"But the Western world has drawn an incomplete lesson from this, has not shown enough feeling to realize that our persecuted are not only grateful for the protection, but also provide a lofty example of spiritual endurance and willingness to sacrifice at the very point of death and under the syringe of the murderer-psychiatrists.

"There is one psychological peculiarity in the human being that always strikes you: to shun even the slightest signs of trouble on the outer edge of your existence at time of wellbeing when you are free of care, to try not to know about the sufferings of others (and your own or one's own future sufferings), to yield in many situations, even important spiritual and central ones—as long as it prolongs one's wellbeing.

"And suddenly, reaching the last frontiers, when man is already stricken, with poverty and nakedness and deprived of everything that seemingly adorns his life—then he finds in himself enough firmness to support himself on the final step and give up his life, but not his principles.

"One cannot accept that the disastrous course of history is impossible to undo, that a soul with confidence in itself cannot influence the most powerful force in the world.

"From the experience of the last generations it seems to me that it is fully proved that only the inflexibility of the human soul which firmly puts itself on the front line against attacking violence and with readiness to sacrifice and death declares, 'Not one step further'—only this inflexibility of the soul is the real defence of personal peace, universal peace, and of all mankind."—AP.

SENATE—*Monday, September 17, 1973*

The Senate met at 11 a.m. and was called to order by Hon. SAM NUNN, a Senator from the State of Georgia.

PRAYER

The Reverend Edgar J. Mundinger, pastor, Christ Lutheran Church of Washington, Washington, D.C., offered the following prayer:

O God, You made us for Yourself and You know our hearts are restless until, in You, they find rest. Give grace, we pray, to this august assembly that as the Members of this body confer together they may combine their positions of honor and power with awe and humility and deep dependence upon Your divine guidance. Help them to seek and promote the unity of the people of our land. Give to them the blessing of sound judgment, skill in making wise decisions, patience so that no one will be too hurried to act in due time, and to act to be mutually helpful.

Gracious God, increase in them and in all of our citizenry the virtues of faith, hope, and love. That we may do what is Your will, help us all to love what You command.

And so guide the affairs of state this day that may be full of achievements that will glorify the Holy Trinity, and bless the people of these United States of America, through Jesus Christ, Your Son, our Lord and our Redeemer. 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., September 17, 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.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT TO STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1974

AMENDMENT NO. 486

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

Under authority of the order of the Senate of January 29, 1973, Mr. PASTORE on September 13, 1973, submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 8916) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 14, after line 3, insert the following:

"SEC. 105. None of the funds appropriated in this title shall be available for obligation, except upon the enactment into law of authorizing legislation."

Mr. PASTORE also submitted an amendment, intended to be proposed by him, to House bill 8916, making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

(The text of the amendment is printed above.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of September 13, 1973, the Secretary of the Senate, on September 13, 1973, received the following message from the House of Representatives:

That the Speaker of the House had affixed his signature to the enrolled bill (S. 1841) to amend the Communications Act of 1934 with regard to the broadcasting of certain professional sports clubs' games.

Subsequently, under authority of the order of the Senate of September 13, 1973, the Acting President pro tempore (Mr. METCALF) signed the above enrolled bill.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, September 13, 1973, be dispensed with.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 2075) to authorize the Secretary of the Interior to undertake a feasibility investigation of McGee Creek Reservoir, Okla., with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 9639) to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 9639) to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs was read twice by its title and referred to the Committee on Agriculture and Forestry.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VII, 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.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination on the Executive Calendar, under new report.

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

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar, under new report, will be stated.

CONSUMER PRODUCT SAFETY COMMISSION

The second assistant legislative clerk read the nomination of R. David Pittle, of Pennsylvania, to be a Commissioner of the Consumer Product Safety Commission for a term of 5 years from October 27, 1972.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of this nomination.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

DEFENSE APPROPRIATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a statement by the distinguished Senator from Missouri (Mr. SYMINGTON) before the Senate Defense Appropriations Subcommittee of the Armed Services Committee, on Defense appropriations, under date of September 13, 1973, be printed in the RECORD.

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

TESTIMONY BY SENATOR STUART SYMINGTON

Mr. Chairman, and Members of the Committee, thank you for inviting me to testify on this FY 1974 Defense Appropriations Bill.

In some ways this bill is as important as any to be considered by the Congress this year; and your decisions with respect to it can only be fundamental to the true national security of the United States.

I premise these remarks by assuring the Committee of what I believe they already know, namely, that I am as anxious as anyone to see America so strong no one will ever attack us.

With that premise, let me respectfully present what the term "national security" means to me.

As I see it, true national security has three component parts:

First, our ability to destroy any aggressor; and certainly on our part that he knows we can do so.

In this category we are in excellent shape; and it is vital we remain so.

Secondly, a sound economy, with a sound dollar. As everyone knows, in this category our position has deteriorated and continues to deteriorate.

Third, credibility, the faith of the people in their Government and the system. It is no secret that recently this faith has not improved.

Those who hold the view that national security can be gauged almost entirely by the amount expended for new weapons systems neglect those two other important integral parts of true national security; and I believe, when they do so, they undermine both the nation's economic position and the moral support of the people for defense measures that are really needed.

There can be no more dangerous assumption than a policy based on a conviction that this nation continues to have unlimited resources.

If we do not recognize, now, that our resources are becoming increasingly limited, and impose a sense of discipline on such institutions as our Armed Services, not only are we certain to damage our economy, but we will also further reduce the people's confidence in Government.

The people know taxes are high and can only go higher. They know of the steady increase in prices. They know the President is emphasizing that the wars are over. But they also know we are being asked, this year, to spend many billions of dollars more for defense.

There are many reasons why we now have a condition unprecedented in the economic history of our country—continued unemployment at the same time we face continuing inflation, high interest rates, and sharp devaluations of the dollar.

One reason is the subject in which we are interested today—defense expenditures; and all expenditures become more important as we note high interest rates preventing young families from buying a home, the dollar declining 55 percent against the German Mark in less than two years, and eggs selling in the supermarket at a dollar a dozen. When our citizens go to the supermarket, actually they could think they were going to the cleaners.

Careless and prodigal military spending has actually harmed our defense programs, wasted money on ships and planes and tanks. Billions upon billions of dollars of weapons programs have been scrapped because of drawing board theorists later proved to be wrong either before or shortly after said weapons were put into production.

On March 7, 1969 I placed a chart into the record which showed the total investment cost for abandoned missile systems alone, either before or just after they were deployed. This total came to $23.053 billion.

If this figure is updated to include later weapon systems subsequently cancelled or deployed in such small numbers as to be useless militarily—the Cheyenne helicopter, MBT–70 tank, Safeguard ABM system and others—the total would be many billions of dollars more. I plan to place the additional amount in the record as soon as it is compiled.

Those who are able to force violations of good industrial practice so as to rush into production new weapons—such as the TFX, Cheyenne and C–5A—later find it impossible to impose the shop requirements needed for efficiency and economy; in fact some would appear to welcome a lack of normal shop discipline. It covers mistakes, and in that way creates a justification for cost overruns.

In its extreme form, this frame of mind produces a curious kind of backward reasoning. Instead of beginning with an accurate view of potential enemy capabilities, and deriving from that a requirement for America's defense needs, then buying what is needed with maximum efficiency, these "rushers" start with a need to spend money in order to show resolve, work backward to the need for a new and even more expensive weapon system, then concoct the threat to justify the always expensive, and often unnecessary, program in question.

The Armed Services Committee, of which at the request of Chairman Stennis I have been serving as Acting Chairman, reported last Thursday the annual Defense Authorization Bill.

The Committee recommended a reduction of $1.511 billion in R&D and procurement and 156,100 in active duty military manpower slots.

These reductions would appear both prudent and justified; and I earnestly solicit your support for them.

After said reductions, the figure is less than $3 million above the bill that has already been passed by the House.

In additional areas the Committee, at times by a majority vote of one, failed to make certain reductions which to me are not only justifiable but necessary if we are to have: (1) a strong and disciplined defense program, (2) a strong economy, and (3) public support for what is necessary.

MANPOWER

The Committee recommended unanimously a reduction in the active armed forces of 156,100 below the original request of the Defense Department; a reduction of but 7 percent at the end of a long and expensive war.

As we know today, Defense manpower cost consumes about 56 percent of the total Defense budget; and if various indirect costs such as medical programs and housing construction are included, the figure approaches two-thirds. (Reports presented to the Committee estimate the Soviets spend from one-fourth to one-third of their defense budget on manpower.)

Primarily because of manpower cost increases, next year this country will be facing an overall Defense Department appropriation request of close to $90 billion; well over $100 billion before the end of this decade.

There are but two basic ways to reduce manpower costs. One is to reduce the number of people, the other to reduce the cost per man.

With respect to cost per man, the Armed Services Committee is currently reviewing much of its basic personnel, grade structure, and retirement legislation; and proposals from the Department of Defense have been promised with respect to the over 13 billion dollars of annual cost of the civilians currently in the Defense Department.

This basic and complex legislation must be restructured if there is to be any significant reduction in the cost per man; so let us hope that a number of fundamental reforms are approved before the end of this Congress. Unfortunately, however, the process of changing such legislation—affecting military force structure through changed retirement incentives, adjusted ratios of officers to enlisted men, etc.—takes time.

In the short run there is but one remedy: to reduce the number of bodies in the armed forces. This summer the Committee studied the issue carefully, and thereupon recommended this 7 percent overall reduction, to be apportioned between the various Services and defense functions as deemed best by the Secretary of Defense.

An issue that can only bear significantly on cost, which was considered by the Committee in recommending the above reduction, is the difficulty the Services are experiencing in reaching their recruiting goals for the all-volunteer force.

Last July 28 the Secretary of the Army announced that the Army was falling short of its recruiting goals by about 2,000 men per month; and the Army was already about 14,000 short of its planned strength as of the end of FY 1973. To a lesser extent, the Navy

and Marine Corps are also falling short in their recruiting.

If the Army is not reduced from the level initially requested by the Department of Defense, it will need 41,000 more volunteers in FY 1974 than it received in FY 1973—a 27 percent increase. Statistics like these make it difficult to understand why a moderate 7 percent manpower reduction is called "folly" or "staggering and unacceptable".

As its report on the authorization bill makes clear, the Committee recommends that the Secretary take virtually all of the proposed 7 percent reduction from support forces rather than from combat forces. Areas such as headquarters, base operating support, communications and intelligence, certain enlisted aides, and other categories provide ample opportunity for reductions without cutting into necessary combat forces.

It is interesting to note that, immediately following the Committee's favorable recommendation on these reductions, we received a letter from the Navy which stated, in effect, that any reductions in the Navy would have to be taken from combat forces rather than from support forces; and that this relatively modest personnel reduction proposed by the Committee would "take the U.S. Navy effectively out of the competition with the Soviet Union for maritime power and make the interests of the U.S. hostage to Soviet good will."

This reaction would appear to be a perfect case study of what is basically wrong with the attitude toward manpower management that is presently characteristic of the thinking in the Department of Defense. Actually, the Navy is increasing its request for support manpower between the Fiscal Years 1973 and 1974, but at the same time reducing both its number of ships and its overall manpower.

Extraordinarily sharp manpower cost increases—the cost per man has doubled since 1967—and increasing recruiting difficulties as the result of the introduction of the all-volunteer force, both nail down the fact that military manpower management cannot protect fat at the expense of muscle.

For a more detailed discussion of manpower issues, we recommend reading pages 129–151 of the Armed Services Committee report of this year on the authorization bill.

It was the unanimous opinion of the Committee that its recommended manpower reductions were sound; and we earnestly hope for reductions in the appropriations bill that are commensurate with this unanimous recommendation.

THE TRIDENT SUBMARINE

I turn now from a subject where we believe the Committee's decision was right to one where many Committee Members believe it was wrong; in fact, our position lost by the narrowest of margins, one vote.

The recent history of the Trident submarine program deserves some detailing, because it is an excellent case-study in unbusinesslike, extravagant, and wasteful military spending.

As late as September, 1971, the Defense Department had an orderly businesslike program for modernization of the Navy's underwater missile submarine fleet. As needed, the Trident I missile (formerly called Extended-Range Poseidon or EXPC) was to be developed and fitted into Poseidon submarines.

Because of its 1,500 mile greater range as compared to the Poseidon, it was estimated that the Trident would provide a significant increase in the ocean area within which United States' submarines could operate while on station. The unprecedentedly expensive Trident submarine—each costing a half billion dollars (not millions, billions) more than the previously most expensive ship in world history, the latest nuclear carrier—and the planned Trident II missile were to be delayed until the early 1980's.

Without commitment, they were to be considered as possible later replacements for the Polaris/Poseidon fleet.

Last year, however, for reasons we have never been able to fully understand, a lobbying effort, the most intense in my twenty-eight years in Government, was undertaken; and thereupon normal, businesslike, order in the Trident planned production program went out the window.

A sensible orderly Trident program was altered to combine procurement with development, apparently in order that this submarine could be operable in 1978 rather than 2 or 3 years later.

From the standpoint of good shop practice, consider the fact that under this accelerated product in program, *all 10* Trident submarines will be funded and under construction before the first one is completed.

This extraordinary shift in production planning is exactly opposite to the "fly before buy" program concept this Administration once consistently emphasized would be its policy as the result of the tragic multi-billion dollar waste they found was characteristic of various ship, plane, and tank programs.

Nevertheless an effort is now being made by the Defense Department to justify this accelerated Trident program on various grounds, including the following: Tridents would eventually replace the aging Polaris/Poseidon submarines; would provide for United States basing of ballistic missile submarines; would provide an increased submarine operating area as a hedge against possible Soviet breakthroughs in anti-submarine warfare; and would support future SALT negotiations.

Taking up these assertions in order, the Defense Department itself, as well as other witnesses before the Armed Services Committee, have established that the Polaris/Poseidon submarines, with a design life of 20 years, may be suitable for operation up to 25 years (outside experts have estimated 30 years). Since the oldest submarine will not reach even 20 years of age before 1979, there is no justification whatever to accelerate this program because of aging.

Because the Trident I missile can have a range of 4,500 miles by backfitting it into Polaris/Poseidon submarines, these Polaris/Poseidon submarines, with the missile in question, could also be based in the United States.

Backfitting the Trident missile into Polaris/Poseidon submarines would provide an increase in ocean operating area because the long-range Trident I missiles are what increase the operating area, not the unprecedentedly expensive new submarines. Furthermore, the Director of Defense Advanced Research Projects Agency has testified that the patrol area would increase sufficiently with Trident I missiles to pose immediate additional problems for any ASW sensor that can now be conceived.

The previous program would constitute practical and imposing evidence to the Soviets that the United States was developing an orderly replacement for the Polaris/Poseidon fleet. We do not add to our "bargaining chips" by pursuing a hurried and therefore premature schedule which ultimately could well bring damage to the entire submarine replacement program.

Purely technical considerations, such as objections to putting all our nuclear eggs in a relatively very few underwater baskets, would dictate the production of submarines designed more on the order of the latest Soviet submarines. The latter have 12 launchers, as against 16 for the Poseidon and 24 for the Trident.

For national security, which do we want: a few large submarines, each with many launchers, or more smaller submarines, each with fewer launchers?

A thorough study of this proposed acceleration was undertaken last year by the Research and Development Subcommittee of the Committee on Armed Services (the only detailed study made by any Committee of the Senate).

For the reasons given, the facts uncovered by their investigation supported the logic of an orderly program similar to the September, 1971, Defense Department position.

This orderly program, however, was rejected by the full Committee, as the result of a tie vote.

This year, the Research and Development Subcommittee recommended by a unanimous vote of the Senators present, going back to a program similar to the September, 1971, DoD Trident schedule, at a saving this year of $885.4 million; and on the first vote last August 1, the position of the Subcommittee was supported by the full Committee, 8 to 7.

Later I was informed a Senator had changed his mind; therefore the vote on Trident should not be considered final. Accordingly, still later, the Committee voted 8 to 7 against the Subcommittee recommendation, and approved both the acceleration and the total amount of money that had been requested by the Department of Defense.

The Subcommittee had recommended $642 million for this Trident program for FY 1974, but the full Committee voted the full request of the Defense Department, $1,527.4 million.

It is our understanding that the Chairman of the Subcommittee, Senator McIntyre, plans to introduce an amendment to reduce this $1,527.4 million to the Subcommittee's position of $642 million.

This amendment would delay the initial operating date for the lead submarine from 1978 to 1980. Such a revised funding level would also permit a speed-up in the program to fit Poseidon submarines with the Trident missile.

That valuable and relatively inexpensive badge against Soviet anti-submarine warfare improvements was deliberately slowed down by the Defense Department, at the same time the far more expensive new submarine, Trident, was accelerated.

I believe the position of the Research and Development Submarine—again, the only Senate Committee to study the matter in depth—is a sensible and prudent alternative to the wasteful, hurried, concurrent program successfully lobbied for by the Department of Defense after the Subcommittee had made its report.

In the interest of sound business management, I urge adoption of the McIntyre amendment.

SAM–D

Another major program where the full Committee's recommendation involves unnecessary expenditures is the full-scale development of the SAM–D surface-to-air missile. The cost of that program this year will be $194.2 million, a further major step toward what ultimately will be another multi-billion dollar program.

As was true of the famous and now abandoned ABM system—abandoned at a cost already to the taxpayers of $5.1 billion dollars—SAM–D has been a system in search of a mission.

This system was conceived originally to be, in part, a limited type of ABM, particularly for defense against tactical nuclear weapons. That explains some of its technical features, features which are now less than desirable for its current mission, a field-deployed missile system designed to protect troops from attacking aircraft.

For several years SAM–D appeared to have been given a strategic air defense role, protecting the continental United States from bomber attack. Recently, however, this rationale has been fading into the shadows; and sensibly so.

Strategic bomber defense by means of a sophisticated surface-to-air missile is difficult to justify, especially in that we have

decided not to deploy an ABM system in effort to defend the continental United States against strategic missiles. There is justification for maintaining limited air defenses to protect our air space from unauthorized intrusions, but modern manned fighter interceptors could handle such a need far more effectively.

The SAM–D program is one more illustration of the problems of concurrency and misdirected technical capabilities that have been characteristic of so many weapon system failures.

Two important technical features of this system, the guidance system and the fusing, are not scheduled for flight testing until late in its development program.

The capability to track and fire several missiles simultaneously, a hold-over from its early days as a partial ABM, is not as important in any air defense as a rapid-reload capability; and the reload capability of the SAM–D is considerably slower than that of the improved HAWK missile it is intended to replace.

Since the primary mission of the proposed SAM–D is to protect troops in the field in such high-threat areas as Europe, it would seem plausible, if such a system is desirable in Europe, that our allies would either (1) participate in the costly development, or (2) consider similar systems.

They are doing neither, because, we were told, they consider the system too complex and too expensive.

I recommend this funding for this program be terminated before we get so far into its development that, once again, we will hear the old familiar argument that we cannot afford to cancel because we have already spent so much.

MILITARY AID TO SOUTHEAST ASIA

In 1966, as a result of heavy escalation of the Vietnam war, certain military aid to Southeast Asia began to be channeled through the Defense budget rather than through the normal Military Assistance Program; and this method of military aid still continues for two Southeast Asia countries, South Vietnam and Laos. That is true even though the original justification—an integral logistics system for America, South Vietnamese and Laotian forces—ended during the last fiscal year.

This year the Administration has requested an authorization of $1.6 billion, plus an appropriation of $1.185 billion, for military aid to South Vietnam and Laos. These funds should have been requested as part of the normal military aid appropriation that is reviewed by the Foreign Relations Committee.

The Foreign Military Sales and Assistance Act passed the Senate June 26th of this year. This Act stipulates that the funding of military aid for the two countries in question be returned to normal military aid channels; and after studying the matter, as a member of both committees, I agree with the approved legislation.

The view of the Armed Services Committee, however, was that, at least for FY 1974, military aid funds for Laos and Vietnam should remain in the Defense budget; and the Committee recommended a reduction in the $1.6 billion authorization request to $952 million.

As but one indication of the lack of any real control over these funds to Vietnam and Laos, it has never been possible for the Armed Services Committee to find out just what share of said funds are spent in each of these two countries for specific goods and services. Staff analysis indicates, however, that approximately $300 million of the $952 million would be used to pay South Vietnamese and Laotian soldiers, for rations and petroleum supplies.

Whatever arguments could be made about the need for ammunition and weapon modernization during wartime, how in the name of common sense can we rationalize continuing to pay the salaries of South Vietnamese and Laotian troops; or heavy cost for food and fuel, especially in face of the now all too well known shortages in this country?

Is not a country's national resolve demonstrated by its willingness to pay its own armed forces?

Perhaps some of the funds approved through other channels for the purchase of consumer goods in Laos and South Vietnam could be used, by them, to purchase military rations and gasoline.

F–14

This year, the Committee approved a reduction of $505.4 million in the F–14 program, leaving $197.6 million of the $703 million requested by the Department of Defense. This recommendation appeared an important step in the effort of Congress to obtain some control over this aircraft program.

It is our understanding the Navy and contractor have now reached contract agreement. Apprehensive about this possible "bail out", we look forward to noting the details of any contract agreement, especially in that costs of the plane have been accelerating sharply and the contractor is both behind schedule and in financial difficulty.

When before the Committee last April 12, the Commandant of the Marine Corps testified "At the present time I prefer the F–4J with maneuvering slats . . . . I do not need the F–14 because the price has gone up to where in my opinion the Marine Corps cannot afford them". At this hearing, however, the Chief of Naval Operations emphasized the importance of the F–14 to joint Navy-Marine operations.

Subsequently, as F–14 difficulties mounted, and the Navy apparently realized the growing damage incident to the steadily mounting cost, every effort was made to increase the number of aircraft, so as to reduce, at least in theory, the unit cost.

Thereupon on June 19, the Secretary of the Navy testified that he, the Chief of Naval Operations and the Commandant of the Marine Corps had developed a "mutual opinion that a common fighter should be produced and procured at this time for both Services."

The Chief of Naval Operations developed a rather novel scenario to match this need. Aircraft carriers would leave the Marines at the beach to go fight at sea. This, they say, would require the Marines to have F–14s so as to protect the beachheads from sophisticated threats for which they also say only the F–14 would have the proper characteristics.

This again illustrates the backward reasoning discussed earlier; namely, Defense knows there is need for more money—in this case so as to keep a contractor in business; so a threat is developed which would justify putting up the additional money for the weapons in question.

As a result of this type of reasoning, we are now left with a supposedly lean and mean Marine Corps—the Service which prides itself on austerity—planning to hit the beach with the most complicated of all fighter planes, a plane it is now clear will cost somewhere between $20 million and $30 million apiece.

STRATEGIC BOMBERS

This year the Department of Defense requested $473.5 million to continue the development of the B–1 strategic bomber; but, recognizing difficulties that have also developed in that new plane, the Committee recommended a reduction of $100 million in the program.

Last April the Committee received testimony from the Air Force that there were no difficulties in the B–1 program. Three months later, however, July 12th, the Committee was informed that serious problems had developed in the B–1 design, therefore, certain production decisions would have to be delayed at least a year.

The overall increase in the program was $344 million. This means the unit cost for this B–1 aircraft is already estimated to be $56 million per plane. Let the record show that ultimate costs are estimated to be far higher.

With bugs finally worked out on the FB–111 bomber, a bomber which, with the ever increasing efficiency of air refueling, has true strategic range, should we not be realistic about the difficulties involved in going ahead with yet another aircraft that already is costing in the neighborhood of a billion dollars per squadron?

We already have an advanced strategic bomber which can penetrate enemy air space both low and fast, with the most advanced avionics. To keep the production line open for this aircraft, and not foreclose the option of using any of its versions in the future, the Committee added funding to this year's bill for 12 F–111's, at a cost of $158.8 million.

The primary mission of any strategic aircraft carrying nuclear weapons is deterrence. That is now served by presenting the enemy with a variety of possible types of retaliation. In this way they could never be sure that some parts of a retaliatory strike would not penetrate.

We now have for consideration four major deterrent systems: (1) strategic bombers, (2) Intercontinental Ballistic Missiles (ICBMs), (3) Submarine Launched Ballistic Missiles (SLBMs) and (4) Forward Based Aircraft (FBAs).

Although the B–1 might be somewhat more effective than any other plane, in that the program has developed additional problems it would appear logical to watch the growing cost of what it is already clear will be the most expensive of all airplanes.

Let us recognize also the many other weapon systems that have been developed and are in use to destroy a possible enemy. Everyone, especially the already overburdened taxpayer, would agree it is only necessary to destroy an enemy once.

We plan now to discuss the SCAD (Subsonic Cruise Armed Decoy) program, which illustrates an issue referred to at the beginning of this testimony.

After the Deputy Secretary of Defense terminated the existing development program last July 6, and so notified Congress, on August 6 the Committee reminded the Department of Defense that $210 million was available in various Research and Development programs to explore the technology for long-range cruise missiles such as SCAD and the Navy SCM (Strategic Cruise Missile).

The reasons behind the decision of the Defense Department to cancel the SCAD development program were: (1) development costs had skyrocketed to $700 million and (2) the program unit costs for either the missile or the decoy had now increased to some $1 million apiece.

In spite of urging, if not actual directives, from the Congress, the Air Force continued to develop this program solely as a decoy, instead of developing the dual role of decoy and long-range standoff missile; and some believe this continued resistance was so as to avoid having a long-range air-to-surface missile which might justify a standoff bomber that would complete with the B–1.

The Committee Report states this is now "generally recognized." If true, it is but another example of a Service allowing a possibly desirable program to be sacrificed because of its potential competition with a even more expensive larger-scale development effort.

CVN–70

In this year's authorization bill the Navy requested $3.9 billion for shipbuilding, about $1 billion more than appropriated last year. Much of this increased request is because of the CVN–70, the new nuclear aircraft carrier, that is being proposed.

Apparently the Navy desires a force of 15

carriers into the 1980's and beyond, this according to testimony last year before the Armed Services Committee; but it is also clear from that testimony that the Department of Defense plans for only 12.

If there are already 12 modern carriers available in the 1980's without building this additional CVN–70, surely the United States could delay beginning the construction of another carrier until the latter is needed as a replacement; and that would save $657 million in the Defense budget for this year. In addition, some portion of the $299 million authorized last year could be saved, because only about $10 million of this latter money had been expended as of last June 30th.

At this time there are in existence, or under construction, three nuclear carriers, as well as eight-post-war Forrestal class carriers.

In addition, there is a twelfth carrier, the Midway, which was commissioned shortly after World War II. This latter carrier was completely rebuilt in the late 1960's, and recommissioned in 1970.

The completeness of this rebuilding is demonstrated by the cost—$202 million, a figure which approaches the cost of construction of a new carrier during the same years (the carrier J F Kennedy, constructed during this period, cost $277 million).

Shortly after the Midway was commissioned three years ago, the Navy issued the following press release.

"Midway's conversion was the most comprehensive modernization ever made to a U.S. Navy ship. She will be capable of handling the largest and most complex carrier aircraft and weapons systems in the Navy's arsenal through the 1980's."

If this statement is true, then a force of 12 modern carriers, as required through the 1980's under present plans of the Department of Defense, would not require the construction of the CVN–70, or any other new carrier, for a number of years.

Last year the Chief of Naval Operations, faced with the implication of these facts, rejected this 1970 Navy statement. But if the Navy was even partially right at that time—if, for example, the Midway would be serviceable even half-way through the 1980's—the construction of this CVN–70, or any other follow-on carrier, could well be delayed until the late 1970's.

CONCLUSION

The reductions recommended by the Armed Services Committee, including the reduction in manpower, total just under $2 billion.

Further reductions proposed by some Committee members, including myself, would total nearly another $2 billion.

The record will verify that over the years no Member of Congress has been more for our submarine program than I. My objection to the proposed Trident program is based on this policy of rushing the production program before one prototype has been completed; and this apprehension about what it could do to future submarine programs is increased by the recent public announcement of major trouble with the Poseidon missiles.

When submarines are talked of vis a vis Soviet developments, it is emphasized they have more submarines than this country. But when additional aircraft carriers are requested, no mention is made of the fact that in this field we outnumber the Soviets at least 15 to 1.

At this point, may I respectfully present to the Committee that the nearly $4 billion reduction proposed is much less than one-third of the $14 billion reduction recommended recently by responsible outside witnesses before our Committtee.

To date we have not discussed in any detail that new and all-important element of national defense—nuclear weapons.

A year ago last August, this Administration issued a pamphlet which showed that, whereas in 1972 the Soviets had 2,500 nuclear warheads to our 6,000, under present plans, by 1977—five years—the Soviet nuclear stockpile will increase to 4,000 warheads, and the United States' nuclear stockpile will have increased to 10,000.

No doubt this ratio in our favor could be reduced, or even changed, but then the logic of the basic theory of "overkill" comes into the picture. What difference does it make whether we can destroy the Soviet Union a thousand times over, and they us only five hundred times, or vice versa?

In this connection, the Hiroshima bomb, which destroyed that city and tens of thousands of lives in a matter of seconds, had a capacity 14 kilotons. Over 99 percent of this U.S. nuclear stockpile has a destructive capacity far greater than any 14 kilotons, running up into megatons.

The question naturally arises, how many times does an enemy or a city have to be destroyed in order to be destroyed?

The impact of this new major technological development in warfare is further emphasized by the fact the nuclear stockpile we have available today against a possible aggressor is many thousand times greater in TNT equivalent than all the tonnage we dropped over Europe, Japan and everywhere else during the some four years it took to win World War II.

As evidence of the importance of curtailing the current clearly extravagant mood in the Defense Department and imposing at least some sense of discipline, consider the fact that the production cost of a nuclear shell for an artillery piece is over seven thousand times greater than the production cost of a conventional shell for the same gun barrel.

Based on these facts and our growing problems at home, all of which require money as an essential part of solution, should we not insist that hard choices be made as we consider the various competing resource claims?

If nothing but that basic tenet is recognized in the budget we are now asked to approve for the Defense Department, as I see it, we will have lived up to the trust the people have placed in us with respect to the proper utilization of their taxes. In the interest of true national security, however, we have the right, the duty, to make a decision as to what is not needed, and to demand that what we agree is needed, in personnel and procurement, be achieved with maximum efficiency at minimum cost.

Thank you, Mr. Chairman and Members of the Committee, for your gracious courtesy in listening to this testimony.

CUTTING THE DEFENSE BUDGET

Mr. MANSFIELD. Mr. President, the Charlotte Observer, of Charlotte, N.C., under date of Sunday, September 9, 1973, published an editorial with the first title, "Civilian Employment Swells"; and a second title, the main one, "Defense Budget Can Be Cut."

In that editorial it is stated that the Pentagon employs one civilian for every two servicemen.

It states further:

A Senate Armed Services proposal calls for an across-the-board cut of 7 percent in military manpower but would allow the generals and admirals to decide where to make the cuts. Such a reduction would reduce manpower by 156,000 and save another $1.6 billion.

Statistics suggest the military establishment could stand such a reduction without "weakening" America's defensive posture. The Pentagon now has 1,000 more colonels, Navy captains, generals and admirals for a total force of 2.2 million than it did in 1945, when the military force numbered 14.7 million. The Pentagon is top-heavy in brass.

It is also top-heavy in high-grade civil servants, G-15's who earn more than nuclear submarine commanders yet bear few of the responsibilities of such a rank. The number of GS–15's and GS–16's, who earn between $27,000 and $39,000 a year, has doubled since 1961.

The Congress might find real budget-cutting gold if it asked the Pentagon to account for the necessity of such a force.

In cutting the defense budget there, the Congress could be taking Mr. Nixon at his own word. Last November, in defending American troop commitments overseas, Mr. Nixon conceded the Pentagon's "masses of civilian employes who are getting in each other's way . . . are going to have to take a thinning down."

Two weeks ago at San Clemente, the President spoke about his desire "to cut down the size of this government bureaucracy that burdens us so greatly." The Pentagon's civilian labor force is as large as that of the Agriculture, Treasury, HEW and the Postal Service combined.

We hope that in the conciliatory mood of both the White House and the Congress as evidenced last week, the posturing over defense appropriations yields to a hard-eyed look at the possibilities for cutting the "fat" but not the muscle out of defense requests.

Mr. President, I ask unanimous consent to have the entire editorial printed in the RECORD.

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

CIVILIAN EMPLOYMENT SWELLS—DEFENSE BUDGET CAN BE CUT

In his press conference last week, President Nixon again chastised Congress for "busting the budget," but warned that his goal of reducing federal spending does not extend to the Defense Department. Any reduction in defense expenditures, he said, would weaken America's bargaining position in important negotiations coming up soon.

Fresh from a mid-session recess among their constituents, who expressed deep concern about inflation and the nation's economy, congressmen and senators probably share the President's concern about federal spending, but they are not likely to exclude military and defense expenditures.

Even before the recess, Congress showed signs that it wanted to whittle away at the $85-plus billion Mr. Nixon is seeking for military spending in fiscal 1974. Worries over spending generally should encourage that tendency.

For the first time in 12 years the House of Representatives overruled its Committee on Armed Services by cutting $1.5 billion from a defense-hardware authorization bill. That bill is now before the Senate Armed Services Committee, which is of a mood to make even deeper cuts.

But military hardware is not the most inviting target for the budget cutters. Military manpower is. Fifty-six per cent of the $85 billion requested for the Pentagon would go for personnel. And not all the personnel is in uniform. The Pentagon employs one civilian for every two servicemen.

Mr. Nixon has successfully turned back every effort to force a troop reduction on the Pentagon, but the Congress, particularly the Senate, seems more determined than ever to raise the question again.

A Senate Armed Services proposal calls for an across-the-board cut of 7 per cent in military manpower but would allow the generals and admirals to decide where to make the cuts. Such a reduction would reduce manpower by 156,000 and save another $1.6 billion.

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The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania desire to be heard?

Mr. SCOTT of Pennsylvania. Mr. President, I think it important that we debate fully the defense needs of the country. I do not at this moment suggest any confrontation with the main issue that we must have a defense with muscle, that we must have a defense that avoids waste. I point out that we have reduced total employment in the Defense Department, when we add civilian and military together, by hundreds of thousands of people. Whether or not further reductions are necessary can be developed during the debate.

In an open society, a strong national defense is the means by which we retain it. National defense and national security to an open society are integral and interdependent. I would hope that we will not, by the specious argument of transferring—allegedly transferring—funds to so-called domestic needs cut so close to the bone with respect to defense expenditures as to encourage other nations to think of us as becoming rapidly a second-rate or, at least, a No. 2 power.

Therefore, when we consider new weaponry, it is necessary, when we consider a reduction of armament vis-a-vis the Soviet Union, that we retain our bargaining position with an appreciation of research and development. We should proceed to the development of new weapons in the proportion that we need them, but be prepared, as we were with the ABM, to reduce our expenditures.

Therefore, I hope that we will be responsible, that we will be carefull, and that we will not ground the case simply on the argument that we will transfer the funds to domestic needs. That has already happened. Some 5 or 6 years ago, we were spending 45 percent of our budget on defense and 35 percent on domestic needs. We are now spending 32 percent of the budget on defense and 47 percent on domestic needs. So we have already made substantial and massive transfers of our priorities.

Moreover, in constant dollars, the present budget is less than our budget in 1964. I am comparing a decade's budget. We are talking about fiscal 1974.

Therefore, I think we ought to be extremely careful that, in a period of peace, we do not do what we have twice done in this century—cut back our defense so far as to invite the capacity of opponents who would then realize that Congress, in its effort to provide more so-called domestic benefits, has risked the security of all those domestic benefits by drastically or dangerously weakening the national defense.

Let us have full debate, and let us then determine what is the right thing to do.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

CUTTING THE DEFENSE BUDGET

Mr. PROXMIRE. Mr. President, I intended to speak on another matter, and I will do so. Before I do that, I want to indicate my strong support for the remarks made by the majority leader.

No. 1, all of us agree that we should have a strong national defense, and we all recognize that the national defense can be stronger than it is at the present time—should be stronger. We can afford it. We live in a tough, cruel world in which military strength is necessary so that we can negotiate for peace from a position of strength.

But I think we should be aware of the immense waste in our present Military Establishment and the great opportunity we have for saving money without weakening—in fact, strengthening—our Military Establishment.

Only a few days ago, one of the most distinguished military experts of our time, Admiral Rickover, was in my office on another matter. In the course of that visit, he argued that we would have a stronger military force if we literally cut the number of admirals and generals we had in two.

People say, "Well, that would not save a lot of money." Mr. President, they are wrong, it would save a lot of money in a number of ways. Admiral Rickover proposed not only that we cut by 50 percent the number of admirals and generals we have—or flag officers, which is the way he put it—but that we also eliminate the staff along with the admiral and general. The admirals and generals are not alone; they have very large staffs. Significant savings could be made in that area. And most important the example would be catching.

The majority leader was absolutely correct, also, when he pointed out that we have an enormously large number of civilians in the Pentagon in proportion to the number of people in the military; it is much larger than it was a few years ago. This is very hard to justify. The cost of this Pentagon bureaucracy is more than $13 billion. Our experience, and the experience of most of us who have been in Government, is that we can make substantial reductions under these circumstances without really reducing the strength or the performance of a bureaucracy.

The fact is that the war is over. Last year, we were spending $7 to $8 billion in Vietnam. We are not spending that $7 to $8 billion now. There is no question that it should be possible for us to use that savings, to get along roughly on the same amount of funds for our Defense Establishment this year as we did last year.

The President has proposed a $4 billion increase for this year. I hope that when Congress has that measure before it, it will consider very carefully making a reduction which would give us still a very powerful and strong military force—indeed, the strongest in the world, which we should have— but without the waste we permit when we provide whatever the military, in effect, has requested.

PHASE IV—CAN IT BE RESUSCITATED?

Mr. PROXMIRE. Mr. President, in the last few days the Cost of Living Council seems to have done its best to destroy its own phase 4 inflation control program. Generous price increases have been approved for both steel and automobiles—two of our largest, most important, and most highly visible industries. Until the announcement of these increases, I had continued to hope that phase IV could restore the credibility that was lost during phase III and that progress could be made against the virulent inflation which is so damaging our economy.

On August 31, I testified before the Cost of Living Council on the question of steel prices. I stressed that, in view of the enormous increase in profits in the steel industry this year—increases of about 62 percent—a steel price increase was not essential at this time. I stressed that the public would be watching this decision because it was one of the first major tests of phase IV. Denial of a steel price increase would put the country on notice that a tough inflation control program was indeed in effect. By contrast, approval of a steel price increase would be interpreted as caving in to the steel industry. I said that—

If the Cost of Living Council caves in to the steel industry at this critical moment, the Council might as well turn out the lights, lock the doors and go out of business, for phase IV will have been abandoned before it was begun.

As we now know, the Cost of Living Council did cave in to the steel industry. It did not cave in quite all the way—part of the price increase has been postponed until January. But once the landslide has begun it becomes almost impossible to arrest. The increased price of steel will be reflected in increased prices of automobiles, home appliances, new construction, and many other products. Even

worse, other basic industries will now be encouraged to follow the example of the steel industry in demanding price increases. In just the next few days the Cost of Living Council must make decisions on price increases in the rubber, paper, and soap and detergent industries. Having said yes to steel, it will be all the harder to say no to these other important industries. The prospects for the success of phase IV are now grim, indeed.

This bleak situation is made even bleaker by the fact that generous price increases were approved for automobiles as well as steel. It may be that some increase in the price of automobiles is justified by the costs of required new safety equipment. However, I cannot believe that it was necessary to approve a package which increases the prices of small cars more than the prices of large cars and which further increases prices by making standard such previously optional equipment as larger and more powful engines in small cars. These additional price increases were approved so quietly that they almost slipped by unnoticed. How many people are aware, for example, that the price of a Ford Pinto will increase 13 percent, while the price of a giant Lincoln Mark IV will increase only 2 percent. The Cost of Living Council is showing itself not only ineffective in controlling inflation, but callous to the plight of lower income families; insensitive to the environmental concerns of the Nation; and still all too ready to operate in secret.

Where do we go from here? With phase IV rapidly becoming a landslide of disastrous decisions, where do we look for help in controlling inflation? Should we abandon the inept control effort and rely exclusively on fiscal and monetary policy to control inflation?

Both fiscal and monetary policy have crucial roles to play, but to totally abandon direct price-wage policy would be a counsel of utter despair. Fiscal and monetary policy cannot do the job alone. If the current inflation were exclusively the product of excess demand, then, yes, fiscal and monetary policy could perhaps not face a situation of generalized excess demand. The lowest the unemployment rate has fallen at any time in the last 3 years is 4.7 percent. It was 4.8 percent last month. Many private forecasts show the unemployment rate rising sharply over the next 18 months, and perhaps exceeding 6 percent by the end of next year. While it is true that we face shortages of particular commodities, we certainly have not been experiencing and are not going to be experiencing a situation of generalized excess demand. Indeed, we face the opposite danger of insufficient demand, and must stand ready to adopt the more expansionary monetary and fiscal policies which may be needed to head off a full-fledged recession.

When inflation does not stem from excess demand, it cannot be controlled through monetary and fiscal policy. We must, of course, have a responsible fiscal policy. Spending must be held within a ceiling. Congress and the President have agreed that this must be done. The total unwillingness of the President to accept congressional decisions on the allocation between civilian and defense uses of a given spending total will vastly increase the difficulty of controlling total spending, but I remain hopeful that the ceiling will be respected. We cannot afford to fail in such an important effort.

Beyond this, there is little more that fiscal policy can do. A tax increase, even if it were politically possible to achieve, would not be the right policy at this time. With spending held within the desired ceiling any significant tax increase would give us too restrictive a fiscal policy. It would further increase the chances of recession.

Mr. President, just this past weekend I had the opportunity to return to my State and I talked with a number of people. If there is one issue on which the people are united, it is that they do not want a tax increase. They cannot understand how it helps them as consumers to have their taxes go up, even if it would result in some reduction in the increase in prices. The instincts of the people are correct. With the kind of inflation we suffer now it is not a generalized situation in which we have an excess of money and a shortage of goods. It is a spot inflation, concentrated primarily in the food areas and other marketing areas where we have shortages. For that reason a tax increase is not the answer.

Furthermore, monetary policy is already too restrictive. The tight money policy presently being pursued is doing little to control inflation, but, especially through its effect on housing, tight money is daily bringing us closer to a recession.

There are some who would welcome a recession, although they do not like to say so publicly. They would welcome a recession out of the misguided belief that this is the way to stop inflation. How tragic it is that this delusion persists. The evidence of 1969 and 1970 show clearly not only that recession is a cruel policy which succeeds in throwing hundreds of thousands out of work, but that recession does not cure inflation.

We cannot rely on monetary and fiscal policy to take care of the present inflation. Policies to expand supply are urgently needed and must be vigorously pursued. But they cannot work quickly enough to adequately handle the immediate problem. For the present we must also have a tough program of direct price-wage controls. This is not a happy alternative, but at the present time it is the only alternative which offers even the slimest hope of success.

The landslide failure of phase IV must be arrested. It will not be easy. Each weak decision that has already been made has increased the difficulty. But we must not give in to the thought that it is too late.

The Cost of Living Council currently has pending decisions relating to prices of tires, paper, soap, and detergent. These are large industries. These are important decisions. I do not want to see these industries treated unfairly. Perhaps some price increases in these industries are necessary to cover cost increases. But these applications must be scrutinized with great care. The consumer must not be asked to pay the costs of continuous price escalation in industries that are already reaping rapidly growing profits. The paper industry, for example, had a profit gain of 70 percent in the first half of this year. Profit margins per dollar of sales also rose sharply. Just this one simple fact should be sufficient to cast doubt on the need for a price increase in this industry.

The Cost of Living Council must stiffen its backbone and begin to do the job of bringing inflation under control. The alternative is to cave in to an inflation of unimaginably disastrous proportions.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from Nebraska is recognized for not to exceed 15 minutes.

DISCONTINUANCE OF PRESIDENTIAL CAMPAIGN HEARINGS URGED

Mr. CURTIS. Mr. President, once more I rise to urge that the select committee investigating presidential campaigns discontinue its hearings. I believe the Watergate television programs should be discontinued.

The sole jurisdiction for a legislation investigation is to secure facts and information for the purpose of writing legislation. There is nothing more to be done in this area.

Months ago I stated that this investigation was being used as a means to "get Nixon." I still contend that this is true.

Not a single word of admissible evidence has been presented which would in any way involve President Nixon in the Watergate burglary. I am convinced that the full facts of what happened were withheld from the President far too long. I have nothing but contempt for those who were in any way involved in the Watergate burglary and who deceived the President and failed to give him the full facts. The courts should deal with them.

Mr. President, those who insist on going on with these hearings and the television programs must assume the consequences. The consequences are serious. The Government of the United States is being handicapped. The President of the United States is being thwarted in his efforts in behalf of our country. It is not only slowing down the functions of our Government but it is slowing down our economy. It is hampering the President in his conduct of foreign affairs and thus deprives the free world of the full benefits of the unquestioned leader for peace and stability throughout the entire free world.

Mr. President, a number of outstanding and well known Americans have spoken out on the Watergate hearings and I would like to read to the Senate a few of those statements.

Mr. Henry Cabot Lodge, former Member of the Senate and at one time a Vice Presidential nominee, said:

The deplorable events of Watergate must not obscure the President's many achievements, such as ending the U.S. manpower involvement in Vietnam, negotiating a settlement there, bringing home our prisoners, opening far-reaching new relationships in

Moscow and Peking, curbing the drug traffic and controlling the arms race. For such remarkable strides toward peace (and his accomplishments at home) he deserves our thanks and our respect.

Charles A. Halleck, Member of Congress for a long time and leader of his party in the House of Representatives, said:

I first met Dick Nixon as Chairman of the National Republican Congressional Committee when, in 1946, I was in California to assist our candidates. I was tremendously impressed with him then and, subsequently, as Member of Congress, Senator, and Vice President my respect for him has constantly increased. I have complete confidence in his honesty and integrity. His greatness as President is established by his important and wonderful accomplishments.

Then, listen to what Charles Halleck says:

I have served on many Congressional investigating committees. None of them ever showed such terrible disrespect for rules of evidence applicable in law and equity as this committee. Hearsay evidence to destroy people has always been anathema to me.

Leonard W. Hall, who served as a Member of Congress from New York for many years, said:

I was pretty close with President Nixon from 1946 through 1960. During the 1952 campaign until the end of his term as Vice President I daresay that we either met or talked on the phone two or three times a week. As you know, Bob Finch and I were in charge of his campaign for President in 1960.

During the whole 1960 campaign the then Vice President would never be in the room while Cliff Folger was raising money at cocktail parties. At the beginning of the party he would come in and say hello and leave before any questions of donations came up. Knowing him as I do and having been associated with him in two campaigns for President by Dwight D. Eisenhower and his own campaign of 1960, I just can't believe that he is in any way involved in the shenanigans of the 1972 campaign. There is no evidence on which to condemn him, and I do not—nor should anyone else.

In 1960, when John F. Kennedy was elected by his narrow margin, Republicans had grave suspicions of the ballot counts in three states, especially Illinois who Mayor Richard Dalley was the boss of Chicago. Offers of money and lawyers to mount a challenge flowed in. Lewis Strauss, former head of the Atomic Energy Commission, said: "Len, you get the lawyers. Don't worry about the money for legal fees. We'll get that." I carried the offer to Nixon. But Nixon said that on his worldwide travels, he had gained an understanding of the image that the world has of the U.S. and the respect that the world has for this country. He was not going to do anything to damage that image. John Kennedy went into the presidency without a challenge. And I find it hard to reconcile the Nixon of 1960 with the alleged picture of Nixon in 1973.

The distinguished Katharine St. George, former Congresswoman from New York, writes:

In my opinion, the effort of a few petty, and ambitious politicians, to tear down the executive power of the President of the United States, is one of the most tragic episodes in our Country's history. To pin all this on the rather ridiculous, and stupid Watergate prank, which I am sure, the President never knew anything about, is completely ridiculous, and should end in a complete mistrial, as it is based on nothing but hearsay, venom, and no proof of any solid quality.

B. J. Kearney, former Congressman from New York, writes:

I still believe in Richard Nixon.

Alexander Pirnie, former Congressman from New York, writes:

Nixon's accomplishments of 1972 in international relations were so demanding and fruitful that it is not surprising that certain administrative procedural controls may have suffered.

The distinguished Florence P. Dwyer, of New Jersey, writes:

I was proud to serve under President Nixon and sincerely believe he will give us great leadership in the years ahead.

Former Congressman Edward J. Bonin, of Pennsylvania, writes:

I have watched the alleged impartial Watergate hearings from the beginning and it is quite obvious that this biased committee so far has failed to establish by a preponderance of the testimony that President Nixon was involved. Stop this Roman circus created for the benefit of the left-wing news media.

W. Sterling Cole, distinguished former Congressman from New York:

President Nixon's great contributions to peace and stability in the world (Vietnam, Soviets, Red China, POW's, etc.) together with his determination to cut expenditures and curtial inflation, expand foreign trade, control drug traffic, reduce crime and many other positive accomplishments, outweigh by far the slight harm which may have been done by the alleged illegal peccadillos of Watergate, even if true.

Those great men and women who made this nation a bastion for fairness and equity under the law would turn their faces in shame if they could see the TV comic opera.

Sadly, our world image is in tatters as result of the lacerations.

Frank C. Osmers, Jr., former Congress from New Jersey, who served for many years with distinction, says:

Richard Nixon is one of our greatest Presidents. Wrong doing by associates should be handled by the courts—not by endless TV programs.

Bob McCloskey, of Illinois, writes to his former colleagues:

It seems to me the Watergate hearings have fallen into a sorry spectacle, which if continued will far overshadow the Roman Circus. All sense of obtaining facts and conducting a fair and impartial hearing have long passed. It is quite apparent the forum is being used in a partisan manner to venally attempt to destroy the President and all he stands for. I for one still believe in my President.

Ivor D. Fenton, distinguished former Congressman from Pennsylvania, writes:

I still believe that Dick Nixon will emerge from this Circus in flying colors—because he is a great President. I believe in President Nixon. My span of 24 years as a Representative of Pa., 1939–1962, in the Congress of the United States gave me the opportunity to serve with Richard Nixon and to know him personally. He was always and still is a fine gentleman; a great President and history will so record him.

Ranulf Compton of Connecticut says:

This is purely political and the Watergate Committee was formed to get the truth. This of course drags out the witch hunt and continues to get plenty of publicity.

Walter Riehlman of New York says:

I have explicit confidence in President Nixon and in his ability to lead this nation. His accomplishments in peace, return of prisoners of war and his faith and love of country far outweigh all the political manipulations of the committee. God give him courage to stand for what is still right and just for our country.

Frank J. Becker of New York says:

It has been evident from the beginning that this Senate Committee has intended to "get" the President. It was evident from the "respect" given John Dean, and the hostility of the Senators towards other witnesses. Nixon has done more for the country and the world than any other President in the past 40 years, yet the Senate committee is concerned little about these accomplishments. They should be called the "Senate Inquisition to get the President".

These are serious charges. I hope they will be taken earnestly and considered.

Former Congressman Edwin B. Dooley, of New York, writes:

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Under the previous order, the Senator from New York (Mr. BUCKLEY) is recognized for not to exceed 15 minutes.

Mr. BUCKLEY. Mr. President, I yield my time to the Senator from Nebraska.

Mr. CURTIS. I thank my distinguished friend, the Senator from New York.

Edwin B. Dooley of New York writes:

I think President Nixon was justified with whatever action he had to take to defend himself against those who would destroy him. There is a conspiracy on the part of the Committee and the TV medium to destroy the greatest President we have had since Lincoln. I deplore the mess the Committee is making of its attempt and welcome the day when it is finished with this sorry business.

Even as provocative a man as the late Joe McCarthy would blush with shame at the arrogance, insolence and histrionics of the Committee in its efforts to dishonor the President.

Charles E. Potter, former Senator from Michigan, who served in this body, writes:

The President and his administration are victims of the most vulture type media activism that this country has ever witnessed. This so-called investigative reporting which is now so popular is really an anti-Nixon, anti-Republican effort. Fortunately I believe that the effort has been so blatantly unfair that the public is either bored or sickened by the whole ghastly headline-a-day barrage.

Former Representative from Pennsylvania Frederick A. Muhlenberg, writes:

We can be thankful that Nixon is President and in charge of affairs—he knows today's international scene better than any President in generations; he knows the full picture of his time and has tremendously improved our position in the world of Nations; he ended the Vietnam war and brought our soldiers home: he has curtailed that beast inflation and added funds to our daily earnings. We need him—he stands up and fights.

I loathe and despise those who would climb by pushing others down—particularly the common run of appointees, opinionated without reason, with limited knowledge and less perspective. I want people in power who have achieved humility in the fire of elections. I will follow and help Nixon's ideas on political government for he has personally studied the alternatives.

Charles K. Fletcher, of California, writes:

Politics is a form of war, as the Watergate hearings are informing most of the people for the first time. President Nixon unwisely allowed others to fight his political war and a few over zealous fighters committed illegal acts unknown to the President. These acts are tame in comparison to the outrageous and illegal acts of many Democrats in politics over the past 30 years to my personal knowledge.

Former Representative Williams E. Miller of New York, a distinguished candidate for Vice President in 1964, writes:

As a lawyer I do not believe the President has been even slightly implicated by all the evidence thus far produced. I support my President and I hope all Americans will.

Sam Coon, of California:

President Nixon has stopped the Democratic War in Viet Nam, has practically stopped the cold war with Russia and China with his business like approaches, unparalleled in International Diplomacy, to bring peace and stability to the world, is bringing Government receipts and expenditures into balance for the first time in a decade. Yet the News Media talks only about Watergate, which is not that important. Why can they not give President Nixon a supporting hand, enabling him to continue with his outstanding accomplishments?

The distinguished former Representative from Indiana, Ralph Harvey, writes:

It grieves me to see our President being pilloried by self-seeking politicians. When the whole Watergate affair has been completed, the American people will judge him fairly.

Hom V. Moorehead, of Pennsylvania, writes:

I think Watergate will backfire against Congress. Nixon is doing a good job.

Listen to what former Representative Albert L. Vreeland, of New Jersey, says:

As a lawyer, I am, indeed, amazed and shocked by the fact that by law we are witnessing an inquisition, which we condemned when back in history it was done by the Spanish. Further, people of prominence are treated in a manner less than a common criminal with no right of cross-examination or an impartial judge. It is certainly contrary to all our American principles; and I believe in the Constitution which considers a person innocent until proven guilty, and entitled to a trial by an impartial tribunal. To carry on for the benefit of TV cameras the way this has been handled for the purpose of bringing discredit, not only upon the President of the United States, but also taking away any regard for law and order, is bringing our country to the verge of complete lawlessness.

President Nixon has done a large job in correcting the ills that have been perpetrated by his predecessors; and acts which are now being condemned by the very party that perpetrated them. I hope this farce will end, and we will get back to law and order and respect for the government, elected by the people.

The Honorable George M. Wallhauser, of New Jersey, writes:

It is grossly unfair to attempt to implicate President Nixon in the Watergate affair after two very definite denials by him—and no evidence to the contrary. The function of the Senate Committee is to suggest legislation and not to "try" citizens in a televised forum. The Courts are the proper vehicle for this action.

Former Representative Carroll D. Kearns, of Pennsylvania, writes:

The Senate Select Committee to investigate Watergate has disregarded the very provision for which it was authorized by the U.S. Senate—that of conducting a non-partisan hearing. Rather, it has engaged in an encompassing effort to persecute our greatest President since Abraham Lincoln, Richard M. Nixon.

Former Representative from Idaho, Abe McGregor, writes:

The press, the news commentators, the partisan Senate Majority sit on their hunkers to yawp, to nit-pick, while our President leads the world to generations of peace and security.

The Honorable William J. Crow, of Pennsylvania, writes:

I have the greatest confidence in the honesty and integrity of President Richard Nixon. I was sworn into Congress at the same time President Nixon first entered the Congress. After 2 years of service together, I learned to respect the honesty of Nixon. I am sure that he will be cleared of any complicity in the Watergate mess.

Former Representative William H. Ayres, of Ohio, says:

At least two segments of our society have benefitted from Ervin committee: the haberdashers and the barbers judging from the fancy hairdos and snappy television suits of the principal actors.

Former Representative Page Belcher, of Oklahoma, writes:

I have supported Richard Nixon for the last twenty years. I am still supporting him. History will record him as a great President.

The distinguished former Representative from Colorado, J. Edgar Chenoweth says:

I stand with President Nixon in his determination to preserve constitutional Government in this country. He deserves the support of all Americans in this effort.

One of our former colleagues, a former Senator from Maryland, the distinguished John M. Butler, says:

I have the greatest confidence in the President of the United States in spite of all the Watergate flak and am 100 percent behind him.

Former Representative August E. Johansen, of Michigan, says:

If all good citizens will not rally around the President and support him in all the commendable goals of his administration, then the haters and destroyers will prevail—and we will toast our nation's 200th birthday with the cup of venom and bitter failure.

Former Representative Charles B. Hoeven, of Iowa, says:

I certainly want to join in expressing my confidence in the honesty and integrity of President Nixon who today is being pilloried to death by a "Hate Nixon" press and the inquisition being carried on by the so-called non-partisan Committee of the Senate. Behind the scenes is the radical wing of the Democratic party which would have no qualms in liquidating the entire Republican party. This is the time for all loyal Republicans to come to the aid of their Party.

I am disturbed by the attitude of all too many leading Republicans in Government who fail or refuse to do anything in speaking a good word for their President.

Former Representative Charles H. Elston, of Ohio, a distinguished lawyer from Ohio, says:

While piously expressing an intent to impartially explore the facts, the Committee hearings have degenerated into a concerted effort to crucify President Nixon. Although the President remains unscathed by all reliable evidence, the performance of the Committee in slaughtering all rules of law and evidence, together with the frequent unjudicial and publicity inspired prejudgment outbursts of most of the Committee members, both in and out of the Committee room, has unfortunately succeeded in creating throughout the world a disservice to this nation unparalleled in our history.

Former Representative Harold C. Ostertag, of New York, says:

I firmly believe that Richard Nixon will go down in history as one of our truly great Presidents and that the Watergate and other charges will somehow or other just fade away.

