monetary Fund and of the International Bank for Reconstruction and Development,' together with a comparative type showing the changes that would be made in existing law by the bill.

"The proposed legislation would amend section 3(b) of the Bretton Woods Agreements Act to provide for the appointment by the President, with the advice and consent of the Senate, of separate alternate Governors of the International Bank for Reconstruction and Development and the International Monetary Fund. The legislation at present provides that the same individual serve as alternate Governor of both the Fund and the Bank.

"The proposed amendment would give the President, in appointing different individuals as alternate Governor of the Bank and the Fund, greater flexibility to select the individual most qualified to serve in each of these positions. Thus, in making these appointments, the President would be able to take into account the differing functions being fulfilled by the Bank and the Fund in the international financial sphere.

"It would be appreciated if you would lay the proposed bill before the Senate. An identical bill has been transmitted to the Speaker of the House of Representatives.

"The Department has been advised by the Office of Management and Budget that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

"Sincerely yours,

"GEORGE P. SHULTZ."

The Committee on Foreign Relations considered S. 1887 in executive session on July 24. Members expressed agreement with the general proposition that the Fund and the Bank are institutions of quite differing character and purposes, and that the United States Government might find it advantageous to have separate alternate governors representing this country on the boards of the two organizations. It is the understanding of the Committee that the President intends to nominate as alternate governor of the Fund the Chairman of the Board of Governors of the Federal Reserve System. The view was expressed that it was logical and appropriate normally to appoint a member of that Board to such a position, although in the past it has been occupied by a high official of the Department of State.

However, Members also strongly supported the view that the post of alternate governor of the Bank as a matter of course should continue to be occupied by a representative of the Department of State. Consideration was given to the proposition of amending S. 1887 to that effect, but it was decided instead to state this position clearly and forcefully in the report on the bill. With this understanding, the Committee, by voice vote and without any dissent, ordered S. 1887 reported favorably without amendment on July 24, 1973.

DISPOSAL OF OPIUM FROM NATIONAL STOCKPILE

The bill (S. 2166) to authorize the disposal of opium from the national stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately one hundred and forty-one thousand six hundred pounds (morphine content) of opium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

LIMITATION OF STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that statements during the transaction of routine morning business on Monday next be limited to 3 minutes.

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

H.R. 5777, TO REQUIRE THAT REPRODUCTIONS AND IMITATIONS OF COINS AND POLITICAL ITEMS BE MARKED AS COPIES OR WITH THE DATE OF MANUFACTURE, BILL PLACED ON CALENDAR

Mr. ROBERT C. BYRD. Mr. President, H.R. 5777 is identical in every respect with Calendar No. 328, S. 1880, the so-called Hobby Act reported last week by the Committee on Commerce. I ask unanimous consent that the Committee on Commerce be discharged from further consideration of H.R. 5777 and that the bill be placed on the calendar.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

The Senate will convene at 11 a.m. After the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Illinois (Mr. STEVENSON) will be recognized for not to exceed 15 muintes, after which there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 3 minutes.

At the conclusion of routine morning business, action will be resumed at about 11:30 a.m., on S. 372, the campaign reform bill. A rollcall vote, by previous agreement, will occur on final passage of the bill at no later than the hour of 3:30 p.m. Monday.

Rollcall votes, of course, may occur prior to the hour of 3:30 p.m. on amendments or motions relating to the bill or on other business which may have been cleared for action.

ADJOURNMENT TO MONDAY AT 11 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 11 a.m. on Monday next.

The motion was agreed to; and at 3:38 p.m. the Senate adjourned until Monday, July 30, 1973, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 28, 1973:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

David Olan Meeker, Jr., of Indiana, to be an Assistant Secretary of Housing and Urban Development.

SECURITIES AND EXCHANGE COMMISSION

The following-named persons to be members of the Securities and Exchange Commission for the terms indicated:

A. A. Sommer, Jr., of Ohio, for the remainder of the term expiring June 5, 1976.

Ray Garrett, Jr., of Illinois, for the remainder of the term expiring June 5, 1977.

NATIONAL CREDIT UNION BOARD

William E. Young, of Washington, to be a member of the National Credit Union Board for the remainder of the term expiring December 31, 1973.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)