The distinguished former Representative from Ohio, Frances P. Bolton, says:

I am delighted to join other loyal Americans in expressing my faith and confidence in our President. My thoughts and prayers are with him and Pat in this troubled hour.

From my State of Nebraska, former Representative Glenn Cunningham, writes:

Richard Nixon will go down in history as a very great President. Senate hearings and hostile press will go down as a shame—a blot on our glorious history.

William E. Hess, former Congressman from Ohio, says:

In my more than 50 years in politics, I have never seen a more flagrant partisanship investigation than the one now conducted by the committee. I am sick and tired hearing of Watergate. The Democrats are making the best of it. It's like a Roman circus. The TV and radio commentators and news media have been out to get Richard Nixon for years and are certainly making the best of this opportunity with Watergate. The investigation is onesided. The Democrats are surely not free of any fault.

Former Congressman Thomas Pelly, of Washington:

As one who served in Congress for twenty years and knew and closely observed Richard M. Nixon when he was in the Legislative branch and since as Vice President and President of the United States, I have continued to have the highest regard for both his integrity and ability.

I bitterly condemn those who are spreading throughout our Country and the World unproven, speculative gossip and deliberate misrepresentations designed to undermine the confidence of the Nation in the great leader who seeks World and lasting peace. Justice has not been served.

Then I would like to quote that eminent statesman, that distinguished missionary and distinguished former Congressman from Minnesota, the Honorable Walter H. Judd:

Whoever was responsible for the inexcusable wrong-doing at Watergate and in the raising and handling of political funds should be tried in our courts on the basis of proper evidence and judicial procedures. But the Senate inquisition has become a travesty of justice. The painfully obvious efforts by powerful persons and forces to destroy President Nixon by smear and innuendo in flagrant violation of American principles of justice and decency are doing injustifiable damage to him and even more to our whole Goverment and to our position in the world—damage that the nation will be suffering from long after he is acquitted, as there is no present reason to believe he will not be.

Mr. Hadwen C. Fuller, of New York, says:

I admire Nixon's stand on Watergate. All real Americans are back of him 100%. He should not falter. Good Republicans will hold the line.

Former Congressman Ellsworth Bishop Foote, of Connecticut, said:

I have absolute confidence in the President and it would indeed be a shame if the many and exceptional accomplishments of his administration were to be overshadowed by the unfortunate cloud of Watergate.

The Honorable Edward H. Jenison, former Congressman from Illinois——

The ACTING PRESIDENT pro tempore. The time of the Senate from New York has expired.

Under the previous order the Senator from Michigan (Mr. GRIFFIN) is recognized for not to exceed 15 minutes.

Mr. BUCKLEY. The Senator from Michigan spoke to me. He had to attend a hearing before the Foreign Relations Committee, and he asked that on his behalf I ask unanimous consent to yield his time to the distinguished Senator from Nebraska.

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

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

Former Congressman Edward H. Jenison of Illinois said:

It has been my rare privilege to know Richard Nixon, the man, ever since he entered Congress and public service in 1947. My admiration for him, and my confidence in him, have grown continuously. He was the President who got our troops out of Vietnam, brought our prisoners of war home and provided the brilliant leadership that won him the overwhelming support of the nation in re-election just last year. The millions of Americans who were for him then are for him now and they are becoming articulate again to defend him staunchly against the politically inspired attacks of willful foes more concerned with launching the 1976 campaign than in working to resolve present problems in cooperation with a President who refuses to be deflected from the service of all the people. All of us should stand up to voice our support of his efforts now.

Mr. President, former Congressman Gordon H. Scherer of Ohio, as his letter will show, served as chairman of the House Committee Investigating Un-American Activities. I wish to read his letter:

First of all, let me congratulate you for making this much needed effort to negate some of the unfair tactics of the Senate Watergate Committee.

I was the ranking Republican on the House Committee on Un-American Activities, which was comprised solely of lawyers. While I realize that an investigating committee of the Congress is not bound to follow the rules of evidence in conducting its hearings, nevertheless, the much criticised Committee on Un-American Activities scrupulously followed, with but rare exceptions, the rules of evidence.

In those days, the press and the liberal crowd applauded the Communist element, their cohorts and their lawyers, who loudly and contemptuously publicly berated the members of the Committee by calling them Birchers, witch-hunters, fascists, despoilers of the Constitution, etc.

We were charged with violating the First Amendment to the Constitution, the civil rights, and freedom of speech and association of these "innocents", many of whom advocated the overthrow of the government of the United States by force and violence.

Today this same liberal left-wing element applauds and joins with the Committee in violating the basic constitutional rights of those called before the Committee, whether they are innocent or eventually found guilty. In fact, the Senate Committee, before the eyes of the nation, without due process, has branded as guilty at least a half dozen persons. Whether they are guilty or not, they have deprived these people of a fair trial.

I predict that eventually the Supreme Court will set aside any guilty convictions because the Senate Committee, by its unfair tactics and publicity, has made it impossible for anyone involved in the Watergate scandal to obtain a fair trial anywhere in the United States.

The Committee supposedly is an impartial investigating committee. It is supposed to bring out all the facts, favorable and unfavorable, in connection with persons directly or indirectly involved. With few exceptions, the Committee has acted as prosecutors. Also with few exceptions the Committee passed up asking questions that would have pinpointed some of the issues and testimony of certain witnesses which would have reacted favorably instead of adversely against some of those involved.

Never in all my experiences during my ten years in the Congress as a member of the highly controversial investigating Committee on Un-American Activities and my earlier experience as a prosecutor and police official, have I ever seen such highly objectionable hearsay evidence permitted, such leading questions asked, such snide remarks and facial expressions approving or disapproving the testimony of witnesses. Furthermore, never before do I believe that an investigating committee so extensively permitted and asked witnesses for their beliefs, reactions and conclusions.

What appalled me even more was the fawning by some Senators over the participants in the scandal who were confessing their guilt, hoping for some form of immunity. You do not need to be an expert in this field to realize that the main objective of most members of the Committee is to "get the President".

If the President testified before the Senate Committee he would be raping the Separation of Powers which every President should fight to maintain. He would be participating with the Committee in usurping the function of the Judiciary and convicting persons without a trial.

Gale H. Stalker, New York:

I believe Richard Nixon is one of the best qualified Presidents that has ever occupied the White House and has accomplished more than most Presidents. No one drowned at Watergate.

Carl H. Hoffman, Pennsylvania:

I, and some of my friends, have followed the Watergate Hearings most attentively. It is our view that the way the hearings are being conducted, are a carbon copy of the Spanish Inquisition. All of us feel that the conduct of the Senate Select Committee, with a few exceptions, from time to time, is doing the Country a great disservice, and we only hope that the great works of President Nixon, accomplished and in progress, will result in repairing some of the damage that has been done. We are for Nixon wholeheartedly.

Albert H. Cole, Kansas:

The conspiracy of the dedicated character assassins and the wishy-washy attempt to get President Nixon has failed. His detractors are beginning to sound the distant retreat and soon he will have the field with honor.

Calvin D. Johnson, Illinois:

The greatest surplus we have in Washington politics today is weak knees. The greatest shortage we have is guts. I therefore thank God that we have a President who is a fighter. My confidence in him is complete, and altho he stands virtually alone in facing multitudinous charges which are made with intent to destroy him. I predict that "Wallow gate" will find no place to go. It will fold as quietly as a Birthday card, and our country will return to sanity.

John M. Robison, Jr., Kentucky:

This country is going through a perilous period when our long accepted concepts of fundamental morals and Government are being seriously questioned by many people. The news media and Democrat Congress are making the situation much more difficult by playing up the Watergate affair all out of proportion in their determination to destroy the Republican President. Fortunately, for the future of our country, President Nixon is a man of great ability and character and will lead us through this most difficult period in world history.

O. K. Armstrong, Missouri:

I was an elector in the Presidential election of 1972 and voted for Richard Nixon. In spite of all the spurious and vicious mouthings of Committee against Nixon, I am sure that if the electoral college was to convene today Nixon would be overwhelmingly re-elected. We have confidence in him.

Charles G. Oakman, Michigan:

During the brief years of 1953–1954, I became quite well acquainted with our then Vice President, Dick Nixon, and I have been a strong admirer and believer of his ever since and I am today. The venomous attacks emanating from the Committee, its hirelings and a poisonous press endeavoring to destroying Nixon as a man, as well as our Chief Executive reminds one of the conditions and times that prevailed through much of the Civil War.

Edwin H. May, Jr., Conn.:

Watergate implications have been blown out of all proportions. The whole U.S.A. position domestically and internationally is being affected adversely. The average John Q. is fed up! The President should not be affected.

Martin B. McKneally, N.Y.:

Because Richard M. Nixon always represented the traditional and successful ways of America, he has always been hated by the familiar scheming cabal of anarchists within the United States. These anarchists (Fr. John F.X. Sheehan, S.J., Chairman of the Theology Department at Marquette University puts them at an egregious 5% of the population) have the support of the ruthless and almost weird media (both large and small). The big media are either in league with the anarchists or they are too damned dumb to know what evil they do and how dark the future that lies ahead. This hatred of Dick Nixon has multiplied many times because of his striking success as President.

Lyndon Johnson was destroyed politically and assassinated physically because he would not knuckle under to this unrepresentative and unelected minority. He should be added to the dreadful list of Presidents killed in office.

Now the hound dogs are baying at President Nixon. They must not get him, and the good people must make certain of that.

Frank L. Sundstrom, N.J.:

I have recently written the President expressing my complete faith in him and the objectives he has already achieved. I am happy to reiterate my views and to pledge my complete support in his endeavors toward even greater goals.

Jackson E. Betts, Ohio:

Actually, a legislative committee is acting as a judicial tribunal contrary to the doc-

trine of separation of powers. The President is being tried in this new breed of Court with a new rule—Guilt by Recollection.

George V. Hansen, Idaho:

The Senate has never demonstrated more tellingly the prima donna roles so many of its members aspire to than in the conduct of the public hearings just recently recessed. This type of hearing where so many legal ramifications and implications are involved just doesn't lend itself to doing the necessary job of seeing justice done without undue delay and without unnecessary damage to the reputations of many people whose lives are touched by this incident.

Although I think that the involvement of a special prosecutor such as Mr. Cox was an unnecessary slap at the normal workings of the Justice Department, I find far more progress apparently being made in both the Watergate Investigation and in political improprieties in his sphere than that which is materializing before the Senate Select Committee.

While members of the U.S. Senate are conducting their modern version of an Inquisition to "purify" the Executive Department, I wonder if they shouldn't, in all fairness, give equal time to exposing "coverup activities" among Senators and Congressmen in areas of honest reporting of campaign receipts and expenditures.

Harold H. Velde, Illinois:

I am indeed happy to join with other Republican former Members of Congress in the battle to counter attempts by some merciless Democrats and members of the "Hate Nixon" media coupled with too many misguided or apathetic Republicans in the all-out effort to destroy not only the President but the presidency itself. In their terrible zeal to commit this carnage these individuals are apparently also willing to destroy the time honored constitutional division of powers. Our counter attack on behalf of our friend must be strong and courageous and we must instill in the present Republican Members of Congress the desire and courage to join with us in this necessary action on behalf of President Nixon.

We who have served in the Congress with Dick Nixon know him as a man of highest moral character, integrity and ability. We know him as a well disciplined and courageous American upon whom we can depend to carry out the constitutional principles of justice, freedom and individual enterprise which will continue this country in its rightful place as a leader of nations.

Willard S. Curtin, Pennsylvania:

In these troubled times we must all "keep our cool". So many people today find it easier to jump to conclusions on sensational statements rather than on facts. Let's wait until all the real evidence is in and not prejudge our President.

E. Y. Berry, South Dakota:

I feel strongly that the news media and the Senate wolves are destroying not only public confidence in the Nixon Administration but in the Presidency as an institution. Let the courts deal with any wrongdoers, let a Democrat Congress legislate rather than crucify and let an innocent President build on his fine record of bringing peace abroad and stability at home.

Hammer H. Budge, Idaho:

Richard Nixon has earned the confidence and respect not only of America but of the World. As the president he has my complete and enthusiastic support. At this time in history the *real* tragedy would be if he were *not* the President.

Ed A. Mitchell, Indiana:

Even the British refer to the Committee as "Senatorial Inquisition".

Thor C. Tolleffson, Wash.:

My opinion of Nixon has not changed one iota despite the efforts of the left wing press to ruin his reputation. They have never forgiven him for proving them wrong in the Hiss case.

The Senate committee hearings on the Watergate affairs are a travesty on justice. While I have witnessed some bad committee hearings in my day (and deplored them), the current hearings are far and away the worst in that they seem to be an effort to derogate the office of the President of the United States. They will do harm, not good, to our nation.

S. Walter Stauffer, Penn.:

I have hopefully been waiting for leadership in the defense of President Nixon in the Watergate fiasco. Instead of a Nixon cover-up, the Senate committee should be investigating the cover-up of the Bay of Pigs incident.

This is a new low in Senate Committee investigations.

Ed Foreman, Texas:

Never in recent history has there been an individual so well prepared, capable and experienced to lead our nation as Richard Nixon . . . and never in history has a President accomplished as many important goals for our people in so short a time as has Richard Nixon. He ended the war in Vietnam and brought the POW's home. He has ushered in a new era of Peace in the World as a result of his effective negotiations with Russia, China and others. He has maintained a strong security force to protect our country, yet we've moved from the draft to a voluntary service and the percentage of our overall budget spent for armaments has decreased, while the human resources part of the budget has doubled. Employment is at an all-time record high and personal income is at a new peak. The riots, unrest and disorder of the 1960's no longer plague us on the domestic front. The federal government is being decentralized to move the decision making to local elected officials. President Nixon has earned our respect . . . he deserves our encouragement and support.

J. Ernest Wharton, New York:

I hope that we may soon see Congress returning to the cause of legislation, leaving the Courts to their proper judicial duties, and an end to the harassment of our Chief Executive so that he may proceed with his program, which overall, has really been the best of our generation.

Howard W. Pollock, Alaska:

History will indeed record Richard Nixon as a great President, notwithstanding the star chamber proceedings of the Committee political inquisition, and the insidious efforts of the press to overplay the Watergate affair all out of proportion. This great leader has brought peace and stability to the world, reduced internal tension and crime, cut expenditures, curbed inflation, turned the machinery of government against drug traffic, and the list of his accomplishments is almost endless. He has asserted his innocence about Watergate, and I believe him. Those who maliciously crucify the President for political gain do a major disservice to their country.

Robert Barry, New York:

History will record the Nixon years as great advances for peace on earth! Let each of us participate by supporting our leader.

Durward G. Hall, Missouri:

Hope our President always know that "Doc" Hall would never sit on his hands or stand idly by while reporters who have forgotten their objectives become self fashioned "commentators" and perform evacuative surgery from the rear without benefit of anesthesia.

Partisan abuse of legislative authority by the Democrats simply adds to what the American people generally are trying to prove—namely, that we cannot govern ourselves as a limited republic of responsible people under a constitution. Only an unhampered and principled Chief Executive can save this form of government at this time and place. Irresponsible leadership of both parties in the Congress makes it necessary for all citizens to rally to his support in this time of greatest trial and need. I am for him one thousand percent and preaching it at every opportunity. We need fear not the Executive branch versus the Legislative or Judicial, but the complacency of the American people as we trip among the primrose path to deterioration and perdition.

Elizabeth P. Farrington, (Hawaii):

To compare anyone to Christ is sacrilege. But let me remind you that we do not blame Jesus Christ because he was betrayed by Judas Iscariot, an apostle in whom Christ had placed His faith.

Hindsight is always better than foresight. Now that the President knows he has been betrayed by some evil men, he will be even a better and more watchful President than he would have been otherwise.

Let him get on with the job he was elected to do and bring the culprits to immediate trial in the Courts.

I have known Richard M. Nixon ever since he first went to the Congress following the elections of 1946. He is not capable of doing evil. All of us can be mistaken in judgment at times. I would infinitely rather see a man make a mistake by putting too much faith in others than never to trust anyone.

Now that the cruel truth has been revealed, let us help the President by looking forward, not backward; looking up, not down; looking out, not in; and lend a hand.

Walter L. McVey, Kansas:

We are for him 100%, not only in believing the President to be innocent of any wrongdoing in the Watergate affair, but also in believing him to be right in defending the doctrine of separation of powers.

The actions of the Senate's Select Committee on Presidential Campaign Activities confirm the wisdom of the framers of our Constitution in fearing the tyranny of Congress. When it comes to unfairness the Committee's hearings rival the Spanish Inquisition and the English Star Chamber proceedings.

Robert Withrop Kean, N.J.:

It has been an American tradition for the people to accept the verdict of the voters every four years. Now for the first time, those whose philosophy was repudiated at the polls have refused to accept the verdict of the people, and have been trying to reverse their decision by attacks on the President in their newspaper, their television and by the highly partisan members of the Senate Committee.

William Henry Harrison, Wyo.:

I have known Dick Nixon for many years and I am sure that he had no knowledge of the Watergate affair. Had he known he would certainly not try to cover it up. In spite of the fact that to date no real evidence has been produced against him the press still tries and convicts him with the help of the committee.

I believe in him and hope that some attention will be paid to the fine things he has accomplished for our country. In my opinion he has been and is a fine President.

DeWitt S. Hyde, Maryland:

Excerpts of his personal letter to the President:

"May I express to you my confidence and support. It is a tragedy that the events of Watergate have been permitted to obscure

and obstruct the great accomplishments of your administration. The worst part of the tragedy has been the conduct of the Senate, the press and even of the Court.

"While many people are disturbed and perplexed, it is my impression that if you continue your present course of open and discreet discussion the majority of the people will be with you."

John W. Bricker, Ohio; (Senator and Vice President nominee, 1948):

I certainly deplore the things that have happened that are illegal on the part of the people whom the President trusted. I have full confidence in the President and hope and pray that he comes out of this so that he may continue his constructive services. I think the reporting of it has been unconscionable on the part of a limited part of the Press and of the television and radio.

In my judgment the whole Watergate matter is for the Courts of Justice. I have not listened to a great deal of the testimony before the Senate Committee but when I have it gave me the impression of being something of a show put on for public consumption and a great deal of it beside the issue. A Senate Committee is not a court and such hearings ought to be limited to the presentation of legislation which would be in response to the absolute facts and not inadmissable evidence as much has been before the Committee. The whole matter has done much to disturb the public as well as to interfere with the orderly processes of government.

I expect I have talked to as many people as most of you in Washington and during this program and feel that a great majority of the people in the Midwest feel as I do about the matter.

There are many things I could say but I have confidence in the President and the Vice President as well and think that the leaks to the Press have been deplorable. We can't live as good citizens under that kind of procedure.

Patrick J. Hillings, California:

The great accomplishments of President Nixon and his Administration should not be deterred by the stupid actions of a few people in which he was not involved.

For the first time in more than a generation there is no major conflict in the world and the chance for a lasting peace for all people is greater than ever; our President has made this possible.

It is time for all of us to rally behind him in the great leadership he has provided and will continue to provide. He needs our help and we need his dedicated leadership.

Leverett B. Saltonstall, Massachusetts (Senator):

Let us remember the helpful things President Nixon has done. The troops that our Democratic Administration sent overseas are back again—our prisoners released—let us stop spending the millions of dollars of our taxpayers money to find trouble but to find our lost soldiers and to feed our hungry. Let us support the leader of our Country.—He cannot lead us without our support—*today—now.*

Mr. President, the burdens on the President of the United States are beyond description. We who serve in the legislative branch are busy, but compared with the Presidency, our constituency and our responsibilities are both small. All of us have to delegate duties and in the case of the President, the necessity for delegation of duties and responsibilities is many times greater.

The year 1972 was a momentous one. The Vietnam war was being wound down, leading to the return of our combat troops and the return of prisoners of war. The Middle East crisis constitutes a heavy load upon any President and could consume all of his time. There were the historic visits to China and Russia. In addition to these unusual happenings, the usual burdens of the Presidency are great. Congressmen and Senators, Governors, mayors, Cabinet officials, department heads, ambassadors, representatives and heads of foreign states, industrial leaders, financial leaders, educational, and religious leaders, organization heads and many others feel that they should have the ear of the President and oftentimes they do.

To continue these Watergate hearings, which obviously are viewed by many as a means to "get Nixon," are to say the least an unjustified harassment. Certain forces did "get President John F. Kennedy." Many of us believe that vicious attacks and harassments over the Vietnam war drove President Lyndon B. Johnson to the decision not to run for reelection. The Watergate hearings add fuel to the fire of these same destructive elements.

In my mind and heart I am convinced that President Richard M. Nixon had no part in the Watergate scandal and that the true facts were withheld from him far too long.

Legislative hearings should be for the purpose of securing information to write legislation. These hearings should, insofar as possible, follow the rules of evidence and maintain a judicial atmosphere. Such is not the case in reference to the Watergate hearings. There is an atmosphere of fanaticism accompanying these hearings. This is shown by the allegation that the Watergate scandal was a greater tragedy than the Civil War.

The Civil War lasted almost 5 years. The number of Union dead were 360,222 and the Confederate dead amounted to 258,000. I do not have a figure for the number of Confederate men who were injured, but the estimate for the Union side is 275,175. The great Civil War set brother against brother and kinsman against kinsman. It tore our country asunder not for the period of the war but for decades. It brought hatred and ill will. It divided our country in its efforts for progress and good government and it led to the assassination of one President. The era of Reconstruction was a great tragedy in itself.

The comparison of Watergate to the Civil War shows how far we have drifted from judicial moorings. These proceedings should stop.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated by Mr. Marks, one of his secretaries, and he announced that, on September 14, 1973, the President had approved and signed the bill (S. 1841) to amend the Communications Act of 1934 with regard to the broadcasting of certain professional sports clubs' games.

REPORT OF COUNCIL ON ENVIRONMENTAL QUALITY—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. NUNN) laid before the Senate a message from the President of the United States, which, pursuant to Public Law 91–224, section 204, with the accompanying report, was referred to the Committees on Agriculture and Forestry, Commerce, Interior and Insular Affairs, and Public Works. The message is as follows:

To the Congress of the United States:

I am pleased to transmit to the Congress this Fourth Annual Report of the Council on Environmental Quality.

The year 1970, when I transmitted the Council's First Annual Report, signaled a time of great environmental awakening in the United States. Much has been accomplished in the succeeding 3 years.

In place of organizational disorder and fragmentation, we have developed institutions capable of dealing with environmental problems in a systematic and effective way. At the Federal level, the Council on Environmental Quality and the Environmental Protection Agency weer established in 1970. Most States have created similar offices, giving preater prominence and coherence to their own environmental programs.

We have also enacted new and stronger environmental protection laws and have made substantial progress in defining problems, establishing goals, and designing strategies for abating pollution and preserving our natural heritage. The chapter in this report entitled "Perspectives on Environmental Quality," describes the important progress we have made. In some instances, such as air pollution, a national program is well advanced. In other areas, such as noise pollution, our work is just beginning. But in all areas, our knowledge about the environment and our capacity to protect and preserve it increase day by day.

Our energies have not been confined to domestic environmental problems. In the world community we have provided strong leadership in responding to environmental concerns and in fostering international efforts to solve problems which transcend national boundaries. The chapter "International Action to Protect the Environment" summarizes the progress made in recent years in protecting the oceans, controlling transboundary pollution, and preserving the fragile natural heritage of our planet.

Other chapters in this report further illustrate the gains that have been made. American initiative—our ability to solve problems rather than simply bemoaning them—has increasingly been turned to environmental improvement in recent years and the results are becoming evident in one area after another.

The chapter on "Cleaning up the Willamette," for example shows that a grossly polluted river can be restored to purity and health. Fifty years ago this Oregon river was offensive to the senses. Today the waters are clean and salmon migrate upstream in the fall. The people of Oregon, whose determination brought

about the cleanup, are now taking action to preserve and assure public access to the shoreline of this restored river.

The chapter entitled "The Urban Environment: Toward Livable Cities" describes new signs of life and vigor in our cities and shows what private citizens can do to create urban environments that enhance the quality of life.

The chapter on "Environmental Status and Trends" indicates that the air quality in our cities is improving. Further progress will occur as the Clean Air Act continues to be carried out.

As in so many other areas of national concern, our progress should inspire us to get on with the job that still remains. In my National Resources and Environment Message in February, I resubmitted 19 bills for Congressional action and also submitted several new proposals. Some of the most important measures—including proposals for the regulations of land use and the control of toxic substances—have been before the Congress for 2½ years. Passage of these measures is crucial to the environmental well-being of America. The time for action is upon us.

Land use control is perhaps the most pressing environmental issue before the Nation. How we use our land is fundamental to all other environmental concerns. There is encouraging evidence that the American people have reached a new perception and appreciation for this challenge. In our past, we wrestled a nation out of wilderness. We cleared and developed the land. If we despoiled it, there was always fresh land over the horizon, or so it seemed. But now we know that there must be limits to our use of the land, not only limits imposed by nature on what the land can support, but also limits set by the human spirit—for we need beauty and order and diversity in our surroundings.

I believe that land use regulation should be primarily a responsibility of local governments, where responsive leaders are most likely to understand the choices that have to be made. Nevertheless. I am also convinced that Federal legislation is needed now both to stimulate and to support the range of controls that States must institute. I urge the Congress to enact my proposal for land use control, a proposal which would authorize Federal assistance to encourage the States—in cooperation with local governments—to protect lands of critical environmental concern and to control growth and development which has a regional impact.

I also urge the Congress to act quickly to prevent continued ravaging of our land and water through uncontrolled mining. My proposed Mined Area Protection Act would establish Federal requirements to regulate surface and underground mining. By requiring mining operators to post adequate performance bonds and satisfy stringent Federal reclamation standards, this legislation would require that mined lands be restored to their original condition or to a condition that is equally desirable. We need the fuels and minerals that are now in the earth, but we can—and must—secure them without despoiling and devastating our landscape.

There is other important land use legislation pending before the Congress which also deserves prompt enactment. The Powerplant Siting Act would assure that needed generating facilities are constructed on a timely basis with full consideration of environmental values. The Natural Resource Land Management Act would provide a management policy emphasizing strong environmental safeguards for one-fifth of our Nation's land area that is managed by the Bureau of Land Management.

Because a number of differing values and perspectives must be reconciled, the regulation of land use will never be a simple matter. The "Perspectives" chapter of this report describes the anti-growth sentiment emerging in some communities and points to the need to reconcile controls on unwanted growth with provision for essential regional development. The chapter on "The Law and Land Use Regulation" discusses the balance which must be struck between the need to protect private property and the need to preserve the environment. This is not a question to be dealt with from Washington, however, but one that State and local governments and courts must work out. The Council's chapter on this subject should be helpful to these groups, the legal profession and private citizens in developing a more complete understanding of this important issue.

In the final analysis, the struggle for environmental quality rests with the citizens of our Nation. The chapter on "The Citizens' Role in Environmental Improvement" shows that concern for the environment is not merely a passing fad but rather has become an integral part of American life.

The Fourth Annual Report of the Council on Environmental Quality demonstrates our considerable progress in arresting environmental decay. It also helps to chart the path we must follow if we are to continue this progress in the future. I commend the members and staff of the Council for their efforts in producing this valuable document, and I urge the Congress and the public to give this report their full and careful consideration.

RICHARD NIXON.

THE WHITE HOUSE, *September 17, 1973.*

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 695) authorizing the President to proclaim the period of September 15, 1973, through October 15, 1973, as "Johnny Horizon '76 Clean Up America Month."

The enrolled joint resolution was subsequently signed by the Acting President pro tempore (Mr. NUNN).

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore (Mr. NUNN). Under the previous order, the distinguished Senator from Minnesota (Mr. MONDALE) is now recognized for not to exceed 15 minutes.

THE PRESIDENCY AND WATERGATE: AN AGENDA FOR REFORM

Mr. MONDALE. Mr. President, for nearly a month now, President Nixon has "counterattacked" on Watergate. He has tried hard to convince the American people that Watergate is paralyzing both the Congress and the Nation.

The President believes that in order to tend to the Nation's business, we must move beyond Watergate—and perhaps forget it in the process.

I believe the President has misread the will of the people, and misrepresented the actions of the Congress.

The American people want to get on with the Nation's business, but they also want desperately to uncover the lessons of Watergate. To do that, we need a continuation of the factfinding process which has been underway in the Senate.

The Congress also wants to move beyound Watergate. But we have been tending to the Nation's business while Watergate has been investigated. And we will continue to act responsibly while this investigation continues.

What unites the Congress and the American people is a desire not to simply prolong Watergate ,but to learn from it; not to immobilize the country, but to spur it to action; not to devote less attention to the pressing issues facing the Nation, but to guarantee that never again will we have a wholesale violation of the liberties of American citizens resulting from a lawless abuse of power.

At the heart of this shared concern is a desire to turn our Government away from lawlessness, and back to freedom.

Almost 200 years ago, Thomas Jefferson foresaw the problem. He said:

The natural progress of things is for liberty to yield and government to gain ground.

I strongly believe that Watergate has given the American people the will to reverse this trend, and the desire to recapture our liberty from a White House all too ready to suppress basic freedoms.

The American people want an end to illegal bombings carried out for over a year with no knowledge of the Congress or the people.

The American people want an end to illegal contributions exacted from corporation presidents, to financially overwhelm the political opposition.

The American people want an end to wiretapping without court orders, and burglarizing of the homes and offices of private citizens.

The American people want an end to spying and espionage which sacrifice our

liberty to a conception of national security which bears no relationship to reality.

The American people want an end to the transformation of Government agencies into illegal arms of a few powerful men in the White House.

The American people want an end to Presidential campaign spying and sabotage which destroys the fair chance of the people to choose their leaders in free elections.

In short, Watergate has given us a new resolve both to meet the problems we face as a nation, and to realize that the greatest problem we face is protecting our liberty against a government which would erode, and in the end, destroy it.

The changes that are required will not come easily. For what we will need are reforms to insure that those who govern can never again, through their power, strip away the freedom which has made our Government unique.

This is the urgent business which we must attend to. These are the concerns that must take us beyond Watergate.

Central to maintaining our freedom, and returning accountability of government to the people, are changes in the institution of the Presidency.

Yet we must act carefully. If we do not, Watergate could mark the unfortunate beginning of a steep and disastrous decline in the prestige and power of that office.

While we need reform, we do not need retribution.

We need a strong Presidency. But we also need an open and legal Presidency, with strong safeguards to protect against the abuses of Presidential power.

For every abuse of Presidential power we have witnessed, there are easy solutions which would both cure the immediate problem, but emasculate the Presidency in the process.

This possibility is made more real by the bloated state in which we now find the Presidency.

In recent years, in both Democratic and Republican administrations, the American people seem to have gone beyond simple respect for the office of the Presidency. Instead, we have begun to create a monarchy out of an office intended to be the bulwark of a democracy.

Sensing this feeling, recent Presidents have found it hard to resist the temptation—often aided by a weak Congress—to accrue more and more power, and the perquisites which go along with that power.

Now, the Presidency has become larger than life, and larger than the law.

We have created an office whose only restraint is the collective consciences of the men who occupy positions of power.

We have created an office so seriously at variance with many of our democratic ideals and traditions that it marks itself as an easy target.

We have allowed modern-day Presidents to flee from reality, shielded by perquisites that may cost the American taxpayer $100 million per year.

No one knows the exact cost in dollars. The White House would not tell us.

But we do know this. Today, when the President wishes to travel, a fleet of 27 planes valued at more than $80 million awaits his command. Four more, costing between $5 and $8 million each are now being purchased.

When he wishes to talk with advisers from anywhere in the world, a communications network estimated to cost $35 million per year to operate is at his command.

When he travels on world diplomacy, the trips can cost $5 to $10 million each. And his travels to San Clemente this year alone have cost the American taxpayer over $1 million.

When he wishes his homes appointed in the style befitting a royal head of state, it is done, and we are only now learning how many millions it has all cost.

And when he wants to equip White House police in uniforms worthy of a Gilbert and Sullivan comic opera, it is done without question.

Obviously, the President must be able to communicate instantly, in case of emergency. He must have adequate security. He must be able to travel on important official business.

But the extravagance of the Presidential "establishment" breeds isolation. And, in the wake of Watergate, this isolation may in turn breed anger on the part of the American people, who may wish to eliminate not only the frills, but also much that is necessary.

We are in danger of public sentiment confusing travel that is essential with needless pleasure trips to "southern" or "western" White Houses, and reacting against both equally strongly.

And we are in danger of a public confused and disturbed with politics in general, seizing on the overblown sense of Presidential self-importance and condemning not only the excesses, but also the essence of the Presidential office.

There obviously are excesses which should and must be eliminated.

In particular, in Congress we must insure accountability in the expenditure of public funds, so that we will not suffer further erosion in public respect for the Presidency.

But there is a much more fundamental accountability which hangs in the balance today. It is nothing less than the mutual respect which makes our democracy possible.

This accountability thrives on an active, honest relationship between the President, the Congress, and the people. It needs the constant test of political reality—the clash of opinions, in full view of the American public, which should mark effective political give-and-take in a democracy.

This is the openness which creates strength for the office of the Presidency.

This is the candor which breeds respect for the head of our Government.

But this respect can only come from a sense of trust felt by the American people. And this trust can only exist when the people believe that the President is open in his dealings and accountable for his actions.

This openness has become more and more difficult with the passage of time. In recent years, the physical isolation of the President from the people has of necessity increased, because we still bear in our collective consciousness the tragic events of Dallas almost a decade ago.

Physical isolation has made it more difficult for any President to get the feel of the American people. Yet this contact is essential. As George Reedy has observed:

> The most important problem of the Presidency is that of maintaining contact with reality.

Maintaining this contact is a difficult, constant struggle, but a struggle richly worth the effort.

In recent years, Presidents have relied on the media and the Congress to provide them with a sense of reality.

Yet President Nixon has sought refuge in the comforting atmosphere of a White House where political expediency seemed to make reality a luxury.

He has shunned the news media and has had little but contempt for the Congress.

As John Gardner stated recently:

> President Nixon has created a curious and unprecedented one-way communication with the American people. He can reach us but we can't reach him. We can see him but he can't hear us. He is always with us but there is no dialogue.

And this is precisely why we now face the crisis of confidence produced by Watergate. For there has never existed the sense of mutual trust and respect between this President and the Congress, and between this President and the people, which makes effective Presidential leadership possible.

We need this leadership today.

We are living in an age of instant communication, with the threat of instant annihilation. No one wants to deny the President the right to respond in case of external attack, or the right to manage an ever-more unmanageable Government.

But we must insist with greater frequency than ever before that those who exercise this trust are accountable to the people through the Congress and through responsible executive branch officials.

This will not be easy. But, as Anthony Lewis recently remarked:

> The framers of the American Constitution did not design our system for the convenience of the governors. They were interested in the governed—in their right and duty to participate in the decisions of public life.

The need for accountability is particularly important as the White House staff continues to grow—and continues to take over functions previously exercised by the Cabinet agencies.

It may surprise many Americans to know that only since 1939 has there been a formal White House office. By statute, Presidents through Herbert Hoover were permitted only one administrative aide. And, only in 1937 did President Roosevelt seek to reorganize the White House staff. The President's Committee on Administrative Management, in recommending greater staff assistance, stated:

> These assistants probably not exceeding six in number would have no power to make decisions or issue instructions in their own right. They would not be interposed between

the President and the heads of his departments. They would remain in the background, issue no orders, make no decisions . . . emit no public statements.

How far we have come in only 30 years. Take, for example, the Domestic Council. Created in 1970—not by statute, but by Executive order and reorganization plan—the Domestic Council was to provide policy advice to the President on a variety of domestic issues.

The President asked for and received funds to run the office with no oversight by Congress. John Ehrlichman was made Director of the Council, without requiring his confirmation. He proceeded to displace agency heads and Cabinet officers as the chief domestic policymaker to the President. And, we now learn, using the Domestic Council payroll, he hired Egil Krogh and Gordon Liddy to undertake illegal activity connected with Watergate, and the reprehensible break-in of Daniel Ellsberg's psychiatrist's office.

All of this was done without congressional scrutiny. It was a shocking example of illegal conduct initiated by the White House, and implicitly sanctioned by a docile Congress.

And the Domestic Council is merely one part of an ever increasing White House staff.

From 1955 to 1970, the Executive Office of the President grew by about 24 percent. In just 3 years—from 1970 through 1972—it grew by 25 percent.

And we still really do not know how many hundreds of detailees from Cabinet agencies are working in the White House.

While the President was calling for economy in Government, the cost of running the Executive Office of the President was increasing from $47 million in 1971 to $64 million in 1973.

While the President was calling for greater accountability in Government, the number of special "ungraded" personnel not accountable under civil service regulations—increased from 113 in 1970 to 281 in 1973.

As a House subcommittee recently noted:

Historically, these ungraded jobs have been restricted to, and used primarily in, the housekeeping functions of the executive residence . . . The current Administration has made a basic policy change in the use of this authority. Now many high level policy employees are being employed without regard to civil service regulation.

Since 1970, nine new offices within the Executive Office of the President have been created. They have usurped power from existing agencies and departments, and have done so with an arrogance that has often astounded longtime observers of the White House.

Most importantly, this has resulted in power flowing away from executive agencies and officers accountable to the Congress, and being exercised by White House aides not accountable either to the Congress or the people, shielded by so-called executive privilege, and not subject to confirmation.

Any President should be applauded for efforts to bring an essentially unmanageable Government under control.

But no attempt to improve management can be allowed to jeopardize our democracy.

No rationale of efficiency can be allowed to decrease the accountability of those to whom power is given.

This President, and any other President, needs a group of advisers who are his own people, who can exist outside the normal agency structure and provide advice directly from a White House staff.

But when those people cease giving advice, and begin to usurp power from the Secretary of State or the Secretary of Health, Education, and Welfare or the Attorney General, we have sacrificed accountability on the altar of expediency.

This is the type of "efficiency" which led to Watergate.

And this is the type of government which can never win the confidence of a free people.

For without the accountability of those who manage, freedom may be lost forever. Without the restraint which responsibility creates, "management" may succeed democracy as the ethic of our Government.

Two weeks ago, I offered a number of amendments to the White House budget appropriations bill which sought to foster this sense of accountability.

These amendments attempted to express in one tangible way a congressional desire to regain access to the decision-making apparatus in the executive branch. They were not vindictive, nor did they attempt to "punish" the President for Watergate.

Instead, they sought to advance a sense of responsibility to the American people, which has steadily declined in the White House for decades. As George Reedy recently put it:

The trouble with the White House is that in the past few decades it has grown into an institution which felt it did not have to take other people into account.

We must regain this sense of accountability, and the Congress, while rejecting the amendments I offered, should realize that we must find other means of achieving this end.

First, we need a series of laws to end forever the abuses of power which Watergate has revealed. We need stiff legislation to prohibit law enforcement agencies from violating the civil rights of individuals, and to prohibit any spying or wiretapping or espionage for political ends.

And we need laws to prevent the corruption of agencies of the Federal Government by those in positions of power. We must insure that the most sensitive agencies in Government—the FBI, the CIA, the Internal Revenue Service, and the Justice Department—are never again used for political purposes. I will be introducing legislation to accomplish this purpose.

In short, we need legislation to reaffirm our Nation's commitment to the law, and to express our belief that this respect for the law must apply to even the most powerful.

Only if those in the highest positions of power must obey the law can we ever hope to raise our children with respect for our country and her laws. These are the principles which have made our Nation great, and we must use the lessons of Watergate to renew that commitment and restore that faith.

Second, we must require confirmation by the Senate of every important officer within the Executive Office of the President.

Legislation we have passed—but which is not yet law—will help to accomplish that end by requiring confirmation of the head of OMB and the Council on International Economic Policy.

However, we also need a systematic review of every other important policy-related position within the Presidential establishment to determine those for which Senate confirmation would be appropriate.

We must condition confirmation on the pledge that these officials will appear before Congress to testify and will produce appropriate documents which Congress requests.

And we should consistently stress the important difference between advice—which the President certainly needs from officials in the Executive Office of the President—and the type of illegal operational control which the Office of Management and Budget has exercised.

Third, we need legislation which I have already introduced to provide for a question and report period, during which the Senate would be able to question key executive branch officials—on radio and television—concerning vital matters of public policy.

At the present time, Cabinet officers and many agency heads have lost much of their authority to officials within the White House. Only if the Cabinet officials and agency heads are required to defend their actions on the floor of the Senate—in full view of the American people—will we be able to reassert these officials' rightful responsibility.

If a Cabinet officer must defend policy before the Nation, he will insist that he has a role in the formulation of that policy from the outset.

It is Congress, along with the Cabinet agencies, which must assert its power. Not to strip the President of his power to govern, but to insure the ultimate strength of that Presidential authority by increasing public respect for the equality and openness of both the legislative and the executive branches.

The American public cannot be deceived either by Presidential statements proclaiming his responsiveness to the Congress or congressional statements proclaiming our willingness to strengthen our own role in Government, unless real action is forthcoming from both branches.

Fourth, we must therefore reassert the constitutional responsiblities of the Congress over warmaking, the execution of treaties, and the budgetary process.

We must use many of the substantive powers which we have always possessed, but often failed to exercise.

This year, both Houses of Congress have moved to regain the warmaking power of Congress. Without depriving the President of the power to react in emergency situations, these bills seek to assure that never again will the President—without consultation with the Congress—commit American resources and American troops to extended combat. The 55,000 deaths of the Vietnam war have shown us vividly the results of a presidency unchecked in its power and

a Congress unwilling to apply such a check.

We must reassert the power of the Senate to advise and consent in the making of treaties by the American Government. In recent years, executive agreements have been used by every President not only to dispose of routine diplomatic matters, but to bypass the constitutional provision requiring Senate ratification of all treaties. In 1930, our Government entered into 30 treaties and only 11 executive agreements. In 1972, we entered into only 20 treaties, but 287 executive agreements.

This dramatic shift toward the use of executive agreements to bypass the Senate must be stopped. Legislation we have passed would give us this powegr. This legislation must be approved and signed by the President.

We must also reassert congressional oversight in the entire budget process.

We need strong anti-impoundment legislation to insure that the will of Congress is not thwarted by arbitrary executive branch action.

And, we must open up the Office of Management and Budget to insure cooperation with the Congress.

The Office of Management and Budget was created as the successor of the old Bureau of the Budget. But while the Bureau of the Budget was responsive and accessible to Congress, OMB was created without formal statutory authorization. Its head has not been subject to confirmation by the Senate, and it has expanded its role constantly to include the type of management functions which the Bureau never undertook.

Any reassertion of congressional power will not be without struggle. In fact, Congress may often be forced to go to the courts, as we have done with increasing frequency in recent months, to insure that Presidential and executive branch actions are not above the law.

Fifth, to aid in this process, we need an Office of Congressional Counsel, similar to the GAO. This office would give Senators and Congressmen an in-house capability to bring suit against illegal executive branch actions. I will shortly introduce legislation to create such an office.

In recent months, just on the impoundment question alone, over 20 cases have been decided. These cases have dealt with housing funds, with OEO funds, with funds appropriated under the Water Pollution Control Act amendments, with Agriculture Department emergency loan funds, with veterans cost-of-instruction funds, with Indian education and mental health and Neighborhood Youth Corps and library services funds.

In virtually every instance the outcome has been the same—ruling after ruling has held that the impoundment of funds appropriated by the Congress was contrary to law.

Yet these lawsuits had to be brought using private lawyers. These lawyers have performed magnificently, but to fully use the court process to insure compliance with the law, we need an Office of Congressional Counsel.

We need this congressional counsel to insure that no officer required to be confirmed by the Congress can exercise authority until his name has been sent to the Senate and confirmed.

We need this counsel to put legal muscle behind congressional actions, when these actions are thwarted by a Presidency which has little respect for the law.

This congressional counsel is just one of the new tools needed to right an executive-legislative branch imbalance which has become so great that it endangers both the effectiveness of the Congress, and the trust of the people in the Presidency.

Unfortunately, we run the risk of having this reassertion of congressional power seen by the Nation as a challenge to strong Presidential leadership. This is a risk we must take.

We must accept the challenge of Executive illegality and act effectively to meet it. But over the long term, our efforts should be designed to increase executive-legislative branch cooperation, through a thoughtful study of the institution of the Presidency.

Therefore, we need a Commission on the Office of the Presidency, to reexamine the institution of the Presidency.

The commission's overriding purpose should be to examine what has happened to the office, why it has happened, and what can be done to insure that the Presidency remains open and accountable to the American people and Congress.

This investigation should attempt to bring about a permanent realinement of Government. Its central focus should be to increase the accountability of the executive branch and the Office of the Presidency, without hampering the strength of the Presidency or his ability to manage a complex government and an even more complex Nation.

This commission would be composed of members of the legislative and executive branches, and distinguished private citizens. I am introducing a resolution to create such a commission today.

Its charter should be broad, as broad as the needs of the Nation for responsible government dictate.

The commission should not be viewed as an excuse to delay the many important reforms which we need now, and which I have discussed earlier.

Rather, it would offer a longer term view, a chance for the executive and legislative branches to reason together on the basis of mutual respect, and arrive at a working concept of the Presidency which is strong, yet legal; capable of leading, but without dictating.

In short, we need a life-size Presidency—with its faults recognized, its virtues praised, and its interaction with Congress and the courts one of mutual respect. This should be the broad goal of this commission on the Office of the Presidency.

Hopefully, some of its recommendations may result in legislation.

But we cannot legislate an awareness of the importance of constitutional principles. We cannot legislate a fundamental regard for the intelligence of the American people. We cannot legislate greater Presidential involvement with the Congress or the public.

Yet we can use every resource at our command to make the American people aware of the dangers in an isolated Presidency. We can inform the people of the need for greater face-to-face dialog with the Congress, the press, and the people.

We can attempt to make the President aware that challenges to his authority and his wisdom can be made in good faith and need not tear down the Republic.

We must preserve the Presidency as the leader of a democracy, willing to observe the liberties of a free people, and eager to involve the Nation in the constant recreation of the American ideal.

But above all, we must heed Jefferson's warning, and insure that liberty for the American people is never again sacrificed to a government all too eager to destroy basic personal freedom in order to preserve its own political power.

For it is precisely the democratic ideal, and the freedom which it creates, that has kept the American experiment thriving for 200 years. As John Gardner has noted:

> When our nation was founded there was a holy Roman emperor, Venice was a republic, France was ruled by a King, China and Japan by an emperor, Russia by a czar and Great Britain had only the barest beginnings of a Democracy. All of these proud regimes and scores of others have long since passed into history and among the world's powers the only government that stands essentially unchanged is the federal union put together in the 1780's by 13 states of the east coast of North America.

Ours is a unique legacy. It has been created by a respect for the laws and institutions of this country which has insured our survival as a republic.

Together, we must safeguard this heritage, without which our democracy cannot stand.

Together, we can bring reform out of tragedy, and create a new respect for Government which will strengthen our Nation as we enter our third century of democracy.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, how much time did the senior Senator from Minnesota (Mr. MONDALE) have remaining?

The ACTING PRESIDENT pro tempore. The senior Senator from Minnesota had 4 minutes remaining. The order was read out of turn. It was the order recognizing the junior Senator from Minnesota (Mr. HUMPHREY) for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, how much time did the Senator from Nebraska (Mr. CURTIS) have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Nebraska had 3 minutes remaining.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time remaining to the senior Senator from Minnesota (Mr. MONDALE) and to the Senator from Nebraska (Mr. CURTIS) be made available to me, for my use.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, the time for the quorum call to be charged against my time without prejudice to the distinguished Senator from Minnesota (Mr. HUMPHREY).

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. 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, how much time did the Senator from Wisconsin (Mr. PROXMIRE) have remaining under his order earlier today?

The ACTING PRESIDENT pro tempore. Three minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may be accorded that time.

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

Mr. ROBERT C. BYRD. Mr. President, how much time do I now have?

The ACTING PRESIDENT pro tempore. A total of 18 minutes.

Mr. ROBERT C. BYRD. I thank the Chair. I yield my time, all of it or as much time as he desires, to the able Senator from Minnesota (Mr. HUMPHREY).

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

Mr. HUMPHREY. Mr. President, I thank the distinguished majority whip.

THE DEPARTMENT OF DEFENSE FOR FISCAL 1974

Mr. HUMPHREY. Mr. President, the Senate's consideration of defense appropriations for fiscal 1974 presents unprecedented obligations and opportunities for congressional participation with the executive branch in the making of major national policy.

It is with an understanding of shared responsibility that I make an appeal to members of the Defense Appropriations Subcommittee of the Committee on Appropriations.

It is imperative that we exercise budgetary restraint and commonsense as we consider the administration's request for defense spending.

We must have a strong defense establishment that realistically insures our security in response to the military, economic, and political realities of the 1970's.

It is necessary and timely that we harvest a peace dividend which allows us to tackle the backlog of unmet human needs which have gone begging during more than a decade of war.

If we do not accept these responsibilities, if we simply endorse the President's request without a critical evaluation, it will be impossible for us to justify our vigorous demands for shared power. If we are, indeed, a coequal branch of government, then coequality means that we must play a constructive role in establishing national priorities. Indeed, the Congress has the final responsibility for establishing our national priorities.

After a careful examination of the administration's budget request, we could easily get the impression that the United States is still at war somewhere on this globe.

In fiscal 1974, the request for military appropriations has increased by $5.6 billion to $87.3 billion from fiscal 1973. This year's request is higher than any appropriation at any time during the Vietnam war. It is also the first military budget that has been increased substantially at the conclusion of a war. Immediately after World War II and after the Korean war, we achieved major cuts in military appropriations in the return to peacetime levels of forces and weaponry.

The administration's unprecedented demand for an increased military budget in a supposed time of peace requires the searching evaluation of the Senate and the Committee on Appropriations.

To make the situation even worse, vital domestic programs have been slashed or terminated by the administration. Enactment of major domestic appropriations have been blocked by vetoes and the threat of vetoes.

Concerning the President's threat to veto any reduction in the defense budget, I believe that the Congress will not be cowed into submission by threats of a veto. We have the responsibility under the Constitution to share with the President in establishing national priorities through the legislative and appropriations process. Last year the Congress cut the defense budget by $5.3 billion. It is my hope we can equal this amount or do better in 1973.

The highly regarded annual report of the Brookings Institution, Setting National Priorities, prepared by Charles Schultze, former Director of the Bureau of the Budget, and other budget experts, states the situation well:

> In any one year, presidents seldom propose major changes in the scopes and role of the federal government. Such changes do occur, but usually in small steps whose implications are realized only after several years have passed. The Federal budget for the fiscal year 1974, however, is a striking exception. Faced with the prospect of a substantial excess of spending over revenues in a period when large budget deficits would clearly be inflationary, the President decided not only to reduce the level of federal spending but to change national priorities. While leaving the structure of federal taxes and the current defense posture unchanged, he recommended a sweeping series of reductions in the domestic expenditures of the federal government, including elimination or sharp curtailment of many programs."

The administration's budget reflects changed priorities. Not the peacetime priorities we have long expected. Not the priorities restricted by reduced spending at a time of spiraling inflation. But a scheme of misplaced priorities which proposes to guarantee national security while ignoring the pressing domestic needs of this Nation.

I believe that national security depends on much more than merely providing for the physical security of the United States against attack.

The true security of our people requires constant attention to maintaining a functioning society in which all can share in the benefits of that society. To have a healthly society with great international strength, the Congress must direct adequate budgetary resources not for instruments of war or defense, but also to promote full employment, quality education and health care for all citizens, environmental protection, safe and improved living conditions in urban and rural areas and equal opportunity for all Americans.

America is the No. 1 military power in the world. But we sometimes forget that military power alone cannot make our country strong or secure.

The Pentagon maintains 1,963 bases and 600,000 troops overseas at an estimated cost of many billions a year. Yet according to recent Gallup polls, 41 percent of all Americans are afraid to walk alone at night near their homes.

We have created a nuclear strike force that could, if we chose, eliminate the greater part of the world's population in a matter of minutes. Yet, we have failed to provide for 27 million Americans now living in poverty.

America is No. 1 in military power, but we are only: Eighth in doctor-patient ratio; 14th in infant mortality; 25th in life expectancy; and 14th in literacy.

This is what the National Commission on the Causes and Prevention of Violence had in mind when they wrote:

> While serious external dangers remain, the graver threats today are internal . . . the greatness and durability of most civilizations has been finally determined by how they have responded to these challenges within. Ours will be no exception.

That is the best argument for reducing defense spending in a sensible way. By reducing the military budget we will free resources to provide for the true security of our country—to cure disease, to protect the environment, and to improve our lives in a hundred other ways.

Special and unique conditions exist at this time in our Nation's history which make necessary reductions in defense spending appropriate to the needs of a peacetime America.

1. The need for military expenditures has been reduced with the end of U.S. combat involvement in Indochina and the progress toward détente with both the Soviet Union and the People's Republic of China.

2. The unmet domestic needs of this Nation have been neglected by a long war.

3. The Congress is under tremendous pressure to enact a fiscally responsible and noninflationary budget within the mandated ceiling while preserving the constitutional powers of the legislative branch to determine spending priorities.

These conditions require that attention be focused on the Department of Defense's appropriation request in the same critical way that all appropriations are examined. As Chairman MCCLELLAN, of the Senate Appropriations Committee, stated earlier in the year:

The President's budget request . . . is neither compulsory nor compelling. It is advisory only. . . . It remains the Constitutional responsibility of Congress to determine whether any requested appropriation shall be made and to fix the amount thereof.

I believe that careful consideration of the true security needs of our Nation and a close examination of the budget request will lead to the unavoidable conclusion that the DOD appropriation desired by the President can be safely reduced substantially without impairing our national security. Accordingly, I will present a recommendation with that end in mind. I am not an expert defense analyst, but I am a concerned Member of Congress charged with the responsibility of helping to establish national priorities.

I might add, Mr. President, I have had a long record of support for national defense appropriations and our national security. I think I am the only Member of this body who has had the privilege of serving on the National Security Council. I did so for 4 years. Under no circumstances would I take an action by my vote to jeopardize the security of this Nation. The remarks I am making have been carefully thought out. I am deeply concerned over the world in which we live. I know it is not a happy world, nor is it one that is a peaceful world; but I do believe the time has come for the Congress of the United States to take a very good, long, hard look at the incredible cost of the national defense structure of this country. There are things that can be done, and we must get busy to do such things as can reduce expenditures and at the same time maintain a viable, effective, strong defense program.

Military expenditures contemplated by the administration in fiscal 1974 are substantially extended in many areas. A measure of our vast worldwide role was revealed in hearings conducted this year by the Senate Armed Services Committee (part I, authorizations, p. 163). Secretary Richardson presented a chart detailing defense expenditures of the United States and U.S. allies as a percent of GNP and per capita (U.S. dollars)). In 1972, the United States spent 7.5 percent of GNP compared to 4.2 percent by NATO countries, 3.5 percent by SEATO nations and 0.9 percent by Japan. At $380 per person, or $1,520 for a family of four, the United States spends much more than twice the amount per capita for defense of any ally. The United States has been generous in the defense of our allies, but the time has come for a portion of our burden to be shifted.

The U.S. military role planned for Asia simply does not conform to reality. Since the termination of the U.S. combat role in Indochina on August 15, 1973, only token troop withdrawals have been announced. The significant improvement in our relations with the Peoples Republic of China has not been reflected in a change in U.S. forces assigned to Asian combat contingencies.

There are now more than 200,000 military personnel stationed in Asia. I concur with a recent statement by a group of experts familiar with Asian security affairs which recommends that at least 100,000 U.S. troops can be returned and deactivated with no harm either to our national security or our important interests in the area.

I ask unanimous consent that this statement be included in the RECORD.

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

STATEMENT ON U.S. TROOP REDUCTIONS IN ASIA

JULY 31, 1973.

The United States is completing a significant reduction in our involvement in East Asia. We have withdrawn from direct participation in the conflict in Vietnam, and are soon to refrain from all direct combat operations in Indochina. We have also begun to establish mutually beneficial relationships with the Peoples Republic of China and the Soviet Union.

Because of these factors, we, the undersigned, believe that substantial reductions can be made in those military forces now deployed in East Asia and these areas, of whom 45,000 are in Thailand; 58,000 are in Japan; 15,000 are in the Philippines; 42,000 are in South Korea; 9,000 are in Taiwan; and 58,000 are afloat. We feel that at least 100,000 of these can be returned and deactivated with no harm either to our national security or our important interests in the area.

It is our sincere hope that Congress will take such firm and timely action as is necessary to bring our East Asian force level in line with present diplomatic realities.

Endorsed by:

Robert Barnett, Former Deputy Assistant Secretary of State for East Asia and Pacific Affairs;

Jerome A. Cohen, Professor, Harvard Law School (Chinese Law);

Chester L. Cooper, Special Assistant to Governor Harriman for the Paris Peace Conference on Vietnam;

Alvin Friedman, Former Deputy Assistant Secretary of Defense for International Security Affairs;

Morton Halperin, Former Deputy Assistant Secretary of Defense;

Roger Hilsman, Former Assistant Secretary of Defense for Far East Affairs;

Townsend Hoopes, Former Under Secretary of the Air Force;

Anthony Lake, Former Staff Member, National Security Council;

Dwight Perkins, Associate Director, East Asian Research Center, Harvard University;

Earl Ravenal, Former Director, Asian Division (System Analysis), Office of the Secretary of Defense;

Gaddis Smith, Professor of History: Yale University Specialty: 20th century diplomacy. Author of a recent biography, Dean Acheson.

Richard C. Steadman, Former Deputy Assistant Secretary of Defense for East Asia Affairs;

James Thomson, Former Staff Member, National Security Council.

Paul C. Warnke, Former Assistant Secretary of Defense for International Security Affairs.

Mr. HUMPHREY. Accordingly, Mr. President, substantial savings can be realized by reducing the administration request for procurement and operations related to direct U.S. combat activities. In addition, funds for military aid to South Vietnam and Laos should be cut as well.

With the signing of the Paris agreement and the end of American military involvement in Indochina—and beyond that, with the recent agreement arrived in Laos—that continuation of the $2.2 billion military assistance service funded program—MASF—is no longer in our national interest. The MASF program should be discontinued as such, and arms replenishment for South Vietnam supplied by the United States according to the provisions of the Paris agreement. The administration of this program should be returned to the Department of State under the military assistance program. There is absolutely no justification for providing the Defense Department with such a large fund when it cannot possibly use it for its stated purpose in light of the restrictions of the Paris accords.

The principal driving force behind U.S. foreign policy and, consequently, the size of the defense budget, is the perception of the East-West power balance in Europe by our military planners. Therefore, it is crucial for the Appropriations Committee to take a hard look at the threats to our interests in that area.

Since World War II, we have regarded the threat posed by Soviet and Warsaw Pact forces as the principal danger to our European allies. I believe this still to be the case. However, the commonly held view has been that Warsaw Pact forces in Central Europe have a marked advantage over NATO forces. Yet it seems that this assessment of the threat has been somewhat overstated and generally gets overstated at the time that we are marking up appropriation bills.

A June 7, 1973, article in the Washington Post reported on a major Pentagon study which found that NATO has sufficient strength to hold off the most likely threat posed by Warsaw Pact ground forces during an initial 90 days of combat. At a June 7 NATO ministerial meeting, Secretary Schlesinger reportedly downplayed Soviet military capabilities in Europe.

The Soviet naval buildup needs to be carefully evaluated. Studies by the center for Defense Information and the Brookings Institution indicate that the Soviet Navy is designed primary for defensive, not offensive purposes. Although it has been a greatly improved navy, it is handicapped by limited access to the seas and a lack of long-term supply and replenishment capability. On the other hand, the U.S. naval force is larger and has a significant advantage in the capability to project power in terms of ships and numbers of overseas bases.

These considerations should provide the necessary impetus for our Nation to move forward strongly with the mutual balanced force reduction negotiations with the Soviet Union in the coming weeks. I support that effort. At the same time, we must begin discussions with our allies in preparation for what I hope will be satisfactory negotiations for mutual force reductions. I do not favor any substantial unilateral American troop reduction in Europe at this time. But I am hopeful that a negotiated, mutual withdrawal of considerable magnitude could occur within the next 18 months.

Navy requests for ships and planes should be reviewed critically in terms of a realistic appraisal of actual threats. Substantial savings can be realized by limiting or stretching out many programs such as the F–14 aircraft and the SSN–688 nuclear attack submarine.

I want to make it clear that I know

that we need a strong navy, and we need one that can fulfill our role as a maritime power. However, again that I think it is all a matter of scheduling and a matter of how much of our resources we wish to put at any one time into that modernization program.

Procurement of strategic weapons systems should be undertaken with restraint. The SALT accords in 1972 and the recent Washington summit meeting with Secretary Brezhnev have established a hopeful climate for arms limitations. Success in future negotiations should not depend solely on building "bargaining chips" which seem to never be given up after successful negotiations.

Mr. President, I am not one who believes that we should take the Soviet Union at its word. I am not one who feels that the Soviet Union has become a sort of playful house kitten. I know that it has appetites. I know that it is concerned wtih the exercise of power. And I recognize the importance of our Nation having at least the adequate resource strength to balance off that power. However, again I want to say that this must be done within a time frame and within a scheduling of our resources that does not precipitate a tragedy in this country.

The Trident nuclear submarine is a good example. The procurement schedule for Trident was accelerated as a "bargaining chip" for future negotiations. But the rationale for Trident would not seem to support this approach.

I am not talking about whether the country ought to have the Trident. That has already been decided. It is a question of the scheduling.

The Department of Defense has placed great emphasis on accelerating the production and the deployment of the Trident submarine system. Although the original deployment date set under a schedule developed in 1971 was sometime before 1985, it now will be possible to deploy the lead Trident submarine by 1980 under the present plans.

However, the Defense Department is now anxious to speed the deployment of Trident to 1978, thus substantially increasing the cost of the program and running the risk of embarking on R. & D. and deployment concurrently.

I think it is important to note that the original schedule called for 1985. That was placed back to what was thought to be an accelerated schedule in 1980, which is the present situation. The Department of Defense is now asking that we have deployment of the Trident in 1978. I might add that in that area there is a great deal of possible danger that the deployment will come before all of the research and development has been completed.

Trident, at a cost of $1.3 billion per boat, is to be a replacement for the Polaris submarine and a hedge achieved through greater striking range against future Soviet developments in Soviet antisubmarine warfare capability. Both of the so-called requirements can be met without accelerating the production schedule.

First, Polaris is estimated to endure well into the 1980's, which is safety beyond the original completion date of Trident set for the ealy 1980's. Second, a long-range Trident I missile that can be retrofitted into the Polaris boats is scheduled for delivery in 1978; the accelerated Trident boat could not be available any sooner. An accelerated program all too often leads to accelerated costs. Putting Trident on a more reasonable schedule might keep it off the list of 45 major weapons programs showing cost overruns now totaling over $31 billion.

After careful consideration the Research and Development Subcommittee of the Armed Services Committee voted to retain the original schedule of Trident and produce a savings to the taxpayer this fiscal year of $885.4 million. The R. & D. Subcommittee's decision was later reversed in the full Armed Services Committee by a single vote.

I found the reasoning of the seven Senators supporting the subcommittee's position very convincing. They stated:

A more orderly development of Trident enhances our bargaining position at SALT. The Soviets must be more concerned about a reliable and more thoroughly proven Trident that will result from our careful development of the system than they will be by the folly of massive monies spent helter skelter. The more deliberate pace also provides us greater flexibility at SALT in defining the terms of an agreement on sea-based offensive systems, because we would be locked into the design and construction of fewer boats than the accelerated program requires.

The $642 million spent in FY 1974 includes the largest amount for a single weapons system in this year's R&D request and, therefore, must be convincing evidence to the Soviets of our seriousness about Trident and our national commitment to preserve the invulnerability of our sea-based deterrent. They (Soviets) must recognize that this amount would permit work to continue on the lead Trident submarine, would provide advance procurement of long-lead components on the three follow-on submarines, and would enable us to deploy Trident I missiles in Polaris boats by 1978.

In sum, a more orderly development of Trident enhances our prospects for a secure agreement at SALT II. And if we fail at SALT, it insures that we will have a reliable successor to Poseidon and that our sea-based deterrent will be secure the rest of this Century.

These Senators went on to inventory the current stock of bargaining chips available for SALT II:

This is an imposing, dynamic Trident program and it—plus our continued development of B–I, plus continued modernization and improvement of our Minutemen, plus our active retention of the option of MIRVing additional Minutemen, plus our R&D of Mobile ICBM's, plus our R&D of site defense, plus our continued MIRV conversion of our submarine fleet—will insure that our military position at SALT II will be a powerful incentive for the Soviets to come to a serious and secure agreement.

The Defense Appropriations Subcommittee should adopt the original view of Senator McINTYRE'S subcommittee.

The B–1 bomber, envisioned as the eventual replacement for the present B–52, is already in trouble with cost overruns and delayed production. Many strategic arms experts have been very critical of the B–1. The high projected cost of the B–1 is not justified by the small margin of additional capability over the B–52. That is the argument that we would have made, and conveniently a substantial reduction of the administration's request for this program is in order.

The recent successful Soviet flight test of a MIRV system has brought forth cries of alarm from some quarters. This defense subcommittee should not be stampeded into any drastic response as a result. The Defense Department has been crying "MIRV" for several years to justify proceeding with further deployments of U.S. MIRV's. Consequently, the United States now has 7,042 nuclear weapons—4,457 in missiles—compared to 2,266—2,016 in missiles—for the Soviet Union. It is clear that one successful MIRV test by the Soviets will not result in any appreciable increase in deployed warheads in the very near future. Neither side can achieve a first strike regardless of the number of MIRV warheads. MIRV only poses a real threat to Minutemen; our subs and bombers will still remain invulnerable. In the absence of comprehensive ABM systems—given up in SALT I—the primary rationale for MIRV has been negated; both the United States and the U.S.S.R. have agreed to be vulnerable to nuclear attack as the best form of mutual deterrence.

Given our vast lead in deployment of nuclear warheads, recognizing, of course, that in terms of weight, we are inferior, and it would be feasible to reduce the appropriations request for Minuteman III in order to stretch out the MIRVing process.

According to former Secretary of Defense Richardson (Annual Defense Department Report, fiscal year 1974, pp. 55 and 57), $777 million has been requested for fiscal 1974 as the final buy to complete the Minuteman III force of 550 missiles. Quite likely, nearly 300 of the 414 missiles already authorized are completed. If funding were limited to completion of the full 414 missiles, experts estimate that savings on the order of $600 million or more should be possible.

There again, Mr. President, whether that is accomplished or not, at least the request for the completion of 550 missiles might well be stretched out.

The Senate should carefully review the issue of increasing efficiency of our Armed Forces by improving the ratio of support to combat troops. This all important "tail to teeth" ratio has doubled since 1945. It has now reached the point where nearly 85 percent of all military personnel serve in a support capacity, rather than a combat capacity. This does not connote a lean and mean force structure. Major efforts should be undertaken to reduce manpower costs by utilizing a lower support-combat troop ratio.

Cuts in combat troop levels resulting from the Vietnam withdrawals have not been carried out proportionately among support personnel. It is time to strike a better balance.

A similar problem exists in the officer corps; it is commonly referred to as "grade creep." There are now more field grade and flag officers—Lieutenant Colonel or Commander and above—in 1972 there were nearly 54,000—to command a present force of 2.2 million than there were in 1945 when the military

numbered 12.1 million. A major budget cut could be achieved if the grade distribution were to be restored to the pattern of fiscal 1964—the last "peacetime year."

The number of bases we maintain overseas also deserves close attention from both the Defense Department and the Congress. In their latest count of two months ago, DOD said that we maintain 299 major bases in 21 foreign nations. These installations are considered "major" because they may contain over 100 acres or have 250 personnel or cost at least $5 million a year to maintain.

The number of bases we maintain overseas also deserves close attention from both the Defense Department and the Congress. In their latest count of 2 months ago, DOD said that we maintain 299 major bases in 21 foreign nations. At the same time the Department of Defense, while maintaining these overseas bases, has seen fit to cut many of the domestic bases, many times with very serious repercussions. These installations are considered "major" because they may contain over 100 acres or have 250 personnel or cost at least $5 million a year to maintain.

I believe we must make some tough decisions concerning the necessity of maintaining nearly 300 overseas installations at a time of soaring costs, severe balance of payments problems and the strategic realities of the 1970's. All these considerations suggest a needed reduction in the number of our overseas bases.

The Defense Department's civilian work force has received little scrutiny by Congress in past years. Consequently, the waste has reached massive proportions. There are now 1,013,000 civilians employed by DOD, nearly 1 civilian for every 2 in uniform. The Defense Department currently has roughly as many civilians as the combined rolls of the Departments of Agriculture, Treasury, Health, Education, and Welfare, and the Postal Service.

I think this demonstrates, Mr. President, that the Defense Department does have an insatiable appetite in some of these areas. At least, a civilian personnel figure of over 1 million does require careful scrutiny by Congress. One civilian for every two in uniform appears to me to be an unacceptable extravagance. The administration has portrayed HEW as a bloated bureaucracy, yet DOD has eight times as many civilians. Worse still, there is "grade creep" among DOD civilians. The Washington Post recently reported that "the number of high level GS–15 and GS–16 grade civil servants has almost doubled since 1961." The total number of civilians then and now is about the same. Even the President complained about this situation last November, when he said:

> But in terms of the masses of civilian employees who are getting in the way of each other over in the Pentagon and around the country, they are going to have to take a thinning down.

Since the Department of Defense has failed to heed the President's advice, the Congress should do the job.

I have attempted to highlight only the major areas of waste and inefficiency which, I believe, contribute nothing to our security. In fact, this waste diverts resources that are badly needed in areas of human need to meet problems that are undermining the strength of our society. No "national security" justification is broad enough to hide the deleterious effects of waste and fat on a multibillion-dollar scale observed so easily by the most casual observer.

The Senate, therefore, has the opportunity and the expertise to take a much more detailed look at the administration request. No doubt, we can probably identify many other areas where reductions can be made.

On the basis of the evidence I have seen, I believe that, on the grounds of real security needs as well as to achieve more efficient organization, a reduction of up to $7 billion from the administration request of $77,124,223,000, as reflected in the DOD appropriation bill, can easily, safely and prudently be made while fully preserving, even enhancing, our national security.

I would like to call your attention to two important defense studies which might be helpful to the committee. The Brookings Institution study, "Setting National Priorities," postulates alternative defense strategies which are similar in many ways to the recommendations I have set forth and would save $4.8 to $7.8 billion—including incremental Vietnam war costs—this fiscal year. A report to Congress entitled, "Military Policy and Budget Priorities" have been presented by a panel of distinguished national security experts headed by former Assistant Secretary of Defense Paul C. Warnke. That study, by the way, recommends substantially larger reductions in intelligence activities. They have recommended that fiscal 1974 military appropriations be reduced by $14 billion—about $12.5 billion would be cut from the Department of Defense Appropriation.

I ask unanimous consent that the paper entitled "Military Policy and Budget Priorities" be printed in the RECORD in the context of my remarks.

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

MILITARY POLICY AND BUDGET PRIORITIES

Our nation has been burdened in recent years with unprecedented military costs. The Vietnam War and the nuclear arms race have not only cost us dearly in lives and peace of mind; they have also distorted our national budget towards arms and war and away from those vital areas of our peoples' needs dependent on support from federal revenues. With the end of our Vietnam involvement and the negotiation of the Moscow arms agreements in 1972, we were entitled to expect a major reduction in the military budget for Fiscal Year 1974 similar to the massive reductions achieved upon termination of the Second World War and of the Korean War. But, instead of reductions, President Nixon has proposed a $5.6 billion increase in national defense budget authority for Fiscal 1974 and simultaneously a vast cut-back on a great variety of federal domestic programs essential to our genuine national security.

A NEW INTERNATIONAL SITUATION

Now is the time when the defense budget should decline, not increase, to reflect a changing world. The President, in his cordial exchanges with Chinese and Soviet leaders, has repeatedly stressed the need for a relaxing of international tensions. The Nixon doctrine states that foreign allies are primarily responsible for their own security. The SALT negotiations should have begun to curb a dangerous nuclear arms race. The U.S. and Russia have begun to develop economic ties, with large-scale business exchanges, which imply the existence of long-term, stable relationships.

As the President has repeatedly stated, we are indeed moving from an era of confrontation to one of negotiation. We still need a defense fully adequate to ensure our physical safety, but a general reduction in military funding would be consistent with that purpose in this new era. The Administration's proposal for increased military spending would, at best, mean a diversion of U.S. resources from urgent domestic needs. At worst, it could re-ignite the arms race, bring about new international crises, and jeopardize our national security.

SUMMARY OF FEASIBLE REDUCTIONS IN NATIONAL DEFENSE BUDGET AUTHORITY FISCAL YEAR 1974 [1]

	Billions
Southeast Asia	$3.1
Military aid to South Vietnam, Laos, Cambodia	2.1
U.S. combat operations	1.0
General Purpose Forces	4.0
Procurement reductions	2.0
Asia-committed forces	2.0
Manpower efficiency	3.3
Reduce support personnel	1.2
Grade levels: restore to 1964 pattern	.4
Cut civilian manpower 10 percent	.8
No recomputation	.4
Other savings	.5
Strategic Forces	3.0
Trident	1.3
Minuteman MIRVs	.7
B–1 bomber	.4
ABM	.4
AWACS	.2
Other (SLCM, ABRES, mobile ICBM, phased array warning)	.1
Military Aid	.6
Aid to foreign nations and U.S. military missions	.6
Total feasible reductions	14.0

[1] Detail may not add to totals due to rounding.

THE NIXON MILITARY BUDGET COULD SAFELY BE REDUCED BY MORE THAN 15 PERCENT

We have analyzed the Nixon military budget proposal, which calls for the appropriation of $87.3 billion in Fiscal 1974 for Pentagon programs, nuclear arms, and foreign military assistance, $83.5 billion of which is requested for the Department of Defense. Even a conservative analysis shows that some $14 billion can be saved from the Nixon proposal while fully preserving our national security, and starting a return to a peacetime national budget. Even making a generous allowance for transition and other "shut-down" costs, and a substantial amount of the savings can be achieved in Fiscal 1974 budget authority, with the full saving in future years. Specifically, we project feasible savings of $3.1 billion in U.S. military operations in and aid to Southeast Asia, $4.0 billion in paring of our inflated general purpose forces and weapons systems, $3.3 billion in military manpower efficiency improve-

ments, $3.0 billion in elimination or stretch-out of new strategic weapons procurements made unnecessary by the recent nuclear arms agreements with the Soviets, and $556 million in discontinuance of unproductive and even counter-productive foreign military assistance.

We start with some basics:

About half of the current defense budget is enough to provide a more than adequate nuclear deterrent, as well as the land, sea, and air capacity to repel attack on U.S. territory.

The other half is spent to continue our alliance commitments and to maintain our overseas bases and troop deployments.

Many of these latter expenses are well justified; our national security interests at this time are advanced by a strong, stable network of international relationships. But recognition of the proportion of defense spending attributable to these commitments highlights the need for a close link between our international policy and our military spending.

In this report, we focus on that relationship and on wasteful expenses—those deployments and programs that do nothing to further our interests, either to defend the U.S. or to support our alliances. And we point out some expenditures that actively threaten our national security by increasing the prospects of military confrontation.

AN ISSUE OF PRIORITIES

We emphasize that savings from the Nixon military spending proposals must be made not merely because of the general desirability of eliminating wasteful spending. Making reductions on the military side has now become indispensable for adequate funding of many essential domestic programs. Programs now threatened by the Fiscal 1974 budget include: urban and rural housing assistance, water and sewer programs, various community development projects, health care and training programs, educational assistance for the disadvantaged. The cities, where many of these programs have been concentrated, are beginning to feel the effects of the Nixon reductions. The funds for manpower training and employment programs will be decreased nationwide by 13.5 per cent. Community development projects—those dealing with urban renewal, park construction, and sewer services—will be phased out abruptly. There is a promise in the budget of block grants to be available in 1975, but no new money is offered for 1974. Funds proposed for education special revenue sharing will decline by $515 million from comparable program appropriations in 1972.

For all practical purposes, a maximum has been set on the total federal budget. President Nixon has defied Congress to exceed his proposed $268.7 billion "fiscally responsible" federal outlay budget for 1974 and has threatened to impound domestic appropriations which would cause that limit to be exceeded. Congress has generally indicated its approval of such a spending ceiling, recognizing that the present inflation requires a limit on federal spending.

President Nixon, by increasing the military budget while announcing that we cannot afford to increase or even to maintain many of our vital domestic programs, has put before the Congress a fundamental issue of national priorities: It has become indispensable to the maintenance of our true national security that we find savings in the inflated defense budget to meet real human needs at home. We have concluded that at least $14 billion can easily be eliminated from President Nixon's proposed $87 billion military appropriations request.* Those billions saved can and should be applied to the needs of our people.

*The figures in this report, except as otherwise stated, refer to "budget authority," i.e., proposed new appropriations. Because actual spending ("outlays") includes amounts appropriated in prior years, reductions in appropriations, particularly for procurement, do not immediately produce equally large cuts in outlays. The full savings would be achieved in future years.

SOUTHEAST ASIA MILITARY COSTS

(Recommended Savings: $3.1 billion)

The new budget authority being requested by the Pentagon in Fiscal 1974 for Southeast Asia is $2.9 billion. This figure includes $1.9 billion for U.S. military aid to South Vietnam and Laos, about half of which is slated for ammunition and equipment procurement for those two countries, and half for support of "allied operations." The remaining $1 billion is for the support of U.S. naval and air forces in Southeast Asia. In addition, $180 million for military aid to Cambodia is sought in the military assistance request. All $3.1 billion in new authorizations should be cut out. The arms assistance previously authorized is more than adequate for purposes of self defense.

The Congress and the American people are now united in the conviction that it is time to disengage militarily from Indochina. The January 27, 1973 peace agreement provided for an end to U.S. bombing in North and South Vietnam and the withdrawal of our ground forces there. However, the Administration has continued its heavy military involvement throughout Southeast Asia by conducting extensive bombing raids over Cambodia, sending in new advisors to South Vietnam, flying oil and other supplies to Phnom Penh, conducting two days of bombing raids over Laos, sending reconnaissance planes over North Vietnam, and maintaining high levels of "replacement" of equipment and supplies to South Vietnam.

The U.S. is becoming enmeshed in one part of Indochina—without any constitutional authority—just after disengaging militarily from another area. This can only lead to new military involvement, to new U.S. combat deaths in Indochina, to new prisoners of war, and to further Indochinese deaths.

It is time for the U.S. to end our use of military force in the entire area. This means the cessation of all U.S. bombing, the withdrawal of support for Thai mercenaries in Laos, the suspension of the shipments of enormous amounts of military equipment to the area, and the removal of our air forces in Thailand and our naval forces off the shores. In short, a true U.S. withdrawal can be achieved only by completely ending U.S. military participation in this tragic area, where such participation only serves to keep the fighting going and to encourage new outbreaks.

The economic savings from the Fiscal 1974 military budget will be substantial; even more substantial will be the human savings resulting from an end to continued U.S. involvement in Southeast Asia. It is time to leave the resolution of power struggles in Indochina to the Indochinese people.

GENERAL PURPOSE FORCES

(Recommended Savings: $4 billion)

General purpose forces—Army divisions, tactical air wings, both land- and sea-based, and most naval units—are the most expensive item in our defense budget. General purpose forces absorb 75 per cent of the defense dollar and are the driving element in the increasingly expensive defense manpower bill. Moreover, although they lack the terrible potential for ultimate destruction of strategic forces, the level and deployment of our general purpose forces may have more day-to-day political and diplomatic significance.

For the forseeable future, the United States must maintain adequate conventional forces so that we do not have to rely entirely on strategic nuclear threats. However, in planning for these forces, we must keep two objectives in mind. First, we must achieve the most efficient possible use of funds spent for the manpower and equipment in our general purpose forces. Both because of budgetary considerations and because it is of profound importance to our national policy, we must clearly link the force levels and deployment patterns of our general purpose forces to our political and diplomatic objectives.

PROCUREMENT OF NEW WEAPONS

We must call a halt to the administration's seemingly incurable preference for extravagantly expensive, overly complicated weapons systems and for unjustifiably high force levels, sustained more by tradition than by need. The potential savings in this area are very large at little or no cost in ability to meet genuine requirements. For example, by cancelling the fourth nuclear carrier and maintaining a reduced number of carriers in the future, we would save $700 million on the new carrier in Fiscal 1974 and very large amounts in annual operating costs for aircraft, missiles, and escort vessels in the future.

Examples of other general purpose weapons systems which can and should be eliminated or cut back include: (Fiscal 1974 authorization requests in parentheses).

Cancel SAM-D Army anti-aircraft missile ($193 million). This complicated system is of marginal utility, even for the NATO missions now chiefly proposed for it.

Eliminate F-14 program ($633 million). This plane is financially and technically troubled and represents little, if any, advance on the proven F-4.

Stretch out SSN-688 nuclear attack submarine program ($922 million), with two instead of five boats in Fiscal 1974 ($550 million savings).

Cuts such as these—and a much more critical look at other proposed new tanks, missiles, planes, and ships—will save large amounts now. More important, if we insist on simpler, more workable systems in the future, the effectiveness of our forces will actually be enhanced. The cuts outlined above, and similar cuts in other smaller programs, could readily save $2 billion in Fiscal 1974 authorization, even taking account of transition costs.

MANPOWER

Of particular importance in the general purpose forces area is reversing the continuing trend toward an imbalance in the teeth-to-tail ratio. The possible increases in military efficiency, detailed in the following section of this report, have greatest impact on the general purpose forces. Specifically, the 10 per cent cut in support personnel advocated there can be made with no harm to the capability of these forces.

We must review in the light of current conditions the reasons that we maintain our general purpose forces, i.e., the political and diplomatic objectives and policies they are designed to support. We must make these policies determine force levels and deployments and not, as so often has been the case in the past, the other way around. Reduced international tensions and acceptance of the hard-learned lessons of the limits on the usefulness of U.S. military power in foreign policy must be reflected in reduced forces and deployments.

The key practical areas here are deciding what forces we must maintain for Asia and what for European contingencies.

In recent years the level of forces actually deployed in Europe has been the most controversial issue as to general purpose forces. Clearly, the support for the NATO alliance must, in the United States' own self-interest, remain our highest conventional defense priority. However, it is neither militarily or diplomatically necessary, nor is it practically feasible permanently to maintain the pres-

ent structure of United States forces in Europe. We must begin now, in consultation with our NATO allies, to plan a gradual but significant reduction in the number of United States forces in Europe. The place to begin the cuts is certainly in the overgrown support forces for the United States forces in Europe, as would be done by including European forces and bases in a 10 per cent cut in support manpower, stressing greater efficiency and the preservation of combat capability. We cannot wait until the completion of negotiations on balanced force reductions to initiate this review, nor can we permanently delay actual reductions as "bargaining chips" in those negotiations.

With respect to Asia, the case is much clearer that there must be cuts in committed forces to bring our defense policies in line with an updated view of our military role in Asia. If we now understand as a nation the folly of any political commitments which could entail engaging in a major land war in Asia, we have no continuing need for the ground divisions and tactical air wings which are now committed to Asian contingencies.

Independent estimates allocate at least three of our 16 ground divisions and 6–8 of our 38 tactical air wings to readiness for Asian interventions. These forces should be eliminated, with an estimated savings of at least $2 billion. Specifically, there is no longer any justification for continuing to maintain an American division deployed in Korea, as the South Korean ground forces enjoy about a two-to-one advantage over those of North Korea.

MILITARY EFFICIENCY

(Recommended Savings: $3.3 billion)

In addition to the savings gained by a demobilization of combat units, other savings can be realized by cutting support personnel levels, improving military efficiency and reducing manpower-related waste. Total savings could amount to $3.3 billion.

REDUCE SUPPORT PERSONNEL

At present only 15 per cent of military personnel are "combat" forces—the other 85 per cent provide engineering support, transport services, a logistic network, training facilities, and other non-hostile services. While the spending for combat troops has decreased, reflecting the reduction in troop levels following the end of U.S. ground combat in Vietnam, support spending has not decreased proportionately. We recommend a 10 per cent reduction in support personnel which could yield as much as $1.2 billion.

REDUCE OFFICER LEVELS—"GRADE CREEP"

One significant source of increased costs is the steadily growing number of higher grade officers in a smaller total force. There are now more field grade and flag officers (lieutenant colonel or commander and above) to command a force of 2.2 million than there were in 1945 when the military numbered 12.1 million. Since 1970 total defense manpower has decreased by 15 per cent, while the number of general and flag rank officers and comparably paid civilians has remained the same. A similar problem exists with respect to non-commissioned officers.

If, by the end of Fiscal 1974, grade distribution were to be restored to the grade pattern of Fiscal 1964—the last "peacetime" year—an annual savings of over $2 billion could be realized from this factor alone. Due to the costs of separation pay and retirement benefits, the first year savings from restoring grade patterns would be an estimated $400 million.

REDUCE CIVILIAN BUREAUCRACY

The Department of Defense employs one million civilians, or ten times the number employed by the Department of Health, Education, and Welfare. President Nixon recognized in a recent interview that the Pentagon civilians were in need of a "thinning down." Yet his proposed budget raises civilian employment by 31,000.

While DOD civilian personnel have been cut from their Vietnam War high, they have not been reduced in proportion to the cutback in military manpower. A 10 per cent reduction in the DOD civilian workforce would save at least $800 million.

NO "RECOMPUTATION"

The Administration proposes to tie military retirement benefits for certain retirees to the salary increases for active duty personnel, in addition to normal cost of living increases. While purportedly giving a fair shake to retired servicemen, this proposal, exceptionally costly over time, is inequitable for the civilian pensioner, the recipient of Social Security, and the taxpayer. Elimination of "recomputation" would save $390 million in Fiscal 1974, and an estimated $17 billion over the lives of the retirees affected.

OTHER SAVINGS

Vigorous implementation of simple operational efficiencies which even advocates of high levels of defense spending have repeatedly called for could easily achieve additional savings. Through a combination of increasing reliance on on-the-job training, reducing pilot training to operational needs, increasing average tours of duty, and improving maintenance procedures, at least $500 million could be saved.

PROCUREMENT OF STRATEGIC WEAPONS

(Recommended Savings: $3 billion)

STRATEGIC CONTEXT

Strategic weapons programs must be evaluated in 1973 in light of the Strategic Arms Limitations Agreement signed in Moscow in 1972. The ABM Treaty, by limiting defensive missile systems to low levels, ensures the viability of our deterrent force. New offensive strategic weapons thus can no longer be justified as necessary to overcome potential Soviet ABM deployments. Furthermore, the capability to respond at appropriate levels in the event of limited Soviet nuclear aggression—the flexible response advocated by the Nixon Administration—has been materially enhanced and requires no new weapons developments. Our present strategic forces may now strike some military targets, including command posts and ICBM silos, without having first to overwhelm an ABM. Finally, the Interim Offensive Agreement freezes the number of large (SS–9 type) Soviet ICBMs at 313, significantly fewer than the number which Secretary Laird posed as a possible future threat to the Minuteman portion of our deterrent.

Despite this improved strategic climate, the Nixon Administration is planning to spend $750 million (30 per cent) more on procuring offensive strategic weapons in 1973 than was spent in 1972 and an additional $670 million (20 per cent) in 1974 over 1973. The Fiscal 1974 program also includes a number of new projects which, although costing relatively small amounts now, provide a foot in the door for very large expenditures in future years.

In the present strategic situation, we recommend the following minimum specific reductions:

TRIDENT

The budget calls for more than $1.8 billion (DOD and AEC combined) for the Trident submarine ballistic missile system. The missile part of this program, costing $532 million, is divided into two phases: Trident I missile with a range of 4,000 nautical miles, which can also be retrofitted into the present Polaris-Poseidon system, and the Trident II missile with a range of 6,000 nautical miles. The ship part, costing about $1.3 billion, would design and build huge new submarines to carry the Trident II missile.

Trident is rationalized in two ways: (1) as a replacement for the "aging" Polaris submarine, and (2) as a hedge against the future development by the USSR of an anti-submarine warfare (ASW) capability which could threaten Polaris-Poseidon. Neither rationale justifies the procurement of mammoth Trident submarines, more than twice the size of Polaris and each costing $1.3 billion. The Polaris submarines will remain seaworthy until well into the 1990s, and at the present time the nature of any ASW threat to Polaris cannot even be predicted. When and if it arises, the Trident fleet could be more vulnerable than the present Polaris one because its greater unit size and its smaller number of ships could make it easier to destroy in a surprise attack, using some now unknown technology. The decision to place the $500 million Trident base in Bangor, Washington, still further reduces the value of this new ship by initially foreclosing its operation in the Atlantic.

Virtually all the potential benefits of Trident, and none of its drawbacks, can be obtained by retrofitting the 4,000 nautical mile Trident I missile on Polaris; this would put our subs in range of Soviet targets, even while still in U.S. territorial waters. The Trident program should be cut back to the development of the Trident I missile and to research on alternative submarine configurations including smaller vessels, with a saving of $1.3 billion.

PROCUREMENT OF MINUTEMAN III WITH MIRV'S

The Fiscal 1974 budget proposes $768 million as the final installment for the MIRVing of the first 550 Minuteman missiles. Since no MIRVs are needed to overwhelm any Soviet ABM, further improvements to the Minuteman force should be deferred and the program halted after completing only those missile modifications now in process. Total savings would be about $677 million.

B–1 BOMBER

The 1974 budget calls for $474 million for the continued development of the new B–1 strategic bomber, a replacement for the present B–52s, which has less range and payload and is supersonic only at high altitudes. The envisaged eventual procurement of some 240 of these bombers could involve overall system expenditures of at least $30 to $40 billion. However, the later model B–52Gs and Hs, of which we have more than 200, are now estimated to remain operational well through the 1980s. The B–52 replacement, if ever needed, could be a slower, longer endurance aircraft equipped with long-range missiles to avoid having to penetrate hostile air space. The program should be cut back to exploratory R&D on a variety of bomber system designs and the procurement of aircraft should be deferred, with a saving of $374 million.

ABM

The budget calls for new authorization of $672 million in Fiscal 1974 for AMBs, of which $172 million would be authorized for weapons outlawed by the SALT treaty. Total outlays of $1.74 billion in 1973 and 1974 are needed to complete the Safeguard deployment at the Grand Forks, North Dakota, site. The new program authority requested should be cut back to exploratory development on advanced ABM systems with no procurement of additional hardware, for a saving of $372 million.

AWACS

The 1974 budget calls for $210 million for continued development and production of Airborne Warning and Control Systems designed to provide highly sophisticated and invulnerable control systems for defense against Soviet bomber attack and for tactical air defense. The tactical system is too expensive and vulnerable to airplane attack to be worthwhile; the strategic system is unnecessary, as Soviet strategic strength is in missiles, not bombers. Since, by the ABM Treaty,

the U.S. and the Soviet Union have recognized their inability to defend against missile attack, the expenditure of large sums of money for new defenses against bombers is very wasteful. The AWACS should be cancelled with a saving of $200 million.

DEVELOPMENT PROJECTS LEADING TO LARGE FUTURE EXPENDITURES

The Fiscal 1974 budget calls for the initial development of a Strategic Cruise Missile ($15 million), a mobile ICBM ($6 million), and the deployment of a phased array radar for warning against submarine launched missiles ($31 million). None of these are justified. Cruise missiles are unnecessary when ballistic missiles have a free ride to targets in the Soviet Union; a mobile ICBM is unnecessary in view of the invulnerability of our submarine missile force with more than 5,000 warheads; and additional means of warning of submarine missiles is superfluous because of the recent successful deployment of a satellite-based missile warning system. In addition, the program calls for spending $95 million for the development of advanced ballistic re-entry systems and technology. The project could be destabilizing and erode the agreed mutual deterrent balance, spurring the arms race. These four programs should be eliminated or reduced to very low levels with a saving of $122 million.

MILITARY ASSISTANCE PROGRAM

(Recommended savings: $556 million)

The United States must adjust the military assistance program to the new era which has opened in international affairs. The detente among the superpowers has downgraded the significance of political/military developments in regions which were formerly the chief arenas of Big Power confrontation. Moreover, U.S. experience in Indochina in the past decade has shown the limits of military power, direct and by proxy, even when applied in huge amounts, to complex economic, political, and social conflicts within developing nations.

The American people recognize that the United States has neither the resources nor the need to be the world's policeman. It is equally wrong to continue to seek to be the world's chief distributor of subsidized arms and ammunition. Our arms aid and sale policies have led us to arm both sides in local conflicts. They increase the danger that the United States will align itself against the hopes and aspirations of the majority of the world's people by arming authoritarian governments representing a narrow political-military-economic elite.

In the current fiscal year the Executive Branch estimates that military and related assistance and arms sales programs total more than $8.4 billion. Much of this assistance—some $4 billion—is made available through programs which require no Congressional appropriations, for example, Department of Defense foreign military cash sales, excess defense articles, and ship loans.

Some parts of our military assistance and sales programs are clearly in our national interest, and should be continued. But major cuts can be made.

FEASIBLE REDUCTIONS IN THE FOREIGN MILITARY ASSISTANCE PROGRAM

[In millions of dollars]

Program	Fiscal year 1974 budget request	Proposed	Savings
Military grant assistance (request includes $180,000,000 for Cambodia)	652	270	[1] 202
Military education and training	33	25	8
Military credit sales	525	200	325
Credit sales ceiling	(760)	(700)	(60)
Security supporting assistance	100	95	5
Total	1,310	590	540

[1] Eliminating the $180,000,000 request for military aid to Cambodia is included in our recommended Southeast Asia cuts, and not here.

Additional savings can be made by reducing Military Assistance Advisory Groups, missions, and military groups attached to U.S. embassies around the world. These groups, which promote U.S. military sales and services, and even the military aid program, too often play a role independent of the U.S. ambassador who is nominally in control. The Administration estimates MAAG/Mission/Military Group costs for Fiscal 1974 as follows: $15.8 million from the Military Assistance Program and $50 million from Department of Defense Funds. We recommend a 25 per cent cut this year leading to a total phaseout of the program. Total savings for aid to foreign nations and U.S. military missions: $556 million.

(Published by Project on Budget Priorities, Washington, D.C.)

Mr. HUMPHREY. During recent years when funding for the Department of Defense and other military-related activities has rarely been questioned, the Departments of Health, Education, and Welfare and Labor have been under continuing resolutions for their appropriations while facing dwindling resources for many program areas. This, together with unprecedented appropriation impoundments in the domestic areas, have resulted in serious deterioration of the quality of many public services and the postponement of pressing domestic needs.

The adverse outcome for domestic programs compared to military programs is described in the recent Brookings budget report:

Almost all the budget cuts were made in civilian programs, especially those whose expenditure levels are easiest for the executive branch to control. (Programs such as social security cannot be controlled through the budget process but require changes in the law.) Indeed, after account is taken of the inevitable rise in prices in the next year, the real value of expenditures for those civilian programs in which outlays are relatively controllable will fall by some $3.6 billion from 1973 to 1974.

In contrast, cuts in defense programs were small. In fact, after allowance is made for pay and price increases and for the declining cost of Vietnam, military expenditures on peacetime forces will rise by about $2 billion between 1973 and 1974.

Reallocation of a cut in the military budget of up to $7 billion will be a significant shift in our resources. In simple terms we can easily redirect these billions from defense programs into domestic areas listed below, following actions which this Congress and previous Congresses have already taken:

Housing, community development and urban redevelopment;

Resource and environmental protection;

Education;

Health care and manpower;

Manpower and emergency employment;

Rural development; and

Poverty and social services.

In all of these areas, the administration has eliminated or cut back on programs which were providing valuable services to millions of Americans. Mental health services phased out, manpower and job training programs reduced, public employment programs terminated, housing subsidy programs eliminated, antipollution funds cut back, economic development programs halted—all this done in the name of "fiscal responsibility" while defense spending seems to receive immunity from the President's budget axe. The sick, the elderly, the poor, the handicapped, the urban dweller and rural Americans must wait at the end of the line while the administration is preoccupied with meeting the needs of an insatiable Department of Defense.

The time has come for a change in this practice. And this first year of peace after a decade of war should mark the beginning of a trend in reduced defense spending.

Finally, let us now reduce the Department of Defense appropriation for reasons of fiscal responsibility. The Congress must do this to succeed in enacting a noninflationary budget while preserving the constitutional powers of the legislative branch to determine spending priorities.

The inflation plaguing our Nation is taking a severe toll. The well-being of millions of Americans is being threatened more in the marketplace than by military force. The poor, the elderly and infirm on fixed incomes, home buyers, middle class consumers are burdened by high prices and soaring interest rates. The President has taken dramatic steps to hold down Federal outlays to $268.7 billion in fiscal 1974.

Our economic ills were further complicated by two official and one unofficial devaluations of the dollar in world markets. An adverse balance of payments has contributed to the decline of the dollar. According to the Economic Report of the President—January 1973; page 293—military transactions—excluding military grants—account for $3.563 billion or 41 percent of the balance-of-payments deficit.

Both houses of the Congress have responded to the economic crisis by enacting ceilings on Federal outlays in fiscal 1974. On May 10, the Senate voted a ceiling of $268 billion (S. 373) and on July 25, the House passed a limit of $267.1 billion (H.R. 8480). Because it is doubtful that the Congress will increase tax revenues during this session, it has become clear that we must confront the question of priorities head on, unlike previous years when we appropriated under the philosophy that we could have all the guns and all the butter we needed.

The limitations on outlays severely restrict legislative option. Congress does not legislate outlays, we legislate budget authority.

The total budget authority in fiscal 1974 requiring current action by Congress is $175.2 billion. However, only $126.4 billion is relatively controllable under exist-

ing law. The startling fact is that $72.4 billion or 57 percent of all controllable appropriations are contained in the Department of Defense appropriations bill before this subcommittee. To take it one step further, if all foreign and military controllable items are factored out, the controllable appropriations for domestic programs total about $33 billion or only 26 percent of all controllable appropriations. The Labor-HEW bill contains only $13 billion in controllables—10 percent of the total controllables.

Therefore, it is very clear that the Congress has an awesome responsibility to consider very carefully how 57 percent of all controllable appropriations are to be spent. The situation is slightly worse when we consider that enactments for fiscal 1974 have already exceeded the administration requests by $1.66 billion in budget authority—excluding construction authorization for highways, airports, and urban mass transit—and $1.44 billion in outlays. The ultimate priorities of our Federal Government are in the balance.

Therefore, I recommend that the Senate scrutinize individual programs and line items to make a total reduction of at least 10 percent from the administration request. If the full Appropriations Committee does not make such a cut, I will offer an amendment on the Senate floor to enact a cut in the DOD appropriations bill which will bring it to a level up to $7 billion below the original request. I intend to incorporate language into my amendment, if offered, to preserve adequate congressional oversight during implementation of the cut by requiring the Department of Defense to obtain approval from both the House and Senate Appropriations Committees before spending cuts can be put into effect.

We should complete our withdrawal from Indochina, we should cut the fat out of our bloated military budget, we should readjust our defense deployments to meet our real security needs, but most of all, we must not retreat from our responsibilities to provide for the needs of our people.

It is incumbent upon the Congress as it considers the 1974 Defense appropriations bill to act as an ad hoc national priorities committee. For, in fact, it is in this Defense appropriations bill and this bill alone that the major reductions will be made which will permit the Congress to proceed in a responsible manner within its self-imposed budget ceiling to reallocate funds, and provide for an overall noninflationary appropriations pattern when all actions are completed on the fiscal 1974 appropriations.

Finally, Mr. President, just to summarize what I have in mind, President Nixon said last week that he will veto any cuts in his $87 billion defense budget, or any increases in domestic spending. I want to tell the President most respectfully that Congress will not be bent or cowed into submission by veto threats. As I said earlier, last year Congress cut the defense budget by $5.2 billion. This year we ought to be able to do at least that, and possibly up to as high as $7 billion, and still retain our commanding lead in military strength and capability.

I will join with others here in support of such an effort, and I plan to propose such a cut when the military appropriation bill comes before the Senate. I will work with the coalition of mayors and Governors, trade unionists, health groups, and concerned citizens in an attempt to put a spending ceiling on the bill. At a time when President Nixon wants to make reductions in housing, community development and urban redevelopment, resource and environmental protection, education, health care and manpower, manpower and emergency employment, rural development, and poverty and social services, he wants Congress to increase the defense budget by about $5.6 billion, to a level higher than at any time during the Vietnam war.

The time has come to strengthen our national security by making America a better place in which to live, and I am hopeful that when the bill comes from the Appropriations Committee, many of these cuts will already have been provided for, or been voted upon by that committee.

Our Appropriations Committee is a very responsible body. I am sure that it will carefully scrutinize all of these areas of defense spending increases, and I know that there is not a Member of this entire body who would do anything willfully or intentionally to in any way impair or jeopardize the national security of this country. What we are basically talking about here is trying to take our defense needs and put them in a time frame that permits us to have a more orderly expenditure of funds, and not to go on one of these programs of accelerated defense spending at a time when there is no demonstrable evidence of necessity for it.

I believe that by some prudent work and careful planning, we can have the defense structure we need within reasonable limits and make appropriate reductions in the administration's defense request; and I also believe that it is mandatory that the manpower levels, both military and civilian, be critically examined by Congress. For the life of me, I cannot understand why the Defense Department needs over a million civilian employees for a defense establishment of slightly over 2 million. I cannot understand why we need twice as many officers in 1973, with a military establishment of slightly over 2 million, as we had in 1945, when we had manpower of over 12 million. On its face there is something wrong and it is imperative that we put a halt to this. If the Department of Defense is unwilling to do so by its own administrative action, then the Congress of the United States must take the action to do it by law.

I do not pose as an expert, as I said earlier, in weapons systems. I know we need modern technology. I know we need a modern, effective Army and Navy. I know we need a good Air Force, and I know we need missile protection. I believe in these things. But I also think that, like most things in our own private lives, you cannot have it all at once. Sometimes you have to stretch it out. Sometimes you have to take a look at what is possible, not only at what is desirable.

TRANSACTION OF ROUTINE MORNING BUSINESS

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

THE END OF BLACKOUT

Mr. PASTORE. Mr. President, an article appeared on the front page of the Washington Star-News this afternoon with regard to the ban on the blackout that was voted by the Congress and signed by the President only last week.

The article says that there were more than 49,000 no-shows. It does observe that in the Robert F. Kennedy Stadium, there was a record turnout of 53,589 and 1,662 fans who bought tickets but failed to show up.

Mr. President, I do not question the figures stated in the article, but the one thing that I should like to discover, if we possibly can discover it at all, is the number of tickets in the hands of the scalpers. That would be a very interesting thing to know, when the proper time comes. As I understand it, there will be about 60,000 available seats at Kennedy Stadium, and there are about 53,000 now. The tickets are held by about 13,000 persons. I am wondering how many of those tickets get into the hands of scalpers. When the public finds out that there is a sellout—and there was one—then the scalpers would have bought their tickets at regular prices and—sometimes they sell such tickets for $25, $50, even $100—when people learn that they might be sold out—and in fact they were—and the public cannot buy a ticket but the scalpers are selling tickets a question is raised. How come?

So I should like to know how the "no shows" occur. Is it that someone falls sick, or they just buy the ticket and then stay home and look at it on television rather than go to the game?

A survey was made a short time ago which indicated pretty much that those who buy their tickets want to go to the live game, they want to be there and catch all the excitement. That is generally true of professional football.

If any case can be made out of the "no shows" before we make up our minds that we might have made a mistake in Congress by passing the ban on the blackout, I want to see the roster of the people who buy the tickets and then hold them up for sale.

Mr. HUMPHREY. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. HUMPHREY. The Senator is so right that to try, for one game, one weekend, to make it look like it is the final evidence, is ridiculous. More importantly, the legislation which the Senator sponsored provides that a sellout must occur 72 hours before the game.

Mr. PASTORE. Yes, but that is not the question. The question is this, that if

people have the idea the game will show up on television, even though they may have purchased a ticket and there is a sellout, for some reason they might prefer to remain at home——

Mr. HUMPHREY. But the team still gets the money——

Mr. PASTORE. I know, but then there is the question of the frankfurters and the parking, and so forth, but we are not interested in hot dogs. The people pay to see the game.

Mr. HUMPHREY. Let me add, having attended games at both stadiums—which I prefer—as well as at home, I get more liberty in being able to eat hot dogs, beer, pop, peanuts, popcorn at the game than I do at home. At home I have a lady who advises me about my diet. At the football game it is a great day. A man is free. So I doubt that it will hurt the hot dog business——

Mr. PASTORE. The Senator must remember that, first of all, he happens to be a non-Catholic. I am a Catholic. Up until a short while ago, even if we went to a game on Friday we would not eat a hotdog. So, the Senator is lucky.

Mr. HUMPHREY. Senator, we have had that all changed. Now there is equal opportunity for all. [Laughter.]

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that, on September 13, 1973, he presented to the President of the United States the enrolled bill (S. 1841) to amend the Communications Act of 1934 with regard to the broadcasting of certain professional sports clubs' games.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON ORDERLY LIQUIDATION OF STOCKS OF AGRICULTURAL COMMODITIES HELD BY THE COMMODITY CORPORATION

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report on orderly liquidation of stocks of agricultural commodities held by the Commodity Credit Corporation and the expansion of markets for surplus agricultural commodities, dated July 1973 (with an accompanying report). Referred to the Committee on Agriculture and Forestry.

REPORT ON FINANCIAL CONDITION OF THE AMERICAN LEGION

A letter from the Director, National Legislative Commission, the American Legion, transmitting, pursuant to law, a report of the financial condition of that organization, as of December 31, 1972 (with an accompanying report). Referred to the Committee on Veterans' Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A resolution adopted by the Reformed Church in America, New York, N.Y., relating to the military-industrial complex. Referred to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

S. 988. A bill to designate certain lands in the Shenandoah National Park, Va., as wilderness (Rept. No. 93-393).

By Mr. TALMADGE (for Mr. LONG), from the Committee on Finance, without amendment:

H.R. 4200. An act to amend section 122 of the Internal Revenue Code of 1954 (Rept. No. 93-394).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. ROBERT C. BYRD (for Mr. SPARKMAN), from the Committee on Foreign Relations:

Bradford Mills of New Jersey, to be a member of the Board of Directors of the Overseas Private Investment Corporation; and

Allie C. Felder, Jr., of the District of Columbia, to be a member of the Board of Directors of the Overseas Private Investment Corporation.

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

By Mr. STENNIS, from the Committee on Armed Services:

Maj. John V. Brennan, U.S. Marine Corps, for permanent promotion to the grade of lieutenant colonel in the U.S. Marine Corps.

REREFERRAL OF NOMINATION TO COMMITTEE ON PUBLIC WORKS

Mr. RANDOLPH. Mr. President, on September 7, 1973, the Senate received the nomination of William W. Blunt, Jr., to be an Assistant Secretary of Commerce. Mr. Blunt is to be the Administrator of the Economic Development Administration, established under the Public Works and Economic Development Act of 1965, as amended. His nomination was inadvertantly referred to the Committee on Commerce.

I ask unanimous consent that the nomination of William W. Blunt, Jr., to be an Assistant Secretary of Commerce be re-referred to the Committee on Public Works.

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

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. PASTORE:

S. 2418. A bill for the relief of Enrique Alfredo Ceballos. Referred to the Committee on the Judiciary.

By Mr. TALMADGE (for himself and Mr. CURTIS):

S. 2419. A bill to correct typographical and clerical errors in Public Law 93-86. Considered and passed.

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

S. 2420. A bill to amend the Economic Stabilization Act of 1970 to adjust ceiling prices applicable to certain petroleum products and to permit retailers of such products to pass through increased costs. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GURNEY:

S. 2421. A bill to incorporate World War I Overseas Flyers, Inc. Referred to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 2422. A bill to establish a National Center for the Prevention and Control of Rape and provide financial assistance for a research and demonstration program into the causes, consequences, prevention, treatment, and control of rape. Referred to the Committee on Labor and Public Welfare.

By Mr. MONDALE:

S. 2423. A bill for the relief of Angela Garza. Referred to the Committee on the Judiciary.

By Mr. FANNIN (for himself and Mr. GOLDWATER):

S. 2424. A bill to authorize the partition of the surface rights in the joint use area of the 1882 Executive Order Hopi Reservation and the surface and subsurface rights in the 1934 Navajo Reservation between the Hopi and Navajo Tribes, to provide for allotments to certain Paiute Indians, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. HARTKE:

S. 2425. A bill for the relief of Dr. Abelardo B. Aguilar. Referred to the Committee on the Judiciary.

S. 2426. A bill to amend the Federal Aviation Act of 1958 so as to limit the power of the Secretary of Transportation to delegate his authority to examine medical qualifications of airmen. Referred to the Committee on Commerce.

By Mr. MONDALE:

S.J. Res. 153. Joint resolution establishing an independent commission to conduct a study of the Executive Office of the President and to make recommendations for reforms to increase cooperation between that Office and the Congress, to restore a balance of power between the Executive and Legislative branches of the Government, and to increase the accountability of the Executive Office of the President to the Congress and the public. Referred to the Committee on Government Operations.

By Mr. PELL:

S.J. Res. 154. A joint resolution to designate October 23, 1973, as "National Film Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 2420. A bill to amend the Economic Stabilization Act of 1970 to adjust ceiling prices applicable to certain petroleum products and to permit retailers of such products to pass through increased costs. Referred to the Committee on Banking, Housing, and Urban Affairs.

Mr. BAYH. Mr. President, I introduce for myself and Senator EAGLETON legislation to amend the Economic Stabilization Act to correct gross inequities in the phase IV petroleum industry rules promulgated by the Cost of Living Council.

Under those rules gasoline retailers suffered the dual hardship of being forced to reduce prices and being denied the opportunity to regain added costs, even though all other sectors of the oil industry were permitted to raise prices. The effect of this injustice has been to force thousands of small businessmen into unprofitable positions and to raise the real spectre of large-scale bankruptcies among gasoline service station operators.

While I did note with some pleasure an announcement at the end of last week, following protests here in Washington by gasoline retailers from across the country, that the Cost of Living Council would revise its unfair regulations, I am not content to rely on the equity of that revision. Therefore, I am introducing this legislation which would do the following:

First, rescind a 1-cent per gallon wholesale gasoline price increase announced by a number of major oil companies in the past 10 days;

Second, require prenotification to the Cost of Living Council of any future wholesale price increase in oil products, in order to make certain such increases are tied to cost increases;

Third, permit retailers to return to the prices they were charging all summer while the price freeze was in effect; and

Fourth, allow retailers to charge consumers for any actual increase in the cost of their product, services or overhead.

This legislation is designed, Mr. President, to guarantee retailers fair treatment, and to keep the price of oil products to consumers as low as possible.

In the context of our fight against inflation, we cannot permit the major oil companies to take price increases except when costs rise. Certainly there otherwise would be significant upward price pressure stemming from fuel shortages. To allow these pressures to raise consumer prices exorbitantly would not only be inflationary, it would be tacit approval of exploitation of the fuel shortage.

I might say, Mr. President, that I remain puzzled and distressed as to why the Cost of Living Council promulgated regulations so clearly discriminatory toward gasoline and home heating oil retailers, and so considerate of major oil companies. During the first 6 months of 1973, the profits of major oil companies were up by an average of 39 percent, which would clearly indicate that their price increases have gone far beyond cost increases.

Rather than permitting the major oil companies to expand record profits, the Cost of Living Council would do better to protect a reasonable profit position for all sectors of the oil industry—including retailers—and, in the confines of such reasonable profits, keep prices to consumers as low as possible. Such a responsible course of action can be accomplished through the legislation I am introducing today, and I shall press for its passage if the revised regulations from the Cost of Living Council are not satisfactory.

Mr. President, at this time I ask unanimous consent to include in the RECORD a copy of my bill and, in a directly related approach, a copy of a letter being sent to the Cost of Living Council today by a large number of Senators concerned with this problem.

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

S. 2420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203 of the Economic Stabilization Act of 1970 is amended by adding at the end thereof the following new subsection:

"(k) (1) Not later than 30 days following the date of enactment of this subsection, the President or his delegate shall issue an order—

"(A) stabilizing the wholesale prices of petroleum fuels at the September 7, 1973, levels;

"(B) requiring wholesalers of such fuels to notify the President or his delegate of any increase in the wholesale price for any such fuel at least 15 days prior to the date on which increase is put into effect;

"(C) establishing base prices for retail sales of each such fuel at the freeze price levels; and

"(D) permitting a passthrough of any cost increase incurred by retailers of such fuels.

"(2) As used in paragraph (1)—

"(A) 'freeze price' means the highest lawful price charged by a retailer of a petroleum fuel for such fuel during the period June 1, 1973, to June 8, 1973, or in the case of a retailer who had no transactions during such period, during the nearest preceding 7-day period in which he had a transaction; and

"(B) 'petroleum fuel' means gasoline, diesel fuel grade number 2–D, and heating oil grade number 2."

U.S. SENATE,
Washington, D.C., September 17, 1973.

Dr. JOHN T. DUNLOP,
Director, Cost of Living Council,
Washington, D.C.

DEAR DR. DUNLOP: We are persuaded that the Cost of Living Council's Phase Four regulations governing the oil industry have placed the nation's gasoline and home heating oil retailers in a totally unreasonable position. The combination of reduced mark-ups and curtailment in supplies will likely force many of these small businessmen out of business in a matter of weeks.

We did note that the Council has agreed to review these regulations. In this regard, we want to urge strongly that the Cost of Living Council immediaetly use its authority, granted by Congress in the Economic Stabilization Act, to revise those Phase Four regulations in a fashion that will ensure retailers of an adequate price mark-up. We recognize the desirability of holding down the price of fuel to consumers and will welcome anything that can be accomplished toward that goal within the framework of revised regulations protecting the legitimate interests of retailers.

Because of the urgency of this matter we request an immediate response.

By Mr. GURNEY:

S. 2421. A bill to incorporate World War I Overseas Flyers, Inc. Referred to the Committee on the Judiciary.

Mr. GURNEY. Mr. President, I am introducing for appropriate reference a bill to provide a Federal charter for World War I overseas flyers. I have introduced this legislation for this organization, of which our late colleague Spessard Holland was a member, in the past, and I am hopeful that the Senate will act favorably upon the measure this Congress. In order that my colleagues can be provided with more extensive information about the bill, I ask unanimous consent that the bill and the remarks I made upon its introduction last Congress be printed at the conclusion of these remarks.

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

S. 2421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Lawrence C. Ames of Oakland, California; Lucas V. Beau, of Washington District of Columbia; Lewis L. Carruthers of Memphis, Tennessee; John M. Davies of the Commonwealth of Virginia; Howard Eales of Washington, District of Columbia; Harold L. George of Los Angeles, California; Percival G. Hart, of Beverly Hills, California; Charles W. Kerwood of Washington, District of Columbia; Reed G. Landis of the State of Arkansas; John A. Logan of Washington, District of Columbia; John P. Morris of Washington, District of Columbia; Martin F. Scanlon of Washington, District of Columbia; Carl Spaatz of the State of Maryland; Leigh Wade of Washington, District of Columbia; and Ira Milton Jones of the State of Wisconsin and their successors are hereby created and declared to be a body corporate by the name of "World War I Overseas Flyers, Incorporated" (hereinafter in this Act referred to as the "corporation" and by such name shall be known and have perpetual succession. Such corporation shall have the powers and be subject to the limitations and restrictions contained in this Act.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of bylaws, and the doing of such other acts as may be necessary to complete the organization of the corporation.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation shall be—

(1) to promote peace and good will among the peoples of the United States and all the nations of the earth;

(2) to preserve the memories and incidents of the air service of the Great War 1917–1918;

(3) to cement the ties of love and comradeship born of service; and

(4) to consecrate the efforts of its members to mutual helpfulness and service to their country.

CORPORATE POWERS

SEC. 4. The corporation shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal;

(3) to appoint and fix the compensation of such officers and employees as its business may require and define their authority and duties;

(4) to adopt and amend bylaws, not inconsistent with this Act or any other law of the United States or any State in which it is to operate, for the management of its property and the regulation of its affairs;

(5) to make and carry out contracts;

(6) to receive contributions or grants of money or property to be devoted to the carrying out of its purposes;

(7) to acquire by purchase, lease, or otherwise, such real or personal property, or any interest therein, wherever situated, necessary or appropriate for carrying out its objects and purposes and subject to the provisions of law of the State in which such

property is situated (A) governing the amount or kind of real or personal property which similar corporations chartered and operated in such State may hold, or (B) otherwise limiting or controlling the ownership of real or personal property by such corporations;

(8) to transfer, encumber, and convey real or personal property; and

(9) to do everything and anything reasonably necessary, proper, suitable, convenient, or incidental to the aforesaid purposes or which may properly be done in furtherance thereof.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Milwaukee, Wisconsin, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States, territories, and possessions of the United States.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation. Service upon, or notice mailed to the business address of, such agent, shall be deemed notice to or service upon the corporation.

MEMBERSHIP

SEC. 6. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as set forth in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 7. (a) Upon enactment of this Act, the membership of the initial board of directors of the corporation shall consist of the persons named in the first section of this Act.

(b) The initial board of directors shall hold office until the first election of a board of directors. The number, manner of selection (including filling of vacancies), term of office, and powers and duties of the directors shall be set forth in the bylaws of the corporation. The bylaws shall also provide for the selection of a chairman and his term of office.

(c) The board of directors shall be the governing board of the corporation, and a quorum thereof shall be responsible for the general policies and program of the corporation and for the control of all funds of the corporation. The board of directors may appoint committees to exercise such powers as may be prescribed in the bylaws or by resolution of the board of directors.

OFFICERS; ELECTION OF OFFICERS

SEC. 8. The officers of the corporation shall be those provided in the bylaws. Such officers shall be elected in such manner, for such terms, and with such duties, as may be prescribed in the bylaws of the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to a member, officer, or director or be distributable to any such person during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the corporation's board of directors.

(b) The corporation shall not make loans to its members, officers, directors, or employees. Any director who votes for or assents to the making of such a loan and any officer who participates in the making of such a loan, shall be jointly and severally liable to the corporation for the amount of such a loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation and its officers and directors as such shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 13. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having authority under the board of directors, and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 14. The provisions of sections 2 and 3 of the Act of August 30, 1964 (36 U.S.C. 1102, 1103), entitled "An Act to provide for audit of accounts of private corporations established under Federal law" shall apply with respect to the corporation.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 15. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with this Act, the bylaws of the corporation, and all other Federal and State laws applicable thereto.

EXCLUSIVE RIGHT TO NAME, EMBLEMS, SEALS, AND BADGES

SEC. 16. The corporation shall have the sole and exclusive right to use the name "World War I Overseas Flyers, Incorporated". The corporation shall also have the exclusive and sole right to use, or to allow or refuse the use of, such emblems, seals, and badges as have theretofore been used by the World War I Overseas Flyers, Incorporated (a corporation incorporated under the laws of the State of Wisconsin), in carrying out its program and the right to which may be transferred to the corporation. Nothing in this section shall be construed to interfere or conflict with established or vested rights.

TRANSFER OF ASSETS

SEC. 17. The corporation may acquire the assets of the World War I Overseas Flyers, Incorporated, chartered in the State of Wisconsin, upon discharge of all of the liability of such corporation and upon complying with all laws of the State of Wisconsin applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 18. The right to alter, amend, or repeal this Act is expressly reserved.

Mr. GURNEY. Mr. President, I am pleased and proud today to introduce legislation which would grant a Federal charter to the World War I Overseas Flyers, one of our proudest and most patriotic veteran's organizations.

These men all saw action over the skies of Europe during the First World War. They fought bravely and gallantly, and their noble deeds are known to all.

Now, they have joined together "to promote peace and goodwill among the peoples of the United States and all the nations of the Earth; to preserve the memories and incidents of the air service of the great war 1917–18; to cement the ties of love and comradeship born of the service."

These are indeed noble aims, Mr. President. They remember what they did and why they fought, with serious pride, and now they seek to preserve the friendship made and the warm spirit of camaraderie fostered by those brave days. More important, they hope to be able to help bring about peace in our troubled world, which is the noblest aim of all.

Mr. President, I feel a special bond of affection for these fine gentlemen, because my great and good friend and our late colleague Spessard L. Holland, was a member of this proud fraternity, having served as a member of the 24th Aero Squadron. I feel it would be a fitting tribute to Spessard Holland's memory, and to all his brave comrades if we grant the World War I Overseas Flyers a Federal charter.

By Mr. MATHIAS:

S. 2422. A bill to establish a National Center for the Prevention and Control of Rape and provide financial assistance for a research and demonstration program into the causes, consequences, prevention, treatment, and control of rape. Referred to the Committee on Labor and Public Welfare.

RAPE PREVENTION AND CONTROL ACT

Mr. MATHIAS. Mr. President, today I am privileged to introduce a bill to establish a National Center for the Prevention and Control of Rape, and provide financial assistance for a research and demonstration program into the causes, consequences, prevention, treatment, and control of rape.

According to the 1972 uniform crime reports released by the Federal Bureau of Investigation on August 8, 1973, 46,430 females were the victims of forcible rape in America last year. The FBI submits that this volume represents an 11-percent increase over 1971 and a shocking 70-percent rise over 1967 figures. Moreover, the victim risk rate has skyrocketed 62 percent from the 1967 level to a point where, in 1972, 43 out of every 100,000 females in America were reported rape victims. But the national risk rate distorts what may be really happening in this country. 58 core cities with populations in excess of 250,000, the FBI reports that the victim risk rate approached 92 per 100,000 females. While the rate of increased reports in large core cities in 1972 was 9 percent, in suburban areas surrounding these cities the increase was 18 percent. In my own State of Maryland, the Governor's Commission on Law Enforcement and the Administration of Justice has independently compiled statistics on the problem. According to the Maryland Commission, 1,059 forcible rapes were reported to the police in 1972. And the victim risk rate in individual jurisdictions is even more alarming.

Mr. President, I ask unanimous consent that at the conclusion of my remarks the report from the Governor's

Commission on Law Enforcement and the Administration of Justice on the geographic distribution of forcible rapes in Maryland for the year 1972 be printed in the RECORD.

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

[See exhibit 1.]

Mr. MATHIAS. Mr. President, I recognize that better reporting may account for part of the increase; however, these statistics only represent the tip of an ominous iceberg. The bulk of the account lies hidden below the surface, away from obvious view. As FBI Director Clarence M. Kelley has reported, forcible rape "is probably one of the most underreported crimes" in this country today. Helpful though they are, the annual police reports to the FBI may not even begin to measure the actual prevalence of this crime in the Nation. Yet, drawing upon the limited information that is now available, the 46,430 cases reported in 1972 means that forcible rape occurred in the United States during this period on the average of once every 11 minutes. And except for a brief interval after the end of the Second World War, the rape rate has steadily risen since the early 1930's.

Distressing though these statistics may be, recent studies indicate that the sordid rape picture is even worse yet. In March 1973, the Prince Georges County Task Force To Study the Treatment of the Victims of Sexual Assault issued a report which stated, in part, that—

Educated guesses estimate that between 50 and 90 percent of rape cases go unreported.

If we were to accept as true these assertions, or the suggestion by the President's Commission on Law Enforcement and Administration of Justice that the true rate may be three to four times higher than police figures show, then it is possible to conclude that the actual number of forcible rapes in the Nation last year involved in the neighborhood of 92,000 to 186,000 victims. Without question, the limited evidence accumulated thus far is frightening as well as disgraceful, considering the incongruity between myth and reality as it exists in the United States.

For if there is one thing that American males have always prided themselves on, it is that more than any other group of men on earth we "care for our women." If we slave and we sacrifice and we struggle, it is not for ourselves but so that our women can enjoy advantages far greater than those we, ourselves, are able to enjoy. We fight no war, adopt no program, create no law that is not ultimately and unselfishly aimed at making life better for our women. We have, it would appear, every reason to believe what we have said of ourselves: that we are a woman-oriented society; that women are the center and circumference, the Alpha and Omega of our lives. Yet such a belief eventually must be confronted with stark reality.

Too many of us may lose sight of the countless ways in which a woman's life is shaped by the persistent threat of rape. Consider, for a moment, women who are afraid to live alone, to go out at night without an escort, to work late at the office when no one else is around. Consider too, the girl hitchhiker; the woman standing alone at the bus stop; the widow left by herself in an empty apartment; the teenage babysitter in a house alone except for the sleeping children; the female head of a household, trying to look out for herself and her daughters; the woman driving her car with no passenger—all of these women can, and often do, have their lives constantly influenced by the tension and fear, as well as the atmosphere of suspicion which are created by the threat of rape. Perhaps the only segment of the male population who best understands and experiences a fear comparable to that felt by all women is the group of men in prison who live daily with the threat of homosexual rape.

But if we find the cold statistics disturbing, and the pervasive threat of rape oppressive, then consider the plight of the rape victim. As the Prince Georges County Task Force report states—

Rape is a serious crime of assault on the body but more grievously on the psyche of a woman. All too often, she is treated at best as an object, a piece of evidence, and made to relive the experience, must face the incredulity of the police, the impersonality of the hospital, and then must defend herself in court. Having been socialized to be passive, she is nevertheless expected to have put up a battle against her attacker. Her previous sexual experience can be used to impute her instability though the defendant's background often cannot be brought up against him. She does not have the benefit of a retained lawyer and sometimes the prosecutor does not have the time or perhaps the insight to prepare her beforehand for the ordeal of the trial. She suffers serious psychological stress afterward, largely due to the guilt and shame imposed by society. She may not recognize a need for professional help or she simply cannot afford it.

Sadly, this scenario is replicated throughout America. And no woman is immune.

The structuring of rape laws, and the treatment of offenders and victims by police, prosecutors, courts, and judges, reflect certain commonly held attitudes about the roles of men and women in our society. These notions may well be unfounded; however, they are frequently held with such tenacity that rational assessment of the facts in a given case is often very difficult. There is, for example, the notion that black men are more likely to attack white women than black women, or that the poor attack the rich. Yet, most studies show that both the rapist and the victim tend to be of the same race and socioeconomic class. As a matter of fact, studies conducted for the National Commission on the Causes and Prevention of Violence indicated that 90 percent of the rape cases were intra- rather than interracial, and both victim and rapist came from similar economic backgrounds. Moreover, just as we know that rape is no respecter of class or race, we also know that neither one race nor one socioeconomic class has cornered the market on rapists. There are a number of Americans, however, who may believe the contrary, despite the figures which show such beliefs to be untrue.

Rape, as I have said before, is no respecter of income, class, or race. It can happen to a preadolescent girl, a pregnant woman, or a senior citizen. The evidence, moreover, tells us that rape can and does take place at any time of the day, any day of the week, or any season of the year, in any part of the Nation. It seems, however, to occur most often in the spring or summer, on weekends, and at night. But, in effect, it happens wherever and whenever the opportunity presents itself.

And yet relatively few attacks are reported by the victims. The FBI attributes the underreporting of rape to "fear and/or embarrassment on the part of the victims." But perhaps it is more than this. In some instances the victim may fear reprisal by the rapist; but the victim's reluctance to report may well be the effect of other causes. Consider the fear she may have of being publicly accused by the rapist of provocation, or of having actively participated in the rape; that she had somehow acted irresponsibly. Consider, too, her fear of adverse reactions on the part of those close to her, be they husband, boyfriend, parents, or friends. In the case of a young victim, the parents may prefer to spare the child the legal ordeal or the sensational publicity; or possibly they may wish to prevent any possible emotional damage to the child. Likewise, consider the dilemma of the victim whose attacker is a close friend, a relative, a neighbor or an employer. But whatever the reason, when the rape is unreported, the rapist may be free to continue committing his crime.

Perhaps some women feel that the postrape ordeal simply is not worth it when there is little reason to believe that the attacker would be punished for his crime. In 1972 alone, nearly one out of every four men arrested for forcible rape was never prosecuted for this offense. And of the remaining 73 percent who were prosecuted, nearly half of them were either acquitted or had their cases dismissed due to "prosecutive problems." The fact is that only one-third of the adult men arrested for forcible rape in this Nation last year were found guilty of the actual crime; 19 percent of those arrested were convicted of lesser offenses while the remaining 23 percent were juvenile referrals.

Mr. President, the time has come for our society to consider the rape laws as they are now written. Rather than protecting a woman's interest in maintaining her physical integrity, peace of mind, or her ability to move about as freely as a man might without fear of sexual attack, the laws may possibly be having the opposite effect by hindering the prosecution of attackers. Clearly the laws as they stand today do not effectively deter rapists. Indeed, given the treatment that victims are subjected to by the police, hospitals, the prosecution, and the law itself in some jurisdictions, the rapist could not wish for any more unwitting allies to aid and abet him in his defense. We say our rape laws are constructed to protect women's interests. But is that the case? Let us examine the gauntlet that the victim is forced to run.

According to the FBI report, 15 per-

cent of all forcible rapes reported to police were, upon investigation, determined to be unfounded or, in the words of the FBI, "the police established that no forcible rape offense or attempt occurred." It would be an unfortunate and rather naive mistake to conclude that these were merely false reports. In fact, this statistic points out one of the attitudinal deterrents of which a woman attempting to charge rape must be cognizant. For the police may decide to advise against prosecution for other reasons. The alleged rapist and the victim might be friends or dating partners. The victim may have been under the influence of intoxicants or drugs when the rape occurred. A significant period of time may have elapsed before she reported the offense. There may not exist any physical evidence to support the allegation. She may have refused to take a physical examination. Since they might serve to weaken the chances of obtaining a conviction in lower case court, all of these reasons can be cited as a basis for receiving the victim's allegation with skepticism. In some jurisdictions, these factors alone might serve as a basis for the decision that a rape report should be unfounded.

The victim may also encounter the suspicion that she is fabricating her story. A rape accusation can place a man in a precarious position, and police, prosecutors, judges, and juries should rightfully fear convicting an innocent man. Fabricated stories leading to false convictions have occurred. Yet it is because of this that the rape victim, unlike in other felonies, must carry a heavy burden of proof.

There is then the hospital route to contend with. Victims are seen at hospitals for two purposes: Treatment for injuries received at the time of the assault, and a medical examination to uncover evidence that a rape did, in fact, occur. This examination is strictly for the purpose of gathering evidence for the State's prosecution; yet the victim may find that the examination is not free of charge, and that she is expected to pay for the State's evidence. In Prince Georges County, Md., however, this examination is paid for out of funds allocated by the county government for such purposes. Also, in the State of Maryland, victims can be monetarily compensated by the Maryland Criminal Injuries Board.

There are reports which suggest that some doctors refuse to treat victims who do not wish to notify the police; and that there are doctors who will believe that a victim's refusal to do so indicates that she is not telling the truth. Some doctors are even reported to avoid giving examinations because they do not wish to appear in court. When, and if, the victim finally receives medical attention, it may be provided by someone untrained in sensitivity and understanding of the emotional trauma of the victim; by someone who fails to provide venereal disease and pregnancy protection and who does not refer her for follow-up treatment. She may later discover that her legal case was weakened at the hospital because the examiner failed to use available scientific investigative techniques in their entirety.

The victim must also contend with the societal assumption that she may have precipitated the attack. For if she had been hitchhiking when the attack occurred, or met the man at a bar, or had been walking alone in a tough neighborhood, or had invited the man to her apartment, or had visited his for a drink after a night out, then she may well be faced with the charge that her behavior could have encouraged a sexual attack which she was either expecting or even hoping for. In other words, she "asked for it," assumed the risk, and, therefore, is partly responsible for the crime. The fact that she entered the "vulnerable" situation unwittingly, or exercised her right as a "person" to change her mind, may not carry much weight. The operative perspective usually is that of the police, prosecuting attorneys, and the judges. Unfortunately, most of them are men.

A woman must also realize that once she makes a complaint, her reputation and character can become the subject of intense scrutiny. It is as if her guilt or her innocence is the most important issue to be decided upon. Pity the unchaste woman, or the victim who has a bad reputation. In some jurisdictions in the Nation, it has been noted that the moral character of the person alleging the offense actually can be used as a defense to the crime, under the notion that a female judged to be immoral by society had most likely consented to the act.

But let us assume that it is clear that the victim did not precipitate the rape; that her character and reputation hold up under scrutiny; and that she wasn't drinking, taking drugs, or anything of the kind at the time of the alleged attack; she still may have to convince the skeptics that she did not willingly comply with the aggression; that she did offer some resistance. The rape task force report for the public safety committee of the District of Columbia City Council succinctly describes this frustrating position.

> A "good" woman is chaste—for her, rape is a "fate worse than death" and so she would fight to the death to avoid it. In such a situation extrinsic evidence of the rape is plentiful—bruises, wounds and screams. If there is no such extrinsic evidence—if she would rather be raped than die—then society assumes she consented or at least enticed the man into raping her. Only in this crime does society demand that the victim choose between the risk of serious injury or death and being able to obtain the conviction of the criminal. Thus for generations, society had the death penalty for rape and stringent burdens of proof to prevent conviction unless the woman "really" rejected the rapist.

The District of Columbia task force report goes on to state that—

> Prosecutors and judges who acknowledge the problem, see the law of rape as a confluence of myth, reality, social taboos, anachronisms, and . . . as a patina of sexual psychology as interpreted by police, lawyers and judges . . .

The Prince Georges County task force similarly observes that—

> Procedures, attitudes, and laws need to be re-worded in order that the rape victim is treated as humanely as any victimized member of the community should be.

Mr. President, part of my concern is that the current method by which our system seems to respond to the victim, rather than helping her, actually works to her disadvantage and leaves her and others similarly situated very vulnerable. The net effect of what we are doing today throughout the country may well be to impede the prosecution of the rapist, discourage women from reporting the crime, and not unimportantly, lead to a further deepening of the sense of inequality between men and women.

Mr. President, as a first step, let us agree that the present system for dealing with rape is defective, and as a consequence, curtails the freedom of women. It becomes obvious that something must be done, and soon. The mental health subcommittee report to the Prince Georges County task force supports the brief for reform very well:

> Social change, technological and scientific advancement and intensive urbanization have partly disrupted our society, its standards and values, and the established life patterns of a previous era. In the wake of these rapid changes, we find that some laws and procedures have become obsolete. Such is the case with society's way of dealing with rape victims. Rarely do we find procedures in institutions assuring adequate follow-up and treatment. Yet the rapist will, in many instances be required to report to a Parole officer at some interval.
>
> We simply cannot measure the effects of the assault upon the victim. Some recover, some do not. There is no question as to whether or not the entire family is affected. They are.
>
> Several studies have clearly demonstrated the need for a complete overhauling of procedures in dealing with rape victims. Police will have to bear more responsibility in their approach to victims as people, instead of just cases. Lawyers and judges will have to bear more responsibility. But this is not nearly enough. We need responsible people to intervene quickly and efficiently at the proper time. We need this now. We need an adequate follow-up system.
>
> We need a change of attitude on the part of people working with rape victims. We need advocates for victims. We need money to assure proper treatment of the victims and we need it now.

This Nation is entitled to a full understanding of the nature and scope of rape, the impact of this crime on the victim, her family, and the rest of society, and the implications of the present method of treating victims for the status of women in general. It should be brought out that the present methods of treating victims and handling alleged offenders are associated with many difficult and unsolved problems that stem from rape laws themselves. The attainment of better methods of preventing rape, and the provision of better treatment, justice, and redress for victims deserves a higher priority.

The objective of the Rape Prevention and Control Act is to amend the National Mental Health Act and the Community Mental Health Centers Act in order to create the National Center on the Prevention and Control of Rape that will undertake a national effort against the crime of rape and in support of the victim.

Only very recently have a few States and local jurisdictions begun to identify and offer solutions to problems encountered in the treatment of rape victims and the administration of justice to my own State of Maryland where the related to rape. I can point with pride county of Prince Georges County, Md., adopted a resolution introduced by Councilor-at-Large Gladys Noon Spellman, which created the task force to study the victims of sexual assault.

Mr. President, I ask unanimous consent that at the conclusion of my remarks, this resolution be printed in the Record.

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

Mr. MATHIAS. Similarly, the Montgomery County Commission for Women is conducting a comprehensive survey of the treatment of the victims and alleged victims of rape now being provided by a broad range of institutions in Montgomery County.

Section 2 of this act would set up a National Center for Rape Prevention and Control within the National Institute of Mental Health. This Center would basically conduct research, provide training materials, and disseminate information related to rape to State and local governments, voluntary organizations, and professional associations which are engaged or intend to engage in efforts to address the problems encountered in the treatment of rape victims and the administration of justice related to rape and other criminal sexual assaults.

The studies and investigations undertaken by the Center would focus on the legal, social and medical aspects of rape. Additionally, the Center would expand and intensify research into the causes of the crime, the motivations of the offenders, and the effectiveness of existing laws in deterring rape and other sexual assaults. The Center would also examine the relationship, if any, between traditional legal and social attitudes toward sexual roles, rape, and other sexual assaults, and the influence of these attitudes on the formulation of rape laws, and the treatment of the victims of rape by law enforcement agencies, hospitals, or other medical institutions, prosecutors, and the courts. Information following from these studies, as well as the other study areas outlined in section 2(b)(2) of this bill, should be of material assistance to State and local governments in the development of more effective laws and treatment programs for victims and their families.

The establishment of an information clearinghouse within the center as section 2(c) provides, will correct what now is a glaring omission: The absence of a central repository of information on either rape research or prevention treatment and control programs in this country. It is my hope that all communities will have access to any information compiled by the center, which might assist them in dealing with rape. Clearly a clearinghouse to collect and disseminate information on rape prevention and control activities, whether of a research or program nature, will enhance the chances that the States and local communities will be successful in developing more efficient means of dealing with the problems.

The type of activities undertaken by Maryland and in the District of Columbia have provided a substantial contribution to a better understanding of the dimensions of the problem. As it stands, much of the current activity involving rape prevention, treatment and control is supported solely from State, local, and voluntary funding sources. This is as it should be; however, the Federal Government can and should encourage and support these activities by providing technical advice, and research and demonstrations to discover new and more effective means of carrying out State and local programs. Section 281 of the Rape Prevention and Control Act makes this possible. I contemplate funding under this section being used for projects which:

First. Demonstrate the need for immediate psychiatric or other supportive personnel available at the same time of the victim's hospital examination, and follow-up supportive counseling for victims and their families;

Second. Research the need for medical personnel training in the advanced scientific procedures in the examination of rape victims;

Third. Research the need for special training of police personnel dealing with rape victims;

Fourth. Determine the reason for the low rate of rape convictions;

Fifth. Develop a model rape law;

Sixth. Research and develop model rehabilitation programs for convicted offenders;

Seventh. Develop information and prevention programs to be incorporated in secondary school educational programs;

Eighth. Study the psychological impact of rape on victims and their families; and

Ninth. Research the relationship between alcohol and other drugs and rape and sexual assaults.

I would hope that promising new approaches to rape prevention, treatment, and control will be developed and put into effect as a result of the center's research and demonstration program as well as the other studies and investigations it will undertake.

This legislation will require the center to annually transmit to the Congress, through the Secretary, an appraisal of the center's activities and accomplishments; a summary of its significant research and development findings; and any recommendations for further action by the Congress deemed necessary by the Secretary.

Under this act, the center will have an advisory committee, which I hope will include persons who are recognized leaders in the area of rape prevention, treatment, and control. I further hope that this advisory committee will review the programs and priorities of the center assuring that significant research and development findings are disseminated throughout the field and to the public. I would also hope and expect that the Secretary will enlist the assistance of women experts in the field to secure the benefit of their views and perspective on the legal, social, and medical aspects of rape.

Mr. President, this bill represents an attempt to recognize that the system for responding to rape is not only defective, but also harmful to the victim. It further represents an attempt on the national level to get the Nation to consider some of the general attitudes which are held, and assumptions that are made, about rape, its victims, and its perpetrators: attitudes and assumptions which rest, in part, on traditional notions about the respective roles of men and women in our society. I recognize that the issue of rape can bring on a "gut level" response from men and women alike. But neither emotional demands for extreme actions nor active denial or rationalization of the issue takes us very far along the path toward arresting this problem.

Only by squarely facing the rape issue, in as objective and rational a manner as possible, can we hope to eventually bring about a downturn in the rape statistics. We have, thus far, accumulated certain quantifiable measurable facts about rape. These facts, coming to us largely in the form of police statistics, suggest certain truths; that the reporting of forcible rapes is on the increase and the victim risk rate is rising. But these facts do not reveal the truth of the victim's emotions when confronted by a less-than-perfect criminal justice system, nor do they reveal the impact of rape on the victim's family and community or the sense of fear, rejection, and perhaps anger experienced by women because their lives are shaped by the persistent threat of rape. We must search for the truth about rape; its personal consequences and social implications.

There was a time when the emotionally disturbed were hidden behind locked doors, not to be discussed by families and friends except on rare occasions. Fortunately, that time has passed. Likewise, rape must be brought out of the closet. It is my hope that the bill I am introducing today will have a synergistic effect on other States and communities; that it will stimulate them to study and reform, where necessary, their existing policies, procedures, and laws concerning rape and sexual assaults, and the treatment of victims.

Mr. President, I respectfully urge my Senate colleagues to join me in support of this proposal and I am hopeful that the Senate and the Congress will enact this legislation in this session.

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

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

S. 2422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rape Prevention and Control".

NATIONAL CENTER FOR CONTROL AND PREVENTION OF RAPE

SEC. 2. Section 11 of the National Mental Health Act (63 Stat. 421) is amended by inserting the subsection designation "(a)" immediately before the first sentence and by

adding at the end thereof the following new subsections:

"(b) (1) The Secretary of Health, Education, and Welfare (hereinafter referred to as the 'Secretary') shall establish within the National Institute of Mental Health a center to be known as the National Center for the Control and Prevention of Rape (hereinafter referred to as the 'Center').

"(2) The Secretary, acting through the Center, shall conduct a continuing study and investigation of—

"(A) the effectiveness of existing Federal, State, and local laws dealing with rape;

"(B) the relationship, if any, between traditional legal and social attitudes toward sexual roles, the act of rape, and the formulation of laws dealing with rape;

"(C) the treatment of the victims of rape by law enforcement agencies, hospitals, or other medical institutions, prosecutors, and the courts;

"(D) the causes of rape, identifying to the degree possible—

"(i) social conditions which encourage sexual attacks;

"(ii) motivations of offenders, and

"(iii) the impact of the offense on the victim and the families of the victim;

"(E) sexual assaults in correctional institutions;

"(F) the actual incidence of forcible rape as compared to the reported cases and the reasons therefor; and

"(G) the effectiveness of existing private, and local and State government, education and counseling programs designed to prevent and control rape.

"(c) It shall be the duty of the Center to—

"(1) compile, analyze and publish and annually submit, through the Secretary, to Congress a summary of the continuing study conducted under subsection (b) and the research and demonstration projects conducted under Sec. 3 with recommendations where appropriate;

"(2) develop and maintain an information clearinghouse with regard to—

"(A) the prevention and control of rape;

"(B) the treatment and counseling of the victims of rape and their families; and

"(C) the rehabilitation of offenders;

"(3) compile and publish training materials for personnel who are engaged or intend to engage in programs designed to prevent and control rape.

"(d) For the purposes of carrying out the provisions of subsections (b) and (c) of this section there are authorized to be appropriated such sums as may be necessary.

"(e) Funds available to any department or agency of the Government for research and development for the prevention and control of rape shall be available for transfer with the approval of the head of the department or agency involved, in whole or in part, to the Center for such use as is consistent for the purposes for which such funds were provided, and funds so transferred shall be expendable by the Center for the purposes for which the transfer was made.

"(f) For the purpose of this section and section 281 of the Community Mental Health Centers Act 'rape' shall include forcible, statutory and attempted rape, homosexual assaults, and other criminal sexual assaults."

RESEARCH AND DEMONSTRATION PROJECTS

SEC. 3. The Community Mental Health Centers Act (42 U.S.C. 2681) is amended by adding at the end thereof the following new part:

"Part G—Rape Prevention

"SEC. 281. (a) The Secretary, through the National Center for the Control and Prevention of Rape, shall make grants to community mental health centers, non-profit private organizations, and public agencies (determined by the Secretary to be qualified), for the purpose of conducting research and demonstration projects concerning the control and prevention of rape.

"(b) Projects funded under subsection (a) shall include but not be limited to—

"(1) alternative methods of planning, developing, implementing, and evaluating programs used in the prevention and control of rape, the treatment and counseling of victims of rape and their families, and the rehabilitation of offenders;

"(2) application of methods developed under paragraph (1).

"(c) There are authorized to be appropriated for carrying out the purposes of this part such sums as may be necessary.

"ADVISORY COMMITTEE

"SEC. 282. (a) The Secretary shall establish an advisory committee to advise, consult with and make recommendations to him on matters relating to rape prevention and control.

"(b) The provisions relating to the composition, terms of office, and reappointment of members of the advisory councils under section 432 (a) of the Public Service Act shall be applicable to the committee established under this section, except that the Secretary may include on such committee such additional ex officio members as he deems necessary."

EXHIBIT 1

GEOGRAPHIC DISTRIBUTION OF CRIME IN MARYLAND—OFFENSES (FORCIBLE RAPE) KNOWN TO THE POLICE AND RATES PER 100,000 PERSONS, 1972

(Prepared by the Governor's Commission on Law Enforcement and the Administration of Justice, Cockeysville, Md.)

Jurisdiction	Number of offenses	Rates per 100,000
Caroline County	3	15.2
Cecil County	5	9.4
Dorchester County	3	10.2
Kent County	0	
Queen Annes County	2	10.9
Somerset County	3	15.9
Talbot County	4	16.9
Wicomico County	7	12.9
Worcester County	11	45.0
Ocean City	7	468.9
Calvert County	0	
Charles County	11	23.1
St. Mary's County	3	6.3
Allegany County	3	3.6
Westernport	1	32.2
Carroll County	7	10.1
Frederick County	15	17.7
Frederick	4	16.9
Garrett County	4	18.6
Washington County	15	14.4
Hagerstown	11	30.7
Montgomery County	85	16.3
Takoma Park	8	43.3
Prince Georges County	215	32.5
Fairmount Heights	1	50.7
Laurel	2	19.0
Riverdale	2	34.9
Seat Pleasant	6	83.1
University Park	6	205.1
Annapolis	6	20.3
Baltimore City	465	51.3
Baltimore County	92	14.8
Harford County	28	24.3
Aberdeen	4	32.3
Havre de Grace	2	20.4
Howard County	25	40.1
Total, State of Maryland	1,059	(27.0)

EXHIBIT 2

COUNTY COUNCIL OF PRINCE GEORGES COUNTY, MD.—RESOLUTION

Whereas, the incidence of sexual assault on women and girls is increasing at an alarming rate with resulting physical and psychological damage lingering long after the commission of the crimes; and,

Whereas, it is estimated that only about 20% of the rapes are reported to police for the purpose of investigation because of the reluctance of the victims to subject themselves to candid recounting of the assaults; and,

Whereas, enormous psychological stress on the part of the victim is engendered by the need for police to ask searching direct questions in order to ascertain, to the extent required by law, all the facts in the case; and,

Whereas, under such times of stress, victims begin to feel they are being treated as the criminals rather than as those who have been sinned against; and,

Whereas, to obtain the necessary evidence for successful prosecution of the offender, numerous medical tests must be made immediately, although the rape victim is in a disturbed and traumatic state; and,

Whereas, those dealing with the victims of rape should possess great sensitivity and awareness of the tragic psychological impact such an experience can inflict; and,

Whereas, the legal processes required for trial and conviction are often quite lengthy; and,

Whereas, the combination of police questioning, medical examinations, and court action in the forms which are in existence today, require an inordinate amount of courage, stamina and fortitude,

Therefore, be it resolved by the County Council for Prince George's County, Maryland, that a Task Force be created to study and make recommendations concerning the treatment of victims of sexual assault, such Task Force to include representation from the following:

Police department	1
Hospital staff	1
Hospital advisory board	1
Health department	1
Psychiatrist (private practice)	1
Gynecologist (private practice)	1
Psychologist (Board of Education)	1
Mental Health Association	1
State's attorney	1
Human Relations Commission	1
Former Ad Hoc Committee to Study the Status of Women	1
Citizens	4

Be it further resolved, that this 15 member Task Force be given supportive clerical assistance from the Police Department personnel for the purpose of assisting the group with minute-taking, mailing and other clerical matters.

And be it finally resolved that the Task Force submit its finds and recommendations to the County Council no later than January 15, 1973.

COUNTY COUNCIL OF PRINCE GEORGES COUNTY, MD.

By Mr. FANNIN (for himself and Mr. GOLDWATER):

S. 2424. A bill to authorize the partition of the surface rights in the joint-use area of the 1882 Executive order Hopi Reservation and the surface and subsurface rights in the 1943 Hopi Navajo Reservation between the Hopi and Navajo Tribes, to provide for allotments to certain Paiute Indians, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. FANNIN. Mr. President, today, with Senator GOLDWATER, I am introducing legislation to resolve the tragic and costly land dispute between the Hopi and Navajo Indian tribes in northeastern Arizona.

This dispute began more than a century ago, and in recent times has become a serious conflict which has resulted in violence and degradation of the land.

Previous efforts by the Federal Government and courts to resolve this dispute have failed, because there has been a reluctance to clearly delineate the territorial boundaries of land belonging to the Hopi and that of the Navajo.

Before explaining my bill, it would be

well to review briefly the history of this dispute.

Under Executive order by President Chester Arthur in 1882, 2,500,000 acres of public domain land was set aside "for the use and occupancy of the Hopi, and such other Indians as the Secretary of the Interior may see fit to settle thereon." Because the Navajo Reservation adjoined this area, and members of that tribe were grazing and farming within its boundaries, conflict arose very early in the life of the joint-use area, as it is now known. In the late 1800's and early 1900's, unsuccessful attempts were made by the Department of Interior to resolve the conflict. In 1920—53 years ago—the U.S. Congress investigated this tribal dispute and held hearings on the reservation. Finally, Congress passed the act of July 22, 1958, to determine the rights and interests of both tribes by mandating the courts to entertain litigation concerning the respective tribal rights.

Pursuant to the 1958 act, the Hopi Tribe instituted action against the Navajo Tribe, resulting in the Healing against Jones decision of 1962, providing an exclusively Hopi segment and an area for joint use with an undivided one-half interest in both tribes.

The Court concluded, in this decision, that Congress had actually reserved to itself the jurisdiction to partition the jointly held land.

Mr. Chairman, the joint reservation concept has never worked. It has led to suffering for the residents of the joint-use area.

We not only have had violence between the Indians, but we have violence being done to their precious land. The joint-use area is dying. There is overgrazing, and neither tribe is willing to act to rehabilitate the land, because of legal uncertainties. Nor has the executive branch been able to enforce proper grazing practices. Unless action is taken soon, the area will become a desert and will be of no use to the Hopis or the Navajos. It is our responsibility to prevent the unnecessary and tragic loss of usefulness of this reservation land.

The last few years have seen continuing litigation and legislation to resolve the conflict, including a particularly significant proposal by Congressman SAM STEIGER, which narrowly missed passage last session of Congress. Recent resolution attempts between the two tribes themselves have failed.

Last March the Senate Interior Committee held hearings in Winslow, and some of us toured the area involved in this conflict.

These hearings pointed up the urgent need to resolve this controversy.

If Congress does not act, nature, through her harsh tools of starvation and drought, will solve this dispute at an enormous cost in human suffering.

For that reason, I am introducing today legislation to provide for the partitioning of the joint-use area in a specific and equitable manner between the Hopi and Navajo tribes.

Mr. President, this proposal, which Senator GOLDWATER and others have agreed to cosponsor, would provide for the equitable division of acreage; it would establish each tribe's portion contiguous to the existing reservations and it would minimize relocation of people.

One of its main objectives is thus to minimize the resettlement of either Navajos or Hopis. This bill does not draw any boundaries; it instructs the Secretary of Interior to partition the land equitably with the least possible disruption for those who are now living there.

Six months from the date of enactment, a description of the respective tribal areas is to be published in the Federal Register, after which time these lands will be held in trust by the United States. Only mineral rights will continue to be held jointly.

Finally, each tribal chairman, acting for his tribe, is authorized to commence or defend, in the U.S. District Court, action against the other tribe to resolve conflict and "to insure the quiet and peaceful enjoyment of the reservation land."

Once we get a definite boundary, the tribes will have the incentive to rehabilitate the land and use it in the wisest manner. We must act immediately to resolve this longstanding disagreement. I believe this legislation can bring a swift and comprehensive settlement and restore good will between the Navajo and Hopi people of Arizona.

By Mr. HARTKE:

S. 2426. A bill to amend the Federal Aviation Act of 1958 so as to limit the power of the Secretary of Transportation to delegate his authority to examine medical qualifications of airmen. Referred to the Committee on Commerce.

Mr. HARTKE. Mr. President, the Federal Aviation Administration last year proposed a radical change in the medical certification procedures for airline pilots which deserves our attention, interest, and concern. The proposed rule would require that all airline pilots take their Government-required, semiannual, and annual physical examinations from physicians hired by or under contract to their respective companies. Currently, airline pilots obtain their medical certifications from more than 2,100 private physicians who have been carefully chosen by the FAA on the basis of background, interest, and experience in aerospace medicine. The pilot pays for these examinations.

To the average air traveler, it may seem unimportant who gives the airline pilot his physical examinations—as long as he gets them and passes them, but it is important to anyone who chooses to take advantage of our air transportation system. Because it is vital to the public interest that airline pilots are always in top physical condition, we all must be concerned when a change in the medical examination procedures might mean that a pilot may not be in a proper physical or mental condition to pilot a commercial airliner.

Strangely, the notice of proposed rulemaking did not give any rationale in the preamble which appeared in the Federal Register as is customary nor was a public hearing offered so that both sides—if there are two sides—could be provided a forum to express their views to the proposed change.

The reaction to the rule from the airlines, physicians, airline pilots, and the public was overwhelmingly in opposition to making any change. There are many good reasons for this opposition.

In the first place, the rule would be a blatant destruction of the time-honored doctor-patient relationship which we are privileged to have in this country. Since the doctors would be employed by the airlines, medical records would be company property and, therefore, available to anyone in authority. A doctor whose income depends on pleasing management could not very well refuse to produce records on pilots without jeopardizing his job.

Examine this arrangement from the airlines' point of view. The proposed rule would require them to set up or contract for physical examination facilities at great expense. Obviously, this new Government-directed cost would eventually be reflected in ticket prices. At this critical time in the history of air transportation when so many U.S. airlines are having financial difficulties, it is ludicrous to ask that they assume this added burden by Government dictum without any good reasons given them why they should.

The financial difficulties the airlines are experiencing could easily creep into this program. For example, I have been informed that it costs as much as $200,000 to train a pilot to qualify for the captain's seat of a modern, complex jet airliner. Picture what could happen if a company-paid doctor gives a physical examination and finds that a pilot should be disqualified. He reports this fact to management. Management officials, looking at their balance sheets, then ask the doctor if the pilot could not be allowed to fly for another 6 months or a year. The doctor, since he holds his job only if he pleases his superiors, reevaluates his conclusion, and gives the verdict that the pilot can continue flying. The pilot goes back to the cockpit thinking he is in good shape. The innocent passengers who fly with him assume he has no physical defects which might cause his incapacitation while in flight. What could happen as a result needs no elaboration.

Now look at this procedure from the pilot's point of view—especially a pilot who may have been active in representing his brother pilots in contract negotiations. If he has been particularly forceful in his efforts, it is not beyond the realm of possibility that management could pass the word to the medical examiner to find reasons why that man should not be certified as an airline pilot. Obviously, it is not in the public interest in either case to have passengers' lives or the career of a pilot rest on the whims of airline management.

There are other aspects to this plan to change the system of medical certification that must be considered. A proper question to ask is whether the Federal Aviation Administration has the legal authority to delegate to the airlines the

mandatory requirement that the airlines conduct the Government-required physical examinations. The Air Transport Association, representing the Nation's scheduled airlines, has studied this question thoroughly and has concluded that the notice of proposed rulemaking is without statutory foundation or authority and could possibly be in violation of the fifth amendment of the Constitution. The basic legal question involved is whether the FAA Administrator can delegate a function which is clearly his under the law, to persons unwilling to accept that responsibility.

It is interesting to note that the Federal Air Surgeon seeks to effect a change in a long-standing medical examination policy which he clearly supported several years ago. On July 1, 1966, he issued a medical bulletin to all aviation medical examiners to remind them that—

Physicians employed by or consultants to airline carriers and designated as Aviation Medical Examiners are not permitted to conduct FAA physical examinations on pilots or other flight crew members by their same company.

He added that—

The purpose of the adoption of this policy was to avoid any dual affiliation, conflict of interest and/or any adverse public criticism.

It is perfectly obvious to all that there is a great need for objectivity in the medical certification of airline pilots. Travelers aboard an airliner have every right to believe that their pilots have been examined by a physician who is completely unbiased in his judgment about their ability to function properly on the job. No physician acting in the public interest should be asked to serve the Government on one hand, the airline on another, and the pilot on still another. No human being, even a physician, would be free of the potential for conflicting pressures which would inevitably cause medical judgments to be warped in some way.

In recent newspaper accounts, the Federal Air Surgeon, Dr. Peter V. Siegel, is quoted as saying that some airline pilots suffering from serious ailments are escaping detection during FAA examinations and that "to get rid of the bad apples, the Government revokes 10 to 12 medical examiner certificates a year, and lets about 100 others lapse." The inference is that a few doctors are not doing their jobs under the program he administers and that he must fire them.

There are more than 2,100 medical examiners who are authorized to give airline pilot physical exams. The Nation's 35,000 airline pilots can go to any of them. Presumably they are all qualified or they would not be given the privilege. The Federal air surgeon has the tools to get rid of them if they do not perform according to the regulations and, to his credit, he does just that. Undoubtedly, he is ill at ease about this, because it places him in the position of telling his medical colleagues that some of them do not measure up to his standards.

To solve his problem of management of the aviation medical examiners under his supervision, the Federal air surgeon now wishes to pass the problem to the airlines. Failing that, there is only one other direction that he can go and that is for Government-paid physicians to perform the medical certification task—physicians who would man expensive federally supported examination facilities. Thus, the entire burden of examining 35,000 airline pilots would be borne by the taxpayers.

Since the FAA seems intent upon changing the medical certification system despite the strong opposition to it by the airlines, their pilots, and the aerospace physicians, it is necessary that legislation be enacted that would prohibit the FAA from making such an arbitrary move which has no reasonable basis. Accordingly I am today proposing legislation in the public interest which will expressly prohibit the Federal Aviation Administration from requiring the airlines to conduct the Government's medical certification of airline pilots. Further, this legislation will prohibit the Government from setting up and operating medical examination facilities for this function. In short, I respectfully propose that the medical certification now in effect remain unchanged. This legislation will assure the air traveler that the pilots of his aircraft are in top physical condition.

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

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

S. 2426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 314(a) of the Federal Aviation Act of 1958 [49 U.S.A. 1355(a)] is amended by inserting immediately after the first sentence the following new sentence: "In exercising his authority under this Act to determine medical qualifications of airmen, the Secretary shall not delegate any part of his authority to an employee of any air carrier or to any person performing medical services on a contractual or regular consulting basis for any air carrier, but shall provide that such determination be made only by private physicians under appropriate arrangements.".

By Mr. MONDALE:

S.J. Res. 153. Joint resolution establishing an independent commission to conduct a study of the Executive Office of the President and to make recommendations for reforms to increase cooperation between that Office and the Congress, to restore a balance of power between the executive and legislative branches of the Government, and to increase the accountability of the Executive Office of the President to the Congress and the public. Referred to the Committee on Government Operations.

Mr. MONDALE. Mr. President, today I am introducing a joint resolution to establish a Commission on the Executive Office of the President.

In remarks earlier today, I outlined the reasons why I believe this commission is essential to take a careful, long-range view at the institution of the Presidency and recommend reforms which will make the institution of the Presidency more responsive and responsible to the Congress and the people.

I ask unanimous consent that the text of this resolution be printed in the RECORD at the conclusion of my remarks.

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

S.J. RES. 153

Whereas, our Constitutional government relies on a balance of power between the various branches of government; and

Whereas, this balance fosters the accountability of both the Executive and Legislative branches to the American people; and

Whereas, in recent years substantial questions have been raised relating to the need for means to assure the preservation of the balance of power among the branches of government; and

Whereas, the Legislative and Executive branches must cooperate effectively to maintain this balance; and

Whereas, the growth in size and power of the Executive Office of the President has been a major factor in causing an imbalance of power between the Executive and Legislative branches; and

Whereas, participation from the Legislative and Executive branches, as well as from the general public, is advisable to assess the need for reforms to restore a balance of power between the Executive and Legislative branches and to insure the accountability of the Executive Office of the President to the public; Now, therefore, be it

Resolved, by the Senate and the House of Representatives of the United States of America in Congress assembled, That this joint resolution may be cited as the "Commission on the Executive Office of the President Act of 1973".

SEC. 2. There is hereby established an independent commission to be known as the Commission on the Executive Office of the President (hereinafter referred to as the "Commission").

SEC. 3. The Commission shall—

(1) examine the historical growth of the Executive Office of the President, the reasons for such growth, and the effects thereof on the relationship between the Executive and Legislative branches of government;

(2) analyze the current functioning of the Executive Office of the President as it relates to the Cabinet departments, the other components of the Executive branch, and the Congress;

(3) examine the historical and current extent of the use of the doctrine of executive privilege by members of the Executive Office of the President, in particular as it relates to refusals to testify before the Congress, and the effect of such usage on the relationship between the Executive and Legislative branches of government;

(4) evaluate those offices within the Executive Office of the President for which it would be advisable to seek, by legislation, the requirement of advice and consent of the Senate of the United States;

(5) evaluate the use by the Executive Office of the President of individuals detailed from Executive branch departments and agencies, and the impact of individuals so detailed on the growth in personnel and power of the Executive Office of the President; and

(6) inquire into such other matters relating to the structure and functioning of the Executive Office of the President as the Commission deems advisable.

SEC. 4. The Commission shall, in accordance with section 10(a), make recommendations for such legislation, constitutional amendments, or other reforms as its findings indicate, and in its judgment are desirable, to promote cooperation between the Executive Office of the President and the Congress, to restore a balance of power between the Executive and Legislative branches of the government, and to insure the accountabil-

ity of the Executive Office of the President to the Congress and the American people.

SEC. 5. (a) The Commission shall consist of the following members:

(1) four Members of the Senate, two from each of the major political parties, appointed by the President of the Senate, as recommended by the majority and minority leaders;

(2) four Members of the House of Representatives, two from each of the major political parties, appointed by the Speaker of the House of Representatives; and

(3) eight individuals appointed by the President of the United States—

(A) two of whom shall be individuals currently serving in the Executive Office of the President, and two of whom shall be individuals who have served in that Office but are no longer serving as an officer or employee of the government; and

(B) four of whom shall be selected from the general public on the basis of their experience and expertise in public service or political science.

Not more than two of the four individuals appointed pursuant to paragraph (A) or (B) of paragraph (3) shall be members of the same political party.

(b) The Chairman and Vice Chairman, who shall not be affiliated with the same political party, shall be designated by the Commission from among the members of the Commission.

SEC. 6. (a) Members of the Commission who are Members of Congress or are officers or employees in the Executive Office of the President shall serve without compensation in addition to that received for their services as a Member of Congress or as such an officer or employee; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) Each member of the Commission who is appointed by the President (other than a member to whom subsection (a) applies) is entitled to pay at the daily equivalent of the annual rate of basic pay of level III of the Executive Schedule for each day he is engaged on the work of the Commission, and is entitled to travel expenses, including a per diem allowance in accordance with section 5703(b) of title 5, United States Code.

SEC. 7. The Commission shall adopt rules of procedure to govern its proceedings. Vacancies on the Commission shall not affect the authority of the remaining members to continue with the Commission's activities, and shall be filled in the same manner as the original appointments.

SEC. 8. (a) the Commission, or any members thereof as authorized by the Commission, may conduct hearings anywhere in the United States or otherwise secure data and expressions of opinion pertinent to its study. In connection therewith the Commission is authorized to pay witnesses travel, lodging, and subsistence expenses.

(b) The Commission may acquire directly from the head of any Federal executive department or agency or from the Congress, available information which the Commission deems useful in the discharge of its duties. All Federal executive departments and agencies and the Congress shall cooperate with the Commission and furnish all information requested by the Commission to the extent permitted by law and the Constitution of the United States.

(c) The Commission may enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(d) The Commission may delegate any of its functions to individual members of the Commission or to designated individuals on its staff and make such rules and regulations as are necessary for the conduct of its business, except as otherwise provided in this joint resolution.

SEC. 9. (a) The Commission may, without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service but otherwise in accordance with General Schedule pay rates, appoint and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Commission.

(b) The Commission may obtain services in accordance with section 3109 of title 5 of the United States Code, but at rates for individuals not to exceed the rate authorized for GS–18 under the General Schedule.

(c) Financial and administrative services (including those related to budgeting and accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, on a reimbursable basis, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services. The regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of that Administration for the administrative control of funds apply to appropriations of the Commission.

SEC. 10. (a) The Commission shall submit to the Congress and the President such interim reports and recommendations as it considers appropriate, and the Commission shall make a final report of the results of the study conducted by it pursuant to this joint resolution, together with its findings and such legislative proposals as it deems necessary or desirable, to the Congress and the President at the earliest practicable date, but no later than January 1, 1975.

(b) Ninety days after submission of its final report, as provided in subsection (a) above, the Commission shall cease to exist.

SEC. 11. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this joint resolution. Any money so appropriated shall remain available to the Commission until the date of its expiration, as fixed by section 10(b).

By Mr. PELL:

S.J. Res. 154. A joint resolution to designate October 23, 1973, as "National Film Day." Referred to the Committee on the Judiciary.

Mr. PELL. Mr. President, I am pleased today to introduce a joint resolution calling upon the President to issue a proclamation in observance of October 23 as "National Film Day." An identical resolution is being introduced in the House of Representatives by Representative JOHN BRADEMAS.

Motion pictures have had a tremendous influence on our culture and for more than 50 years have entertained, enlightened, and amused us.

Motion pictures—or the movies—as we have often called them, have joined the legitimate theater as a true art form, and in so doing, have spread around the world to be seen in every country, on commercial aircraft, aboard ships at sea, and even on the ocean floor itself on submarines.

Truly, no visual medium with the exception of the written word has a longer and more profound impact on all of mankind than motion pictures.

So, I believe it is truly fitting and right to designate a day as "National Film Day."

The National Association of Theater Owners representing the vast majority of film houses in the country will participate in "National Film Day" and contribute 50 percent of their revenues of that day to the work of the American Film Institute.

The American Film Institute, which was created in 1967 as a nonprofit organization, is supported jointly by the National Endowment for the Arts and the motion picture industry. It has two major goals—developing new American film makers and enriching public appreciation for motion pictures.

As one who introduced legislation in the Senate which led to the establishment of Federal support for cultural endeavors through the creation of the National Endowment for the Arts, and as one who has chaired the Special Senate Subcommittee on Arts and Humanities since its inception, I am pleased and proud to introduce this legislation. I urge my colleagues to join in cosponsorship and support of it. And, I do hope that the President will in turn proclaim October 23 as "National Film Day" and that our country will give its wholehearted support to one of our Nation's most outstanding cultural assets—the film industry.

ADDITIONAL COSPONSORS OF BILLS

S. 863

At the request of Mr. EAGLETON, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 863, the Cosmetic Safety Act.

S. 1283

At the request of Mr. ROBERT C. BYRD for Mr. JACKSON, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 1283, the National Energy Research and Development Policy Act of 1973.

S. 1737

Mr. ERVIN. Mr. President, I am pleased to announce that the following Senators have joined in cosponsoring S. 1737, a bill I introduced to put an end to the senseless forced busing of schoolchildren and to prohibit unwarranted Federal interference with the Nation's public school systems: Senator JAMES EASTLAND, of Mississippi; Senator HERMAN TALMADGE, of Georgia; Senator SAM NUNN, of Georgia; Senator JOHN TOWER, of Texas; Senator ERNEST HOLLINGS, of South Carolina; Senator JOHN MCCLELLAN, of Arkansas; and Senator STROM THURMOND, of South Carolina. Senator JIM ALLEN, of Alabama, and Senator JESSE HELMS, of North Carolina, have previously been added as cosponsors of this legislation.

S. 1971

At the request of Mr. SCHWEIKER, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1971, a bill to increase certain penalties for offenses involving the unlawful distribution of certain narcotic drugs, and for other purposes.

S. 2069

At the request of Mr. EAGLETON, the Senator from Rhode Island (Mr. PASTORE) and the Senator from Minnesota (Mr. MONDALE) were added as cosponsors of S. 2069, the National Reading Improvement Act.

S. 2393

At the request of Mr. HUMPHREY, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 2393, a bill to provide that the special cost-of-living increase in social security benefits enacted by Public Law 93–66 shall become effective immediately, and for other purposes.

S. 2409

Mr. RIBICOFF. Mr. President, today, I am joining with a bipartisan group of Senators in cosponsoring legislation to increase Federal support for the school lunch program.

Rampant inflation in food and labor prices over the past year has affected us all. Most tragically, however, rising prices mean that hundreds of thousands of American schoolchildren will no longer be able to participate in the school lunch program.

Across the Nation, according to a Senate Nutrition Committee study, some 800,000 children will have to drop out of the program unless school lunch programs receive more help.

Connecticut is feeling this cost squeeze too. In the last year the average cost of preparing a school lunch in Connecticut has increased to 70.5 cents—an increase of almost 10 cents. This means that in Connecticut the difference between what the lunch costs and the amount paid for lunches by paying students and the Federal-State subsidy is 22.5 cents.

This extra cost must now be borne by the local communities. Many communities are doing their best to hold the line on lunch costs, but it is becoming increasingly difficult to do so. The local communities must either raise the cost of the school lunch to students or raise local taxes to pay for the program.

I do not think we should force the local communities of our State to raise taxes.

Our proposal, which is similar to legislation now pending in the House, would increase the Federal reimbursement rate for the lunch program from 8 to 12 cents.

Without this assistance, too many children, especially those in lower- and middle-income families, will be forced to forego the noon meal, which meets a third of the child's daily nutritional requirements.

The increase in school lunch costs could have a disastrous effect on Connecticut schoolchildren. The Senate study showed that for each 1 cent increase in meal costs to the students, 1 percent of the students would be forced to drop out. If this were the case in Connecticut, an increase of 10 cents would mean that as many as 20,000 children would be forced out of the program. These dropouts would include those least able to pay.

Frank Harris, president of the Connecticut School Food Service Association, has joined with many others in urging that we put the school lunch program back on a sound footing. I agree. We must do all we can to provide the help needed to continue the nutritious school meals program for children.

S. 2415

At the request of Mr. CURTIS, the Senator from Montana (Mr. MANSFIELD), the Senator from Maryland (Mr. BEALL), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Louisiana (Mr. JOHNSTON) were added as cosponsors of S. 2415, a bill to amend section 203 of the Economic Stabilization Act of 1970 to permit the passthrough of certain cost increases.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 41

At the request of Mr. TOWER, the Senator from Florida (Mr. GURNEY), the Senator from Nevada (Mr. BIBLE), the Senator from Georgia (Mr. NUNN), the Senator from South Carolina (Mr. THURMOND), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. DOLE), and the Senator from Rhode Island (Mr. PASTORE) were added as cosponsors of Senate Concurrent Resolution 41, establishing the policy of the United States vis-a-vis the Democratic Republic of North Vietnam and the Provisional Revolutionary Government.

SENATE RESOLUTION 170—ORIGINAL RESOLUTION REPORTED AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

(Referred to the Committee on Rules and Administration.)

Mr. HARTKE, from the Committee on Veterans' Affairs, reported the following original resolution:

S. RES. 170

Resolved, That Senate Resolution 47, 93d Congress, agreed to February 22, 1973, is amended as follows:

(1) In section 2, strike out the amounts "$100,000" and "$40,000" and insert in lieu thereof "$250,000" and "$50,000" respectively.

DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1974—AMENDMENTS

AMENDMENT NO. 487

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

THE SAM–D AND LOW ALTITUDE AIR DEFENSE

Mr. BAYH. Mr. President, in a few days the Senate will begin debate on H.R. 9286, the 1974 Defense Authorization Bill. Certainly this is one of the most important measures we will have before us in this session of the 93d Congress. The distinguished senior Senator from Ohio, Mr. SAXBE, and I have offered an amendment to that bill to delete continued funding of the Army's $4.4 billion SAM–D missile program. In that connection, I noted an article which appeared in last Friday's Washington Post revealing that Libya had recently purchased the French Crotale air defense missile and that this was being viewed by the Pentagon with concern since the missile is regarded as "highly effective and the U.S. Army is considering buying some." The article goes on to note that:

The Crotale is seen as a complement to the Army's planned $4.4 billion SAM–D air defense missile system, which is still many years from deployment. Some officials believe SAM-D which will be large and not very mobile makes a good target and the Crotale may be necessary to defend SAM–D and to help in the problem of hitting planes flying at very low levels.

So now we have a highly questionable system, the SAM–D, in need of another missile system to protect it since it does not work very well at low altitudes which are, incidentally, exactly where the most damage can be done to the field Army by tactical aircraft. As will be brought out in more detail during the debate next week, it is this problem of defending against low-level air attacks which is the weak link in our air defense chain, and it is here that we should be concentrating our resources available for air defense and not putting all our eggs in the extremely costly and overly-sophisticated SAM–D basket. I ask unanimous consent that this article be printed at this point in the RECORD.

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

MIDEAST ARMS ESCALATION SEEN—LIBYA BUYS FRENCH MISSILE

(By Michael Getler)

In another stepup in the Middle East arms race, Libya has bought and begun deploying a new French-built antiaircraft missile system, according to U.S. officials.

The sale of the weapons by France was apparently carried out in considerable secrecy. Sources here indicate the first the United States knew about it was when the missile—normally transported on an armored car—showed up in a parade in Tripoli recently.

The purchase is viewed here as a further expression of the Arab regime's fear of some future Israeli air attack against Libyan airfields, which now contain sizable numbers of French-built Mirage jet fighter-bombers but which until recently had been largely unprotected from surprise air attack.

Continuing sales of new French arms to Libya have caused concern in some industry and government quarters here because the regime of Libyan President Muammar Quaddaffi is viewed as revolutionary and volatile, having already ordered control of U.S. oil interests in Libya and demanded a slackening of U.S. support for Israel as the price for future oil deliveries.

But the purchase of the French Crotale missile is also of concern in the Pentagon, mostly because the missile is viewed as highly effective and the U.S. Army is considering buying some.

Having the missile in Libyan hands, some officials believe would eventually mean that the Soviets would gather information on its performance and thus be able to counteract its effects in the hands of the U.S. Army.

On the other hand, other U.S. specialists say any American version of Crotale would be substantially modified to make it difficult for Soviet warplanes to evade.

In general, officials believe that the French sale to Libya could inject political considerations into what they consider to be an important military decision for the United States on whether to buy the missile.

Some Pentagon officials believe Crotale to be far superior to other existing missiles, claiming it is cheap, accurate and mobile enough to be used in the field against enemy planes attacking at low altitude under virtually all weather conditions.

The weapon is seen as a complement to the Army's planned $4.4 billion SAM–D air defense missile system, which is still many years from deployment.

Some officials believe SAM-D, which will be a large and not very mobile system, makes a good target and the Crotale may be necessary to defend SAM–D and to help in the tough problem of hitting planes flying at very low levels.

Most important, some specialists say, Crotale is available now and view it as probably better than the existing U.S. Hawk anti-aircraft missile.

The SAM–D has been the target of sharp attacks in Congress in recent days by some senators seeking to cut it from the Pentagon budget.

U.S. sources estimate that only a handful of four-missile batteries are operational now of Crotale units, comprising perhaps three in Libya.

They are expected to complement the Soviet-built SA–2 missiles supplied to Libya by Egypt earlier this year. The SA–2 is primarily designed to shoot down planes at high altitude. Most of the Libyan air defense missile build-up is said to be clustered around the old U.S. Wheelus Air Base.

The Libyans reportedly now have about 60 of the 110 French-built Mirage jets they ordered.

Earlier this year, Libya moved several of those jets to Egyptian bases, in a move U.S. officials generally regard as an attempt by Libya to get them off the then unprotected Libyan airfields.

The shift of the French-built jets, however, touched off a sensitive political situation for the United States at the time.

At one point, Deputy Secretary of Defense William P. Clements is known to have chastised the visting French air force chief of staff during a social luncheon in Clements' office over the alleged lack of French control over transfer of the planes.

The French military leader was reported to be highly annoyed over Clement's comments and questioned U.S. Middle East policy in the process.

AMENDMENTS NOS. 490 THROUGH 493

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

Mr. HUGHES submitted four amendments, intended to be proposed by him, to the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces, and the military training student loads, and for other purposes.

AMENDMENT NO. 494

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

Mr. HARTKE. Mr. President, on behalf of myself and Senators Thurmond and Tower, I submit an amendment designed to alleviate an injustice that has been done by the Congress to the retired members of our uniformed services.

The amendment which I have offered will provide a one-time recomputation of military retirement benefits to the January 1, 1972, rates as compared to the January 1, 1971, rates as proposed by the administration bill. The 1972 rates will be effective immediately for persons who have retired for physical disability under the laws in effect before 1949, or a physical disability of at least 30 percent under later laws, and for nearly all those who have retired for years of service and are 60 or more years of age. Other retirees who are not yet 60 would have their retired pay recomputed at the time they reach that age.

I am in the unusual position of acting to redeem a campaign promise made by President Nixon in 1968. As part of his election drive, the President felt that the precipitous suspension of the recomputation system was, and I quote the President:

> A breach of faith for those hundreds of thousands of American patriots, who have devoted a career of service to their country and who, when they entered the service, relied upon the laws insuring equal retirement benefits.

The President pledged to remedy this inquiry as soon as possible—that was more than 4 years ago.

Senator HUMPHREY and Governor Wallace were equally strong in their endorsement of a restoration of recomputation rights to retired officers.

The Hartke approach is very similar to the course recommended by President Nixon last year in H.R. 14524. The cost estimate for the Hartke amendment matches the $360 million to the administration bill. That amount has already been included in the administration's budgetary request.

Mr. President, our retired military personnel have relied on a recomputation system that stood for almost 100 years. From 1861, when the President approved an act for the better organization of the military establishment, officers of the uniformed services were entitled to retire for length of service and to have their pay determined initially as a percentage of the rates in existence at the time, to be recomputed upon the new rates each time raises were granted in the future to the members of the active forces.

Similar provisions were made for enlisted members of the forces a few years later.

This system was in continuous operation until passage of the Joint Services Pay Act of 1922, which denied to those retired prior to the effective date of the act the right to recompute their retired pay on the basis of the new schedules.

In 1926, the 69th Congress corrected this injustice by restoring the right to recomputation for those on the retired rolls. The Senate committee report stated that:

> The 1922 legislation deprives all officers retired prior to that date of said benefits, thereby violating the basic law under which these officers gained their retirement rights. There is no justice in two pay schedules for equal merit and equal service. (Senate Report 364, 69th Congress.)

I submit, Mr. President, that the 1926 statement is equally valid today. and yet, Mr. President, today we have 11 different rates of retired pay for retirees of equal grade and service, with the oldest retirees, whose need is apt to be greatest, in each case receiving the smallest pay and the youngest receiving the largest. The disparity in many cases approaches 50 percent.

This situation exists because of the sudden suspension of the recomputation system in 1958 and its repeal in 1963, at which time a system of raises based upon increases in the cost of living was substituted with no savings clause to protect the previously earned benefit. This new provision has utterly failed to make up for the loss of the earned right to which the retirees had previously been entitled.

The reduction in the earned benefit was made in spite of the fact that the recomputation system had been reconfirmed by Congress in each pay act passed since it was restored in 1926, and in spite of the fact that the 1958 Pay Act was built upon the recommendations of the Cordiner Military Pay Study Committee. The Cordiner Committee concluded that:

> The incentive value of the existing military retirement system depends to a major degree upon its integral relationship with active duty compensation and the confidence which has been built up in the military body that no breach of faith or breach of retirement contract has ever been permitted by Congress and the American people.

As a consequence of the actions taken in 1958 and 1963, merit and length of service are no longer primary factors in determining the compensation a retiree will receive during the inactive phase of his career. On the contrary, it has now become a matter of when the individual was born and how successful he was in manipulating a favorable retirement date. For instance, a lieutenant colonel retiring today receives more retired pay than a major general who retired only 10 years ago.

In 1968, President Nixon pledged to submit legislation "to remedy ths injustice at the earliest possible time."

In keeping with that pledge, in 1971 he appointed an interagency committee to study the problem and on April 15 of this year he submitted a compromise proposal to Congress based upon the commttee's recommendation. The proposal is for a one-time recomputation to the 1971 pay scales for certain classes of physically disabled retirees and for those with less than 25 years of service who are over age 60 and those with 25 or more years' service at age 55. The 1974 budget contains funds in the amount of $360 million to cover the cost of the proposed compromise.

I think we have waited too long to remedy this injustice to those who have honorably and faithfully served their country during the two World Wars, Korea, and Vietnam.

A full restoration of the recomputation system, however, implies a cost of $1 billion in fiscal year 1973. I propose a simpler and I believe fairer solution than the one forwarded by the Department of Defense for the administration. At the same time, it is designed to keep the expenditure at approximately the level provided for in the budget.

Perhaps at a later time, the appropriate committee can take up a proposal for a continuing system of recomputation for those who entered the service in the expectation that the Government would carry out its obligation. I would support such a move. However, at the moment,

I believe it important that we take this first step in making good on the ethical obligation which we owe to those who served their country so well.

RETIREMENT INCOME SECURITY FOR EMPLOYEES ACT—AMENDMENT

AMENDMENTS NOS. 488 AND 489

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

PENSION REFORM LEGISLATION

Mr. JACKSON. Mr. President, the Senate is focusing its attention on private pension reform legislation and specifically on S. 4, the Retirement Income Security for Employees Act of 1973. I want first to express my complete support for S. 4. I would also like to take the opportunity to express my views on the tremendous need for reform of the existing private pension industry and to suggest two amendments to improve S. 4.

We have all read headlines telling us of the closure of company X and the consequent failure of its pension plan—or the mismanagement of company Y's pension trust fund and its failure to meet the obligations owed its participants. The Senate Labor Committee's 3-year pension study has also made us aware of such problems as the worker who is unable to receive a pension benefit because he fails to meet job tenure conditions of the pension plan for the vesting of accrued credits. We could discuss the details of the various specific failures and problems of the private pension industry for long hours. But more than such details we need also to remember the often tragic results of the private pension industry's shortcomings. These results are at the heart of the need for pension reform.

At the time of retirement a worker's main source of income—that is, his salary—is cut off. The worker finds himself on a sharply reduced and fixed income which must come from savings, if he is lucky enough to have any, social security, and a private pension. The costs of living continue after retirement, and as inflation eats into the retiree's limited and fixed income, he is less and less able to just make ends meet. Life under these all too typical circumstances is sparse and difficult enough for the retired person with social security and a good private pension. When a worker approaches his retirement and suddenly and unexpectedly finds that he has failed to qualify for his private pension and must rely solely on social security, it often means financial catastrophe for the retiree.

At present, there are 34 million workers participating in private pension plans. Undoubtedly, most of these workers are planning and relying on their pension plans to provide them with a substantial part of their retirement income. And yet, the facts are at present that only 22 percent of American workers receive all of the pension benefits which they have earned and which are rightfully theirs. I believe that these statistics are shocking and scandalous. It is just not right for the middle or low-income worker, who has made a productive contribution to his community all of his working life, to be cheated out of his pension and left out in the cold in his retirement.

Hundreds of people have written to me urging that I work for private pension reform legislation. Many tell personal stories of how difficult it is to become old faced with living at or near the poverty level. For these people, not getting their pension often means day-old hamburger, week old bread, powdered milk, few new clothes, no birthday, anniversary or other family celebrations out, and often no Christmas presents for their grandchildren. Even worse, in many cases retired persons must do without some basic necessities of food, rent, clothing, or fuel in order to make ends meet or to meet some unusual expense such as a large medical bill. The long awaited and hard earned retirement years should be pleasurable years of fulfillment. Too often they become truly sad and empty years dominated by financial distress and a declining human spirit.

Private pension reform legislation must be enacted out of a sense of elemental fairness to the millions of workers who earn but never receive pension benefits. It is also necessary to protect retired Americans from the suffering caused by financial distress. S. 4 is a modest but good beginning at reform. This legislation addresses in a positive way the most critical problems of the private pension system. This includes: first, the question of minimum vesting standards to prevent pension rights from lapsing because of unduly restrictive and unrealistic job tenure requirements; second, the question of minimum funding standards to better assure that pension plan managers will put sufficient assets into pension trust funds to meet obligations when they fall due; third, the question of insuring against plan failure by providing a Federal pension reinsurance program; Fourth, the question of portability by encouraging the development of complete portability of pension credits from job to job; and fifth, the question of fiduciary accountability by providing minimum fiduciary standards for pension fund managers.

These are important reforms and will do much to improve the equity and effectiveness of the private pension industry. I support these and other constructive provisions of S. 4. However, it is important that we recognize that these improvements are not the end goal of pension reform. They represent only the beginning. More legislation will be needed in the years ahead as more research is done and facts about the private pension industry are better known.

In the end it may be necessary to restructure the pension industry in a major way. This is the ultimate question to be considered. At the very least we must continue to consider reform measures in the years ahead. For example, it is well known that inflation can greatly diminish the financial security of retired persons on fixed incomes. And yet adjustments of private pension benefit levels to realistically reflect cost of living increases is largely nonexistent in the private pension industry. This particular problem opens up the whole area of minimum pension benefit levels which it will be necessary for the Congress to examine in the future.

There are other important issues which the Congress will face in the pension reform area. One is gradual improvement of S. 4's vesting schedule to eventually provide for 100 percent immediate vesting. I believe we must recognize this as a present objective and my first amendment to S. 4 would provide for 100 percent 1-year vesting of all pensions credits. An accelerated vesting schedule is more equitable, more realistic economically, and better for retired workers. If a worker earns a pension credit, it seems to me simple equity that he ought to be entitled to receive payment for it without complying with restrictive and technical vesting requirements. In an economic era in which mobility and adaptability are key ingredients of our economic success, long vesting periods for pensions must be eliminated. One hundred percent immediate vesting will also better assure financial security and independence for retired workers by protecting and preserving pension benefit rights.

I offer this amendment primarily as a statement of principle which I will work for in the years ahead. One hundred percent 1-year vesting is fair and right, and eventually it must come. One hundred percent 1-year vesting is the best single protection we can provide for workers' pension rights under the existing structure of the private pension industry. This is the direction in which pension reform is headed, and I intend to help lead the way. At the same time I must acknowledge that politically this objective may be unattainable as yet. For this reason I do not at present intend to bring this measure to a vote during consideration of S. 4.

My second amendment also deals with the problem of vesting but in a more modest and realistic way under present circumstances. Under this amendment, which I hope the Senate will adopt, a worker will receive 25 percent vesting for all pension plan participation of from 1 to 5 years. The graded vesting schedule of S. 4 which gradually increases vesting after 5 years is in no way altered. I would simply push back to an earlier point in time a worker's right to receive a minimum vested pension credit. This will better protect the millions of workers in our work force who change jobs with such frequency that they never qualify for the minimum protections of S. 4's vesting schedule. This amendment would broaden the number of workers who obtain the minimum 25 percent vesting under S. 4.

Perhaps an example of how my plan works will be the best explanation. Let us suppose a worker works 3 consecutive years for company A, 3 years for company B, 6 years for company C, and 4 years for company D. This worker has a total of 16 years of work. However, under S. 4's 5- to 15-year graded vesting schedule, he would be assured of 30 percent vested pension rights only for his

6 years employment with company C. The worker would have no vested credits at all for his work with employers A. B, and D, because he failed to meet the 5-year minimum work period of S. 4. Under my plan, the worker would retain the 30 percent vested credits with employer C and he would also be entitled to a 25 percent vested credit for his total of 10 years of credit earned but not vested with employers A, B, and D. In this example, the worker would get approximately double the vested credits he would have accrued under S. 4.

I believe that the need for this amendment is very great. As we are all well aware, it is most unusual in today's society for a person to work all his adult life for one company. Many workers are required by the nature of their work to change jobs frequently and do not stay in one job for a sufficient length of time to have their pension credits vest. Workers in this position are in professions which are of vital importance to the American economy. Perhaps the best example of this highly mobile employee is the engineer whose average job tenure is very short in the early years of his career. Engineers and other technical employees perform a vital role in our economy, and yet under S. 4, they will be largely unprotected through no fault of their own. Their position results simply from the unavoidable facts of how the industry in which they work is organized. Many other types of employment such as the teaching profession, medical, and other laboratory workers and clerical assistants are frequently or typically highly mobile job categories.

A perfect example of how the highly mobile worker is injured by frequent job turnovers occurred in my home State of Washington. The Boeing Co. in Seattle terminated over 66,000 workers between 1969 and 1971. Over 42,000 of the 66,000 employees terminated had been employed less than 5 years. Under the vesting schedule of S. 4, all of the accrued but unvested pension credits of these 42,000 workers would be permanently lost. I believe that a situation like this is just plain wrong and ought to be corrected. My amendment would correct this injustice by permitting a worker to preserve his earned but presently unvested credits. Without my amendment, mobile workers will continue to face the prospect of being left out in the cold in their retirement years.

Our country's economic success is dependent on changing technology and changing priorities. The mobility and adaptability of our work force has played a vital role in this economic success. I believe that it is unfair and economically detrimental to penalize the many workers who happen to fall into the category of mobile workers. We must abandon the obsolete requirement that a worker has to stay in one place at one job to accrue credits toward retirement benefits. As a minimum, we need adoption of my plan for the protection of highly mobile workers.

Again, I would like to make it very clear that I do not view my amendment as the ultimate solution in pension protection for mobile workers. S. 4 provides for a study of the mobile worker problem by the Department of Labor which will give us a great wealth of technical information on how legislation can be devised to better protect mobile workers. It also provides for a study of changes in Government procurement policies to result in greater job stability in the work force. Tax incentives are suggested to encourage industries to pool pension plans on an industrywide basis. In the future industrywide plans may be devised to provide greater vesting for mobile workers within a single industry. However, the results of this study and any subsequent legislation to better protect mobile workers is a matter to be considered in the somewhat distant future. I believe that it is important that the Congress specifically address the problem of the mobile worker in S. 4. My amendment provides a minimum protection for mobile workers which we can build on in the future as more information becomes available. I hope the Senate will adopt this measure.

AMENDMENTS NOS. 496 AND 497

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

Mr. NELSON submitted two amendments, intended to be proposed by him, to Senate bill 4, supra.

IMPROVEMENT OF PRIVATE RETIREMENT SYSTEM—AMENDMENT

AMENDMENT NO. 495

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

Mr. TUNNEY submitted an amendment, intended to be proposed by him, to the bill (S. 1179) to strengthen and improve the private retirement system by establishing minimum standards for participation in and vesting of benefits under pension and profit-sharing retirement plans; by establishing minimum standards; by requiring termination of insurance; and by allowing Federal income tax credits to individuals for personal retirement savings.

NOTICE OF HEARING ON CRIB DEATH

Mr. MONDALE. Mr. President, Senator KENNEDY and I would like to announce at this time that the Subcommittees on Children and Youth and on Health will hold a joint hearing on S. 1745, "to provide financial assistance for research activities for the study of sudden infant death syndrome, and for other purposes" next week. The hearing will take place at 9:30 a.m., Thursday, September 20, in room 4232 of the Dirksen Office Building. All interested parties are invited to attend.

ADDITIONAL STATEMENTS

FERTILIZER CRISIS PRESENTS LATEST THREAT TO FARM PRODUCTION

Mr. HUMPHREY. Mr. President, the American farmer has faced one obstacle after another hindering his production of a crop to meet record world demand.

First, he was told that he would not be able to get the fuel he needed for plowing, harvesting or drying. Through widespread attention by the Congress and the public, pressure was brought upon the administration to take emergency allocation measures. While we have been barely able to get through the planting and harvesting so far this year, the competing for and increased demands on fuel for plowing, harvesting, drying and heating will mean disaster for the American farmer and consumer unless drastic conservation and mandatory allocation measures begin right now.

Next we hit the farmer with a series of interest rate increases which last week reached 10 percent for the select customers of certain banks. Most farmers will have to pay much more than this "prime rate" for the credit he needs for buying his fuel, equipment, seed and other inputs he must have to earn his income. This is if he can even get the credit at all. Clearly, the American farm family cannot continue for long when all the profits are going to pay off the interest.

And if tight fuel and credit were not enough, now the farmer is being told that the fertilizer he needs for planting this winter and spring may not be available. I am sure I do not need to tell my colleagues of the importance of having adequate fertilizer. It is estimated that over 30 percent of our total farm production is credited to the use of modern fertilizers. World demand for grain is expected to exceed production by 10 to 15 million tons and we have essentially no reserves. We cannot afford less than our maximum production in this country.

The fertilizer situation is well expressed in an editorial in today's Washington Post. I would like to share this article with my colleagues.

Mr. President, I ask unanimous consent that it be printed in the RECORD, at the close of my remarks.

What we have been seeing over this past year is that we cannot take this country's food production for granted. The shortages we experienced over this past year are forebodings of a food crisis unprecedented in this country unless immediate attention is given to every aspect of agriculture including transportation, farm inputs, and the availability of credit. The challenges in each of these areas and the potential threat to the food availability to the American consumer make this our No. 1 public policy issue.

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

A LETTER FROM THE WHEAT BELT

SEPT. 3, 1973.

DEAR SIR: My husband and two sons farm approximately 2,000 acres of wheat land in Sumner County, Kansas. We are not big farmers, nor are we small.

There is now a widespread and critical shortage of fertilizer and planting time is near. If we do not get enough fertilizer, we will not be able to produce much wheat. Thousands of farmers are in the same boat. (Also we cannot get, at any price, tractors, tractor tires, rims, wheat drills, bailing wire, machinery parts, to mention a few, and we

are rationed on gasoline—altho, as a housewife, I can fill up at any major station 20 miles away with no questions asked.)

Oil companies make fertilizer. We are told by our suppliers that they cannot get fertilizer (anhydrous ammonia) because: 1. There is a shortage on natural gas needed to make it. 2. Forty-five per cent of the fertilizer is being shipped overseas at much higher profits. (A dealer of some 30 years told us that when he sent his trucks to Houston, the supplier refused to fill them while his driver watched the fertilizer being loaded on ships for export.) 3. The railroads are weeks delivering carloads that should arrive in days.

Excuses will not grow crops.

Meanwhile, you city people had better get off your office chairs and start writing your congressmen too (or anyone else that you think might help) or next year there may not be *any* food.

Respectfully,

S. J. DIXON.

A number of people here in Washington have begun to see the danger in the fertilizer shortage, but no one has put the case better than Mrs. Dixon. Her letter arrived the other day from southeastern Kansas, where the ground is now being prepared for planting the wheat. Fertilizer supplies this month will affect not only grain prices next summer, but beef prices next spring. Modern fertilizers enable farmers like the Dixons to graze beef cattle all winter on the growing wheat, sell the cattle in the spring, and a few weeks later harvest a normal wheat crop. But that takes a lot of nitrogen in the soil.

The Dixon family's troubles are a brilliantly clear illustration of the desperate dilemmas into which the country has fallen in its struggles with food and prices. The Nixon administration is trying to hold down the cost of food by expanding production. The Dixons' wheat acreage this October will be 30 per cent greater than last year's. Bigger crops require more fertilizer and the producers cannot meet the soaring demand. Nitrogen fertilizer is made from natural gas, already severely in shortage.

In the Dixons' area, one major supplier is W. R. Grace and Co., which operates a plant nearby in Joplin, Mo. The plant manager, D. E. Warren, says that his gas supply was cut off 46 days last winter and was reduced by 9 per cent last month. Since his gas suppliers have warned him to expect similar disruptions again this winter, Mr. Warren is installing propane tanks for supplementing the natural gas flow. But, he points out, propane is also in shortage and it is six times as expensive as natural gas.

The domestic price of nitrogen fertilizer is held down to $40 a ton by the federal price controls. But the export price is uncontrolled and it is now about $75. That is why manufacturers give preference to foreign buyers. Mrs. Dixon complained to her congressman, Joe Skubitz (R-Kans.), who talked to the Agriculture Department. Subsequently a large oil company made some unexpected deliveries in Mr. Skubitz's district, but that was only temporary relief. Mr. Skubitz favors decontrol of the price, on grounds that his constituents would rather pay more than be crippled by shortages in the crucial planting weeks.

The real crisis is coming next spring, when fertilizer demand will reach its annual peak. American farmers will need about 10.1 million tons of nitrogen fertilizer for the year ending next June, the Agriculture Department estimates, but supplies will be only about 9.1 million tons. This means a shortage of 1 million tons here in the United States. Meanwhile our exports are projected at 1.7 million tons.

Sens. Hubert Humphrey (D-Minn.) and Robert J. Dole (R-Kans.) called a meeting last Monday at which they pressed the administration and the industry for a solution. Senator Humphrey asserted that a million-ton shortfall of fertilizer would reduce American production of feed grains next year by 20 million tons: "If this occurs," he said, "the effects will be catastrophic. Retail prices will go into the stratosphere." The Agriculture Department is supposed to come up with an answer. But, in truth, the possibilities are neither numerous nor attractive. Decontrol would contribute to inflation immediately. Continued price control would mean shortages now, causing further inflation later. The only other choice would be export controls which, as the administration has learned, are fearfully destructive of our relations with other nations that count on us for vital supplies. Senator Humphrey took the issue into the hearings on the confirmation of Henry Kissinger as Secretary of State. Dr. Kissinger apparently had not anticipated questions on fertilizer. But he may discover that it has more to do with his work over the coming years than many of the more conventional preoccupations of diplomacy.

When the Nixon administration began to push for maximum farm production, no one gave much thought to fertilizer requirements. Now that the industry needs more gas, the government still is not prepared to say who should have less. Nobody in Washington worried much about rising fertilizer exports until the word of shortages began to trickle back from the farm states. City dwellers, bewildered and outraged by the cost of food, are demanding explanations. Those explanations might well start with the Dixon family, scouring southeastern Kansas for dealers able to sell them anhydrous ammonia for their fields before the winter wheat goes in.

THE MINIMUM WAGE BILL

Mr. FANNIN. Mr. President, the minimum wage bill passed this summer by the Congress is legislation which would hurt rather than help Americans who are struggling with low incomes. President Nixon was wise to veto it.

As passed by Congress, the legislation would add to the fires of inflation—and inflation injures the low income family much more severely than anyone else. It would cause the elimination of many jobs which are already marginal, meaning a boost in unemployment.

Mr. President, those of us who opposed this bill on the Senate floor tried to make these arguments. They still are valid, and have been forcefully presented in a column by James J. Kilpatrick in last Friday's Washington Star-News. I ask unanimous consent that this article be printed in the RECORD at this time so that Members of the Congress can reflect upon these points before reconsidering their position on the minimum wage issue.

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

A REASONED VIEW ON WAGES

(By James J. Kilpatrick)

President Nixon vetoed the minimum-wage bill on Sept. 6, and since then the welkin, as they say, has been ringing. He has been denounced at least 22 times a day chiefly by liberal Democrats whose odd notion of how best to care for the poor is to herd them into housing projects and to keep them on welfare forever.

The President's veto, in my own view, was soundly reasoned. It ought to be sustained.

The pending bill would raise the federal minimum wage for most non-farm workers, which has been fixed at $1.60 an hour since 1968, to $2 on November 1 and to $2.25 next July. The bill would extend coverage to domestic workers and to certain employees of state and local governments. Thousands of workers in small retail and service establishments also would be affected.

Nixon's position is that these several provisions, on balance, "would do far more harm than good." He is not opposed to a substantial increase: The administration's own bill would raise the minimum wage to $1.90 at once and to $2.30 three years hence. But he argues convincingly that the adverse effects of an increase can be minimized by a more gradual and less sweeping approach.

The purpose of any increase in the minimum wage is to benefit the low-wage worker. Such a prospective benefit would prove illusory, if it were swallowed up in higher prices; or it could prove disastrous, if it resulted in the loss of a job.

Manifestly, the pending bill would be some contribution toward higher prices. The employer who is compelled to meet a 37.5 percent increase for his minimum-wage workers over an eight-month period, and is further compelled to adjust other wages in order to maintain differentials, is bound to feel the impact in his labor costs. Yet proponents of the bill probably are correct in saying that the inflationary effect of the increases would be small. The best estimate is that the bill would add $1.7 billion next year, or only 0.4 percent, to total wages paid.

The more significant inquiry goes to the prospective effect of this bill in human terms: What about the marginal man or woman who "benefits" by being fired? This is not the sort of benefit that has great appeal. Yet Nixon is quite right in warning the well-intentioned sponsors of this legislation that this likely will be the consequence of their benevolence.

Consider the domestic household workers. The bill would fix their minimum at $1.80 an hour in November, $2 next July and $2.20 in July of 1975. An estimated 671,000 domestics now are paid less than $1.80, and 700,000 are paid less than $2. They are not mere tabulated figures in a statistical report. They are real live human beings, and it is idle oratory to complain that they are being "exploited" or that they are being paid "starvation wages." They are performing honest work at the very edges of the labor market and they earn something, at least, in self-respect.

Is it better for a domestic to earn, say, $12 a day at $1.50 an hour, or to earn zero dollars a day—because there is no job—at $2 an hour? To the 16-year-old cutting grass, or to the elderly black maid in a small Southern town, the question has fateful meaning. Such marginal workers have more to fear from their benefactors than from their oppressors.

The President also objects, on sound grounds, that it is unwise to extend federal wage controls to functions of state and local government not involved in federal aid. The number of such affected employees is small (only 74,000), but the principle is large. He also makes the realistic argument that the small retail and service establishments newly covered by the bill "are the very businesses least able to absorb sharp, sudden payroll increases." Such employers could meet the higher wage costs only by cutting back on jobs.

Most of the key proponents of the bill unceasingly proclaim themselves, in their political campaigns, as friends of the poor, the blacks, the young, and the working women of our society. It is a curious act of friendship, I submit, to hold out to these constituents the prospect of higher pay—but no work.

STATEMENT BY SENATOR COOK BEFORE COUNCIL ON ENVIRONMENTAL QUALITY

Mr. ROBERT C. BYRD. Mr. President, on July 13, Senator COOK, Senator BAKER and I introduced S. 2167 to create a Federal energy research and development trust fcnd. The bill provides that specific programs would be funded from the revenue gained from the leasing of the Outer Continental Shelf. Expenditures would be made from the fund to meet requirements as they occur over a continuing period of time. The sum of $2 billion would be deposited into the fund annually from the more than ample bonuses paid for permission to explore for and produce oil and gas on the Outer Continental Shelf.

We have heard much discussion in this Chamber concerning the energy shortage which the people of this Nation are now experiencing. The President, the Congress, and industry all seem to share the view that the best solution to our problem lies in a dynamic research and development program designed to convert our domestic natural resources, particularly coal, into fuels which are commercially feasible and ecologically acceptable.

I do not think such an ambitious program can be supported entirely by annual appropriations of undetermined amounts. Rather we need assured financing over a continuing period. S. 2167 would provide the vehicle required.

On September 13, my good friend Senator COOK testified before the Council on Environmental Quality during hearings conducted to determine the future of the Outer Continental Shelf as it relates to the production of oil and gas. The Senator concludes and I concur that this activity must continue, not only because we need the energy fuel, but also because we need the funds to support energy related research and development programs. I also agree with his note of caution that we must insure that such activity be conducted in a manner which will best protect the environment.

I think the Senator has taken a very sound and realistic approach to a very difficult problem. I ask unanimous consent that a copy of his remarks be printed in the RECORD. In so doing I would also like to invite my colleagues to cosponsor S. 2167 and join us in this most worthwhile R. & D. effort.

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

STATEMENT BY SENATOR MARLOW W. COOK

Mr. Chairman, I appreciate very much your invitation to testify at this public hearing concerning the future of the Outer Continental Shelf (OCS). I am particularly pleased to be identified with your efforts to address the role played by the OCS relative to the all important energy question as this problem has been of much concern to me over the past several years. It is encouraging to note that throughout all branches of the Government there seems to be an increased awareness to this problem, as well as sincere effort to seek solutions. For this reason I believe that the hearings you are conducting are timely and relevant.

For some years I have followed with interest the increased activity involving the Outer Continental Shelf. For many years we have held this public asset in trust. While we recognized that it had some value, few people considered it a bonanza. However, from figures available to me, it is noted that beginning in 1968 there has been a significant increase in its speculative value. In fact I understand that, depending on the bonus which will be paid for the some 800,000 acres scheduled for bid in December of this year, the Federal Government could realize a bonus approaching three billion dollars for 1973 alone.

Just what change in economics has caused this asset to become so valuable?

I realize that many factors have made a contribution. However, I submit that the over-riding factor has been the shortage of energy fuels. This shortage, coupled with an increased demand for petroleum products, as well as the disappearance of so-called cheap petroleum products from foreign markets, has certainly caused our industry and our government to examine more closely the totality of our domestic natural resources.

It's simple economics that as long as there was relatively inexpensive energy fuels in sufficient quantities to meet our needs, then the cost of exploration and production on the OCS was prohibitive. I believe that it is the energy shortage and the resulting increase in product cost to the consumer that has reversed this equation and made the exploration and production of these same Outer Continental Shelf areas commercially feasible.

I contend that this public land is a tangible asset of the people. This asset has gained in value because of the energy shortage. This value gain is reflected in the increased bonus that the energy industry is willing to pay for the right to explore for and produce oil and gas.

Conversely this energy storage, while increasing one of our assets, has in turn degradated other assets, created hardship, and has threatened the standard of living of some Americans in certain parts of the land. What better way, then, to use this increased asset than to find ways to satisfy the energy shortage itself.

How can this best be accomplished?

The President, the Congress, and industry all seem to share the conclusion that the key to our dilemma lies in a dynamic research and development program designed to convert our natural resources into fuels which are commercially feasible and ecologically acceptable. I believe that the research, development and demonstration programs necessary can be achieved only if there is assured financing over a continuing period.

On July 13 of this year for myself and several other Senators, I introduced a bill, S. 2167, to establish a Federal energy research and development trust fund. The bill provides that specific programs would be funded from the revenue gained from the leasing of the OCS. The fund would act as a repository for monies of a prescribed amount. Expenditure could be made from the funds to meet requirements as they occur over a continuing period of time. I suggest a sum of two billion dollars would be paid into the fund annually from the more than ample bonuses paid for the outer continental shelf leases. The administration of the fund could be placed in the hands of the Secretary of the Interior or other appropriate agency should the President's proposed reorganization be approved.

I am particularly concerned with additional coal research, both in increasing environmentally acceptable methods of extraction as well as utilization. It is vitally important that research be carried out at each level of the energy cycle: The mining or extraction, the conversion, transmission, and end use all could benefit from increased research funds.

In addition to coal, funds could be allocated to other energy sources such as oil shale, geothermal, solar, etc. The main point is that as the oil and gas resources from the OCS and onshore are depleted, we must have some assurance of the availability of future energy supplies.

Using R. & D. as the basic purpose of the fund we might even consider that if it is necessary to solve the crunch problems that the Federal Government use the fund to go into business as we did in the atomic energy crisis, as we did prior to World War II and during the course of World War II. If necessary it might even be considered to be prudent to establish refineries, pipelines or whatever else is necessary to solve and create a logical energy program for the United States with adequate provision for a predetermined disposition and divestiture back into the private sector.

I take no issue with what has transpired during the recent OCS leasings as I believe this action is in keeping with the economic pattern of supply and demand which is the basis of any sound economic system. I think that we should continue to explore and produce the energy fuels available to us on the Outer Continental Shelf within limits established by competent authority. However, I think it fair to question the prospects for future leases. We need the oil and gas and we also need the revenue for the necessary R. & D. programs.

I was pleased with that portion of the President's energy message of April 18 announcing a stepped up schedule on Outer Continental Shelf leasing. I spoke out in the Senate chamber in support of the subsequent announcement made on July 17 by the Department of the Interior concerning a proposed leasing schedule calling for fifteen possible oil and gas lease sales on the Outer Continental Shelf in the next five years. The more recent announcement of September 6 that a large lease sale will be made in March seems to confirm that we do have a positive program concerning the leasing of Outer Continental Shelf lands. In his message to the Congress this week the President has again opted for increased R. & D. funding for energy.

This is all most encouraging and we must see that this program continues—not only for the oil and gas which will be made available but for the funds to support our R. & D. efforts.

Mr. Chairman, I'm not an engineer, but the complexity of the sophisticated energy legislation we are considering today requires more than a cursory knowledge of certain practices if one is to vote intelligently on the various proposals. But as a lawyer looking at an engineering problem, it seems to me we have within our grasp the means to satisfy our energy problems.

However, in so doing we must be careful that we do not permit the unacceptable deterioration of our environment. Many factors contribute to the problem and its solution. Let me mention just a few of the more obvious ones.

To protect the environment and assure continued activity on OCS lands it would be logical for the proposed energy fund to assist in the search for answers to pressing public questions about environmental effects of OCS oil and gas development. Research should be conducted to increase our knowledge of background levels of hydrocarbons in physical and biological components surrounding the OCS. We must know more about the physiological effects that our activity will have on marine plants and animals. Armed with this information we will be in a much better position to enact legislation fostering intelligent pollution regulations.

In addition, I understand that in some instances the Department of the Interior has limited geological and geophysical data to

use to develop and execute a viable policy for OCS land. Unless this information is available, capability to develop long range programs is severely limited. What we are seeing is the emergence of a program which is largely in response to industry's interest in specific OCS areas rather than planned orderly development. Directly related is the requirement for adequate information to permit the Federal Government to evaluate each parcel it considers for lease. Industry is understandably jealous of the information they have gathered at substantial cost. This proprietary data places industry in an excellent bargaining position as it bids for a specific lease. I do not propose that the Federal Government gather all its own geological and geophysical data. However, there should be some means of gathering data by contracts so that the Government can at least hold its own at the bargaining table and insure safe development. Information so produced would be available to the public and could be used in environmental impact statements. There is also an unfilled requirement for an expanded research, development, and testing program aimed at identifying gaps in technology related to OCS activity.

All of these requirements could be met by projects supported by the energy trust fund.

Mr. Chairman, one final thought, when S. 2167 was introduced one Senator made the point that one reason we have opposition to OCS drilling is that the States that are on the shore of such activity have no interests. It was suggested that such States might receive some consideration—similar to that now given in connection with the development of public lands or development of the forest in the counties in which they are located. This is a very interesting consideration. It would seem that once the energy trust fund was established that a formula could be developed by which a percentage of the trust could be utilized in connection with R.&D. projects in that State to offset the costs to that State which are attributable to the OCS activity. This is particularly necessary as it concerns environmental impact. I intend to pursue this question when hearings on the bill are scheduled.

In conclusion, I believe that the intelligent development of these revenue producing OCS assets is essential if we are to solve our energy problems. We need the oil and gas and we can certainly find use for the revenue produced through the leasing program. What is required and is lacking is an expressed policy which would earmark these funds to ensure that they are used to best serve the public's interest by funding energy related programs. I conclude that a trust fund is the answer.

SUPPORT OBLIGATION OF PARENTS

Mr. DOMENICI. Mr. President, I would like to say a few words today in support of S. 2081, a bill recently sponsored by my colleague Senator SAM NUNN, which would amend title IV of the Social Security Act to provide a method of enforcing the support obligation of parents. I am an enthusiastic cosponsor of this measure.

In 1967, 3.5 million persons in this country were receiving Federal assistance through aid to families with dependent children—AFDC. This figure represents the number of persons affected by the absence of a father in the home, for whatever reason. By the end of 1971 that figure had grown to 8.1 million.

Furthermore, a 1971 AFDC study conducted by the Department of Health, Education, and Welfare revealed that only 13.4 percent of AFDC families received support payments from the absent father. This figure is abysmally low and I believe efforts must be made to revitalize and reform the current mechanisms for enforcing parental responsibility for the support of children. It is obvious this is a problem that simply will not go away by itself, and it is costing the taxpayer more and more each year.

S. 2081, introduced on June 27, would provide an opportunity for necessary reform. If this bill were passed, the Federal Government would undertake new measures for locating absent fathers, enforcing the collection of child-support payments, and ascertaining the paternity of deserted children.

These three initiatives represent an intensified effort intended to help reverse the trend of the last decade, wherein more and more public funds have been expended to support children whose fathers fail to acknowledge their family responsibilities. This is important not only with respect to AFDC caseload cost and size, but also with respect to the right of children to know who and where their fathers are, and to establish their rights to support and inheritance.

Each State and locality would be required to initiate effective systems of support collections against deserting parents. The abandoned parent will assign her support rights to the Government and will cooperate in the enforcement process as conditions of AFDC eligibility. Individual States will be responsible for the major compliance with the law, with backup support facilities and moneys from the Federal Government.

In order to add to the scope of the State's abilities to pursue support obligations, the bill would authorize the State, as an agent of the Federal Government, to utilize all the enforcement and collection mechanisms available, including the Internal Revenue Service. Financial incentives would be provided for cooperation in these efforts for establishing paternity and securing support such as increasing Federal matching funds for States expenses from 50 to 75 percent in those States having effective programs. In addition, 40 percent of the first $50 received in support payment by the mothers of deserted families would be retained by the family without causing any reduction in their AFDC grant.

Generally, the amount of the obligation to the Government would be defined as the amount specified in a court order for support, or in the absence of a court order, the total amount of the AFDC grant issued to the deserted family, or, if less, 50 percent of the deserting parent's income.

There are many, many parents, mostly mothers, who truly need the assistance of aid to families with dependent children. At the same time, there are parents who are earning good incomes who abdicate their responsibility for their children at the expense of the taxpayer.

I believe the savings incurred as a result of this legislation would well offset the initial expenses of setting the program in operation. I urge my colleagues to support the new and stronger measures contained in the Federal Child Support Security Act to return the responsibility for the support of deserted children to the parent, where it rightfully belongs.

163D ANNIVERSARY OF MEXICO

Mr. FANNIN. Mr. President, yesterday was the 163d anniversary of one of the most significant events in the history of our good neighbor, Mexico.

On September 16, 1810, Fr. Miguel Hidalgo y Costilla proclaimed Mexico's absolute independence from Spain. The Napoleonic invasions of Spain, resulting in the imprisonment of the Spanish king, had given the Mexican people the opportunity to grasp for the independence they sought.

Hidalgo's proclamation at Dolores, Guanajuato, was the spark that touched off an 11-year struggle for independence.

Although the spirit which moved the Mexican people to independence is similar to our own in the United States, Mexico has developed its own unique institutions and cultural traditions which are a fusion of Spanish, Catholic, and Indian influence.

Over the years the United States has been enriched not only by the art and culture of Mexico, but we as a Nation have benefited from the large number of citizens who are of Mexican descent.

Arizonans and others residing in the Southwest are deeply aware of the contributions that Mexico has made to our civilization. We are proud to share with the Mexican people a common devotion to democracy and universal freedom.

The people of Arizona, especially those of Mexican descent, join each year in marking this important anniversary in the history of Mexico and the Mexican people.

It is my privilege to salute Mexico and people of Mexican descent both in their native land and those who are now citizens of the United States.

Mr. President, I know that the people of the United States join with me in paying tribute to Mexico and wishing this good neighbor continued greatness and prosperity in years to come.

A KEY RESPONSE BY DR. HENRY KISSINGER

Mr. MONDALE. Mr. President, the recent confirmation hearings of Secretary of State-designate Henry Kissinger gave the public an opportunity to hear many of the views of Dr. Kissinger. I wish to call to the attention of my colleagues a recent editorial in the New York Times which caught one of the key responses made by Dr. Kissinger to the questioning of the Foreign Relations Committee.

Dr. Kissinger, when asked the effect of Vietnam and Watergate on the fabric of this Nation, responded:

> These traumatic events have cast lengthening shadows on our traditional optimism and self-esteem. Where we once ran the risk of thinking we were too good for the world, we might now swing to believing we are not good enough. Where once a soaring optimism tempted us to dare too much, a shrinking spirit could lead us to attempt too little.

The New York Times correctly points out that the issue is not whether the American people believe themselves too good or not good enough for the world; but that:

Successive administraations have imposed on the world Big Power policies which the American people never were allowed to approve or disapprove. In that process—Americans lost control over their destiny.

The editorial concludes:

Until their Government's actions at home and abroad begin again to carry the imprint of the people's will, the question whether Americans believe themselves too good or not good enough for the world is irrelevant.

Mr. President, I request unanimous consent that the editorial be included in the RECORD.

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

IRRELEVANT QUESTION

In trying to assess the impact of Vietnam and Watergate, Henry Kissinger told the Senate Foreign Relations Committee: "These traumatic events have cast lengthening shadows on our traditional optimism and self-esteem. . . . Where we once ran the risk of thinking we were too good for the world, we might now swing to believing we are not good enough. Where once a soaring optimism tempted us to dare too much, a shrinking spirit could lead us to attempt too little."

These dangers cannot be ignored. But Dr. Kissinger's attempt to define them is misleading. The choice before the United States as a major world power is not simply between daring too much and attempting too little. It is rather between what is right and what is wrong, between honesty and deception, between adherence to principle and pursuit of Realpolitik.

When the United States joined her European allies in the liberation of Europe from Nazi domination, this country dared a great deal—as it did again with its Marshall Plan strategy of rebuilding a prostrate continent. It was not that the United States subsequently dared too little or too much. It was rather that the nation deserted its principles. There would have been no honor in the Bay of Pigs even had the venture succeeded. From the ill-considered foray into the Dominican Republic to the undercover C.I.A. skirmishes in Southeast Asia, the American posture contradicted American ideals. The military and moral disaster of Vietnam and Cambodia was the bloody end of a long wrong road.

It is not a question now whether the American people believe themselves too good or not good enough for the world. Successive Administrations have imposed on the world Big Power policies which the American people never were allowed to approve or disapprove. In that process, which culminated in the secret war against Cambodia and the carpet-bombing of Hanoi, Americans lost control over their destiny.

Until their Government's actions at home and abroad begin again to carry the imprint of the people's will, the question whether Americans believe themselves too good or not good enough for the world is irrelevant.

PROFESSIONAL HEALTH MANPOWER FOR RURAL AREAS

Mr. TOWER. Mr. President, on April 12, I introduced S. 1550, a bill which would provide a tax incentive for physicians, dentists, and optometrists to establish their practices in areas which have a shortage of health professionals. I am extremely pleased that Senator BIBLE, Senator DOMINICK, Senator ERVIN, Senator HELMS, Senator MCGOVERN, Senator STEVENS, Senator TAFT, and Senator YOUNG have joined me as cosponsors of this measure.

We have received encouraging reports in recent months that our Nation's universities and colleges, with the assistance provided by the Comprehensive Health Manpower Training Act of 1971, are making significant advances toward correcting the general shortage of health manpower. However, we have been far less successful in our efforts to correct the maldistribution factor. The inequity in the distribution of professional health manpower is one of the most serious problems confronting the Nation's health care delivery system. The following facts are an indication of the general situation—the national average of non-Federal dentists per 100,000 population is 47, but New York State's ratio is 68 to 100,000 while in Texas the ratio is 37 to 100,0000. However, my greatest concern is for those communities, whether small towns or urban ghettos, which have few, if indeed any, physicians, dentists, or optometrists practicing.

Unfortunately, the situation seems as if it is going to worsen in the near future. Surveys of physicians in rural areas indicate that the average age in many areas is the late fifties and early sixties. The physicians who are now serving the rural populations are reaching the age when they want to retire and the communities have been unable to find replacements. Some physicians have contined to practice until the day of their death rather than leave their communities without a doctor.

In order to legislate programs to correct this situation, it is necessary to examine some of the criteria that a person considers when determining where to locate his practice. One of his primary concerns is the environmental and cultural factor. When he locates in a rural community, he often leaves the conveniences, the cultural events, and the life style of large metropolitan areas to which his family is asscustomed. He also will consider the quality of education that his children will be able to receive. I have been most pleased with pilot programs which give medical students the opportunity to work in rural areas during the summer so that they can become better acquainted with the nonurban way of life. When a person moves to a smaller community he also leaves behind the undesirable aspects of urban living such as air pollution and high crime rates.

A second criteria is the availability of adequate facilities and support personnel. Many communities have excellent facilities which are not being used. The lack of support personnel results in overworked professionals. I have been pleased with the efforts of the Government and the medical community to develop new types of health manpower, such as the physician assistant. The use of such personnel in a proper manner will mean better care for more people.

A third criteria is whether the area has a sufficient population to support a specialized practice. Often, in rural areas, the population base is not sufficient. Although an increasing number of medical school graduates elect to pursue specialization, and although specialization has produced a higher quality of medical practice in urban areas, we have not outgrown our need for primary care physicians, such as family practitioners and internists. I am most pleased with the Federal program to establish family residency programs in order to promote the training of more primary care practitioners.

Another criteria a health professional will consider is his expected earnings which can be obtained in a rural or urban ghetto practice. In an effort to enhance the practice of medicine in these health manpower shortage areas, I have introduced S. 1550. I would be most pleased to have my colleagues who have not done so to join me as a cosponsor of this measure, which has received the support of the American Medical Association and the American Optometric Association.

Mr. President, at this point I would like to ask unanimous consent to have printed in the RECORD a series of six articles written by Jon McConal for the Fort Worth Star Telegram. I feel that the articles are an excellent account of the impact and the implications of the health manpower shortage for small communities in Texas.

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

[From the Fort Worth Star Telegram, July 16, 1972]

MORE COMMUNITIES FIND DOCTORS HARD TO COME BY—SMALL TOWNS PRESSING SEARCHES FOR MEDICAL MEN

(The problem of finding more family physicians and getting them into rural areas is much like following a twisting mountain stream. It extends into many areas.

(In the first of his six-part series, Star-Telegram Contributing Editor Jon McConal pinpoints the need of small towns for doctors and the problem in getting them.

(The remaining five parts, which will continue in the Morning Star-Telegram, feature:

(Interviews with residents of small towns that have either no doctor or only one doctor.

(Questioning of top medical officials and a look at some of the proposed solutions, including the shortening of medical school and the new medical assistant program.

(A look at one of the training programs being conducted by the Air Force at Wichita Falls in which physician assistants are being trained.

(What it's like being the only doctor in a small West Texas community.

(The reasons why a young doctor would want to go to a small town to practice and what the town has to offer in order to interest a young doctor.)

(By Jon McConal)

On Feb. 18, Debbie Shackelford, 17, star forward on the Glen Rose girls' basketball team, was resting after her team's performance in a regional competition.

Suddenly, she was struck with a blinding pain in her side which doubled her up. The game had been played in Denton, where Debbie and the team were staying in a motel. Glen Rose is 100 miles away.

Efforts to get a doctor to go to the motel to check her condition failed. She was moved to a hospital in Denton. Again, efforts to get a doctor were fruitless.

Finally, in desperation, her coach, Paul Schuelke, called Dr. Roger Marks in Glen Rose. He told Schuelke to load the girl into a car and rush her to Glen Rose as soon as possible.

At 5 a.m., her illness was diagnosed as acute appendicitis. Debbie then was transported another 25 miles to Cleburne where she underwent surgery—nearly 12 hours after the initial pain.

Rob Ferrell is a large, strong, healthy, 21-year-old. Last winter, he and three buddies were at a ranch in Erath County. They were playing pass, and Ferrell, making a dash and turn, struck a barbed wire fence. It ripped open his thigh. Blood quickly saturated his pant leg.

He was loaded into a car. His friends took him to the nearest town. The nurses refused to treat him and refused to call a doctor. They said the doctor could not be bothered.

They went to the next small town. The same thing happened there. Fnally, they rushed to Stephenville, about 40 miles from the accident scene. And there, nearly three hours after the injury occurred, Ferrell's wound was sutured.

Though no lives were lost in those two cases, they dramatically emphasize the need in Texas and the nation for more doctors. And they pinpoint the need for more doctors in small towns.

In either instance, the doctors in the towns who did not choose to go and check the patient, can hardly be blamed, if you consider the workload any doctor in a small town is carrying. The wife of Dr. Arthur Mancille, the only doctor in Aspermont, spoke of that workload.

"My husband's patient load is about 50 persons per day and that's not counting the emergencies at night. And, believe me, we have emergencies every night. At least three, generally," she said. "He tries to take Saturday afternoon off and Sunday, but there is just not any way he can really get off. The phone always rings."

The phone is always ringing in the office of Dr. Winfrey W. Goldman Jr., medical director at Peter Smith Hospital. He helps formulate the program for interns who train there.

"We receive letters and phone calls each day. Some are desperate. All want the same: a family practitioner to come to their town," said Dr. Goldman.

He picked up a cigarette and lighted it.

He added: "I suspect that there are now more brand-new well-equipped hospitals—small but adequate—than there are doctors. Community after community has built a hospital, equipped it and staffed it, and then can't find a doctor to practice in it.

He tapped his cigarette. "The usual story is the doctor has died in the community or they have two doctors and one died and the other is leaving, and the community is desperate."

Desperate is a strong word. But it's not an exaggeration of the situation in many Texas communities regarding their search for a doctor. A glance at the want ads in the Texas Medical Association's monthly journal drives that point home. There are dozens of positions open to the young doctors considering a small-town practice. Many communities not only offer a promised income level, that reaches as high as $50,000, but also offer a hospital, home and many free services. Many of the advertisements have an almost pleading sound to them. Example:

"Office clinic would be built for physician with lease and option to buy, or whatever is suitable to physician."

The extreme some communities go to to attract a doctor can be seen at Iraan, a tiny West Texas town of 1,000 population in Pecos County. They already have one doctor. But they're desperate for another one.

"Look, a young man can come out here and I'll guarantee that he'll take at least $50,000 his first year. And, we have a new hospital that he can practice in, too," said Ralph Chalfant, administrator of the community's only hospital.

MORE OSTEOPATHS IN RURAL AREAS

There is no accurate way of finding out exactly how many communities have no doctors. But in the state there are 18 counties with no practicing physician.

Combined population of these counties is 52,000.

Though many of the counties are in Far West Texas, some are located in the more heavily populated areas of East Texas.

And, even the communities with doctors are pressing hard to find more doctors to help augment their medical corps. Said George Purcell, manager of the Brady Chamber of Commerce:

"We're moving every rock we can to get two more doctors. The doctors we have are gradually just getting worn out. One of our doctors now won't take on any more patients. It takes you half a day to get to see a doctor here now. I mean if you just got up there to have an examination. Our doctors are really overworked."

One reason that doctors become overworked in a community like Brady was explained by Maurice B. Shaw, administrator of Brownwood Community Hospital.

"We built our hospital two years ago. We combined two older hospitals and made a 110-bed facility. Our occupancy rate has been running about 100 per cent ever since we opened. Know why? Well, our out-of-town and county patient rate is 31 per cent."

This 31 per cent is composed of people coming from towns that either have no hospital or doctor.

When you turn to statistics, Texas ranks 24th in the nation in doctor-per-patient ratio. That count stands at 781 persons per doctor. The national average is 665 patients per doctor.

In Texas in 1970 there were 123 physicians per 100,000 population. There were 12,977 medical doctors in practice and 840 doctors of osteopathy.

By 1975, it is predicted the ratio will increase to 137 physicians per 100,000 persons. In order to meet that figure, Texas will need 21,500 physicians, or about 3,000 more than it now has.

It is far West Texas regions and some areas in East Texas away from metropolitan areas where the physician population drops drastically. It is about one doctor for every 1,300 persons.

Many counties with only one physician are being served by doctors of osteopathy. Dr. Robert G. Haman of Irving, Texas Osteopathic Medical Association president, said that although his profession comprises only 10 per cent of medical practitioners in the state, they care for 18 per cent of the population's health needs.

"Our profession is built on the concept of dealing with the whole man . . . treating the body as a whole unit. That in itself prepares our men quite adequately to go out into the rural areas and get away from the mainstay of the big hospitals," said Dr. Haman.

But he agreed that osteopaths and medical doctors need to work together to solve the problem, which isn't restricted to Texas.

Nationally, there are 132 counties without a physician. This respresents a decrease of two counties from 1969 but an increase of 34 counties since 1963.

The vast majority of these counties are in the western portion of the country. These counties cover 140,699 square miles or about four per cent of the total U S. land area.

Almost a half-million people live in these counties, or about two-tenths of 1 per cent of the total U.S. population.

Thirty-six of these counties are adjacent to standard metropolitan statistical areas. The most populous county without an active physician is Stafford County in Virginia which has 23,000 persons.

Owyhee County in Idaho with 6,300 inhabitants occupies the largest area with 7,641 square miles.

Many people say these figures reveal that there isn't a shortage of doctors, but a maldistribution of doctors.

Dr. Francis C. Coleman of Tampa, Fla., in a speech to the Texas Medical Association conference on medical practice and orientation, said:

"One seemingly obvious way to make better use of our present manpower resources is to alleviate maldistribution of available manpower in relation to health-service needs, particularly in rural areas and city slums. I think it's getting more and more apparent that we have to come up with some realistic alternatives to the traditional 'physician in residence' for many areas, because we are up against the basic human inclination to go where the action is."

Dr. Walter C. Bornemeir of Chicago, past American Medical Association president, in a report to the 120th AMA convention, said:

"The question never has been: Is there a good doctor in the house, is there a cheap doctor in the house? The question has always been? Is there a doctor in the house?"

Dr. Bornemeir said the public may not realize it but the physician recognizes that the evaluation of medical care has changed.

"Not long ago, the people sought the services of the doctor in the hope that they might be helped. Today they go to a doctor expecting to be cured," he said.

This demand has outstripped the ability of the medical profession to produce, he said.

"This has come about so rapidly that the increase in production of physicians has not kept pace with the needs even though the physician population has been increasing 25 per cent faster than the population growth for the past 20 years," said Dr. Bornemeir.

Dr. James H. Sammons, recently retired TMA president, who has a general practice in Baytown, agreed.

"When I entered this office (1971) I pointed to the continuing need for additional specialists around our state, but the key phrase is 'continuing need' as opposed to 'physician shortage.'" he said. "I think that a great part of the problem in Texas is maldistribution, and I do not foresee any change that would redistribute the physicians to accommodate needs without increasing the total supply."

Dr. Sammons said Texas is paying the price in the 1970s for the overproduction of specialists and super specialists that occurred in the 1950s and 1960s.

"Happily, medical schools are fortunately beginning to understand this problem and beginning to refocus some of their activities in this direction. They may not be moving fast enough, but they are moving as fast as their own individual problems allow them," he said.

Dr. Sammons said there was a tremendous difference today in general practice, or family practice, as it is now called, as compared to 20 years ago when he started practicing medicine.

PROBLEM OF DISTRIBUTION

"This applies to all areas of medicine," he said. "Techniques, drugs, equipment . . . they've all changed. It's made medicine better, but it has made it more expensive to try and build a little community hospital and try to operate it."

He said that the work load for doctors is greater than it was 20 years ago.

"He (today's doctor) has to be better versed in more fields. There are more people. More illnesses. More preventive medicine. More routine physicals. All of these require more manpower . . . so yes any doctor in family practice is working harder than he did 20 years ago," he said.

Dr. Goldman believes the problem comes from two areas.

"They are total manpower . . . we just don't have enough doctors . . . and the other is distribution. But I think the major problem is distribution . . . getting the doctors distributed to the right area," he said.

Dr. Goldman picked up a sheet of statistics kept on interns at Peter Smith during the past three years.

Of 28 physicians who completed one or more years of family practice residency, 23 still are in that field. The other five are on active military duty or pursuing additional training.

Of the 23 in family practice, six are in communities of 5,000 or less. Six are in communities of 5,000 to 15,000. Eight are in communities of 15,000 to 50,000 and three are in cities with 50,000 or more population.

"You know, I get calls from people in small towns and they ask me to tell them what they can do to recruit a doctor for their community. They plead, 'What can we do?' Can they offer money? Can they offer facilities?" said Dr Goldman.

He paused and lighted another cigarette. He said:

"I don't really know the answer."

In the Monday Morning Star-Telegram: Some answers.

[From the Fort Worth Star-Telegram, July 17, 1972]

SOLUTION PROPOSED TO ALLEVIATE RURAL PHYSICIAN SHORTAGES

(By Jon McConal)

For practically every physical ailment, there are a number of medications available to the doctor for prescribing to the patient.

These medications have the same generic composition but certain a different trade name. But, all are built to solve the aches of a particular disease.

This is similar to the approaches to solving the shortages and maldistribution of doctors in this country.

The number of ways of solving the shortages may come under a bevy of different names, but all are aimed at solving these two crucial problems—increase the number of doctors and channel more doctors to the rural areas.

Among the many proposed solutions to the problems are:

Place more emphasis on group practice and establish medical groups in a central location that can serve the medical needs of many small communities.

Offers free education to young doctors who will agree to go to rural areas and practice for a number of years after they have received their medical degrees.

Shorten medical programs to three years by having medical students go 11 months each year.

Allow young doctors to fulfill their military obligations by practicing two or three years in a small community.

Turn out more physician's assistants, who will become the right hands of doctors and who can perform many of the minor tasks now being done by doctors, relieving them of these duties for the more complicated cases. These training programs for PAs are generally set at two years.

Dr. Francis C. Coleman, of Tampa, Fla., speaking to the Texas Medical Association's conference on medical practice and orientation, stressed the need for new approaches to the problem.

"It's doubtful that we can rely on conventional approaches to do the whole job. Loan forgiveness provisions, financial or other incentives to doctors in medically deprived areas, community development of medical facilities and guarantees to physicians, government sponsored community health center and increased exposures to primary care in the educational experience . . . all can help," said Dr. Coleman.

But, Dr. Coleman said more attention should be paid to the potentials of modern transportation, the use of more physicians on a part-time basis, to facilities for remote bio-health monitoring of patients and to more innovative use of allied health personnel to relieve the physician of some of his more routine duties.

"If you could mesh all of these possibilities into a comprehensive health planning program, emphasizing local, initiative, you could very likely provide quality of health care that's comparable to that of any medically privileged area," said Dr. Coleman.

Dr. Coleman stressed several times better utilization of current health manpower.

"Do a job analysis or a time and motion study of the health care delivery process . . . but we have to find out who shouldn't be doing what to whom," said the speaker.

One method to help in this area is automatic multiphasic health testing. In this, patients fill out questionnaires and undergo a battery of tests in assembly line fashion while a computer tabulates the individual findings for the physician.

Some contend this could further large scale preventive medicine. The machines and paramedical personnel that carry the brunt of the load could reduce the amount of time doctors spend on histories, physicals and tests.

"But, multiphasic screening can also have the immediate effect of uncovering more ailments for overworked physicians to treat," said a lengthly report on doctor shortages in the magazine "Medical Economics."

"And," added a hospital official, "computers and electronic gadgetry have yet to prove themselves as time savers in medicine. The computer is giving them (nurse and doctor) much more information about the patient than they had before and more decisions to make."

One way of getting more physicians and getting them faster is to shorten programs in medical schools to three years.

Dr. Mark S. Blumberg, corporate planning adviser in the central office of the Kaiser Foundational Health Plan., Inc., Oakland, Calif. said:

"Accelerating courses, or reducing the time of medical school from 3¾ years to three years, would mean adding .95 man years more of working life to physicians," he said.

Dr. Blumberg said that though accelerated programs will not solve all of the physician manpower problems, their benefits far outweigh their modest cost.

"One of the most attractive features in their compatibility with the continued evolutionary change is medical education now in full progress," he said.

In a medical manpower report put out by the TMA, it was noted that TMA worked closely with the government and the 61st Legislature in creating two new medical schools, the University of Texas at Houston and a medical school at Texas Tech in Lubbock.

Plans are to increase entering class enrollment from 164 to 200 by 1972 at the University of Texas medical branch at Galveston.

A $40 million expansion program is underway at the Southwest Medical School in Dallas to increase its freshman class by 50 per cent by 1979.

In San Antonio, the University of Texas medical school has a first-year class of 104; Baylor College of medicine will increase its freshman class from 92 to 166 by 1972.

These plans mean that the total first year enrollment of medical students in Texas will rise from 516 in 1970 to 1,044 by 1975, a 200 per cent increase.

Dr. Malcolm C. Todd, a Long Beach, Calif., physician engaged in private practice for over a quarter of century, told the TCM conference on legislation:

"Americans deserve and can afford better health care. If this is to be true, we have a monumental task to perform."

"Our medical schools are precious national resources, but they are indeed trapped between soaring costs of educating doctors and the scarcity of money to do it. Medical education has never been cheap and the nearly $5,000 annual cost—with scholarship and loan funds limited—many well qualified students simply can't make the grade financially," he said.

Dr. Todd urged that laboratories be put to work six days a week, medical students attend school 11 months out of 12 and the curriculum shortened to three years.

"This could be accomplished by adoption of accelerated programs by our medical schools. This is particularly promising as a means to increase the supply of graduate physicians," he said.

A two-pronged approach to the two-pronged program was suggested by the TMA during its recent annual meeting.

"Recognizing shortage of primary physicians in Texas, including family physicians, TMA calls upon medical schools in Texas to offer more opportunities for training family physicians," read a report put out by the TMA.

The members also proposed to introduce at the next session of the Texas legislature, legislation providing grants, loans, or scholarships to students who wish to study medicine and who agree to practice in a rural area in the state.

Dr. James H. Sammons of Baytown, outgoing TMA president, thinks the answer to getting doctors into rural areas is more group practice.

Nationally, practice of physicians in groups of three or more increased from 28,000 to 39,000 in the past five years.

"It's awfully difficult to get a solo individual to be on call, 24 hours a day, 365 days a year, said Dr. Sammons. "My personal opinion is that a far better approach than for every one of these small communities to try and get one man, would be for them to go together and get three men or two men, so they could provide some relief for each other."

He said a facility could be built that would be mutually accessible and acceptable to several towns.

Dr. Winfrey W. Goldman Jr., medical director at Peter Smith Hospital, thinks group practice is also the answer for smaller communities.

"I don't know where this should start—I mean the encouragement of group practice—maybe way back in medical school. But, I do think group practice is far more successful at getting physicians to small towns," he said.

Dr. Goldman said more people are seeking health care. And, health care is much more demanding.

"That's why for a community to build up a successful health care program, they have to seek more than one doctor," he said. "Look, a doctor gets awfully lonely. No colleague to discuss things with and to share ideas with . . . this is one of the big problems. If I were going to a small town, one thing that would influence my decision the most would be the physician that I'd be working with."

Some communities are attempting to get youngsters interested in small towns by bringing them in the summer and letting them spend from four to six weeks with the local doctor.

"We're trying that and it looks very promising to us," said Ralph Chalfant, hospital administrator at Iraan, a small town of 1,000 in Pecos County. It has only one doctor now.

The doctors of osteopathy have long prac-

ticed this technique in interesting young medical students in rural practice.

"We have what we call rural clinics. The students in their last two years of college are sent to these and practice under the supervision of an accredited doctor. They get a basic concept of the needs in this area and learn the rudiments of taking care of sick people. Then they don't have any reluctance about going to a rural practice," said Dr. R. G. Haman of Irving, Texas Osteopathic Medical Association president.

Apparently his profession has been quite successful as 70 per cent of its graduates go into general practice.

Still another way to get young doctors to go to small communities has been suggested by the federal government. A proposed bill would offer many years practice in an urban slum or rural area as an alternative to military service.

One program which is well under way in many states, including Texas, is the physician's assistant program.

The THA house of delgates' approved definition of a PA reads:

". . . a skilled person, qualified by academic training in an accredited program and by practical training to provide patient services under the supervision and direction of a licensed physician who is responsible for the performance of that assistant."

It is estimated that nationally there are about 125 programs in 35 states organized to train some type of assistant to the physician.

Physician's assistants trained at Duke University have been estimated to enable family practitioners to see from 30 to 50 per cent more patients per day.

Pediatric nurse practitioners from a University of Colorado program are said to increase pediatricians' productivity by at least one third.

The magazine Medical Economics, in a report on physicians' assistants, called the program an innovation with definite long-term potentialities. But over the short run, the magazine said, it's unlikely to have any significant impact before the end of the decade.

Though the number of students enrolled in physician's assistant programs is relatively low, some doctors think this could be swelled considerably by interesting discharged medical corpsmen.

"Of the 32,000 discharged medical corpsmen, possibly 2,500 or 3,000 might be considered for this program and some 1,500 to 2,000 might be interested," said an American Medical Association report.

Dr. Goldman mentioned the big problem with the PAs.

"There are a lot of legal aspects involved," he said. "How much can a physician delegate to someone else without placing himself in jeopardy. That may well be the main obstacle to the program."

Tuesday: A look at one of the physician's assistant training programs.

[From the Fort Worth Star-Telegram, July 18, 1972]

NEW PROGRAMS MAY EASE PHYSICIAN'S BURDEN

(By Jon McConal)

WICHITA FALLS.—Tech. Sgt. Robert Burroway, after 12½ years in the Air Force, is suddenly seeing the skies filled with a squadron of new opportunity.

The opportunity is coming from a new program, launched here at Sheppard Air Force Base in July. It's the physician's assistant program and it will train men like Burroway to perform a variety of medical treatment roles, which were once handled solely by physicians.

If the program is successful—you have a hard time convincing those connected with it that it will be anything else—men like Burroway will free the doctors of many minor duties and enable physicians to see as many as 50 per cent more patients.

"I liked the prospects from the very first time I heard about it," Burroway of Falls Church, Va., said during a break. "It'll help me in the service and when I get out and it will give me something to do besides working as an orderly some place."

Many feel that the physician's assistant program holds promise for alleviating some of the shortages of doctors in rural areas.

The Air Force is realistic about losing some of its physician assistants to civilian life. In order to be accepted for the program, one stipulation is that the student must sign a four-year enlistment paper. The training lasts two years. This means that he has two years to serve the Air Force.

"Where training these guys for the Air Force. But, we want to make sure this guy can go out and qualify to work in any state in the union if he decides to get out of the Air Force and go into civilian work," said Dr. William Behrens Jr., chairman of the department of medicine at Sheppard.

Of course, the Air Force doesn't want to lose this new man who is sometimes described as an extra pair of hands for AF physicians. Incentives, which are hoped to keep the PA in the service, have been established.

"When he completes his two-year program, he will automatically be given a $100 month raise," said Dr. Behrens. "And promotions should come easier for him."

But, said Dr. Behrens, though the men are trained for the Air Force duty, civilians could profit from his presence.

"If we turn out a man who cannot work anywhere, then the taxpayer is not getting the full value of his dollar," he said.

Nationally, there are something like 125 programs in 35 states organized to train some type of physician's assistant. Length of training varies from two months to five years.

The Air Force, in order to ensure the success of its program academically, has taken the best of these programs, said Dr. Mary E. Hawthorne, a former Navy commander and head of the curriculum at Sheppard.

"There were two primary things to take into consideration," said Dr. Hawthorne. "What is the man going to have to be able to do, and in the case of the PA, what does he have to know in order to do these things. Our whole program is geared around these things. Everything else is extra."

She said she was convinced that the Air Force had a good program. So convinced that she said:

"If I were sick, I'd rather have a PA check me than a brand new intern."

You get the idea of the intensity of the programs by stepping into one of the classrooms and listening to a lecture. In one, a cardiologist was talking about various heart problems. He said:

"What causes aortic regurgitation?"

"Volume," boomed back the class in unison.

"And aortic stenosis?" he asked.

"Pressure," replied the class in unison.

This class was in the first of the two-phase program which is devoted to classroom training. The curriculum includes anatomy, chemistry, pathology and pharmacology.

There are film cartridge lectures of autopsies, during which various functions and make-up of organs are discussed.

Dr. Behrens said films were used instead of cadavers because of a time-savings and because more ground can be covered.

Burroway mentioned the ruggedness of the program. He said:

"It's eight hours a day and seven days a week and after hours if you want to keep up. I didn't think they could squeeze so much into a course in such a short period of time."

After 12 months of Phase I, the students move into 12 months of Phase II. In the second phase, the student works in a clinical setting as an assistant to a physician. His duties include rotation through various hospital services to learn methods used by specialists in caring for routine medical problems.

"The Air Force PA will not be trained to work in one specialty. He will work in general therapy or family practice," said Lt. Lynn Porter, head of public relations for the PA program. "He's going to be a friend of the family and work with the family. He will fill the roll of the old-time family doctor and that is what makes it exciting because this is something we all knew about and knew it was good but now it is gone."

Dr. Behrens talked of the PA's role:

"He will be an extra pair of hands, eyes and ears for the physician. He will be able to handle many of the common problems that come to the family practitioner. But he will not be a super specialist," he said.

Dr. Behrens said that he did not foresee any legal problems arising from PAs.

"The things that a PA will be doing are not the things that a doctor is sued for," he said.

Dr. Behrens said there were some healthy reservations on the part of some of the Air Force physicians when the program was first mentioned.

"We brought in two physicians from each of the 14 Air Force hospitals where the PAs will be sent for the second phase of their training," he said.

The program was explained in detail to the physicians. Textbooks, classrooms and cartridge tapes of lectures were shown. The physicians also met and talked with the students.

They learned that in order to qualify for the program, trainees had to be sergeants with a high school or equivalent education. They had to have at least three years of active military service and no more than 16. Their experience had to include one year in direct patient care.

"Over-all, the screening process is the most stringent ever to be used for student selection in the 20-year history of the School of Health Care Sciences at Sheppard," said Porter.

Dr. Behrens said the physicians were sold on the program. They went back to their bases and began to evangelize about it.

He said it was similar to what happened at Duke University where a physician's assistant program is being taught.

"There was one physician on the medical staff there who said he didn't want anything to do with the program. But, other staff members began to take the PAs as their assistants as they finished training. Very few PAs were getting back to the community. This one doctor who had had reservations went in and began pounding the desk of the administrator the beginning of the second year and wanted to know when he was getting his PA," said Dr. Behrens.

He quoted other studies at Duke which showed that 80 per cent of the patients treated by PAs had no qualms about seeing them.

Dr. Behrens cited many advantages of having PAs.

"Taking some of the load off of a doctor will give him more breathing room and time off. He can do more studying and stay more current, which is very important since there is so much happening in the medical field," he said.

A big advantage of PAs, said Dr. Behrens, is the possibility of them locating in small towns which have no doctor.

"You take a kid, who's from a small town, who goes to medical school. By the time he completes eight years of study he's no longer a small town boy. He doesn't want to go back because of a variety of reasons, including hating to leave all of the new fancy equipment to which he's grown accustomed," he said. "But, a PA . . . well he will be more

unspoiled. He won't get too much of a taste of this and he won't mind leaving it."

Dr. Behrens picked up a map of Texas. He folded it until only a region of West Texas was showing. He picked up a pencil and made a rough circle of about 800 square miles.

"I can see where a group of physicians in this town (he touched a fairly large city) could, if each one of them had a PA, easily serve the medical needs of this entire area," he said.

It seemed ironic. But Dr. Behrens, without realizing it, had pointed to an area that contained portions of two Texas counties that had no doctors.

[From the Fort Worth Star-Telegram, July 19, 1972]

TOWNS WITHOUT PHYSICIANS FEAR EMERGENCIES

(By Jon McConal)

Mrs. Arthur Mancile of Aspermont was recently working the night shift in that small town's only hospital. A nurse came in to relieve her.

Moments after checking in, the relief nurse suddenly grabbed her chest and fell to the hospital floor. An hour later she was dead. She had suffered a heart attack.

Mrs. Mancile had witnessed one of the things that people who live in a small town with no doctor dread the most . . . a heart attack. But, Mrs. Mancile is very personally acquainted with another small town health problem . . . having only one doctor.

She's the wife of the only doctor in Aspermont.

"He had back surgery last year. He goes 24 hours a day. It's killing him. It's just too much for him. And there's a guilt complex because he can't do even more. Like the nurse who died . . ." she said.

Coping with not having a doctor in town is a fate dozens of small towns in Texas face. There are 22 counties in the state with no practicing physician.

People in these communities admit that there is a subconscious fear that something may happen that will require immediate medical attention that is not available.

"It's really hard on the older people . . . and 70 per cent of our community is in that category. But, everyone feels it, though they don't like to talk about it. Even hospital people, like me, always have in their mind that something may happen and that you're going to need a doctor immediately and there isn't one there," said Mrs. Doris Harris of Baird, a town of 1,600.

She's administrator of the town's 27-bed hospital, that has a new coronary care unit.

"We've been without a doctor for over a year now. In the last five years, we have had a doctor for about two months. We've advertized and put out a brochure. We write every doctor we hear about who might be interested. But so far, we've had no luck finding one," she said.

Baird is served by a doctor who comes in from Clyde, which is six miles away. If he can't respond, then patients are sent to Abilene.

"Of course, we worry about that too, because Abilene is short of doctors too," said Mrs. Harris.

Claude, which is in Armstrong County, has a population of 1,240. It has had no doctor, since a young woman, who practiced there for a year, died in August, 1971.

"I guess you get used to it, but I really had a much more comfortable feeling when we had our doctor," said Mrs. Sam Stewart, mother of two children, ages seven and three.

"Say I needed a doctor this afternoon, I'd either have to go to Amarillo which is 30 miles away, or to Groom which is 20 miles away, or to Pampa which is 40 miles away. It's a very difficult situation," she said.

Claude's ambulance system is manned by the volunteer fire department. Two men, who drive the ambulance, have taken emergency medical training.

"We have a man who answers the fire phone. Any time that phone rings, he calls the ambulance drivers," said Mrs. Stewart.

She's taken fire aid courses in order to help if an emergency should develop in her family.

"We've advertised for doctors. But, we really don't have anything in the way of entertainment to push in our city. We don't have a movie," said Mrs. Stewart.

But she said it was comfortable living in Claude.

"We have four churches. I spend a lot of time working with church groups. We also have several different women's clubs and some bridge groups. We have a library. Our boys' football team was district champion. And, our girls' basketball team won the state championship," said Mrs. Stewart.

A lot of small towns, like Aspermont, still have a doctor. But, because of age or overwork, they are looking for another. One such town is Matador.

"We have one medical doctor right now, but he's 74. My uncle was a doctor, but he passed away. We get the list each month from the Texas Medical Association and contact anyone who might be interested," said James Stanley, who owns a drug store in Matador.

He said there are about five people who help with the ambulance service.

"Our doctor comes when he can. But, if he's under the weather or something happens and he can't make a call, then we take the patient to a hospital. It's 32 miles to Paducah. Sixty miles to Plainview. Seventy-five miles to Quanah. Eighty-five miles to Lubbock," said Stanley.

He said the 14-bed hospital in Matador was recently remodeled with a $196,000 grant from a Housing and Urban Development grant.

"But, we had to close the hospital because there wasn't anyone to operate it. And, it's a nice hospital, with obstetrics and delivery room and about anything a doctor would want," said Stanley.

He said a young doctor could make from $60,000 to $75,000 a year in the town.

"Attractions for a young man here . . . well, yes sir, that's a problem. We don't have any industry, but we have farming and ranching and it's a solid economy. We have a young active Lions club. There are several bridge clubs for the wives and we have a small golf course with sand greens. We don't have a movie, but people can go to Plainview or Floydada. They also have country clubs there," said Stanley.

Lack of doctor, he said, is a big concern for a lot of young people with children. It's also a concern for the elderly.

"You have a heart attack and go to figuring 35 minutes to an hour's time before you get medical attention . . . that makes a lot of difference," said Stanley.

There is a difference in living in a town without a doctor. Mrs. Mary Ann Sarchet, 37, and mother of a 14-year-old son, mentioned this.

"If anyone would have told me that I would raise a child in a town without a doctor, I would have scoffed at them. But, when we moved here to Silverton, my eyes were open. I knew that there wasn't a doctor," she said.

"You talk about how scary it is to live in a place without a doctor . . . it could be. But, our people don't suffer as much as you think. You think about heart attacks and real serious illnesses. But, we don't lose many people. I really think that maybe we're as well off as towns that have doctors."

Silverton has one doctor, who has been in practice since 1971.

"We had another doctor from 1960 to 1965, but then he went away to specialize in muscle therapy. We have a clinic. It's for two doctors. But, it's been some time since we've had two doctors. But, we have some local citizens who are ready to put up a bundle of money for a new clinic, if we could find another doctor," said Mrs. Sarchet.

She said that a volunteer ambulance service is operated in Silverton.

"They take turns about manning the ambulance at night. When it's their night, they stay at home beside the telephone. About 35 of the men here have taken an emergency first aid course. In case of a real bad wreck, our doctor tries to respond and give emergency first aid before we take the patient to a hospital in Tulia. The road is straight between here and there so we can make real good time," said Mrs. Sarchet.

She said that it was hard to sell a little town like Silverton.

"There is so little to do here that you wouldn't believe it. No movie . . . so we just manufacture our own entertainment. We have a real nice swimming pool. And, if you like horses this is a good place to live," said Mrs. Sarchet.

She said she felt that in order to get a doctor to come to Silverton, you would need another doctor to put in a good word for you.

"This is what happened to us. We went so long without a doctor that we didn't have anyone to recommend us," said Mrs. Sarchet.

Thursday: What it's like to be the only doctor in a small town.

[From the Fort Worth Star-Telegram, July 20, 1972]

DAY BUSY FOR RURAL PHYSICIAN

(By Jon McConal)

BANGS—Dr. J. B. Stephens is a strong-looking man. He has a square stern jaw that looks like it was hewn from one of the large boulders common to this countryside.

He has a flattop haircut with gray in his hair that looks like it was poured from a pitcher to suggest here's a head of wisdom.

His eyes are dark and come at you from thick glasses with looks of understanding.

Dr. Stephens needs all three qualities of strength, understanding and wisdom. He's the only doctor in this small West Texas town of 1,214 persons.

He's been the only doctor for more than two decades. His phone has been the link to the community and it's liable to ring with a request at any hour. When it does, the caller expects Dr. Stephens to forge the chain with advice about how to cope with a medical pain.

His patients range in age from tiny infants, still red faced and watery eyed from having just popped into the world to the tired and worn elderly, whose faces have a saddle-worn maturity on them from riding many miles of time.

He'll tell you that this job has been good to him.

"I've been able to provide for my family. Comfortably. And, I've been able to buy me a ranch and raise cattle, which was really my first love anyway. This is what being a doctor in a small town has given me," he said.

He'll also tell you that his job has been hard on him at times and has certain disadvantages. He said:

"The patients are more demanding of you. They don't hesitate to be a little inconsiderate. You don't really have any time of your own. I'll be used up before say a radiologist would be. But, my philsophy is that you can only do so much, whether you spread it out over 30 or 40 years and I like what I'm doing and have done."

He worries about the time he will retire and if the community will find someone to replace him. He said:

"It's so hard to find someone to come to the small towns to practice medicine. When I first built this office, I built it large enough for a partner. I tried and tried to find one. But, it just didn't work out. I'd get someone

who was retired and wanted to work part time or somebody else who just didn't fit. So I gave up several years ago and resigned myself to the fact that I was going to have to go it alone."

It was Sunday afternoon and Dr. Stephens was alone in his one-story, long brick office building in Bangs as he talked. The office was clean and the pungent small of alcohol and medicine abounded.

"I have three employees and my daughter, Lisa, who's 16, works a half day during the summer. We don't do much lab work . . . just simple procedures. I also do minor surgery and fractures here," he said.

He pulled a list of patients he had seen on one day the week before. He said:

"This will give you some idea of the variety, which is one thing I love. I may see a 10-day old infant and the next patient will be a 90-year-old person. Let's see, on this day I saw a diabetic with a gangrene toe, a widow with arthritis and high blood pressure, post-op on a gall bladder operation—I've cared for her since her early childhood—, a breast disorder, a woman with menopause sumptoms."

The phone rang. It was about 5:30 p.m. It was from a patient who had been in a car wreck the week before. Dr. Stephens said:

"Okay, you won't be able to do anything until after Wednesday. Don't read anything. I will need to see you Tuesday. It sounds like you're doing okay."

He mentioned the demands of the patients. He said:

"Every now and then I have to remind them that I'm a public servant but not a public slave."

He turned back to his list. He said:

"Here's a skin cancer, a 7-year-old with an upper respiratory infection . . ."

When he completed the list, it numbered 35 patients.

"That's a pretty good average for me in my office. Of course we have two nursing homes here that I check on and then there's my hospital calls in Brownwood and the calls I get at night and the two or three times each month that I'm on call at the emergency room at Brownwood," said Dr. Stephens.

He put up his list and said, "Let's go to the ranch."

The ranch, which is 1,300 acres, is about five miles east of Bangs. It has a low, rambling brick, ranch style home with an abundance of space. As he drove home, Dr. Stephens said:

"There are a lot of rewards to small town practice. I know my patients' background, as far as family, occupation, financial situation and their philosophies. That helps a lot with the patients' general welfare. You get to see the results of your treatment because of the day to day contact here. That's good."

Lisa was frying hamburgers when the doctor arrived. He decided there was time to check some of his registered Polled Hereford cattle before dinner. Several cows were expected to calve.

"You know, I'm able to walk out my back door and go to the barn and check my livestock, which is my recreation. I really love my cattle," he said.

The sun was low and caught the red and white coats of the white-faced animals in a rich glow as Dr. Stephens moved around the herd, talking softly to the animals and looking at them. He had a pleased look on his face.

After supper, he changed from his coveralls to a suit and tie.

He said, "Come on. Let's go to Brownwood and check on my hospital patients. I guess it's really too much work. But, I like to make calls twice a day at the hospital."

As he drove the 13 miles from his home to the Brownwood hospital, Dr. Stephens said the fact that Bangs was close to a larger town made things easier for him.

"It helps to have someone you can talk and consult with. I feel for those guys who are way out in West Texas and are isolated," he said.

He mentioned why he became a doctor.

"I guess I was born turned on to being a doctor. My father was a farmer and times were rough. I hauled butter and eggs and sold them to Howard Payne to help pay my schooling there. I also worked in the lab at a hospital," he said.

He taught school for three years and saved his money until he could finally attend UCLA to study pre-med.

"I sold a horse and saddle and a car to get my money to enter school," he said.

He eventually completed medical school and did his internship in the Navy.

He came back to Bangs in June 1947 to open his practice. It was good timing. The town's only doctor died a week before Dr. Stephens arrived.

"I went to work and sometimes my wife says I've never stopped," said Dr. Stephens.

He didn't stop as he moved through the hospital that night. He arrived at 8:50 p.m. One elderly woman, her face painted heavily with makeup, was complaining of pain in her chest.

"I got your gall bladder 14 months ago, didn't I?" asked Dr. Stephens. He laughed softly. "You should be feeling better before too long."

He visited another man who was going to have a colostomy on Tuesday. He told him:

"You may get a little thirsty tomorrow afternoon because we've got to get you all skinnied up. But, you'll be all right."

"I'm ready, doctor," the man said. He laughed. He was tall and had greying hairs on his chest.

Out in the hallway, a man with a pencil-moustache stopped Dr. Stephens and asked about his mother-in-law.

"I don't think there's much hope," Dr. Stephens said quietly. He reassured the man. He left.

Later he told a reporter, "She's in a comatose condition and I don't expect she'll last too much longer. She's old."

He turned into the nurse's station. He said: "You never get used to death or losing a patient. I know I'm going to lose her."

After completing his rounds, he stepped into the doctors' lounge and dictated some information about the patients. It was 10:30 p.m. when he finished and headed for home.

The moon was up, playing beautiful tricks with the dry, West Texas landscape. As he drove, Dr. Stephens said:

"You bet there's more work for a doctor today. When I was a kid, it was a rare occasion that you visited a doctor. People are going in with things today that a couple of decades ago, they just toughed out."

The next morning, Dr. Stephens was up at 6 a.m. He left the house at 6:30 a.m., headed for Brownwood.

"I guess I drive about 30,000 miles a year," he said.

At the hospital, he ate a breakfast of eggs and bacon and orange juice. Two relatives of one of his patients kept talking to him as he ate. They were thanking him for his care of their mother.

He checked his patients in the hospital and picked up a woman patient of another doctor in Brownwood who was out of town. The woman had aborted and Dr. Stephens scheduled some tests to determine if she should have minor surgery.

Then he drove to Bangs. When he arrived at the office, the parking lot was already crowded.

—"I work on an appointment basis. But, people try to get here early so they can get early appointments. If there's an emergency, I'll see it. But, I like to stay pretty close to the appointment schedule. If I didn't do this, I wouldn't get away from my office until 7 or 8 at night," he said.

He began working through his Monday's schedule that included an aged female with arthritis and hypertension, a 25-year-old woman with menstrual problems and depression, a boy with a bed-wetting problem and a 10-year-old girl with warts.

Lisa, dressed sharply in white, was filling patients' histories. She has long dark hair, dark eyes and a wholesome All-American look.

"How is it being the daughter of the only doctor in town . . . well, it's okay now, since I'm going to Brownwood high school. But, I don't know. The kids before treated me differently. I don't know how to put it," she said.

She closed her eyes and pulled her lips together.

"Like being the little rich kid?" she was asked.

"Yeah, that's it exactly," she said.

Later at 1 p.m. when Dr. Stephens took his lunch break and went home to eat, his wife, Louisa, a black-haired woman with a deep drawl to her voice, continued on the subject:

"We've been married 25 years. It's (life) a whole lot different from what most people have. People call all of the time. At first it bothered me. But, I'm used to it. When we're in church, they always look to see where he's sitting in case he gets a call. But, there's advantages of a small town. One thing that struck me was how quick I could go to the store and come back home. And the teachers in the school . . . they're so much closer to your kids."

There are disadvantages. She said:

"Well, we take our vacations, seems like we always have to plan them around a medical convention so Steve can stay abreast of what's going on in the field."

Dr. Stephens defended his attendance at the conventions. He said:

"I could sit out here and practice country medicine. But, before you know it, I'd be a country doctor."

After lunch, Dr. Stephens took a five-minute nap. He said:

"You'd be surprised at how 'unlaxed' I can become in those five minutes. They really refresh me."

That afternoon was busy. Ben Carnes, 30, who runs a drug store beside Dr. Stephens' office, was drinking coffee. He said:

"I'd hate to keep up with Dr. Stephens. He really works. I don't know what we'll do when he retires. It's going to be hard to find anyone else."

Dr. Stephens closed his office at 5 p.m. He had seen 35 patients. He rushed to Brownwood where he did the surgery on the young woman, after tests showed that she needed it.

He grabbed a quick dinner at the hospital and then sat in on a board meeting that lasted two hours. He's on the staff and the board of directors. After the meeting, he made his patient rounds in the hospital.

He got home about 10:30 p.m. He changed his clothes and went to the barn to check on the cows expecting to calve.

The moon was a yellow marshmallow in the sky. It illuminated Dr. Stephens' face which had a satisfied look on it as he watched the cattle nibble on some grass. It was the end of a long day.

Friday: Some young doctors who are considering practice in a small town.

[From the Fort Worth Star-Telegram, July 21, 1972]

RIGHT CIRCUMSTANCES DRAW GPS TO SMALL TOWN

(By Jon McConal)

If someone asked you to paint an ideal small town that appealed to young doctors, the task would be as difficult as ordering a student who made an F in art to paint a Mona Lisa.

But from interviews with young medical students doing internships at Peter Smith Hospital and considering locating in a small town, the painted town would need to:

Be about an hour's drive away from a large city.

Be in an area with sporting and recreational facilities, for such activities as golf, tennis, hunting and fishing and water sports.

Have an established group of general practitioners with whom the young doctor could associate so he would not be on call every weekend and 24 hours a day.

But, a lot of towns are saying, "Okay we've got that but we still don't have a doctor."

This is evidenced by advertisements in the Texas Medical Journal. Examples include:

Opportunity for GP in East Texas community of 1,680. County seat of 5,218 population, 10 minute drive away. Recently remodeled clinic available at minimum cost. Center for lumbering, truck crops, Texas Forest Service Nursery. Many recreational activities with fine fishing, hunting and golf.

Opportunity for GP with surgery. One physician in town in poor health. He knows of request for another doctor. Twenty-five bed hospital in town. Office space provided in clinic adjoining hospital. Recreation: fishing, hunting, golf course, skeet range.

GP sought by this Central Texas community of 1,400 with a population of 6,000 within four-mile radius. Present doctor is retiring. New houses are under construction and local building contractor will give preference to construction of house for physician with a price break in house. New clinic will be built to physician's specifications. Country club with 18-hole gold course and pool. Two lakes near by. Good deer hunting.

All of these small towns have been hunting frantically for a doctor but even with the right elements going for them, there have been no prospects. Dozens of similar towns are in Texas.

In interviews with young medical students at Peter Smith Hospital, it's hard to pinpoint exactly what draws or turns them away from a small town.

One common trait of Homer Gold and Rick Davis, who are planning to go back to a small town after they complete their residency, is that both were reared in small towns.

"I just like growing up in a small town. I like the atmosphere. The people in the town where I was raised—they had nothing but profound respect and a lot of faith in our doctors. The attitude was there, that if the physician did his best, even if he made a mistake—the people were usually thankful to have had him. They have a forgiving attitude. You know if you've done your best, they'll accept you."

That statement was made by Gold. He was reared at Sinton, which has a population of about 6,000 and is about 28 miles north of Corpus Christi.

A small town to Davis, reared in Pocahantas, Ark., which has 4,000 population and is in the northeast corner of Ark., is appealing because of the variety of practice.

"To be a GP in the true sense of the word, you really have to practice in a small town. In larger cities, you GPS are really pediatricians and internists. But, in a small town, you can do anything that you're capable of doing up to a point," he said.

Neither man voiced apprehensions over the long hours expected and required of a GP.

"It doesn't frighten me," said Gold. "If I can do my internship at JPS, I feel like I'm certainly capable of handling a GP's workload. But, I want to find a town where there are two or three GPs in practice so I can have some freedom from night calls. I don't think I'd like it solo."

"I agree. You need to have some time off. It's not a selfish motivation. You can do a better job for the community when you have time off instead of working all of the time," said Davis.

Gold said a small town would have to be in a geographic location that he liked.

"It would have to have a good school system and good churches. It would have to have good hospital facilities and people interested in attracting new doctors to the community. And, I'd prefer it to be within an hour's drive of a larger city," he said.

David agreed about the town being near a large city.

"I want to be close to a larger city with medical facilities that you could refer your patients and to where you could go for advice and counsel," he said.

Gold, 26, is married and has a daughter. He said his wife has indicated she would also like to live in a small town. Davis said his wife hadn't expressed any hesitations about living in a small town, either.

But both said their wives had said something about them being away every night.

"That's why I lean to group practice," said Davis. "I don't know many guys who would go it solo."

Neither had any regret about choosing general practice instead of one of the new super specialities.

"You have to know, within yourself, that you're doing a worthwhile job," said Gold. "That's not hard to realize when you're in a setting in which you know you're needed. And, you feel needed in a small town."

Yeah, and there's drama in general practice. Take the emergency room at 3 a.m. in Sticks, Ark. That's drama," said Davis.

Dr. Richard Pearce, a native of Jacksonville, Fla., has already signed a contract to locate in Georgetown, a small town in Central Texas.

"I enjoy all parts of medicine. I like young people, old people, pregnant women, children . . . all age groups. If you went into a specialty, you would see only one group," he said.

Dr. Pearce said he and his wife got their first taste of a small town when he was in the Air Force and stationed in Altus, Okla.

"We both liked it. It was nice to go into some store and they'd call you by your first name," he said.

He said he got inquiries and offers from about 25 different places before he completed his residency at Peter Smith.

"So my wife and I sat down and made a list of what we really wanted. I wanted a town of between 6,000 to 15,000 with plenty of fishing and hunting. My wife wanted good schools. Social activities are not so important, because we found that social life in a small town is just as rich if not richer than it is in a large town," he said.

He said he will begin practicing in a group of four GPs at Georgetown. That means he will have to work every fifth night and every fifth weekend.

"I see the only solution to getting doctors to go the small towns is to get youngsters from the small town to medical school," said Dr. Pearce. "That's the only way you will solve some of the shortages."

He should know. He looked at an offer in far West Texas which was much more lucrative than the one he accepted. But, he declined.

"There was no way I would go to that town. They had no hunting or fishing and it was so barren," he said.

Maybe, said Dr. Pearce, a person reared there wouldn't miss those things too much.

ECONOMIC DEVELOPMENT PROGRAMS

Mr. HUMPHREY. Mr. President, I have been gratified to note favorable action by the Senate Committee on Appropriations toward maintaining funding for Economic Development Administration programs and Regional Action Planning Commissions, in reportig H.R. 8916, providing appropriations in fiscal 1974 for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies.

Basically, the bill before the Senate provides $245 million for these programs and for administrative expenses. This is $20 million more than requested by the administration in a revised estimate—House Document 93–124—not considered in the House due to its having been submitted after the enactment of authorizing legislation. This increase would improve support for the activities of the Regional Action Planning Commissions.

While these appropriations compare with an overall authorization level of $430 million under Public Law 93–46, signed into law on June 18, 1973, they do reflect a fundamental decision that these vitally important programs should be continued, contrary to administration intentions to phase out these programs. This decision is sharply emphasized in language added to this bill by the Senate committee, prohibiting the use of administrative funds to discontinue or phase out the economic development assistance programs, including Regional Action Planning Commissions, undertaken under the Public Works and Economic Development Act of 1965, as amended.

In a recent letter to Senator PASTORE, chairman of the Senate Appropriations Subcommittee on State, Justice, Commerce, and the Judiciary, I strongly urged that these programs be fully funded in accord with the minimal authorization level. Such programs have achieved dramatic improvements in depressed areas, offering a potential for substantial new employment, through accelerated public works improvement, industrial development, planning, technical assistance and research, and regional development.

I urge the Senate to take favorable action on appropriations to maintain assistance to meet these crucial needs.

Mr. President, I ask unanimous consent that my letter to the chairman of the Senate Appropriations Subcommittee on State, Justice, Commerce, and the Judiciary, be included in the RECORD. I also ask unanimous consent that a letter to the chairman, from Representative JOHN A. BLATNIK, chairman of the House Committee on Public Works, and whose views on this important matter I have been privileged to support, also be printed in the RECORD.

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

SEPTEMBER 12, 1973.

Hon. JOHN O. PASTORE,
Chairman, Subcommittee on State, Justice, Commerce, the Judiciary, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As the Subcommittee completes its consideration of H.R. 8916, providing for appropriations in Fiscal 1974 for the Departments of State, Justice, and Commerce, and the Judiciary, I wish to take this opportunity to urge that adequate funds

be provided for the Economic Development Administration and Regional Action Planning Commissions.

My good friend and Minnesota colleague, Representative John A. Blatnik, has written to you in some detail about these highly important matters, in his capacity as chairman of the House Committee on Public Works. The economic development programs, authorized at a level of $430 million in Fiscal 1974, are of crucial importance, and I am totally opposed to Administration proposals to phase out EDA.

I am aware that the Administration has tied a recent budget request of $225 million—for development facility grants, business development loans, planning, technical assistance, and research, and the Title V regional commissions—to a request for explicit legislative authority for the phaseout of EDA, and I find this dual request highly objectionable.

Moreover, it is my understanding that the Administration is already operating the economic development programs substantially below the level of funding enacted by Congress for the last fiscal year, and further sustained under the recent continuing resolution.

Finally, it is clear that the Administration's proposals for a transition of these programs are unrealistic, in that the alternative programs are either behind schedule, have not been enacted, or are not yet even before Congress.

I believe it is essential that the economic development programs be funded at the full authorization level—which already constitutes a substantial reduction from original authorizations—to enable such orderly and effective program transitions as Congress may determine after careful deliberation.

Sincerely,

HUBERT H. HUMPHREY.

COMMITTEE ON PUBLIC WORKS,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 30, 1973.

Senator JOHN O. PASTORE,
Senate Appropriations Committee,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: As Chairman of the Senate Appropriations Subcommittee on State, Justice, Commerce and the Judiciary, you are concerned, I know, about the Administration's appropriations request for the Economic Development Administration (EDA) and Regional Acting Planning Commissions and by the steps that the Administration has been taking to dismantle the economic development programs.

My colleagues and I on the House Public Works Committee share your concern and are therefore writing to ask your Committee to take the necessary actions during consideration of the Appropriations Act to provide adequate funds for EDA and the Regional Commissions, and to forestall further unwarranted actions by the Administration to phase out the economic development programs during this fiscal year.

Continuation of our economic development efforts has received the strongest possible support in the House. The authorizing legislation was reported by Committee with unanimous, bipartisan support, and the Conference Report passed the House by a vote of 276 to 2. There can be no question but that the Congress strongly supports these economic development programs and that the Administration's plans are counter to the intent of Congress in continuing these programs.

In an effort to accommodate the Administration, the Congress has already reduced authorizations to a bare-bones level of $430 million for fiscal 1974, from the $1.2 billion level originally authorized. This reduction was made, however, with the clear understanding (as indicated by Senator Bellmon's amendment) that the economic development programs would be evaluated and that new legislation would be proposed to build on the strengths and successes of our economic development efforts which have been so clearly demonstrated ever since 1961.

When the President signed the bill extending the economic development programs through FY 1974, he agreed that this would be a year used to develop new legislative proposals and to provide an "orderly transition" to more effective programs. Since then, however, the Administration's actions have made clear that their only commitment is to the "disorderly termination" of existing programs long before there is any adequate replacement.

None of the proposals that the Administration has suggested might substitute for the successful Economic Development Administration and Regional Commission programs are yet in operation. The new Rural Development Loan program is well behind schedule; Community Development Revenue Sharing (the Better Communities Act) may well never be passed by the Congress; and the Responsive Governments Act that was proposed as the source of planning funds for Regional Commissions and Economic Development Districts has apparently not yet even been written.

In addition, the Floor debate on the Conference Report on the authorization bill made it clear that both Houses seriously question whether the Administration's proposals could ever effectively replace the existing EDA programs.

It is particularly disturbing to see how the Administration is operating the economic development programs under the Continuing Resolution for the current fiscal year. The programs are not being continued at last year's levels. The apportionment of funds so far has been only a small fraction of last year's appropriations.

For example, the Administration is proposing to cut Public Works Impact Program funds virtually in half at a time when many communities need these funds desperately to overcome the effects of defense installation closings announced earlier this year, and the Pentagon is reportedly considering more base closing next spring.

Another example of Administration action contrary to the will of Congress is to be found in the Business Loan program. Funds for the Business Loan program under Title II have been cut off at a time when the need for low cost loans to create new jobs in high unemployment areas is at a peak because of high interest rates and unavailability of loan funds in the private sector.

Even the study required by Senator Bellmon's amendment is apparently being carried out under the policy guideline that "Congress is not primarily concerned with balanced national economic development" even though this is the clear intent of Congress stated in the amendment.

Under the circumstances, I believe it is essential that the FY 1974 Appropriations Act clearly express Congressional intent to continue these economic development programs and not inadvertently endorse the Administration's budget request which signifies so clearly their intention to phase out the economic development programs within the next few months.

The attached memorandum outlines the most critical issues raised by the language of the Budget request. I hope it will be useful to your Subcommittee. If I can be of any additional assistance, I will of course be pleased to meet with you and your staff to discuss this further.

With warmest personal regards.

Sincerely,

JOHN A. BLATNIK,
Chairman.

THE 163D ANNIVERSARY OF MEXICAN INDEPENDENCE

Mr. TOWER. Mr. President, on September 16, 1973, our longtime friend and sister country, Mexico, with whom we share a common border and on whom we depend so heavily in our alliance of nations of the Western Hemisphere, celebrated her 163d anniversary of Mexican independence. On this date in 1810, Father Miguel Hidalgo Y Costilla delivered from his pulpit in the village of Dolores, Mexico, his famous "Grito de Dolores." This shout, the cry of Dolores, gave voice to the revolution which ended 350 years of Spanish rule in Mexico and also brought new freedom and dignity to its people.

In conjunction with Mexico's celebration of her declaration of independence—an occasion which we honor in similar fashion on July 4, I believe it is both timely and fitting to note that President Nixon proclaimed the week beginning September 10, 1973, and ending September 16, 1973, as National Hispanic Heritage Week. In fine tradition, therefore, Americans of Mexican ancestry again commemorate a day that is symbolic to free men everywhere of the sacrifices that have been and always will be borne by freedom-loving nations.

As we pause to salute our neighbors in Mexico, however, I want to take this opportunity to recognize also the many achievements and contributions that have been made to our culture and proud American heritage by our country's citizens of Mexican ancestry. Every aspect of our lives—political, religious, literary, and cultural—has felt the influence of our Nation's Spanish-speaking people; and it has been a positive and enriching influence on our entire Nation. Certainly, this very blending of people with different languages, ideas, and beliefs has produced in America that cloth from which freedom is cut. With the deepest understanding and appreciation, therefore, we all delight in this special observance.

RESOLUTIONS OF THE NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

Mr. ALLEN. Mr. President, the National Society, Sons of the American Revolution is a patriotic society committed to the preservation of constitutional government, maintaining a strong national defense, and preserving the liberties and freedoms that our citizens enjoy as free Americans.

At the 83d annual Congress of the National Society, Sons of the American Revolution, a number of resolutions were passed which I feel will be of interest to the Members of the U.S. Senate.

I ask unanimous consent that the resolutions from 1 to 10, both inclusive, of the 83d Annual Congress of the National Society, Sons of the American Revolution be printed in the RECORD.

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

RESOLUTIONS OF THE NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

RESOLUTION NO. 1

Whereas, in seeming disregard of the provisions of the Tenth Amendment to the Constitution of the United States, there appears in recent years to have been an increasing tendency to centralize in the federal government certain powers over subjects and matters not properly within the scope of federal authority or jurisdiction, and

Whereas, one area of vital and significant importance to the continued progress and well being of our great nation upon which such encroachment of federal power has seriously intruded is in the field of education of our young people upon whom will devolve the responsibility for the conduct and preservation of our country, its institutions, and its form of government as we have known them,

Now, therefore, be it resolved by the National Society, Sons of the American Revolution in its 83d Annual Congress Assembled, that the design, structure, and administration of publicly supported educational systems is, and ought to be, the exclusive duty and responsibility of the individual and separate States of the Union in such manner and by such means as each of said States shall independently determine, and

Be it further resolved, that all federal agencies, including the Congress, the executive branch, and the courts should refrain from any interference, whether by coercion, force, persuasion, or otherwise, with the orderly performance by the several States of their responsibilities in the field of education.

RESOLUTION NO. 2

Whereas, on the ill-founded premise that access to biographical data as contained in federal census records constitutes an invasion of privacy, and

Whereas, there is presently pending in the House of Representatives a Bill (H.R. 7762), some of the provisions of which will permanently restrict accessibility to the 1900 and later census records, thereby detrimentally affecting historians, researchers, genealogists and applicants for admission to memberships in many worthy organizations wherein lineage is among the factors determining eligibility, of the valuable information and data available in such records, and by so doing, seriously endangering the future growth of such organizations, including our own.

Now, therefore, be it resolved by the National Society, Sons of the American Revolution in its 83rd Annual Congress assembled, that is opposes any efforts to restrict accessibility to the 1900 and later census records, whether by legislation, executive or administrative fiat, or by any other means.

RESOLUTION NO. 3

Whereas, Pollution of the nation's air, water, and land and the misuse of our natural resources are a threat to our health and to our very existence, and

Whereas, widespread public concern has expressed itself to establish curbs on litter and pollution, and to encourage conservation of natural resources through the development and utilization of our technology and scientific research, and

Whereas, in response to the critical need for environmental education and action to combat and overcome pollution, and to expedite acceptance of resource recovery to conserve our natural resources, the nationwide, action-oriented environmental awareness program—Johnny Horizon '76—"Lets Clean Up America For Our 200th Birthday"—was developed by the United States Department of the Interior, with the support and cooperation of the Department of Defense, General Services Administration, the U.S. Postal Service, the President's Council on Environmental Quality, the Civil Service Commission, the Federal Highway Administration and the Tennessee Valley Authority, among others, along with more than 1,500 business, industry and citizens' groups and organizations, and

Whereas, the Johnny Horizon '76 "Let's Clean Up America For Our 200th Birthday" Program has widely demonstrated its ability to translate citizen concern into positive action such as community and country-wide cleanups, inner city beautification and conservation programs; in consequence whereby the American Revolution Bicentennial Commission in Washington, D.C. has officially recognized the Johnny Horizon '76 Program as an activity in furtherance of, and as a part of, the National Bicentennial Program and that it has been awarded the use of the Official Symbol.

Now, therefore, be it resolved:

1. That the National Society, Sons of the American Revolution in its 83rd Annual Congress assembled, acknowledges the overwhelming importance of the emerging environmental ethic in America based on the public demand that our air, water and land be cleaned up, and that our natural resources be conserved through resource recovery, all to the end that the quality of life might be improved for all our citizens.

2. That the said National Society agrees that the objective of cleaning up America, visually and ecologically, represents an important and highly desirable Bicentennial goal, as well as an ultimate objective for the well-being of all of us.

3. That the said National Society itself, and through its State Societies and local Chapter Program Committees—working in harmony with local civic and community organizations—do actively and consistently seek to help plan, develop and implement local Johnny Horizon '76 "Let's Clean Up America For Our 200th Birthday" Action Programs as a vital and significant part of our Nation's Bicentennial celebration effort.

RESOLUTION NO. 4

Whereas, the United Nations membership has grown in number to 132 nations and

Whereas, each of the Nations has a vote in the United Nations, equal to the vote of the United States, and

Whereas, a two-thirds voting majority in the general assembly can be formed by nations with less than ten percent (10%) of the world's population and which contribute approximately five percent (5%) of the United Nations' assessed budget.

Now, therefore, be it resolved by the National Society, Sons of the American Revolution at its 83rd Annual Congress assembled, that, pending the withdrawal of the United States from the United Nations entirely, we recommend to the consideration of our representatives and senators in Congress that the United States' financial support of the United Nations be re-adjusted to a more reasonable proportion, based upon a consideration of equal responsibility of all members.

RESOLUTION NO. 5

Whereas, we deplore the abandonment of the actual dates of George Washington's Birthday and Veterans Day for random weekend dates, unassociated with the patriotic and reverent purpose of their inception, and

Whereas, our Society has as one of its purposes the preservation and reverence for such patriotic occasions.

Now, therefore, be it resolved that the National Society, Sons of the American Revolution at its 83rd Annual Congress assembled, urges the observance of the actual dates of February 22nd and November 11th as the proper dates for honoring and commemorating George Washington's Birthday and Veterans Day respectively.

RESOLUTION NO. 6

Whereas, the South Carolina Society has developed a project for the purchase and restoration of the home of Edward Rutledge, one of the signers of the Declaration of Independence;

Now, therefore, be it resolved by the National Society, Sons of the American Revolution in its 83rd Annual Congress assembled, that it endorses the action of the aforesaid South Carolina Society and urges the establishment and maintenance of the Edward Rutledge home as a permanent memorial to his memory.

RESOLUTION NO. 7

Whereas, reliable reports indicate that the United States is rapidly eroding its international position of strength in regard to its military, air and naval capabilities, and

Whereas, George Washington admonished us, in the time of peace, to prepare for war,

Now, therefore, be it resolved by the National Society, Sons of the American Revolution in its 83rd Annual Congress assembled, that the preservation and security of American liberty and our Republican form of government make it imperative that the military capabilities of this country be continually maintained in such strength and posture as to enable the United States to successfully repulse all threats to its existence from within and without the territorial boundaries of this nation.

RESOLUTION NO. 8

Whereas, the American people have paid tender tributes to the sacrifices of their sons who gave their lives in battle in World War I, World War II and the Korean Conflict by selecting unknown soldiers for special honors and respect to the tombs of the unknown soldiers in Arlington National Cemetery,

Now, therefore, be it resolved that the National Society, Sons of the American Revolution in its 83rd Annual Congress assembled, urges the United States Congress to honor in like manner the unknown soldiers, unidentified in death, who were victims of the Vietnam War, for their supreme sacrifice in the service and uniform of the United States of America.

RESOLUTION NO. 9

Whereas, our armed services have traditionally constituted the shield and sword of the Republic against aggression by a foe, and

Whereas, such mission has been executed in the past in a brave and honorable manner by officers and men dedicated to the rigors and hazards of the armed forces, and

Whereas, during the past decade, there has developed a permissiveness, laxity in discipline, disrespect for authority, lowering of standards of personal appearance, and lowering of mental and physical standards, and

Whereas, such ideas have resulted in near-mutinies on fighting ships and at land bases, and have further resulted in a widespread decline in standards of morale and discipline as well as fighting capability,

Now, therefore, be it resolved, that the National Society, Sons of the American Revolution in its 83rd Annual Congress assembled, urges the President of the United States, as commander-in-chief of the armed services, to correct this troublesome situation by restoring a policy of traditional high military standards of conduct and discipline.

RESOLUTION NO. 10

Whereas, it is reiterated and re-affirmed that all previous resolutions submitted at prior Congresses be re-affirmed.

CIVIL RIGHTS FOR SPANISH-SPEAKING GROUPS

Mr. TUNNEY. Mr. President, I would like to bring to the attention of my colleagues a recent eloquent address delivered by the distinguished Senator

from New Mexico (Mr. MONTOYA). The event was the 25th anniversary of the GI Forum, a veterans' organization which has become quite active in prompting civil rights for Spanish-speaking groups.

After my August trip to California, it is evident that the socioeconomic conditions of the Spanish-speaking have not been ameliorated. Senator MONTOYA's speech highlights many of my basic concerns with regard to the Spanish surname population.

I ask unanimous consent that Senator MONTOYA's speech be printed in the RECORD.

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

A SECOND FRONT IN THE WAR ON INEQUALITY

I am especially happy to be here tonight to honor Dr. Hector Garcia, the founder of the G.I. Forum—and you, the members, who in twenty-five years have brought this organization to its present excellence and recognition.

It is hard to realize in 1973 that twenty-five years ago only a tiny handful of men and women recognized Spanish-origin Americans as a minority. For that matter, twenty-five years ago very few Americans thought that this or any minority had problems which were of any real importance to the Nation or the future.

There was no civil rights bill. No one had ever heard of Cesar Chavez. No equal opportunity legislation had been written. No bilingual education program had been planned. No manpower program was in existence, for the Spanish-surnamed or for anyone else. There was no Civil Rights Commission.

In those twenty-five years a great many things have happened, and some of them are very good things. But for the Spanish-speaking minority there are things which have not happened.

We were finally counted in a Census in 1970. That's progress. But we were not counted correctly. The Mexican-American Population Commission of California forced the correction of the count in that state, and has now published a report on the California Spanish-American population showing 3.7 million in 1973, instead of the 2 million the Bureau originally reported.

Last year I said that we Spanish-speaking Americans were an "invisible minority." Well, the Census Bureau proved it—you're pretty invisible if they can't see you to count you in a national census! And not seeing us is just the beginning. A lot of other things have not happened yet.

We have not achieved economic equality, of course. Estimates of our per capita income compared to that of Anglos show that on the average they earn two and one-half times as much as we do, man for man.

We have not yet achieved educational equality. Our children still have the highest dropout rates, and the least number of years of school completed. The reason for those awful figures is easy to find: we do not provide the bilingual and bicultural schools which would give our children equal education opportunity. Of the seven million American children who speak a language other than English, 80 percent are Spanish speaking. Our federal bilingual education programs only provide help for one out of every fifty of those children. So many of them are made to feel unequal and unwelcome in a school system which promises education and and only delivers frustration.

We have not achieved health care equality. The death rate of our babies is too high and the life span of our adults is too low. Poverty is not good medicine for the Spanish-speaking American, any more than it is for any other group.

We have not yet convinced the rest of America that our image should be something other than in the Frito Bandito or the sleepy "sombrero-man". Nowhere in the schools of this nation is the history of the contributions of Spanish speaking peoples told as it should be told. We will have to rewrite the books for that.

Most serious of all, we have not taken our proper place in government or in government jobs. The second largest single minority—more than seven percent of the total population—holds only three percent of the federal jobs, and only one-half of one percent of the top level civil service jobs.

During the four years I have been on the Appropriations Committee, I have been able to call on the Agencies which come under my jurisdiction to provide meaningful compliance with regulations and guidelines in hiring more Spanish-speaking. This has been particularly successful in Treasury, where as a result of my prodding the Commercial bank program has doubled Spanish-surnamed employees in four years, and in the last year, increased the number from 24,000 to 28,971. As Chairman of the Committee which deals with the Civil Service Commission, I recommended, and the Congress established, an Equal Opportunities Division for the Spanish-speaking. The Division has been in operation for over a year. I will continue to insist on better performance by the Civil Service, but we have made a start there.

But in the supergrades—appointed by the President—there has been a reduction this year in the number of Spanish-surnamed—from 44 to 33.

No, we have not yet won the war against inequality in income, in employment, in education, in health, in job security. or in government.

Is it time to give up? Or is it time to say we have just begun to fight?

I think it in time for us to open up a "second front" in that war against unequal opportunity. I think the chances to win that fight are greater now than they have ever been, and I think the Spanish-surnamed people are ready.

You may think that is a strange thing to say in the America of 1973. This is a time of serious problems: of inflation, of food shortages, of budget cuts, of conflict over solutions and priorities, a time of distrust in government.

Everywhere in America there is debate about the kind of government we want and about the way in which government will work. Who should make the decisions about priorities in spending? Who will speak for the Spanish-surnamed minority, if we do not?

Today the basic concept of government which has been a part of the last twenty-five years of American history is being challenged. It has been a matter of great pride to me that my Party was making, in my lifetime, a fight against man's ancient enemies: poverty, ignorance, and disease. During the 1960's we saw the beginning of a real federal attack on those problems, and upon the inequality of opportunity which they represent.

It was a time of awakening for the minorities in this country—including ours—and it was a time of new hope and new challenges for those of us who saw our service to the nation in terms of creating a more equal and thus a stronger America here at home. The quality of life itself was what we wanted to improve, and we began our fight with all the enthusiasm that men bring to great and challenging ideas.

It was a time when the Spanish-speaking Americans began to move ahead, to organize, to participate, to demand their rights.

We were looking at America with open eyes, and we saw hungry children, educational neglect, old people living lives of quiet desperation after a lifetime of work, minorities who were captive in barrios and ghettos. We saw cities with run-down housing and poverty stricken city-centers. We saw rural families who could no longer provide for themselves and who had no medical care or libraries or schools. We saw disease which struck at the future and hunger which destroyed the present.

We believed that it was possible to correct those inequities.

We went into action.

Two Democratic presidents led the way in creating Federal programs to find answers and to organize people at the local level. The Civil Rights Commission, the Office of Economic Opportunity, Model Cities, Urban Renewal, plans for hospital building, medical research, a plan for mental health centers within reach of every family, a plan for national library resources so that every child and every school had books, educational loans and grants—all these and many other programs began in those years.

But . . .

You all know the tragedy which struck down our dream. The other war—a wasted war in a country thousands of miles away, a war which slowly grew and grew in size and cost so that, like a giant octopus, it destroyed our purpose at home and polluted our national will.

We saw our treasure in both money and the lives of our sons drained away. We heard dissent and anger and frustration explode in our streets.

In the final analysis the greatest tragedy may have been that the great programs begun in a war on poverty were put aside. They were not able to fight against inflation or to compete with a military-industrial complex grown fat on that other war.

With the first years of the Nixon Administration we had more immediate conflicts and problems. The war in Indochina went on and on—and we also had inflation, rising taxes, unemployment, recession. Gradually it became clear that the President did not intend to continue the fight for equality, the fight for a decent life for every American family, the fight for an end to disease and hunger and illiteracy.

We had "peace with honor" abroad—but we were asked to settled for "peace with dishonor" at home. We were asked to accept "a little unemployment" in order to end inflation, and "a little hardship" for the poor and the aged and the weak.

We were asked to accept "a little" educational neglect for Spanish speaking children, "a little delay" in progress for those who had no political base, "a little defeat" in the war against inequality.

They promoted a lot of generals—but they decided on a "little" postponement in promoting the general welfare.

They called this retreat "The New Federalism" and Administration spokesmen talked about it with glowing rhetoric, but the reality was neglect for the old, the poor, the sick, the children, the small farmer, the unemployed, the poor white in Appalachia, the Chicano in the Southwest, the Puerto Rican in Boston or New York, the Cuban refugee in Florida.

Last year, in 1972, we saw the creation of General Revenue Sharing in an attempt to return tax dollars to the states and local governments where money was desperately needed to fight tax increases. It was said this money would provide the additional federal funds which would make it possible for cities to stay alive and perhaps catch up without increasing the tax load. I was dubious about the wisdom of this plan then, and now that the first reports are in I am even more dubious about how revenue sharing will work.

Clearly, it is doing one thing: it is being used to avoid tax increases. Graham Watt, of the Office of Federal Revenue Sharing, re-

vealed to the Conference of Mayors the results of a survey taken in April showing that expenditures go first for capital improvements, and last for social needs. More than eighty percent of cities cite construction of buildings or purchase of equipment for public safety—police and fire departments—as their first choice for revenue sharing money. Helping provide social services is mentioned by only sixteen percent. None plan new educational programs or new vocational training or manpower programs as a first choice.

Why? Because the Governors and Mayors think there is no need? Of course not. They know about the need. But they thought that the existing federal programs for health, education, welfare, housing, urban renewal and other social programs, would be continued either in their present form or in better and improved forms.

So we came into 1973 facing a new crisis, and a new set of conflicts. In spite of the beginning of the end of the war in Vietnam, we had a military budget increase—and Mr. Nixon announced in January the disastrous budget cuts in federal social services.

The Administration claimed three things in explaining cuts:

First, "the urban crisis is over."

Second, "the programs have failed."

Third, "revenue sharing will take care of things at the local level."

Was the crisis over? For the Spanish-surnamed minority it was not. For others it was not. In fact, the list of non-victories for the entire nation was pretty long. These were the things we had NOT accomplished:

We had not conquered poverty.

We had not conquered ignorance.

We had not conquered disease.

We had not provided a decent life for the elderly.

We had not achieved equality of opportunity in employment or education or housing—not for the Spanish speaking, and not for others as well.

We had not solved the welfare mess, or even built the day care centers to care for the six million American children whose mothers work.

So the crisis is not over. It is clear that revenue sharing at the local level will not take care of any those non-victories.

Mayor Sheehan of New Brunswick said recently "We went down the garden path with the Administration on General Revenue Sharing, with the understanding that it was new additional money for us. Now we find we have to use it to make up for the impoundments, moratoriums, and cuts in old programs." Revenue sharing turned out to be a "Trojan horse" which looked good at first but contained frightening surprises.

The programs which had begun the great war on poverty were going to be destroyed. Nothing was offered to replace most of them. Through budget cuts, through impoundments through simply not spending the money authorized by Congress, programs which served people directly began to disappear. Libraries, vocational education, bilingual education, bilingual teacher training, health, low-income housing, school lunch programs, the milk fund—the list of cuts seemed endless.

Money for these people-serving programs would now have to come from the local level, from local tax money, or through special revenue sharing programs which had not yet passed Congress and probably would not. Senator Muskie said, "The money will go to the most powerful—and that means, by and large, the most privileged—in every local power structure."

It began to be clear that revenue sharing would mean not so much tax cutting, as tax shifting.

So that is where we are in the middle of 1973. We have a long list of non-victories in our old war on inequality—and a clear confrontation in deciding what our priorities are and what they should be.

What can be done? What can the Spanish-surnamed citizen organizations do? What should we do?

Well, last year when we met we talked about our invisibility.

This year we are not so invisible.

This year we represent a minority which is becoming more vocal, more active, more involved, and more organized than ever before.

This year we have more recognition among our own people of the problems we face. We have more response from groups like the G.I. Forum and LULAC and RASSA and IMAGE—a response to demands for political action.

This year a Mexican American Population Commission corrected the United States Census in California—and they plan to recount Arizona, New Mexico, Texas, and Colorado next.

This year we are telling the government that the Sixteen Point Program is a failure, and we are demanding that more attention be paid.

No, we're not so invisible anymore.

Our cultural heritage and our history in helping to create this country are not so invisible anymore either. Some colleges and universities are recognizing the need for bicultural and bilingual teaching programs in order to preserve the rich heritage of America's minorities—and the Spanish speaking minority led the way in creating the recognition of that need.

I see a changing spirit in America and in the Spanish speaking minority. The concept of Americans as a mythical, homogenized and plastic people, all with one culture and one history, is fading. In its place I see a recognition of the value of variety as each group is encouraged to develop its own cultural heritage. Spanish Americans are already a clearly defined part of that variety, with our goals and ambitons.

It is no longer possible to shut us out of government or politics. We are ready to work with others in order to create the kinds of reform which will bring real change. We are ready to open up a second front in the war on inequality.

We can begin by getting involved in the setting of priorities, the spending of government money, the changing of ideas about how government should work.

For the G.I. Forum, which has led the fight for equal employment and equal education opportunity and equal representation in government, it is important what happens in the fight for revenue sharing money and in the fight to preserve federal grant programs and block grants.

Two reasons make it important to us: first, because the programs at stake are those which serve our least advantaged members, and second, because this battle gives the Spanish-speaking minority an opportunity to lead in what may be the last great war against poverty and inequality.

It is important to learn how revenue sharing funds are allocated to states. Find out about how much your city, your county, your state receives.

Make sure the population count in your area is correct, that the economic statistics given for the Spanish-speaking are accurate. Census statistics are important when money depends upon them—and federal money does, either in revenue sharing or in grant funds.

Find out what the impact of budget cuts will be on your city and your state. Libraries, schools, student aid, health services, lunch programs—find out what they received last year and what they will get this year. Document and publish your results.

Make sure that decisions about revenue sharing in your city are published—are that you and other members of the Spanish-speaking public are in on the planning. So far only six percent of the public has participated in planning for any revenue sharing spending. Most cities say they would welcome more community interest. Challenge them on that.

Make sure that the political power of the Spanish-speaking minority in your city is felt, and counted, and organized.

Know what is needed in your locality, and concentrate on that problem first.

Check to be sure that federal civil rights provisions are being obeyed: federal money must be spent without denying benefits to any group because of discrimination.

It is true these are difficult times. A crisis. But I heard the other day that the Chinese symbol for a "crisis" is really two symbols—two words put together. Those two words are disaster and opportunity.

This crisis can be our opportunity.

I think the Spanish-surnamed population of America is ready to turn the cirsis of 1973 into an opportunity to solve some of the problems which exist for all of us.

By fighting on this new front in the war against inequality, we are working toward the future when every Spanish speaking child will have a decent home, a healthy body, a good education, and promising future.

That's a fight worth winning.

The President has said we should think about what we can do for ourselves. That's the "every man for himself" theory.

I would rather that we think of how we can work together for our own group and for the nation: one people made up of many peoples.

This is the year we can prove that government of the people, by the people and for the people works—and that Spanish-origin Americans are a vital part of that system.

THE AMERICAN-SUPPORTED ECONOMY OF SAIGON

Mr. KENNEDY. Mr. President, there is a growing consensus among many Americans and many in the Congress that America's foreign assistance programs and economic relations with South Vietnam must change—that we have reached a watershed point when we can and must end the master-client relationship between Washington and Saigon and embark on a new road in our relations with the peoples of Indochina.

This new opportunity to support peace instead of fueling war—and to help heal the wounds of war—has come with the ceasefire agreements and the congressional mandate which ended, once and for all, America's direct military involvement in the area.

But to hear administration spokesmen and to read the administration's foreign assistance request for Indochina suggests that administration policymakers have yet to seize these new opportunities. Apparently they have not yet learned the painful lessons of the past, nor have they discarded the bankrupt aid programs which have so long characterized our ties with Saigon.

For the first time in many years our Government has a real opportunity to change the character of our involvement, as well as the nature and substance of our aid, and to reorder our priorities in Indochina. But it appears that the administration has failed to grasp these new opportunities.

As a result, I believe the Congress, in considering the foreign assistance authorization for Indochina for 1974, must

end Saigon's client dependency upon the United States and begin the necessary transition in our economic relations with South Vietnam. For us to fail to terminate the present relationships borne of war, will only serve to prolong our inordinate involvement in the affairs of this area and invite the danger of renewed military commitment.

Mr. President, recent articles in the Washington Post and the New York Times underscore the problems associated with the continuing heavy U.S. support of the South Vietnamese economy. They review in some detail what this support has entailed in the past and what it means at the present time. I believe they will contribute to the coming debate over the foreign assistance authorization bill, and I commend them to the attention of all Senators.

Mr. President, I ask unanimous consent that an article by Mr. D. Gareth Porter of Cornell University as well as a dispatch by Mr. Thomas Lippmann of the Washington Post, be printed in the RECORD.

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

[From the Washington Post, Sept. 2, 1973]

SAIGON MUST NOT CONTINUE TO RELY ON HEAVY U.S. AID

(By D. Gareth Porter)

Porter is a research associate in Cornell University's International Relations of East Asia project.

Congress is now considering an economic aid program for South Vietnam which would continue to maintain for an indefinite time what one high U.S. official has called the "client relationship" with the Saigon government of Nguyen Van Thieu.

The main purpose of the proposed aid program, which the administration has called a "reconstruction and development" program, is neither reconstruction nor development but the subsidization of Thieu's military-police apparatus. By not only arming and equipping that apparatus but also by paying for most of South Vietnam's budget and artificially maintaining levels of consumption, the United States still refuses to allow the Saigon government to stand or fall on the strength of its support among the Vietnamese people themselves.

The Thieu government remains today essentially a creation of American military intervention in Vietnam. For it is kept in power by a military and a paramilitary control apparatus which the South Vietnamese people never desired and would have been unwilling to finance themselves.

It was in fact the U.S. mission which imposed this political and economic monstrosity on South Vietnam. As the economic counselor to the U.S. embassy, Charles Cooper—the man credited with masterminding economic policy in Vietnam during the war—told me in a 1971 interview, "We've always been in the position here of pushing their expenditures up. We pushed them on pacification, on increasing the army, etc. . . . We were actually satisfying our own ideas. . . ."

As a result the South Vietnamese ground and air forces increased from 216,000 men in 1964 to 1.1 million in 1972; the police force increased from 20,000 men in 1964 to 120,000 in 1972. The official government budget increased from $219 million in 1964 to $856 million in 1972.

INFLATION OR TAXES

In order to finance such a swollen apparatus of control, any independent state would have had to resort to runaway inflation or heavy taxes on the entire population, rich and poor. The taxes required to support this level of military spending only could be raised successfully if the government in question had had reasonably solid support for its anti-Communist war effort—something which the Saigon government has manifestly lacked.

But the Saigon government had an alternative to uncontrolled inflation or burdensome taxation—which was to rely on the U.S. to pay for most of its budget and to prevent any significant drop in living standards by providing massive quantities of imported goods.

The main instrument for preserving the Thieu government's military and paramilitary apparatus while minimizing economic hardship is still the Commodity Import Program, under which the government receives letters of credit which it then sells to the Vietnamese importers for piasters. It uses these aid-generated piasters to pay its budgetary expenditures, and when the goods arrive in Vietnam, the customs taxes collected on them add additional resources for the budget. Meanwhile, Vietnamese are able to purchase imported goods which South Vietnam could not possibly afford with its own minimal foreign exchange reserves: gasoline and parts for motor bikes, fertilizer, cement, sugar and other foodstuffs.

In fiscal year 1974, the Nixon administration has requested $275 million dollars for the Commodity Import Program and is adding a $50 million "development loan" for imports which Thieu can also use to help pay for his military budget. This assistance is estimated by the Agency for International Development to represent roughly one-fourth the living standard of the average Vietnamese.

If the artificially maintained standard of living has neither made the Thieu regime popular nor silenced opposition to the war in the cities, it has nevertheless helped to keep urban discontent at a level which can be controlled through the massive use of police surveillance and terror. Millions of Vietnamese thus have been dissuaded from taking to the streets or to the jungles to overthrow the Saigon regime. There is no doubt in the minds of U.S. officials that Thieu's regime could not have survived the political turmoil which would have occurred without the U.S. subsidization of Saigon's state apparatus and economy.

GRADUAL REDUCTION

Despite administration statements paying lip service to the objective of Saigon's economic independence, the official rationale accompanying the 1974 aid program for Indochina makes clear its intention to continue the client relationship with Saigon indefinitely. Instead of offering a plan for the rapid elimination of American subsidization of the Thieu government the rationale suggests that the import subsidy can only be reduced "gradually" and that Saigon will "continue to require foreign assistance for the next few years to maintain the flow of goods needed for production, investment and consumption." It does not mention that this flow of goods is also necessary for Thieu to pay for his army and police force.

The army lives off foreign aid rather than relying on the support of its own people, and any attempt to reorient it economically, socially and politically away from the present American style of organization and operation would almost certainly end in disaster. Moreover, for Thieu to demobilize most of his 1.1 million-man army would mean relinquishing a convenient means of political control over them and, indirectly, over their families.

Equally important, the Saigon regime has shown little interest in making domestic taxation its main financial basis. For nearly 20 years, American largesse has encouraged Saigon to avoid the taxation of domestic wealth in order to gain more fully the support of those comprising the taxable population. As a result, taxation in Vietnam has been feeble on the one hand and regressive on the other.

The Saigon government has shown an aversion to direct taxation, which must constitute the backbone of any healthy fiscal system, and has focused its efforts, instead on the taxation of soft drinks, beer and tobacco products, which fall more heavily on the poor than on the rich and which do not draw on the primary sources of wealth in the country. For many years, well over half the domestic taxes collected by the government came from only nine foreign-owned companies in Saigon which produced beer, soft drinks and tobacco. In 1972, direct taxes brought in only $37 million—4 percent of total income, including U.S. aid.

There are two simple reasons for Saigon's persistent refusal to tax the real wealth available to it. On the one hand, officials have always feared that such taxation would increase its unpopularity or lose the cooperation of those whose acceptance or support was crucial for pacification and political stability. On the other hand, the readiness of the United States to provide whatever revenues were not obtained through taxation provides a lack of incentive for maximizing tax collections and an incentive for officials to exploit the most lucrative sources of wealth for their own benefit.

TAXING ISN'T POPULAR

The Government, unable to appeal either to patriotic sentiment or a commonly shared vision of society, has implicitly admitted its own doubts about the legitimacy of the war effort in the eyes of the Vietnamese people in avoiding direct domestic taxation. When he was prime minister in 1969, Tran Van Huong declared, "If we levy more taxes, the government will be unpopular and the political situation here more unstable."

Willard Sharpe, chief of the economic analysis branch of AID in Saigon, explained fears of reduction in American Commodity Import funds in 1971 by saying, "I don't think the government feels it is strong enough to ask the people to pull in their belts. It's just not popular enough."

Between one-third and one-half of the private wealth of South Vietnam still lies in its agricultural production, primarily in the country's rice bowl, the Mekong Delta. American officials have been pointing to the new prosperity of commercialized farmers in the Delta, thanks to large inputs of fertilizer, new rice strains, and favorable rice prices. But Thieu's pacification strategy in the Delta has been based more or less implicitly on the idea that the government can give the farmers something for nothnig, with the help of American generosity.

One of Saigon's bright young American-trained economists, who was then vice minister of agriculture, proudly asserted to me in 1971 that his government collected only a "very nominal tax" on land—less than 200 piasters (or 50 cents), on a hectare of land which brought an average of $180 a year in income, or about one-third of 1 per cent of gross income.

"With our system," he pointed out, "the farmers themselves benefit from land reform. With the Vietcong program, the result is more revenue for the Vietcong." This was precisely the difference between a regime dependent on popular support for its military operations and one dependent on foreign support. As the American tax adviser in Saigon, Paul Maginnis, explained two years ago, "The national government is subsidizing villages and hamlets in order to purchase their loyalty instead of demanding money from them to finance the war effort."

SUBSIDIES INCREASE

While the Government collected a token 54 million piasters ($242,000) in agricultural taxes in 1969, it was subsidizing the village budgets in the amount of 2.2 billion piasters ($9.8 million), for both local government operations and village development projects. And while agricultural taxes rose to 3 billion piasters in 1972 ($6.9 million), the subsidy increased even more, to 10.4 billion piasters ($24 million). Whether or not the rural sector of the society will ever contribute more to the budget than it receives in subsidies is thus still open to question.

Political considerations also have kept Saigon from taxing fairly the unsalaried urban middle class which constitutes the most active segment of the U.S.-sponsored political system. The traditional policy toward this stratum has been summed up by one Vietnamese expert on taxation as, "Leave it alone as long as the circumstances permitted." The American budgetary subsidies thus far have provided just such circumstances: In February, 1971, President Thieu abruptly called off the work of special tax teams, which were trying to assess fairly the income of the professional and business class in Saigon, after it complained loudly through the press and its representatives in the national assembly. Later in 1971 the building containing Saigon's tax records was blown up. The teams were never revived.

The most important untapped source of wealth in Vietnam, however, are the profits which were generated by the war itself, which long has been the biggest industry by far in the country. Again, the U.S. subsidization of the budget not only encouraged Saigon to avoid taxing the war profiteers but gave officials an incentive to enter into collusion with them at the expense of the government's fiscal health. And more important than the bars, nightclubs, brothels, laundries and other enterprises, which were officially untaxed but generated large incomes for district and province chiefs, was the import business.

From 1965 to 1971, Vietnamese importers were making enormous profits because of the officially overvalued piaster in exchange for the dollar and the rationing of import licenses. In 1970 a secret government report which was obtained by the House Subcommittee on Foreign Operations estimated that these "windfall profits" were running as high as $150 million per year. (An even more detailed study of windfall profits done in 1970 by Dr. Douglas Dacey of the Institute for Defense Analyses on a contract with AID, which carefully estimated the amount of windfall profits each year on the basis of official economic data, was suppressed by the agency before it could be published. Congressional efforts to obtain a copy have been systematically refused.)

REVENUES AFFECTED

Those unearned profits were all at the expense of revenues, since they would have remained in Saigon's treasury had the exchange rate kept up with the rate of inflation. Yet according to the Ministry of Finance, the government collected only 100 million piasters ($250,000) in taxes on the 1969 incomes of those importers—an infinitesimal fraction of their illegitimate profits.

The failure of the government to get more tax revenues from war profiteers was caused by the same situation which produced the windfall profits in the first place. Relieved of the necessity to squeeze every bit of revenue possible from the South Vietnamese economy, powerful officials turned the rigged import licensing and foreign exchange system to their own advantage instead of reforming it.

The officials who had power over the distribution of import licenses used it to extract from the recipients a private "tax" in return for the favor. According to business and financial sources in Saigon, including a former high Economics Ministry official who now is in the import business and a Japanese businessman with 7 years' experience in Vietnam as of 1971, importers had to pay 3 per cent of the total value of the license, or 10 piasters on every dollar of goods imported, to the minister of economics, Pham Kim Ngoc, who became known in Saigon circles as "Mister 3 Per Cent." Ngoc was assumed to have divided "taxes" with other top officials of the Thieu regime. The 3 per cent rakeoff, if applied to the total volume of imports, would have netted $23 million in 1970, or 92 times the amount collected from them in the form of income taxes.

Although the threat of drastic reductions in U.S. subsidies to Vietnam finally moved the U.S. mission to insist on an end to the system of overvalued currency and tight controls over licenses, the system had already allowed importers to accumulate hundreds of millions of dollars, virtually none of which ever was used for the budget. The increased but still modest amounts of income tax collection in 1972 from nonsalaried individuals ($7.5 million) and corporations ($19 million) do not begin to scratch the surface of this wealth.

Ending the Commodity Import Program would have the effect of making the government dependent on the support of the South Vietnamese people for the first time in its history. It would then be up to the Vietnamese people themselves (as it should have been all along) to decide whether or how much they are willing to sacrifice in order to maintain the present military and paramilitary apparatus.

To the extent that the population, wealthy or poor, wishes to see the Saigon government survive, they can contribute their share through direct taxes, which Saigon unquestionably has the physical capability to collect. If the government cannot obtain the resources to support the present level of military spending through this means, it will have to reduce its expenditures to the level that it can support.

In any case, the United States no longer should be in the position of artificially maintaining a political and military structure through its assumption of the bulk of its budgetary expenditures and the subsidization of consumption levels.

[From the Washington Post, Sept. 10, 1973]

SOUTH VIETNAM ECONOMY SLUMPS: PROSPECTS HOPEFUL FOR FUTURE RECOVERY

(By Thomas W. Lippmann)

SAIGON, Sept. 9.—Caught between rising world prices for most of the things it needs and its own inevitable postwar slump, South Vietnam is struggling to keep its economy afloat and public discontent under control.

About 300,000 are estimated to be unemployed and untold thousands more are trapped in marginal jobs such as driving pedicabs and running sidewalk soup stands. Foreign currency reserves are dropping by $10 million a month. The prices of cooking oil, sugar and gasoline have more than doubled in the past year, and the cost of living has gone up 41 per cent since January.

A man-made rice shortage, caused not by inadequate production but by hoarding, speculation and mismanagement has almost doubled the price, forcing the government to impose a ceiling that has been only partly effective and to grant its poorly paid soldiers and civil servants a pay increase it can ill afford.

Behind Saigon's bustling facade are empty restaurants, declining newspaper advertising, dismantled Black Market stalls, long lines of applicants for every job, an anti-government demonstration among hungry refugees in Longkhanh Province and the inflationary printing of bank notes in higher denominations than ever before.

President Nguyen Van Thieu, who intervened personally in the rice shortage during a recent table-pounding trip to the Mekong Delta, met yesterday with his top military commanders to discuss the first major step that most observers agree is needed to turn the economy around—demobilization of part of the army.

A small country where the Gross National Product dropped almost 15 per cent in one year with the departure of the American soldiers simply cannot afford an army of 1.1 million men, economic analysts agree. But Thieu has been reluctant to reduce the armed forces, for the obvious reason that the war is still going on.

Informed Vietnamese say it is now likely that at least 100,000 men will be released from the army by the end of the year. Economic analysts are warning that the process must be controlled to make sure the men go back into farming or some other productive activity instead of gravitating to the crowded cities to join the unemployed.

Despite the governmental concern and public grumbling, the picture is by no means all bleak. Vast stretches of the country are physically undamaged, much of the good road network is intact, deep-water harbors are operational, nobody is starving and there is plenty of vacant land for development.

But there are too many people on the public payroll and in service industries and too few in agriculture and manufacturing, too many people in the cities and not enough on the land for the country to sustain itself in the way it got used to during the free-spending days of the American war.

"Things are going to get worse before they get better," a Cabinet official said recently. "Our problem is to make the people understand that this is an inevitable phase, that we're going to have a difficult time in the immediate future but will be all right in a couple of years."

Part of South Vietnam's current problem was predictable. American troops and civilian workers spent about $400 million here in 1971. Aside from the jobs they made for cooks, laundresses, truck drivers, bar girls, tailors and laborers, they provided the chief source of the foreign exchange for South Vietnam's import-dependent economy. This year, American spending here is down to $100 million, and it will be only $50 million next year, American economic officials say. Most of the jobs have gone too.

But everyone knew that was coming. What was not predictable was a twofold buffeting from worldwide economic conditions: the decline in the value of the dollar, which makes Vietnam's dwindling foreign exchange reserves worth even less, and rising costs of commodities and essentials.

To illustrate what this means, an official of the Economics Ministry noted a one-third reduction in the country's petroleum imports this year, but no decline in the oil-import bill of about $90 million a year.

Vietnam is dependent on imports for the stuff of daily life—fertilizer, sugar, pharmaceuticals, cement, machinery. Because it is relatively advanced, motorized and developed by Southeast Asian standards, it can reduce its consumption of such products only marginally. The costs of all are increasing while there has been no replacement for the GI dollars and only a minimal response to Saigon's plea for more foreign investment.

Last year, according to figures compiled by the Ministry of Finance, South Vietnam exported only $23 million worth of locally produced products such as rubber and timber. That was only 3 per cent of its import expenditures. Exports are rising this year, but most of the balance still is coming from U.S. aid funds.

Those are also in question as Congress debates the Nixon administration's current foreign aid request. Even the most optimistic Vietnamese and American officials here say that a significant reduction in American aid

would force the government to scrap its long-range economic recovery program and concentrate on survival, a course the government believes to be politically unacceptable because of the continuing presence of an opportunistic enemy.

Discussions with government officials, businessmen and foreign analysts are based on the assumption that foreign aid will continue to approach current levels for at least the next few years if the country is to make progress toward self-sufficiency. The alternative is to abandon development and return to a subsistence economy, financial sources say.

South Vietnam's economic liabilities are many. Hundreds of thousands of refugees from last year's offensive are still on the public dole, although they are rapidly being resettled. Some of the most promising resources, especially pine and rubber trees, are in enemy-held areas. Corruption and inefficiency compound every problem. Knowledgeable Vietnamese say that public confidence is declining, which in turn leads to further corruption, hoarding and shirking of responsibilities.

The Vietnamese were spoiled during the 10 years of the American-financed Honda economy. The country lived far beyond its means, snapping up motor vehicles, electric appliances, fancy clothes and concrete houses on a scale unknown in many Asian countries where there was no war.

"Austerity is coming," one official said. "The problem is to make it politically acceptable. The people won't buy it if the generals and politicians go on with their parties and champagne and air-conditioned cars."

Assuming peace, most sources are optimistic about the long run outlook, with the government officially projecting self-sufficiency in eight years. Some believe the worst has already passed.

An influential Western banker said, "A less resilient economy might have collapsed under the blows this one has taken in the past two years. This is basically a rich country . . . if there was a real crunch, people would be leaving the cities and going back to the farms. There's been no sign of that."

"This country has one of the highest per capita rich consumption levels in Asia," another Western analyst said, "and it's not going down. It would be if the squeeze were really on."

"The key to South Vietnam's progress," said a recent report by analysts of Morgan Guaranty Trust Co. of New York, "clearly lies in a resolution of the political and military unknowns which now cloud the country's future. Obviously, the situation is still open-ended. However, to a greater extent than is commonly appreciated, a constructive start has been made in creating a framework for economic development. South Vietnam may yet surprise the doubters."

[From the New York Times, Sept. 14, 1973]

SOUTH VIETNAM'S INFLATION-RIDDEN ECONOMY CONTINUES TO DECLINE

(By Joseph B. Treaster)

SAIGON, SOUTH VIETNAM, Sept. 13.—Two things concern the South Vietnamese these days, a prominent political figure said recently: the unending war and the cost of living.

"But the most important thing," he went on, "is the cost of living."

The war is in one of its quiet stages right now, and to many people, especially city dwellers, it often seems remote. The reeling economy is as close to everyone as his morning soup and his midday rice. As prices have gone through the ceiling, some have foregone their soup and begun cutting down on rice.

The warnings voiced by economists months ago are becoming a reality, increasingly threatening the nation's political stability.

The problems are staggering. Rice, beef and pork—staples of the Vietnamese diet—are selling for about 50 per cent more than at the start of the year. Cooking oil and gasoline have doubled in price and sugar has tripled.

FAILURES, BRIBES, ROBBERIES

Hundreds of businesses have folded and unemployment has continued to mount. Civil servants are demanding stiffer bribes for services that are supposed to be free. Robberies and thefts in the cities have multiplied.

"It's the worst since 1945," commented a barber who fled from Hanoi after World War II and eventually settled in Saigon. "People are saying that at least with the Communists there would be order."

Such talk in the barber shops and soup stalls may be open to challenge, but it is alarming to President Nguyen Van Thieu and his aides nonetheless.

Economists say that a large part of South Vietnam's situation is a result of forces beyond its control—a sudden dip in national income as American troops went home, ever-intensified worldwide inflation, the devaluation of the dollar and, not least, the continuing war.

FOREIGN INVESTORS DEPART

As long as the war persists much of the farmland will continue to be unusable and industry is likely to stay frozen at a primitive level.

The foreign investors who flocked to look over South Vietnam last fall during the peace talks have quietly slipped away. "It's hard enough trying to set up a business in a place like Singapore," a banker said. "Nobody in his right mind is going to come here while the risk is so high."

Watergate, too, is regarded as among the evils being visited upon South Vietnam. The worry is that Congress, already displaying signs of isolationism, may react to the scandal by slashing the foreign-aid program, which is known to be dear to President Nixon and which is South Vietnam's lifeline.

Not all of the blame can be laid elsewhere, however. There is general agreement that President Thieu has exacerbated the situation by committing a series of blunders that his economists foresaw and advised against.

The Communist offensive last year stalled business and touched off a recession, and the cease-fire, instead of triggering a revival, brought disappointment.

DEFENSE OUTLAYS LARGE

At the same time the United States was rapidly pulling out its troops. Tens of thousands of Vietnamese who had served the soldiers lost their jobs, and spending by the Americans dropped from a peak of more than $400-million annually to about $100-million this year.

Expenditures for defense and imports have remained high nevertheless, and hard-currency reserves have plunged.

The economists have advised President Thieu to demobilize some of his 1.1 million troops, but at the moment, he does not feel that it would be prudent.

Some economists maintain that imports, which are expected to reach a new zenith of $750-million this year, could be trimmed considerably, perhaps by more than $100-million. But the United States mission and the Saigon Government maintain that little is being brought into the country that is not essential.

Another serious problem, according to American economists, is that worldwide price rises and devaluation of the dollar have reduced South Vietnam's buying power by more than a third, so that it will spend more than ever this year on imports but will receive the smallest quantity since 1965.

The Government has tried to discourage consumption of fuel and sugar—two principal imports—by removing subsidies. The most significant result has been an inflationary spurt in a number of related items and services.

EFFORTS TO SAVE FUEL

In an effort to conserve fuel over the long haul, the Government is working to revive and expand its mass-transportation facilities and is restoring a hydroelectric system that limped through most of the war, enduring numerous attacks and never operating at capacity. It has also been urging people to return to the bicycle, but only a few have taken the cue.

Perhaps President Thieu's most spectacular error was his decision to levy a 10 per cent tax that affected nearly every aspect of the marketplace. His intent was to fill the Government purse and to show the world that South Vietnam was trying to solve its problems. As economists had advised, the result was that prices and public discontent skyrocketed. Furthermore, the income from the tax was immediately offset by a pay raise for servicemen and civil servants that Mr. Thieu was reported to feel was politically unavoidable.

In another move the economists opposed, the President imposed Government controls on rice production and marketing. Most economists believe that this may lead to a black market and even higher prices.

Hoping to get the stagnant economy moving again, the economists have recommended that the President loosen credit, but he has been unwilling.

There are some hopeful signs. Refugees are being resettled in droves, cutting Government expenses and increasing national production. Exports are expected to double this year to about $45-million. Four major petroleum companies have signed contracts for the right to drill offshore.

In addition, a small amount of foreign aid has begun to come in from countries other than the United States, and the World Bank and the Asian Development Bank have begun to show interest in South Vietnam.

The keystone of its future remains United States aid. The House of Representatives has approved a bill giving South Vietnam roughly the $300-million that economists think is the workable minimum. But there are grave fears among the Vietnamese and their American colleagues that the Senate may drastically cut the bill. If so, what then?

"I don't even want to think about it," a high-ranking South Vietnamese economist said shaking his head and walking away. "I don't even want to think about it."

AN INTERNATIONAL FOOD POLICY

Mr. MONDALE. Mr. President, yesterday an outstanding editorial appeared in the Washington Post. Entitled "Wanted: An International Food Policy," this editorial exposes the failure of the U.S. Government to develop a policy to deal with world shortages of food.

A major debate is currently underway over the question of whether the world is entering a new condition of persistent food scarcities or whether temporary shortages will correct themselves as soon as weather conditions improve.

At the present time, our Government is taking the position that food shortages are merely short-term, and therefore, we are carrying out a policy of selling as much food as possible commercially while relying on leftovers for relief of hunger among the world's poor. However, leftovers are practically nonexistent and the administration has virtually abandoned the Food for Peace program.

Regardless of how lasting we perceive present shortages to be, I believe that

the United States has an obligation to cooperate with other countries in an effort to alleviate human suffering in less-developed nations as a result of food scarcities. In view of the damage to our world credibility as a reliable supplier of agricultural products caused by the recent drastic imposition of an export embargo, I believe we also have a strong economic and political interest in working with other countries to deal with world food supply and distribution problems. Furthermore, I believe consumers in the United States would benefit from the adoption of international mechanisms to bring stability to agricultural supplies and prices.

Next Thursday the United Nations Food and Agricultural Organization is sponsoring a meeting in Rome to bring major world food exporters together for a discussion of the concept of a world food reserve. Such a reserve—like that which Senator HUMPHREY and I have proposed for the United States—would be built up in time of surplus and used to meet emergency needs when scarcities occur. Coupled with international commodities agreements, the reserve could provide a long-term assurance to farmers that expanded production would not result in disastrous surpluses; and it would provide a critically needed mechanism to help alleviate hunger among the world's poor.

Incredibly, the United States has not yet decided whether it will attend the FAO meeting in Rome. As the Post so accurately states:

It is shameful that the United States hesitates to show up in an international forum, such as the F.A.O. meeting in Rome, to discuss an immense and urgent international problem. Our absence would bespeak not only a political shortfall but a moral shortfall as well.

Mr. President, I would like to encourage my colleagues to read the Post's editorial, and I ask unanimous consent that its full text be printed in the RECORD.

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

WANTED: AN INTERNATIONAL FOOD POLICY

In this time of record American harvests, tens of millions of people around the world are malnourished and near starvation, particularly in the three nations of the South Asian subcontinent and in the six West African countries hit by drought. This grim paradox results from the vagaries of weather, from the constant growth in world population (by 75 million a year), from the failure of poor countries to tend adequately to their own agriculture and from the rising affluence of the world's haves. Affluence has sucked food into those countries able to pay and put food beyond the economic reach of the poor. The single most important contribution recently to the world poor's hunger was the immense Soviet grain purchases of 1972—about 30 million tons, enough for a subsistence diet for a year for perhaps 120–150 million people.

A kind of great debate is going on among the experts on the world food situation on the issue of whether the current shortfall represents simply a down in a continuing series of ups and downs, or a fundamentally new condition of indefinite global scarcity. We will not presume today to offer a judgment on that question but we will observe that it is a good deal more than academic. For if you believe the shortfall is temporary, you will do relatively little more than wait for the weather to improve, while if you believe the shortfall is more serious, far more difficult steps are mandated, both among the food-short and food-surplus nations.

The United States government currently takes the view that the scarcity is short-term. From this view flows its policy of selling as much food as possible commercially and providing only the leftovers for relief. Actually, there are almost no leftovers; Food for Peace, the old surplus-disposal program, is all but dead. The administration is not even sure it wants to discuss the matter in public. It has been invited by the United Nations Food and Agriculture Organization to a meeting of food exporters next Thursday in Rome. The FAO is eager to build support for the idea of a world food bank that would build up "deposits" in times of surplus and lend or give them out in times of scarcity. The United States, reluctant to enter a forum where it could expect to be pressed on this idea, may boycott the Rome meeting. A boycott will lead many people in the world to regard the United States as indifferent to world hunger.

In fact, the United States has no comprehensive policy to guide it in this area. It is no better prepared in food than in oil. The condition of world food scarcity is too new and tentative. Everyone understands that such a condition requires a much higher measure of international cooperation, but it has not even begun. Henry Kissinger noted the other day that Americans, oriented to a free market, have traditionally resisted the idea of world commodity agreements, recent suggestions to that end have found little favor. He is right. The Treasury Department's eyes pop at the payments returned by farm sales abroad. The Agriculture Department focuses on opening export markets. The State Department grimaces at the foreign policy fallout—the image of indifference and the risk that hunger will produce chaos—but at least until now it has been unable to draw attention to its concern.

The United States has a large vital interest in agricultural trade. But it also has a large vital interest in seeing that millions do not starve. Moral as well as political considerations thus require us to acknowledge those new conditions which compel the shaping of a national food policy that takes into account our proper role in world affairs. To make such a policy would demand coordination—that is, conflict and presidential resolution—of the different concerned interest groups and branches of government. It would also demand extensive cooperation with other nations on matters of emergency supplies, on assistance to local agricultural development, and on trade. It is shameful that the United States hesitates to show up in an international forum, such as the FAO meeting in Rome, to discuss an immense and urgent international problem. Our absence would bespeak not only a political shortfall but a moral shortfall as well.

THE SMUGGLING BUSINESS IN VIETNAM

Mr. TUNNEY. Mr. President, George McArthur, an outstanding reporter for the Los Angeles Times in South Vietnam, has written a detailed account of the involvement of an American merchant ship in the multimillion-dollar smuggling business in Vietnam.

His account raises serious questions about the propriety of the ship's action and of the American Embassy's reported failure to heed a South Vietnamese request to prevent the ship from carrying out the smuggling.

Accordingly, I have asked the State Department for a full report of the incident or of other possible involvement by American interests in smuggling from South Vietnam.

I ask unanimous consent that Mr. McArthur's article from the Los Angeles Times of September 14, be printed in the RECORD.

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

U.S. SHIP INVOLVED IN BRASS-SMUGGLING TRIP

(By George McArthur)

SAIGON.—United States officials have now admitted, after embarrassed hemming and hawing, that an American merchant ship was involved in a scrap-brass smuggling operation last June that cost the South Vietnamese treasury at least $360,000 and possibly much more.

In addition, the hulking container ship Beauregard brushed disdainfully past a Saigon navy patrol boat sent to intercept it while it was still in South Vietnamese waters. The naval attache at the U.S. Embassy equally ignored a radioed appeal to intercede and turn the ship back to Da Nang.

At the time of the incident in June the embassy had "no comment." Word was passed down that officials should, if questioned by newsmen, treat the incident as one involving only a commercial vessel on commercial business not involving the U.S. embassy.

Despite the fact that the Beauregard most certainly transported contraband, there is no direct evidence that any member of the ship's company did anything wrong. On the other hand the voyage listed simply on the manifest as number 684 was hardly routine. The Beauregard's sailing was preceded by a Keystone Cops drama involving Vietnamese customs. The attempted interception at sea suggests Hogan's navy more than Hornblower's. And there is a faint whiff of Fu Manchu lurking around the Da Nang port.

The fact that smuggling is a multi-million-dollar business in South Vietnam should surprise few people by now. The Beauregard caper, however, gives some idea of how much can be made. The same cargo of brass which netted someone $360,000 three months ago would bring about $570,000 today.

That kind of money can be made from scrap brass such as shell casings—now going for about $1,600 per ton. It is most conservatively estimated that there are 40,000 tons of brass of this kind cached away in South Vietnam. A local shipping official claims that up to 200,000 tons of the stuff is hidden away—mostly in military compounds. At present market prices that means at least $64 million worth and maybe $320 million.

The problem is, of course to get the brass out of South Vietnam and to markets in Hong Kong, Singapore, Taiwan and Japan. And, of course, to avoid paying the South Vietnamese government which now holds legal title to the brass—a gift of the U.S. government. The trade is so lucrative that a large number of ships leaving South Vietnam have illegal brass shell cases stowed away—almost always with the acquiescence of a porous South Vietnamese customs service.

That was the case when the gray, ungainly Beauregard, wallowing too heavily from her 226 freight-car-sized cargo containers, pulled away from Da Nang's deep water pier late in the afternoon of June 15, 1973.

She had picked up 48 of those containers in Da Nang. Cargo manifests submitted by seven shipping firms listed 1,013 tons of scrap aluminum, batteries and other oddments in those containers—but no brass. It is now known that the cargo included at least 360 tons of brass unloaded in Hong Kong. The rest of the cargo could also have included contraband brass. The trade is so lucrative

shippers will frequently dip brass ingots in molten aluminum and falsify manifests.

The owners of the Beauregard, Sea-Land Services, Inc., now tacitly acknowledge that smuggled brass was aboard the ship. It denies, however, any collusion on the part of the ship's officers. Sea-Land, which has multi-million dollar contracts with the residual Pentagon operations in South Vietnam, is a subsidiary of McLean Industries, Inc., of Elizabeth, N.J., which, in turn, is part of R. J. Reynolds Industries, Inc. Sea-Land has annual revenues of about $360 million.

While Sea-Land officials disclaim knowledge of the smuggling, a paid informer had pointed the finger at the Beauregard, on June 3. The South Vietnamese customs received a tip that a cargo listed as "mixed scraps" and bound for Singapore was actually brass.

UNDERCOVER TEAM

A special undercover team was flown from Saigon to Da Nang to investigate the Beauregard and stop her if necessary. The acting director of customs at Da Nang blew up when he learned of the presence of the special team. Using language he had perhaps learned from an earlier U.S. adviser, he told the leader of the special team, "You are a bunch of mother . . . you are really bad guys and just trying to . . . me up."

On the morning of June 5 the acting director asked Sea-Land to delay the sailing. The local Sea-Land manager refused to do so without a written order. The acting director of customs said he could not give a written order because his boss was off in Saigon.

Meanwhile, however, the acting director assured the special investigators that the sailing had been delayed and took everyone out to a long and evidently convivial lunch. When they returned the Beauregard was steaming out of Da Nang.

Meanwhile, there had been messages going back and forth to customs in Saigon but evidently no one gave hard orders. Sea-Land officials claim they were unaware anything unusual was going on in Da Nang. The U.S. embassy said it did not intervene.

At any rate, nothing was done until dusk when the Da Nang customs chief flew back from Saigon. In a flurry of belated activity he asked the Vietnamese navy commander in the area to have patrol vessels intercept the Beauregard.

SAILED SOUTH

At about 9 p.m., with the Beauregard five hours out of Da Nang but sailing south toward Singapore and still within South Vietnamese territorial waters, the ship was intercepted by Headquarters Patrol Ship 10 (a former U.S. Navy patrol craft).

By flashing light, the Vietnamese vessel, according to its captain, messaged the Beauregard that he had orders to escort her back to Da Nang. He said that the Beauregard's reply was to increase speed and send back messages which were evidently less than complimentary.

The captain of the Beauregard, a man with much experience in Asian waters and a low regard for the professionalism of the Vietnamese navy, later reported to his company that he saw the flashing message of the Vietnamese patrol craft but chose to ignore it. He did take the precaution, however, of messaging a U.S. Navy radio station in the Philippines that he was being followed by an "unidentified gunboat."

At about this time, someone in the South Vietnamese hierarchy in DaNang was sending off a message to the U.S. defense attache's office in Saigon—the former Pentagon-East now skeleton-staffed by about 50 military attaches plus several hundred civilians. The message asked help in getting the Beauregard to turn back. The message was delivered to the naval duty officer. There is no evidence it went any further.

GAVE UP CHASE

At any rate, the South Vietnamese navy gave up the game at midnight. The admiral in charge later reported he had received some kind of assurances from the U.S. Embassy that the ship would be searched when it reached Singapore. The U.S. Embassy denies any such message was sent.

In a report on the whole matter later drawn up by the Vietnamese and seen by some Americans, the Beauregard's skipper was accused of having no respect for the law of the sea. A similar report also accused the South Vietnamese customs officers in Da Nang of criminal activity and said they should be punished if the activity was "confirmed." As of now, the Da Nang customs office appears unruffled.

The Beauregard sailed undisturbed to Singapore, discharging 105 tons of "mixed scrap" in sealed containers (the subject of the informer's tip) and thence to Hong Kong. In Hong Kong it discharged, among other cargo, 15 containers which had been manifested aboard as "battery lead acid scraps." However, in Hong Kong the import license for the same cargo (license no. 310845 of June 15) somehow became "brass scraps, empty brass shell cases and cartridge cases, part crushed/uncrushed." In addition a cargo removal permit is required in Hong Kong and this, too, listed brass (permit number 40552).

The brass was consigned to the Chen Hing Company of Hong Kong but was immediately transferred, according to Hong Kong informants, to the Chiaphus-Shinko Copper Alloy Company, Ltd., one of half a dozen Hong Kong firms authorized to import military material.

NO KNOWLEDGE

Sea-Land officials say they have no knowledge that the documents furnished Hong Kong authorities differed from the ship's manifest made up in Da Nang.

(In the United States, E. B. Hall, treasurer of Sea-Land Services, Inc., in Elizabeth, N.J., said, "There appears to have been a suggestion of possible malfeasance on the part of the master of the Beauregard. As a result we did conduct an investigation in house. We satisfied ourselves that there was no wrongdoing on his part.")

In the maze of embassy paperwork stirred by the Beauregard affair, one official had written that it was impossible for the Beauregard's officers not to have known that an illicit cargo had been carried from Da Nang to Hong Kong.

Sea-Land officials in Saigon dispute this. They put the accusation down to a lack of understanding by American officialdom about container ships.

"We are in the hands of the customs people," said the Saigon manager of Sea-Land. "Our loading is on a container basis. At Da Nang it is done at the shipper's site. Customs has people there. Sometimes we do and sometimes we do not. This time we did not. But the responsibility for customs clearance is the shipper's."

He conceded that on old bulk-cargo freighters the ships officers would have known what the cargo was. On container ships, however, the shipper's manifest is accepted once the customs has put an official seal on the freight car-sized container.

Speaking privately, other shipping officials in Saigon view the case of the Beauregard as the bad luck of one vessel that got trapped in an unusual chain of circumstances.

"Somebody did not get paid off," said one shipper who naturally asked that his name be concealed.

Another explained his own operation in these terms:

"I used to think that the anti-corruption squad (which supposedly polices the customs service) was pretty good. Now I think they are just one more layer to get paid off. When I have a scrap cargo now, I advertise it everywhere. That way all the customs people involved know in advance and they get their cut in time and the ship sails on time."

URGE PROBE

Although American officials in Saigon insist they are continuing to urge the South Vietnamese government to pursue the investigation, it appears the Sea-Land case, relatively minor, is headed under the rug with many others. (Within the past year the Saigon underworld has twice buzzed with stories of big scrap deals—one involving $17 million and another involving $24 million. A well known French wheeler-dealer in Saigon was evidently involved in one of them—and he has vanished.)

Meanwhile, some shippers have heard from contacts within the South Vietnamese government that a new policy toward brass scrap is now being formulated and will "soon" be announced. It evidently hinges on a more liberal—or blind-eye—approach to flush the scrap from hiding places so the government might * * * foreign exchange. While it is hardly a secret that scrap brass has been steadily leaving South Vietnamese ports official government export figures for this year list not one pound (although exports of "discarded" electrical wire, "military gear" and "miscellaneous" accounted for about $18 million of the $53 million in exports for the first eight months of the year).

It was evidently a hope on the part of the U.S. Embassy last December, when it signed over the brass to the South Vietnamese government, that the proceeds from the known amount in the country would ease a foreign currency pinch already being severely felt. Until that date, the scrap technically belonged to the United States and in fact during the war many millions of dollars worth was reclaimed. At the end, however, the precipitate U.S. withdrawal left the Americans with no way to reclaim the scrap and signing it over to the South Vietnamese was the best, though questionable, policy available.

The U.S. Embassy claims there was nothing hidden or clandestine about the scrap agreement—although it was done so quietly that it was not publicly acknowledged until two months ago in response to a reporter's query.

CLEAN AIR—THE NEED FOR BETTER AUTO REPAIR

Mr. HARTKE. Mr. President, in 1975, when the new controls of the Clean Air Act become effective, we will be facing many grave problems in administering this law. In order to achieve the reductions in automotive emissions required, it is apparent that new methods and incentives must be provided for ensuring the proper and competent maintenance of the 1975 and 1976 emission control systems.

Although there is no data available at this time on the deterioration of the projected 1975–76 control systems during customer use, it is apparent that the dual catalyst emission control system prepared by most manufacturers for the 1976 model year vehicles is a far more complex system than that used on current vehicles and that it requires more maintenance. Involved are a multitude of control valves, quick warmup systems, control circuits, and so forth. Of all these components, the catalysts themselves appear to be the least durable items. Spark plug misfire, sustained operation at high en-

gine power, and descent down long hills are examples of situations that would result in catalyst overheating and possible failure.

The importance of adequate maintenance is recognized in section 207(b)(2)(a) of the Clean Air Act, which requires manufacturers to warrant their emission control systems to the purchaser if the vehicle or engine is maintained and operated in accordance with the manufacturers instructions, and, in the recall provisions of section 207(c)(1), which empowers the Administrator of the Environmental Protection Agency to recall a class of vehicles or engines if a substantial number of vehicles in each class, although properly maintained and used, do not conform with the standards.

Responding to the question of maintenance, the National Academy of Science, Committee on Motor Vehicle Emissions, offered in their recent report, three primary methods of insuring the required maintenance. These include:

First. Requiring the service industry to adjust each car to manufacturers' specifications when performing any maintenance.

Second. Periodically testing all cars and designating for adjustment or repair those not meeting preselected standards.

Third. Periodically subjecting all cars to adjustment or repair.

Other methods for insuring the maintenance of cars in use are feasible only if engineering changes, which do not seem likely to occur by 1976, are made. They are:

Fourth. Repair at the time of failure of any important emission control device based on the presence of devices that signal the failure not only to the driver but also to the traffic officer.

Fifth. Repair at the time of failure of any important emission control device based on the manufacture of control systems that noticeably degrade the vehicle performance when an important component fails.

Sixth. Prescribed maintenance at predetermined intervals.

To make use of any one of these alternatives, it is necessary for the Federal Government, in partnership with the States, to assure to the extent possible that the mechanics who are performing the required maintenance and service possess at least minimum competency to accomplish the tasks. We must now work to establish a relationship between the Federal Government and the States to insure that the training, diagnostic equipment, and number of mechanics are adequate to handle the new workload.

One step in this direction is my motor vehicle repair industry licensing bill, S. 1950. This legislation requires each State to license any business entity which is engaged in business for profit in the repair of motor vehicles, including repair as the result of collision or accident; major overhaul; repairs to brakes, steering and suspension systems; straightening frames; and similar work which is related to either safety or to the proper functioning of the engine and its exhaust systems.

Thus the bill would require the licensing of all body repair shops, general garages, and many specialty shops, including paint shops, transmission shops, exhaust and muffler shops, and brake shops. Auto service stations which engage in such work as brake linings, front-end alinements, and similar safety related activities would also be licensed under this bill.

The importance of the passage of this legislation in relation to the requirements of the Clean Air Act are threefold. First, it would fix legal responsibility on the repair shops for the competency of the work provided by their employees. This in turn would act as an incentive for the establishment of more and better mechanic-training programs. Second, it would provide for a working relationship between the Federal Government and the States in this particular area which may be utilized in the enforcement of the 1975–76 clean air standards. Third, it would provide the consumer with the knowledge that the correction of the pollution device mechanisms can be made in shops that are licensed by the States.

Mr. President, proper auto maintenance is important both for safety and environmental reasons. If we do not enact auto repair legislation such as the Motor Vehicle Repair Industry Licensing Act, S. 1950, we will pay a price in human life and well-being.

ENDING U.S. SANCTIONS VIOLATIONS

Mr. HUMPHREY. Mr. President, the New York Times today carries an editorial entitled "To Remove a Stain," calling on President Nixon to support the repeal of legislation which has put the United States in violation of international sanctions against Rhodesia.

The New York Times editorial calls violations of sanctions "an immoral and indefensible position vis-a-vis the United Nations."

It points out that the United States voted for the mandatory sanctions in the Security Council in 1966 and in 1968. The United States adopted this policy to deal with the illegal attempts made by the 5-percent minority white population in Rhodesia to perpetuate their white minority rule.

The editorial argues, as I have, that the claims our national security requires the United States to import chrome from Rhodesia is a spurious one. It points out that we have a tremendous surplus of chrome stockpiled—"far in excess of any imaginable defense need."

The editorial urges Presidential support of the effort in Congress to restore sanctions. It states:

> Few actions he could take in foreign policy at this time would do as much to refurbish the standing of the United States as a country committed not only to the United Nations but to self-determination and majority rule for peoples everywhere.

I point out that Dr. Kissinger has already expressed administration support for a return to full compliance with sanctions. S. 1868, which I have introduced with 30 cosponsors, would restore our policy of cooperation with economic sanctions against Rhodesia. It would return the United States to full support of international law, human rights, and self-determination.

Mr. President, I ask unanimous consent that the Times editorial be printed in the RECORD.

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

TO REMOVE A STAIN

With impressive support, Senator Hubert Humphrey has launched one more attempt to move the United States out of an immoral and indefensible position vis-à-vis the United Nations. He has introduced a bill to repeal the so-called Byrd Amendment of 1971, which forced this country to breach the mandatory sanctions against the Rhodesian regime for which the United States had voted in the United Nations Security Council.

The Council had invoked sanctions after Rhodesia had unilaterally declared independence from Britain—an attempt to perpetuate white minority rule in a country where blacks outnumber whites, 20 to 1. Senator Harry F. Byrd of Virginia argued that by enforcing sanctions, and thus cutting off imports of Rhodesian chrome, this country was leaving itself dependent on the Soviet Union for "a vital defense material."

The argument was spurious. While Mr. Byrd was pushing his drive to lift the sanctions on so-called strategic materials, the Government stockpile of chrome was so far in excess of any imaginable defense need that the Administration was asking Congress for permission to sell off 1.3 million tons. But a combination of factors, including pique at the U.N. for ousting Nationalist China, produced enough votes to enact the amendment.

The United Nations is far from the effective world security body Americans and others had hoped it would become. But the United States, dedicated to strengthening the U.N. and to advancing the rule of law, cannot afford to flout the international law invoked by the Security Council. Nor can this country give even the impression of supporting white racist rule in Rhodesia in lonely company with South Africa and Portugal.

President Nixon might easily have blocked the Byrd amendment in 1971 or effected its repeal in a drive mounted last year by Senator McGee of Wyoming. His support is critical now for success of Senator Humphrey's repealer. Few actions he could take in foreign policy at this time would do as much to refurbish the standing of the United States as a country committed not only to the United Nations but to self-determination and majority rule for peoples everywhere.

ALFRED BAKER LEWIS—A CONSTRUCTIVE LEADER

Mr. RIBICOFF. Mr. President, in the near future Congress will be taking a closer look at the various national health insurance proposals which have been introduced.

While there are many differing opinions in the scope of this legislation, Mr. Alfred Baker Lewis of Riverside, Conn., who is a former president of the NAACP, has written a thoughtful and perceptive article on national health insurance. Mr. Lewis has for many years been a constructive leader in advancing the cause of worthwhile social legislation. I commend his article to the attention of my colleagues.

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

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

WHY WE NEED GOVERNMENT HEALTH INSURANCE

(By Alfred Baker Lewis)

Among the various causes for the increase in the cost of living the cost of medical and hospital care stands out next to the increase in the cost of meat. One reason for the increase in hospital costs is a desirable and socially sound one. The pay for non professional hospital workers has been abysmally low until a short time ago and still is very low in some places. But in recent years the State County and Municipal Workers Union has raised the pay of hospital workers substantially in many places in the publicly owned hospitals, and Local 1199 of the Drug Stores and Hospital Workers Union has done the same for the non professional workers in many of the private hospitals.

We should do something about these substantial increases in medical and hospital care. We should adopt a system of government health insurance, so that we would pay by some form of taxation for health and medical care, and then get such care free when it was needed.

It is only reasonable to round out our social security program by government health insurance. We recognize that there are various causes which prevent a person or family from earning a living. Old age is one and we have provided old age benefits for those who cannot work because of age. Unemployment is another, and we have provided unemployment compensation, in a limited degree and for a limited number of weeks, for those who cannot work because they cannot find jobs. Where a mother is left with children by the premature death of the male wage earner, or if the father is absent for other reasons, we provide aid to dependent children so that the mother can stay home and care for her children instead of being driven out into the labor market, almost certainly at very low pay, leaving her children neglected.

Historically the first provision made for those who could not work was by workmen's compensation, adopted state by state, so that those who were injured in industrial accidents got part of their pay plus hospital and medical care until they could get back to work. Surely it is the height of absurdity to provide the necessary care and part of their pay for those who cannot work because they were hurt while at work, yet make no similar provision for those who cannot work because of non industrial accidents or illness. That is basically the argument for government health insurance.

We should have in the U.S. the best medical care in the world but we don't. We are the richest country in the world. We have potentially the best medical care in the world because we can afford it. We can and do spend more on medical research than any other country. But we break down in delivering good medical care to those who need it. The reason is that we rely mainly on an ineffective fee-for-service system that the American Medical Association strongly, and wrongly, supports.

The best test of good medical care is infant mortality. If we had the best medical care we would have the lowest infant mortality. We don't. We are 16th from the lowest. The facts are as follows: The infant mortality rate for the United States is 19.2 per 1000 live births. The rates for other countries having lower infant mortality rates than ours are:

Japan	12.4
Denmark	14.2
Finland	11.8
France	14.4
E. Germany	18.8
Iceland	13.3
Ireland	19.2
Netherlands	11.1
Norway	13.8
Sweden	11.7
Switzerland	15.1
Great Britain	18.0
Canada	18.8
Australia	17.9
New Zealand	16.7

In addition, countries having a somewhat higher infant mortality rate than ours but a lower overall death rate include Israel, Puerto Rico, Bulgaria, and the U.S.S.R. (Soviet Republic).*

*The figures are from the 1973 Encyclopedia Britannica.

All of these countries have some form or other of government health insurance.

When I was arguing before Congressman Mills' Committee about a year and a half ago on behalf of the NAACP for Senator Kennedy's bill to provide a comprehensive system of government health insurance, the argument was made by one of the opponents of the bill that we should not change our system because we have made substantial progress in reducing infant mortality. The argument is true in fact but fallacious in its conclusion. We have reduced infant mortality considerably. But so have the countries which have government health insurance, and they have done so even more in proportion than we have. Twelve years ago we were ninth from the lowest regarding infant mortality. According to the latest available figures quoted above we are 16th from the best. This is a fact which cannot be argued away. We can ignore it, as the opponents of government health insurance do. But they do so at the expense of the nation's health.

It is undeniable and inexcusable that we don't deliver medical care to those who need it.

It has been argued that the reason for our too high infant mortality rate is the high rate among Negroes. It is true that the general life expectancy for Negroes is between 10% and 11% lower than that for whites and their infant mortality rates are higher by that much or more. But this is added proof of our lack of proper and reasonable delivery of medical care. For Negroes are basically as healthy and hardy as whites if not more so. If you doubt that, you have only to look at the figures for the Olympic Games. In the 1964 Olympics, one college, Tennessee A&M in Nashville, with 5,000 Negro students, had 7 gold medalists. No other college had more than one gold medalist except the University of California, which has some 90,000 students, over 90% of them whites; and it had two gold medalists. When 5,000 Negro students turned out 7 gold medalists and nearly 90,000 white students won 2 gold medals, no one can say that Negroes are not healthy and hardy. They are. If they don't live quite so long—and they don't—and have a higher infant mortality rate than whites—which they do—it is because of the harder economic conditions under which on an average they have to live, and part of these harsher economic conditions is poorer medical care.

The 1968 and 1972 Olympics told the same story. The proportion of Negro to white gold medal winners on the American team was higher than the proportion of blacks to the general population.

GOVERNMENT HEALTH INSURANCE MAY REDUCE THE SOCIAL COST OF MEDICAL CARE

The cost of government health insurance is used as the big argument against it but the argument is fallacious. There is nothing in government health insurance that will increase the social and financial costs of medical care, though it will add to the Federal budget. All of the cost of ill health is already borne by the members of the community. If a man becomes ill or injured in a non-industrial accident, the cost is borne by him if he can afford it. His family often pays part of the cost because he has to use up his savings for old age or the education of his children to pay very high hospital bills. His employer suffers the loss of his work, and in a sense the whole community loses from the loss of his productive labor.

Some of the financial cost may be borne by an insurance company, which means in the long run by the premiums of the other policy holders. If he is indigent and on relief or the illness forces him to become so, the state and local taxpayers, who pay for public welfare relief, carry the load. The cost is there. Someone in the community pays it. All that government health insurance does is to distribute the cost around in a more just and equitable manner.

Part of the trouble with health care is that the availability of it is very unevenly distributed. If you live in a poor community the chances are that there is not good medical care readily available even if you can afford it. Most physicians, like others, want to live and practice where the money is. So poor communities have far fewer doctors or dentists in proportion to the population than the richer ones.

We recognized this fact by trying to stimulate the building of hospital and health centers in places which lack them through the Hill-Burton Act. This has reduced somewhat but not eliminated the present maldistribution of medical care.

The cost of medical care for those on relief is already borne by the state and local taxpayers. Government health insurance would and should shift the burden of medical care for relief recipients from the state and localities to the Federal government, paid for by Federal taxes. This is desirable because the Federal government's tax system is far more nearly in accord with ability to pay than are the tax systems of the cities, counties and states.

The cities, towns, and counties raise most of their money by levies on real estate. Aside from inequities in assessments, which do exist, such levies have no direct relation to ability to pay, because a higher proportion of the wealth of rich persons is held in the form of intangible personal property such as stock and bonds than is true for those in lower income brackets.

The states raise most of their money by state sales taxes. Sales taxes bear much more heavily on the poor than on the rich. Nearly every dollar spent by a person is hit with a state sales tax. But many expenditures typical of rich people totally escape a state sales tax, such as expenditures for domestic service, for trips abroad, or for investments, and these may be half or more than half of the expenditures of a wealthy family.

The Federal Government, on the other hand, raises most of its money by the corporation profits tax and the graduated personal income tax. There are loopholes favoring the rich in the graduated personal income tax. But roughly speaking the Federal tax system is much more nearly in accord with ability to pay than the tax systems of the states or local governmental bodies. Thus a shift in the burden of caring for ill persons on relief to the Federal government from the states and localities would be a gain in equitable taxation.

For those at work the payment for government health insurance would be simply by a deduction from their pay, in addition to the deduction already made for old age benefits. The cost of collection, therefore would be negligible. You would pay while well for hospital and medical care when you were sick or injured, and then would get it free.

Not merely would government health insurance add nothing to the social cost of ill health. It would reduce the financial cost of ill health considerably. Too many people, when they begin to get sick, put off going to the doctor because of the expense. Inevitably, when they finally do have to go, the disease is apt to have a stronger hold and the cure is likely to take longer than would have been the case had he or she sought medical care earlier. If they could get medical care by government health insurance without personally paying for it at the time of illness through the fee-for-service

system, they would be less likely to put off going to the doctor until too late.

PRESENT ACCIDENT AND HEALTH INSURANCE COSTS ARE TOO HIGH

A good deal of accident and health insurance costs are now carried by private insurance companies. Most of the policies are not sufficiently comprehensive. Some are only for disaster insurance, paying the cost of hospitalization if it goes above a certain fairly high level. Nearly all the group insurance policies that I know exclude mental illness and dental care. Nearly all individual policies exclude the cost of care for illness growing out of a pre-existing physical condition. The cost of maternity coverage is very high for those in the marital and age bracket that need it most. Thus there is expense in determining whether a particular claim for reimbursement is or is not for an excluded cost.

Above all, *all* the policies are unnecessarily expensive because of the high acquisition costs, that is, the competitive costs of getting the business. These acquisition costs are mainly broker's fees and advertising expense. They run from about 20% to 30% of the premium. They are totally unnecessary from a social point of view, and would be eliminated entirely by government health insurance. And we must add the profits of the private insurance companies.

It is clear that government health insurance would be a good deal less expensive than private health insurance and would be far more comprehensive in covering all medical costs. That is why we need it.

TRIAL FOR GENOCIDE

Mr. PROXMIRE. Mr. President, one of the criticisms against the Genocide Convention is that it would subject American citizens to trial in foreign courts without any of their constitutional rights.

There is no factual basis for this concern. The International Court of Justice was established after World War II to arbitrate international disputes. If two countries have a disagreement which they cannot settle by negotiation, they can submit the matter to the International Court. After hearing both sides of the dispute, the Court renders an opinion. The Court has absolutely no power to enforce its judgment. Only mutual good will by the involved parties serves as the enforcement power.

Article IX of the Genocide Convention says that any disputes over the treaty's meaning will be decided by the International Court. Nowhere does the treaty state that the Court has the power to try individuals. Rather, the Court is to issue an opinion as to what the treaty says. If either party to a dispute disagrees with that opinion, the Court still has no power to force adherence to its decision.

Article VI of the Convention does speak of an international tribunal to try individuals, but in the 22 years that the treaty has been in force, such a tribunal has never been established. The reason is because neither article VI nor any other part of the Convention establishes such a tribunal. There is no movement to attempt to establish an international tribunal.

Mr. President, the fear that the Genocide Convention would negate constitutional guarantees to Americans accused of genocide is groundless. Any trial must occur in a competent tribunal of the country where the crime of genocide allegedly occurred. I urge the Senate to act swiftly to ratify the Genocide Convention.

TRAGEDY IN CHILE

Mr. KENNEDY. Mr. President, I expressed my deep regret and concern yesterday at the tragedy unfolding in Chile where the overthrow of a democratically elected government is taking place. Whatever our personal views of the policies being undertaken by the government of President Allende, the overriding fact is that he was elected by a vote of the people of Chile. To see Chile take its place alongside other nations whose political course has been determined by military action is particularly tragic since this nation had rightly prided itself on its democratic ideals and on the adherence of its military to constitutional principles.

Now we learn of the death of President Allende. I can only express my deep condolences to the family, friends, and supporters of this man. At this moment, whether he was a Marxist or not makes little difference. He believed passionately in his own philosophy and he worked within the democratic system to try to effect programs to carry out that philosophy.

His death during this violence cannot be seen with anything but sorrow by any man who treasures the principle that political decisions should be made through the use of ballots rather than bullets.

We can only hope that in Chile there will be the most rapid return to the rule of law.

We also hope that the new government will protect the rights of thousands of political refugees who have fled to Chile from other countries. Because of disturbing reports that have reached us about their safety, yesterday I cabled the High Commissioner for Refugees to solicit his attention and concern.

Already in the press, there is speculation about the role of the U.S. Government in this incident as a result of past actions of this administration. The State Department has acknowledged it was aware of such reports. However, the White House has denied that information was communicated to the President. There is no reason to doubt those statements.

However, to dispel any doubts, I would hope that the Senate Foreign Relations Committee would resolve any suspicions by requesting the nominee for Secretary of State, Mr. Kissinger, to testify directly on this matter in public session.

I expressed my own concern about our policy toward Chile in October 1971, a year after President Allende took office.

In a speech to the Chicago Council on Foreign Relations, I stated:

The election of a Marxist president in Chile ushered in a period of great delicacy as thoughtful men of both nations groped to find the path of accommodation.

A wise Administration policy would have recognized that the Chilean experiment in socialism had been decided by the people of Chile in an election far more democratic than the charade we saw last week in Vietnam.

But the Administration response was brusque and frigid, colored by its attachment to the ideology of the cold war. We can never know whether a more sensitive policy toward Chile might have helped to avoid the expropriation decision, which we learned of today.

President Nixon decided not to send the traditional note of congratulations to the Chilean President on his election.

The White House snubbed a personal invitation from President Allende for the U.S. Carrier Enterprise to dock in Santiago, after Admiral Zumwalt's acceptance had been widely and favorably publicized in Chilean newspapers.

The Administration blocked Export-Import Bank financing of jets for Chile's national airlines as a way of publicly pressuring Chile to reach a satisfactory solution of the copper controversy. Now we find the government of Chile negotiating with the Soviet Union for those jets.

Similar heavy-handed policies have been used by this country in the Inter-American Development Bank and other multilateral lending organizations. The multilateral aim is to depoliticize development assistance and it is a perversion to twist those institutions into being exponents of U.S. foreign policies.

The revelations of the ITT affair, so ably described by the Senate Subcommittee on Multinational Corporations, also lays out the history of our actions. Those actions inevitably contributed—in however marginal a way—to the economic difficulties experienced by the Allende government.

I would hope that a thorough reexamination of this policy would be part of any review into the current tragedy.

Mr. President, I ask unanimous consent that recent commentary on these events be printed in the RECORD.

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

COUP IN CHILE

Chile's coup is different. Its special tragedy is that it ends Latin America's longest democratic tradition and also its most serious effort to carry out rapid social change within a framework of representative government. Whether the coup will arrest the country's social and economic disintegration, or lead Chile into an intensified class war, cannot yet be known. The leaders of the armed forces, until now on the sidelines of politics, conducted their takeover in the name of "liberating Chile from the Marxist yoke," as they described the elected government of Salvador Allende. At the same time, in an evident bow to the Allende constituency, the military leaders assured the workers that their economic and social benefits "will not suffer fundamental changes." Perhaps the Chilean military can return their country in a reasonable time to its democratic heritage. The experience of others is not encouraging. That is what is so regrettable about the failure of the Allende experiment. It is an outcome likely to harden both Latin left and Latin right in the view that social change in a democratic context doesn't work.

Mr. Allende's truly unfortunate death—by his own hand, according to the new junta—imparts an additional somber and ominous note. Many in Latin America will no doubt regard him as a martyr whose death, like that of Che Guevara, symbolizes the implacability of American "imperialism." He politics, perhaps also his myth, are bound to move to the center of Latin and inter-American politics, and to becloud objective judgment of him. It is impossible not to note, however, that his 30 earlier years in the political wilderness had ill prepared him to exercise power. He ignored the limitations of his minority support and attempted to govern as though he wielded a majority. He lost control of many of his own supporters. His admirers can argue that he was bequeathed

a political and economic legacy that would have burdened any leader, but that is hardly a persuasive defense; the job was not forced upon him.

On the eve of Allende's election in 1970, Henry Kissinger, calling him "probably a Communist," said that an "Allende takeover" would pose "massive problems for us, and for democratic forces and for pro-U.S. forces in Latin America." The CIA and ITT discussed—apparently without further action—how to keep Mr. Allende from power. When Chilean moderates seemed to be looking for a satisfactory way to resolve the copper-nationalization disputes, the administration delivered a number of symbolic rebuffs to Mr. Allende and then proceeded to use its influence to deny him access to loans from the international development banks. The evident results were to stiffen the Chilean position on compensation for the copper firms, to work economic hardship on Chile, and to aggravate political tension there. Meanwhile, the U.S. kept up close links with the Chilean military. Military aid flowed; at the moment of the coup, four U.S. Navy ships were steaming toward Chile for joint maneuvers with Chile's navy. In denying CIA involvement in the coup yesterday, the State Department did not offer regrets either for the takeover or for Mr. Allende's death.

Sobering as it is to have to ask whether American ideological coolness and corporate influence played a role in the undoing of the Allende experiment, it is unavoidable. Indeed, the denouement leaves hanging the whole question of what ought to be the American policy toward the forces of economic nationalism churning much of Latin America. The issue is unquestionably worthy of the recall of Secretary of State-designate Kissinger before the Senate Foreign Relations Committee for a closer look at our performance in Chile and its implications for future policy, or a separate congressional investigation, or both.

AID USED AS CHOKE ON ALLENDE

(By Laurence Stern)

The swift toppling of the Allende government in a military coup last week has inevitably touched off speculation about American involvement in the upheaval in Chile.

From the White House, from the State Department and even from the Central Intelligence Agency there have been stolid denials of U.S. intervention in the Chilean crisis.

"Involvement," in the popular imagination, suggests Marine landings, cloak-and-dagger operatives, gunboats and paramilitary espionage teams. There has been no evidence, as yet, that any such operations were carried out under U.S. auspices in Chile.

Nonetheless since its inauguration in 1970, the Marxist government of the late Salvador Allende has been the target of economic policies that have squeezed the fragile Chilean economy to the choking point.

These policies were conceived in an atmosphere of economic strife between the Allende government and a group of large U.S. corporation whose Chilean holdings were nationalized under the terms of Allende's socialist platform.

The instruments for carrying out the sustained program of economic pressure against Allende were the U.S. foreign aid program, the Inter-American Development Bank, the U.S. Export-Import Bank, the World Bank and also private U.S. banking institutions.

Allende himself, in a speech to the U.N. General Assembly last Dec. 4, complained that from the day of his election, "we have felt the effects of a large-scale external pressure against us, which tried to prevent the inauguration of a government freely elected by the people and has tried to bring it down ever since."

The effect, he said has been "to cut us off from the world, to strangle our economy and paralyze trade in our principal export, copper, and to deprive us of access to sources of international financing."

The U.S. economic hard line against Chile was adopted in mid-1971 when the question of compensation for expropriated American properties was still in doubt.

The expropriation of the major U.S. copper companies was voted unanimously by the Chilean legislature—right, left and center—in July, 1971. It was not until the following October that the decision on terms of compensation was made. During this period of uncertainty the hard economic line was already being applied against the Chilean government.

One of the first actions under the new policy was the denial by the Export-Import Bank of a request for $21 million in credit to finance purchase of three Boeing passenger jets by the Chilean government airlines, LAN-Chile. The credit position of the airline, according to a U.S. official familiar with the negotiations, was excellent at the time.

In August, 1971, the Ex-Im Bank notified Chile that it would no longer be eligible for loans and that loan guarantees would be terminated to U.S. commercial banks and exporters doing business with Chile. The bank also cut off disbursements of direct loans that had been previously negotiated by the Frei government, which preceded Allende's.

Meanwhile, in the Inter-American Development Bank a $30 million loan application for development of a petrochemical center was stalled after the U.S. director protested plans to send a technical mission to Chile to evaluate the request. The mission never left.

IADB financing for Chile came to a virtual standstill in 1971 and thereafter, with the exception of two loans of $7 million and $4.6 million to the Catholic and Austral universities.

Because the United States contributes the lion's share of the Inter-American Bank's development fund kitty, it exercises a virtual veto over loan requests.

The World Bank pattern was much the same. In August, 1971, the World Bank was scheduled to send a project appraisal mission to Chile to evaluate prospects for a fruit-processing facility as part of the agrarian reform program. The mission, according to an authoritative government source, was canceled in response to State Department objections.

Early in 1972 the private banks followed the lead of the international lending organizations. Chile's short-term credit float plummeted from $220 million in 1971 to $35 million in 1972.

There were allegations that Chile, under the Allende administration, had become too grave a credit risk for development lending.

Nonetheless, in 1971 the United States granted a $5 million line of credit to the Chilean military for purchase of C–130 four-engine transports and in December, 1972, extended an additional $10 million in credit for military activities in 1973.

Chile, one of the heaviest beneficiaries of U.S. aid programs in the world during the 1960s, was reduced to $15 million in loans from the Agency for International Development in 1970 and has been granted nothing since. The cut-off in AID credit further darkened the prospects for the Allende government to pay off obligations incurred under prior governments.

Credit standards have been variably applied to Latin American countries seeking U.S. and international financing. Bolivia was granted $30 million in AID financing after the coup of conservative Hugo Banzer in August, 1971, even though the economy was a shambles.

Brazil qualified for a $50 million development loan program within six weeks after a military junta ousted the Goulart government in 1964—also at a time when the country's economy was in severe disarray.

U.S. government credibility, in professing its non-involvement in the Chilean change of government, may tend to be undermined by the disclosures of the ITT case. In Senate testimony last March and in prior press revelations, representatives of the International Telephone and Telegraph Corp. and the Central Intelligence Agency acknowledged that they sought to promote economic chaos in Chile, first to block Allende's election and then to bring about his downfall.

ITT at the time was in the midst of negotiating expropriation terms for its Chilean telephone company (Chiltelco). While the Chiltelco case was being negotiated, ITT officials were counseling Nixon administration officials to take a hard line of economic reprisal against Chile, particularly through international lending organizations and commercial banks.

Whatever might have been the administration's motives, its turning of the economic tourniquet against the Allende government figured importantly in its downfall. There was no need for direct American involvement in the military coup.

CHILE'S ALLENDE: A PROPHETIC INTERVIEW

"If a revolt or civil war were successful in Chile, we would end up with a despotic government—a Fascist dictatorship!

Why? Because there already is an awareness among the workers, and there would have to be bloodshed and violence to keep them down!" After months of mounting turmoil, Chile's armed forces last week overthrew the government of Marxist President Salvador Allende Gossens, whose death in the presidential palace was called a suicide. In June, as strikes and sabotage polarized his country, Dr. Allende was interviewed in his home outside Santiago by John P. Wallach, Washington-based diplomatic correspondent for the Hearst newspapers. This is an edited version of that interview.

Q. U.S.-Chilean relations since your election three years ago have been marked by a cutoff of economic aid and continued American freezing of Chile's international credit applications in retaliation for the seizure of U.S. copper companies. This has caused a sharp escalation in the anti-American rhetoric in Chile. Secretary of State William Rogers recently called for a lowering of voices on both sides so that a constructive dialogue could begin. Do you agree?

A. First of all, I believe it is necessary to eliminate all artificial factors that make normal relations more difficult. Chile, of course, has points of view that are different from those of the United States government. But nobody can say that our relationship has deteriorated to the point where it is impossible to have a dialogue, or to the point where the dialogue has to be interrupted.

On the other hand, I think that the United States should listen more—not only to what Chile has to say but to what other Latin American countries have to say and to what other nonaligned nations have said and continue to say. For example, the foreign ministers of Latin America through their organization known as CECLA more than 2½ years ago let Mr. Nixon know those American policies with which we disagreed. And, do you know, there has still been no response from Mr. Nixon to these points.

Q. It has been charged that you are turning Chile into a traditional Marxist-Leninist state . . .

A. I want to insist that Chile is not a socialist country. This is a capitalist country, and my government is not a socialist government. Neither, as the press likes to say, is it a Marxist government. I am a Marxist. That's something else. But the government is made up of Marxists, laymen and Christians.

This is a popular, democratic, national revolutionary government—anti-imperialist. There is genuine democracy here. There is incredible freedom here, particularly freedom of the press and freedom of speech. I don't think there is any other country in the

world where the president of the republic submits himself to the kind of verbal and written assaults that take place here.

Q. There have been charges that you are deliberately provoking class warfare in Chile . . .

A. Class warfare? Why should I provoke this? Of course there has been warfare, if we stick to your words. Those who had no food, those who had no roof over their heads or right to education, to health or to culture—those are people who were completely squashed.

Now, sociologically speaking, if you want to ask me whether what is happening is or is not class warfare, then I would have to say yes. I interpret this by the method I use to analyze history. It is class warfare, obviously.

But in our country what we have achieved through the efforts of the working classes has not been achieved until now at the expense of enormous sacrifices by the small or middle-class bourgeoisie. The professionals—doctors, lawyers, businessmen—continue living pretty well, pretty well, I say. Their organizations have defended their economic conquests. None of them have gone hungry!

I struggled with the doctors 20 years ago when I introduced a draft law to create socialized medicine and a national health service. The doctors charged they were going to have fewer patients, that spreading health care free of charge would ruin us, that they would all become subservient to one boss in the health service. We had to overcome tremendous resistance and appeal to the conscience of the doctors.

You know, today many people still cannot afford to buy decent health in Chile. It's a vicious cycle: The more poverty there is, the more sickness there will be, and the more sickness there is, the more poverty!

Q. The middle class opposition believes that you are trying to subvert their political freedom by taking over the means of production and that you need to preserve the facade of democracy in order to insure their cooperation in their own downfall.

A. There are people who want to drag us toward civil war. I will do everything possible, and impossible, to avoid this. Only the future will tell whether I will succeed.

I'm sure we would probably win. But that isn't the problem. The problem is the country: The country would be destroyed, its economy would be ruined for many, many years. It would destroy the entire social fabric: Passions in every family would be set on fire; there would be fathers on one side and sons against us, or sons with us and their fathers against us.

Even worse, and this is something I honestly say we have to avoid, if a revolt or civil war were successful in Chile we would end up with a despotic government—a Fascist dictatorship!

Why? Because there already is a awareness, a political consciousness here, particularly among the workers, and there would have to be bloodshed and violence to keep them down!

Q. Has the opposition become desperate as a result of their unexpected defeat in the March congressional elections? If so, is this more dangerous than their previous belief in their ability to defeat you through peaceful means?

A. Obviously. First of all, they wanted to defeat us by staging hundreds of strikes throughout the country. Then they thought they would be successful in the March elections. Their goal was to win two-thirds of the seats in the House and Senate so that they could impeach me. I told them they were crazy. I predicted we were going to get many more votes than I got in 1970, and the facts have proved me right.

Now listen to these phony democrats who hailed the virtues of democracy! They have no confidence in the measures of democracy itself, and they are afraid of 1976 (the next scheduled presidential election). They say if the government survives until then the Popular Unity (Allende's coalition) will fix the elections. What kind of democrats are they? I have always said that as long as I am president, there will be freedom of speech and there will be elections.

Q. What would happen if the Popular Unity were defeated in 1976 by a Christian Democratic-Nationalist party coalition?

A. They would take over the government, and the country would live in hell. Then, yes I would believe in hell!

USE OF FILIPINOS AS NAVY STEWARDS

Mr. PROXMIRE. Mr. President, according to information provided by the Navy in response to my request, 53 stewards have been assigned to the personal service of President Nixon and two stewards have been assigned to Vice President Agnew.

In addition, 570 stewards have been assigned to the personal service of high ranking Navy officers. A list of the names of the officers and the number of stewards detailed to the personal service of each follows my remarks.

A total of 11,407 stewards, are now serving on active duty in officers' dining rooms, mess halls, clubs, kitchens, and other places as well as in the personal service of the President, the Vice President and the Navy brass.

Nearly all of the stewards were recruited from the Philippines to do the Navy's menial tasks. The stewards wash dishes, scrub floors, make beds, clean rooms, pick up after officers, and perform other kinds of service duties.

I am informed that a number of stewards, including those who are assigned as personal servants, serve drinks and cater cocktail parties in addition to their other jobs.

I am also informed that many stewards who are not technically assigned to individual admirals actually do servants' work for them at their offices in the Pentagon and elsewhere.

A BAD EXAMPLE OF MILITARY FAT

I cannot imagine a worse example of the flabbiness and fat that has been allowed to build up in the military than the Navy's use of stewards.

The pay and allowance, travel, and training costs of this program total $92.2 million annually. The costs of the stewards assigned to the personal service of the White House and high ranking brass amounts to $5.8 million annually.

Some limited use of military personnel to do kitchen and restaurant type chores is understandable.

What cannot be justified is the use of taxpayer's money to support a servant class for the military.

Each of 60 admirals have from 3 to 6 Filipino stewards working as personal servants in their homes and Admiral Moorer, the Chief of the Joint Chiefs of Staff, has 7. Two hundred thirty-six other officers get either one or two servants in their homes free of charge, thanks to the taxpayer.

Why cannot the officers make up their own beds and keep their rooms clean themselves?

The hiring of foreign nationals classified officially as "Malaysian" is particularly offensive and smacks of old-fashioned colonialism.

GAO ASKED TO INVESTIGATE

I have asked the GAO to look into the legality of Navy stewards being assigned to the personal service of the President and Vice President, to determine their activities while so employed and whether they work in San Clemente, Key Biscayne, or other Presidential retreats.

I have also asked GAO to investigate whether stewards ostensibly assigned to other stations are in fact required to do personal servants' work for the Navy brass or high civilian officials at their homes or offices.

I ask unanimous consent to have printed in the RECORD the list of Navy officers and the number of stewards assigned to each.

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

FLAG OFFICER PQ SD ALLOCATIONS, CURRENT DATA BASE, JULY 20, 1973

Position	Incumbent	Location	Public quarters steward (enlisted aides) Authorized/ ONBD
ADMIRALS			
CJCS	Adm. Moorer	District of Columbia	5/7
CNO	Adm. Zumwalt	do	5
CINCSOUTH	Adm. Colbert	Naples, Italy	5
VCNO	Adm. Weisner	District of Columbia	5
CNM	Adm. Kidd	do	4
CINCUSNAVEUR	Adm. Bringle	London, England	4
CINCPAC	Adm. Gayler	Pearl Harbor	5
CINCLANTFLT	Adm. Cousins	Norfolk, Va	5
CINCPACFLT	Adm. Clarey	Pearl Harbor	4
VICE ADMIRALS			
COMDT ICAF	Vice Adm. Smith	District of Columbia	3
SUPT NAVACAD ANNA	Vice Adm. Mack	Maryland	6
DIR DIA	Vice Adm. de Poix	District of Columbia	3
DCNO (SUB WAR)	Vice Adm. Wilkinson	do	3
DIR OF OPS, J-3, JCS	Vice Adm. King	do	3
ASST TO CJCS	Vice Adm. Weinel	do	3
DEPASST SECDEF (SA)	Vice Adm. Peet	do	3
DEPCHAIR, NATO MILCOM	Vice Adm. Minter	Brussels, Belguim	3
DIRASW PROG OPNAV	Vice Adm. Shear	District of Columbia	3
DCNO (Plans and Policy)	Vice Adm. Vannoy	do	3
NAV MBR MILSTAFF COM UN	Vice Adm. Harty	New York	3
DIRCOMDSUPPGMS OPNAV	Vice Adm. Harlfinger	District of Columbia	3
DIR JSTPS, OPPUTT AFB	Vice Adm. Lee	Nebraska	3
PRES NAVWARCOL	Vice Adm. Turner	Newport, R.I	6
DCNO (AIR WAR)	Vice Adm. Houser	District of Columbia	3
CNAVRES	Vice Adm. Cooper	New Orleans, La	3
DIR SHIPACQ & IMPROV, OPNAV	Vice Adm. Price	District of Columbia	3
DIR RDT & E, OPNAV	Vice Adm. Moran	do	3
COMDT, NATLWARCOL	Vice Adm. Bayne	do	3

Position	Incumbent	Location	Public quarters steward (enlisted aides) Authorized/ ONBD
DNPP, OPNAV	Vice Adm. Hayward	do	3
VCNM	Vice Adm. Wheeler	do	3
COMUSTDC	Vice Adm. Beshany	Taipei	3
COMSIXTHFLT	Vice Adm. Murphy	Gaeta, Italy	3
COMPHIBLANT	Vice Adm. Bell	Norfolk, Va	3
COMNAVAIRLANT	Vice Adm. Michaelis	do	3
COS SACLANT	Vice Adm. Le Bourgeois.	do	3
COMSUBLANT	Vice Adm. Long	do	3
DEPCOS CINCLANTFLT	Vice Adm. Plate	do	3
COMSECONDFLT	Vice Adm. Finneran	do	3
CNT	Vice Adm. Cagle	Pensacola, Fla	3
CHBUMED	Vice Adm. Custis	Bethesda, Md	3
COMSEVENTHFLT	Vice Adm. Holloway	Yokosuka, Japan	3
COMNAVAIRPAC	Vice Adm. Baldwin	San Diego, Calif	3
DEPCOS CINCPACFLT	Vice Adm. Talley	Pearl Harbor	3
COMPHIBPAC	Vice Adm. Salzer	San Diego, Calif	3
COMTHIRDFLT	Vice Adm. Rapp	Pearl Harbor	3
REAR ADMIRALS			
(Pay grade 0–8)			
GOV NAVHOME	Rear Adm. Speck	Philadelphia, Pa	2
COMELEVEN	Rear Adm. Williams	San Diego, Calif	3
COMTWELVE	Rear Adm. Guest (ADDU).	San Francisco, Calif	3
COMNAVBASE, K WEST	Rear Adm. Maurer	Key West, Fla	2
COMEIGHT	Rear Adm. Riera	New Orleans, La	3
COMTEN	Rear Adm. Ward	San Juan, P.R	3
COMSCPAC	Rear Adm. Guest	San Francisco, Calif	3
PRES NAVBDINSP & SURV	Rear Adm. Bulkeley	District of Columbia	3
COMNAVBASE LOSA/LBEACH	Rear Adm. Lambert	Long Beach, Calif	3
ADCNO (Plans and Policy)		District of Columbia	3
COMFLDCOM, DNA	Rear Adm. Swanson	Albuquerque, N. Mex	2
COMFIVE	Rear Adm. Anderson	Norfolk, Va	3
COMNAR	Rear Adm. Ramage	Glenview, Ill	3
COMNAVSURFRES	Rear Adm. Guest	Omaha, Nebr	3
COMDEFCONSTSUPPCEN	Rear Adm. Heffner	Columbus, Ohio	3
CH, NSAPAC	Rear Adm. Cook	Pearl Harbor	3
COMNAVDIST WASHDC	Rear Adm. Esch	District of Columbia	3
DIR, STRATSYSPROJ OFF, CNM	Rear Adm. Smith	do	3
CO, NAVSUPPCEN, NORVA	Rear Adm. Sutherling	Norfolk, Va	3
DIR, TACTDIGSYS OFF, CNM	Rear Adm. Rice	District of Columbia	3
HD, SHIPBUILD COUNCIL, CNM	Rear Adm. Sonenshein	do	3
COMNATC, PAX RIV	Rear Adm. Isaman	Pax Riv, Md	3
COMPAC MISSRAN	Rear Adm. Harnish	Point Mugu, Calif	3
CO, NAVSUPPCEN, SDIEGO		San Diego, Calif	3
COMNAVWEAPCEN	Rear Adm. Pugh	China Lake, Calif	3
DEPCOS EUCOM	Rear Adm. Crawford	Germany	2
DEPCOS LOGS/MGMT, CINCUSNAVEUR.	Rear Adm. Grantham	London, England	2
DATT/ALUSNA UK	Rear Adm. Gilkeson	do	2
COMFAIRMED	Rear Adm. Charbonnet	Naples, Italy	2
DEPCOS, CINCUSNAVEUR	Rear Adm. Rosenberg	London, England	2
DEP DIR J-2, EUCOM	Rear Adm. Bergin	Germany	2
COMCARDIV TWO	Rear Adm. Turner	Athens, Greece	2
DEPACOS PLANS/POL, SACEUR	Rear Adm. Steele	Belgium	2
DEPCOS MIL ASST LOGS, ADMIN, CINCPAC.	Rear Adm. Heyworth	Pearl Harbor	2
DEPCOMNAVAIRLANT TACAIR	Rear Adm. Geis	Jacksonville, Fla	2
COMIBERLANT	Rear Adm. Erly	Portugal	2
DEPCOS PERS, ADMIN & LOG, CINCLANTFLT.	Rear Adm. Lemos	Norfolk, Va	2
COMCRUDESLANT	Rear Adm. Weschler	Newport, R.I	2
COMSERVLANT	Rear Adm. Burke	Norfolk, Va	2
COMOPTEVFOR	Rear Adm. Carmody	do	2
COMNAVBASE GTMO	Rear Adm. McCuddin	Cuba	2
DEPCOS PLANS & OPS CINCLANTFLT.	Rear Adm. Cox	Norfolk, Va	2
COMFAIRWINGSLANT	Rear Adm. Hadden	Brunswick, Maine	2
DEPCOMNAVAIRLANT SEA BASED AIR ASW.	Rear Adm. Cassell	Quonset Point, R.I	2
COMPHIBGRU TWO	Rear Adm. McManus	Norfolk, Va	2
SUPT NAVPGSCOL	Rear Adm. Freeman	Monterey, Calif	2
DIRNAVEDDEVEL, CNT	Rear Adm. Abbot	Pensacola, Fla	2
CNATRA	Rear Adm. Ferris	Corpus Christi, Tex	2
CO, NNMC	Rear Adm. Ballinger	Bethesda, Md	2
CO, NAVHOSP	Rear Adm. Faucett	Oakland, Calif	2
DIR/CO, NAVREGMEDCEN	Rear Adm. Stoecklein	San Diego, Calif	2
COMNAVMARIANAS	Rear Adm. Morrison	Guam	2
COMCRUDESPAC	Rear Adm. Woods	San Diego, Calif	2
FORMATTOFF, COMNAVAIRPAC	Rear Adm. Clancy	do	2
FORSUPPOFF, COMSERVPAC	Rear Adm. Rieve	Pearl Harbor	2
COMSERVPAC	Rear Adm. Armstrong	do	2
COMCARDIV FIVE	Rear Adm. McClendon	Subic Bay P.I	2
COMSERVGRU THREE	Rear Adm. Cole	Sasebo, Japan	2
COMFAIRWESTPAC	Rear Adm. Donaldson	Atsugi, Japan	2
DEPCOS PLANS & OPS CINCPACFLT.	Rear Adm. Greer	Pearl Harbor	2
COMCARDIV ONE	Rear Adm. Davis	do	2
(Pay grade 0–7/6)			
COMFOURTEEN	Rear Adm. Butts	Pearl Harbor	2
COS, CSS, FORT MEADE	Rear Adm. Marocchi	Maryland	2
COMTHREE	Rear Adm. Pugh	New York	2
NADEPTCOMDT NATO DEF. COL	Rear Adm. Miller	Rome, Italy	2
CH, NAVSECMILGP	Rear Adm. Perry	Brazil	2
COLA	Rear Adm. Snyder	District of Columbia	2
COMDEFELESUPPCEN	Rear Adm. Scott	Dayton, Ohio	2
DEPUSREP, NATO	Rear Adm. Kane	Brussels, Belgium	2
COMTHIRTEEN	Rear Adm. Bass	Seattle, Wash	2
COMNAVSAFECEN	Rear Adm. Nelson	Norfolk, Va	2
COMFIFTEEN	Rear Adm. Blount	Canal Zone	3
DNI	Rear Adm. Rectanus	District of Columbia	2
COMFOUR	Rear Adm. Coleman	Philadelphia, Pa	3
DEPDEFADVIS, NATO/DEF	Rear Adm. Ellis	Brussels, Belgium	2
COMONE	Rear Adm. Rumble	Boston, Mass	3
CH, NSTLD, JSTPS, OFFUTT, AFB.	Rear Adm. Russell	Nebraska	2
DEP TO PRES, NAVWARCOL	Rear Adm. Harris	Newport, R.I	2
COMSIX	Rear Adm. Tahler	Charleston, S.C	3
COMNINE	Rear Adm. Kane (PROS).	Glakes, Ill	3
CO, SPCC	Rear Adm. McMorries	Mechanicsburg, Pa	2
CO, NAVAVIA SUPPOFF	Rear Adm. Crosby	Philadelphia, Pa	2
CO, NAVRESALESYSOFF	Rear Adm. Schoggen	Brooklyn, N.Y	2
NAVAIRSYSCOMREPLANT	Rear Adm. Andrews	Norfolk, Va	2
COMNORVANASHIPYD	Rear Adm. King	do	2
COMPACDIVNAVFACENG COM	Rear Adm. Iselin	Pearl Harbor	2
COMLANTDIVNAVFAC ENGCOM.	Rear Adm. Walton	Norfolk, Va	2
CO, WESTDIV, NAVFACENGCOM		San Bruno, Calif	2
CO, NAVSUPPCEN OAKLAND	Rear Adm. Allshouse (PROS).	Oakland, Calif	2
COMSUBFLOT EIGHT	Rear Adm. Hannifin	Naples, Italy	2
DEPCOMNAVSTRIKFOR SOUTH	Rear Adm. Freeman	Naples, Italy	2
COMIDEASTFOR	Rear Adm. Hanks	Bahrein	2
DIR COMM-ELEC, EUCOM	Rear Adm. Farrell	Germany	2
ACOS PLANS, CINCPAC	Rear Adm. Yates	Pearl Harbor	2
COMCARDIV FOUR	Rear Adm. Engine	Norfolk, Va	2
DEPCOS & ACOS POL PLNS & OPS, SACLANT.	Rear Adm. Nace	do	2
FLT DENT OFF & ACOS DENTISTRY, CINCLANTFLT.	Rear Adm. Anderson	do	2
COMINWARFOR	Rear Adm. McCauley	Charleston, S.C	2
COMCRUDESFLOT TWO	Rear Adm. Wentworth	Newport, R.I	2
COMNAVINSWARLANT	Rear Adm. Greene	Norfolk, Va	2
COMCARDIV SIX	Rear Adm. Moorer	Mayport, Fla	2
COMCRUDESFLOT TWELVE	Rear Adm. Welander	do	2
COMSOLANTFOR	Rear Adm. Shanahan	San Juan, P.R	2
FLT SURGEON & ACOS MEDICINE, CINCLANTFLT.	Rear Adm. Nauman	Norfolk, Va	2
FLT CHAPLAIN, CINCLANTFLT	Rear Adm. Hutcheson	do	2
COMCRUDESFLOT EIGHT	Rear Adm. Downey	do	2
COMSUBFLOT SIX	Rear Adm. Whittle	Charleston, S.C	2
FMO & ACOS MAINT, CINCLANTFLT.	Rear Adm. Barnes	Norfolk, Va	2
DEPCOMSECONDFLT	Rear Adm. McLaughlin	do	2
COMTRALANT	Rear Adm. Mitchell	do	2
COMSUBFLOT TWO	Rear Adm. Earley	New London, Conn	2
IG, CINCLANTFLT	Rear Adm. Gormley	Norfolk, Va	1
ACOS SUPP & FSO COMSERVLANT.	Rear Adm. Shepard	do	2
COMFAIRKEFLAVIK	Rear Adm. Cooley	Iceland	2
DEP CNT	Rear Adm. Axene	Pensacola, Fla	2
CNTECHTRA	Rear Adm. Sackett	Memphis, Tenn	2
DIR/CO, NAVREGMEDCEN	Rear Adm. Turville	Glakes, Ill	2
CO, NAVAEROMEDCEN	Rear Adm. Gray	Pensacola, Fla	2
DIR/CO, NAVREGMEDCEN	Rear Adm. Arentzen	Portsmouth, Va	2
DIR DENTAL, ELEVEN ND	Rear Adm. Karies	San Diego, Calif	2
CH DEPT OF MED NAVHOSP, NNMC.	Rear Adm. Jacoby	Bethesda, Md	2
COMFAIRWINGSPAC	Rear Adm. Ainsworth	Moffett, Calif	2
FLT SURGEON, CINCPACFLT	Rear Adm. Waite	Pearl Harbor	2
COMPATFORSEVENTHFLT	Rear Adm. Fowler	Japan	2
COMCRUDESFLOT THREE	Rear Adm. St. George	Long Beach, Calif	2
FLTMAINTOFF, CINCPACGLT	Rear Adm. Mills	Pearl Harbor	2
COMNAVPHIL	Rear Adm. Shelton	Subic Bay, P.I	3
COMNAVFORKOREA	Rear Adm. Morgan	Korea	2
COMPHIBOPSUPPAC	Rear Adm. Rogerson	San Diego, Calif	2
COMFAIRWHIDBEY	Rear Adm. Tierney	Washington	2
COMSUBPAC	Rear Adm. McMullen	Pearl Harbor	2
COMNAVFORJAPAN	Rear Adm. Rogers	Yokosuka, Japan	3
COMCARDIV THREE	Rear Adm. McDonald	Alameda, Calif	2
DEPCOS (LOGS/PERS/ADMIN) CINCPACFLT.	Rear Adm. Delargy	Pearl Harbor	2
COMTRAPAC	Rear Adm. Foss	San Diego, Calif	2
COMSUBFLOT ONE	Rear Adm. Trost	do	2
COMCRUDESFLOT NINE	Rear Adm. Kern	do	2
COMPHIBGRU ONE	Rear Adm. Toole	Japan	2
COMCRUDESFOT ELEVEN	Rear Adm. Kern (Addu)	San Diego, Cal	2
COMCARDIV SEVEN	Rear Adm. Oberg (Pros)	Alameda, Calif	2
COMDTMIDSHIPMN NAVACAD	Rear Adm. Morris	Maryland	2
ACOS LOG, CINCAFSOUTH	Rear Adm. Hilton	Naples, Italy	2
CAPTAIN			
CO, NAS AGANA	Capt. Bowers	Guam	1
CO, NAS ALAMEDA	Capt. Sells	Alameda, Calif	1
CO, NAS ALBANY	Capt. Webster	Albany, Ga	1
CO, NAS BARBERS POINT	Capt. Ames	Hawaii	1
CO, NAS BERMUDA	Capt. Geitz	Bermuda	1
CO, NAS CUBI POINT	Capt. Wissler	Philippines	1
CO, NAS FALLON	Capt. Muncie	Fallon, Nev	1
CO, NAS GUANTANAMO	Capt. Cadenas	Cuba	1
CO, NAS JACKSONVILLE	Capt. Sizemore	Florida	1
CO, NAS LEMOORE	Capt. Alvis	California	1
CO, NAS MIRAMAR	Capt. Foxgrover	do	1
CO, NAS MOFFETT	Capt. Gambrill	do	1
CO, NAS NORFOLK	Capt. Swanson	Virginia	1
CO, NAS NORTH ISLAND	Capt. McKenzie	California	1
CO, NAS OCEANA	Capt. Mandeville	Virginia	1
CO, NAS WHIDBEY	Capt. Arnold	Washington	1
CO, NAS WILLOW GROVE	Capt. Gore	Pennsylvania	1
CO, NAF SIGONELLA	Capt. Vonschrader	Sicily	1
CO, NATTC GLYNCO	Capt. Miller	Georgia	1
CO, NATTC MEMPNIS	Capt. O'Callaghan	Tennessee	1
COMFAIR CARIBBEAN	Capt. Robinson	Roosevelt Roads, P.R	1
COMFAIR ALAMEDA	Capt. O'Rourke	California	1

FLAG OFFICER PQ SD ALLOCATIONS, CURRENT DATA BASE, JULY 20, 1973—Continued

Position	Incumbent	Location	Public quarters steward (enlisted aides) Authorized/ ONBD
COMFAIR LEMOORE	Capt. Homyak	do	1
COMFAIR MIRAMAR	Capt. Lamoreaux	do	1
COMNAVAIRDEVCEN	Capt. McCauley	Warminster, Pa	1
COMTRAWING ONE	Capt. Gooding	Meridian, Miss	1
COMTRAWING FOUR	Capt. Wynn	Corpus Christi, Tex	1
COMTRAWING SIX	Capt. Miller	Pensacola, Fla	1
COMTRAWING EIGHT	Capt. Emmey	Glynco, Ga	1
COMTRAWING TWO	Capt. Oconnor	Kingsville, Tex	1
CONTRAWING THREE	Capt. Smith	Beeville, Tex	1
COMTRAWING FIVE	Capt. Rezzarday	Whiting Field, Fla	1
COMTRAWING SEVEN	Capt. Engle	Saufley Field, Fla	1
CO, NAVSTA ADAK	Capt. Thummel	Alaska	1
CO, NAVSTA ANNAPOLIS	Capt. Lindgren	Maryland	1
CO, NAVSTA ARGENTIA	Capt. Jarvis	Newfoundland	1
CO, NAVSTA CHARLESTON	Capt. Mooney	South Carolina	1
CO, NAVSTA GUANTANAMO	Capt. Alford	Cuba	1
CO, NAVSTA KEFLAVIK	Capt. McDonald	Iceland	1
CO, NAVSTA LONG BEACH	Capt. Smith	California	1
CO, NAVSTA MIDWAY	Capt. Roemer	Midway Island	1
CO, NAVSTA MAYPORT	Capt. Anderson	Mayport, Fla	1
CO, NAVSTA NEWPORT	Capt. Drake	Rhode Island	1
CO, NAVSTA NORFOLK	Capt. Anders	Norfolk, Va	1
CO, NAVSTA PEARL HARBOR	Capt. Benson	Hawaii	1
CO, NAVSTA ROOSEVELT ROADS.	Capt. Cramblet	Puerto Rico	1
CO, NAVSTA ROTA	Capt. Corrigan	Spain	1
CO, NAVSTA SAN DIEGO	Capt. Mawhiney	California	1
CO, NAVSTA SUBIC BAY	Capt. Weidman	Philippines	1
CO, NAVSTA SAN FRANCISCO	Capt. Setzer	California	1
CO, NAVCOMMSTA SIDI YAHIA	Capt. Galloway	Morocco	1
CO, NAVDESCOL	Capt. McCabe	Newport, R.I	1
COMNTC GREAT LAKES	Capt. Gorsline	Illinois	1
CO, NAVCRUITRACOM GREAT LAKES.	Capt. Hallet	do	1
COMNTC ORLANDO	Capt. Gillooly	Florida	1
CO, NAVCRUITRACOM ORLANDO.	Capt. Nugent	do	1
COMNTC SAN DIEGO	Capt. Franch	California	1
CO, NAVCRUITRACOM SAN DIEGO	Capt. Bivin	do	1
CO, FLTASWSCOL	Capt. Hayes	San Diego, Calif	1
CO, FLTCOMBATDIRSSACT PACIFIC.	Capt. Murphy	do	1
CO, FLTCOMBATDIRSSACT DAM NECK	Capt. Vermilya	Virginia	1
COMNAVTRACOM MOROCCO	Capt. Lasseter	Kenitra, Morocco	1
CO, NAVOFFTRACEN	Capt. Kay	Newport, R.I	1
CO, NAVAVSCOLSCOM	Capt. Loux	Pensacola, Fla	1
CO, NAVSCSCOL	Capt Gaetz	Athens, Ga	1
CO, NAD CRANE	Capt McAnthy	Indiana	1
CO, NAD HAWTHORNE	Capt. Kirsche	Nevada	1
CO, WPNSTA CONCORD	Capt. Denham	California	1
CO, NAVORDSTA INDIAN HEAD	Capt Moody	Maryland	1
CO, NWL DAHLGREN	Capt. Schniedwind	Virginia	1
CO, NAVSPNSCEN YORKTOWN	Capt. Young	do	1
CO, NOL WHITE OAK	Capt. Williamson III	Maryland	1
CO, ESO GREAT LAKES	Capt. Smith	Illinois	1
CO, NSC PEARL HARBOR	Capt. Hapman	Hawaii	1
CO, NSC CHARLESTON	Capt Nichols	South Carolina	1
CO, NAVHOSP BETHESDA	Capt. Brown	Maryland	1
DIR/CO NAVREGMEDCEN CAMP LEJEUNE	Capt. Peters	North Carolina	1
DIR/CO, NAVREGMEDCEN CHARLESTON.	Capt. Lonercan	South Carolina	1
CO, NAVHOSP CHELSEA	Capt. Kramer	Massachusetts	1
DIR/CO, NAVREGMEDCEN JACKSONVILLE.	Capt. Kaufman	Florida	1
DIR/CO, NAVREGMEDCEN NEWPORT.	Capt. Williams	Newport, R.I	1
CO, NAVHOSP PHILADELPHIA	Capt. Gruft	Pennsylvania	1
CO, NAVHOSP ST ALBANS	Capt. Tarr	New York	1
COMNAVSHIPYD BOSTON	Capt. Arthur	Massachusetts	1
COMNAVSHIPYD CHARLESTON	Capt. Woolston	South Caro.ina	1
COMNAVSHIPYD LONG BEACH	Capt. Fay	California	1
COMNAVSHIPYD PEARL HARBOR.	Capt. Swanson	Hawaii	1
COMNAVSHIPYD PORTSMOUTH	Capt. Westfall	New Hampshire	1
COMNAVSHIPYD PUGET SOUND	Capt. Manganard	Bremerton, Wash	1
COMNAVSHIPYD MARE ISLAND	Capt. Webber	Vallejo, Calif	1
CO, CBC DAVISVILLE	Capt. Clements	Rhode Island	1
CO, CBC GULFPORT	Capt. DeGroot III	Mississippi	1
CO, CBC PORT HUENEME	Capt. Jones	California	1
EXEC ASST & SR AIDE TO CHAIRMAN JCS.	Capt. Knoizen	Washington, D.C	1
EXEC ASST & SR AIDE TO CNO	Capt. Pringle	do	1
EXEC ASST & SR AIDE TO CINCPAC.	Capt. Dwyer	do	1
COMNELC SAN DIEGO	Capt. Harding	California	1
COMDESFLOT FIVE	Capt. Altoff	Pearl Harbor, Hawaii	1
CO, NAVPHIBASE CORONADO	Capt. Perez	California	1
CO, NAVPHIBASE LITTLE CREEK.	Capt. Bihr	Little Creek, Va	1
CO, SUBASE NEW LONDON	Capt. Hawkins	Connecticut	1
CO, SUBASE PEARL HARBOR	Capt. Tomb	Hawaii	1
CO, FLFACT SASEBO	Capt. Mayes	Japan	1
CO, FLFACT YOKOSUKA	Capt. Collier	do	1
CO, NAVSUPPACT NAPLES	Capt. Elfelt	Italy	1
COMSCELM BREMERHAVEN	Capt. Fritzke	Germany	1
COMSCFE YOKOHAMA	Capt. Ruebsamen	Japan	1
CO, NAVSHIPMISSENGSTA PT HUENEME.	Capt. Christofferson	California	1
CHMAAG DENMARK	Capt. Wilder	Denmark	1
CHMAAG NETHERLANDS	Capt. Saroch	Netherlands	1
CO, NORTHNAVFACENGCOM	Capt. Williams	Philadelphia, Pa	1
DEPCOM NAVBASE NEWPORT	Capt. Moul	Newport, R.I	1
Total			570/572

POSTAL RATE INCREASES

Mr. NELSON. Mr. President, in defending Americans' first amendment right to communicate freely with each other, Oliver Wendell Holmes once observed that—

> Every idea is an incitement. It offers itself for belief, and if believed, it is acted on unless some other belief outweighs it, or some failure of energy stifles the movement at its birth.

Justice Holmes' observation is just as true today as it was when he made it several decades ago.

Nonetheless, the Cost of Living Council has very recently sanctioned an action of the Postal Service which would arbitrarily stifle the movement of ideas proffered by America's 10,000 magazines and more than 9,000 daily and weekly newspapers. In a decision announced on August 31, 1973, the Cost of Living Council agreed to exempt postal rate increases for second-class mail from the administration's price freeze. These postal rate increases constitute another step in the Postal Service's announced policy to saddle America's newspapers and magazines with an average 127-percent increase in mailing costs over the next 5 years.

I believe this policy will have serious consequences for many of America's publications. The rate increases will impose a burden that few periodicals will be able to bear without limiting the flow of information and opinion to American citizens. The burden will weigh most heavily on smaller journals of opinion which rely almost exclusively on distribution through the mails. For most of these small periodicals, the postal rate increases will necessitate considerable reductions in the scope and quality of their work. In many cases, the decision to implement the announced postal rate increases will prove fatal.

An editorial from the Wisconsin Rapids Tribune aptly described the far-reaching costs which the postal rate increases will have for America's small publications:

> Many smaller publications such as independent opinion periodicals and weekly newspapers who rely heavily on mail circulation to rural areas would not be able to continue operations if they had to meet the financial burdens that would occur with proposed [postal] rate hikes. . . .
>
> Knowledge of government is vital to a living democracy and the information carried through publications is an indispensible part of that knowledge. Forcing publications out of business or causing cutbacks in quality because of exhorbitant costs will severely damage this important function in our society.

The mark of death will not be confined to small publications, however. Even the larger publications may succumb to the announced postal rate increases. In explaining the demise of Life magazine, for instance, its officers cited postal rate increases of 170 percent over the next 5 years.

In my view, the inevitable decrease in information distributed to the American people through the mails, and especially the possible demise of many publications, are costs which far outweigh any benefits secured by increasing the Postal Service's revenues. The venerable Judge Learned Hand observed in *United States* v. *Associated Press*, 52 F. Supp. 362 (D.C.S.D.N.Y. 1943), that the first amendment—

> Presupposes that right conclusions are more likely to be gathered out of a multitude of tongues, than through any kind of authoritative selection. To many this is, and always will be, folly; but we have staked upon it our all.

The Supreme Court endorsed Judge Hand's observation, stating that the first amendment is designed to secure—

> The widest possible dissemination of information from diverse and antagonistic

sources. *Association Press* v. *United States*, 326 U.S. 1, 20 (1945).

There can be no question that America's publications, and especially the small specialized periodicals, perform a vital function in serving this first amendment purpose. In recognition of that vital function, Congress has, since 1792, maintained low postal rates for second class publications. There is no reason to believe that Congress intended to abandon that policy when it enacted the Postal Reorganization Act of 1970, the law which established the Postal Service. Indeed, quite the contrary. Section 101(a) of that law states that—

> The Postal Service shall have as its basic function the obligation to bind the Nation together through the personal, educational, literary and business correspondence of the people.

All of us are rightly concerned about the need to cut the costs of Government. But in our zeal to economize, we should not carelessly adopt actions which will compromise the quality or suppress the distribution of the innumerable magazines and newspapers which are in many ways the life-blood of our first amendment freedoms. President Nixon himself, in announcing phase IV of his new economic policy, cautioned the public to join in—

> Sensible policies to meet our temporary problems without sacrificing our lasting strengths.

Certainly any action which would reduce the flow of information among Americans—and thereby undermine the strength of our first amendment freedoms—cannot qualify as a "sensible policy."

On January 31, 1973, I introduced S. 630, a bill which would limit the postal rate increases that could be imposed on small publications and, to some extent, on the larger publications. My bill embodies three principal features.

First, this legislation would amend the policy section of the Postal Reorganization Act of 1970 to make it abundantly clear that the Postal Service has an obligation to provide postal services at rates which will encourage and assist the wide publishing of information and differing points of view on all issues of interest to the country.

Second, this bill would set the second class postal rates at the level of June 1, 1972, for the first 250,000 issues of newspapers and magazines sent through the mails. These rates include the approximately 33⅓ percent increase in second-class charges that were put into effect on a temporary basis in May 1972. This provision would be of particular support to the smaller, almost nonprofit independent journals of opinion that already exist. It would encourage the entry of new publications of this type and provide continuing outlets for divergent views and fresh ideas.

Any future increase in second-class rates for issues over the 250,000 copy ceiling would be phased in during a 10-year period under this bill. This 10-year period would apply only to increases on editorial content, and any increases for advertising material would be implemented during 5 years as is presently the law for both categories.

Finally, and perhaps most important for many small publications, this legislation would expressly write into law longstanding congressional policy against per piece surcharges on individual issues of second-class publications.

The Post Office and Civil Service Committee, under the judicious leadership of the Senator from Wyoming, held hearings on my bill and related proposals last April. The testimony presented to the committee offers abundant evidence of the need to enact a bill which will protect America's publications, and especially the smaller periodicals, from unbearable postal rate increases. It is my hope that the committee will favorably report out a bill in the very near future.

OLDER AMERICANS ACT

Mr. PELL. Mr. President, we are all well aware that solving the nutritional problems of senior citizens is a keystone in our efforts to help senior citizens help themselves to regain their rightful and active place in our society.

Inflation, malnutrition, illness, isolation, and attendant psychological and social problems; all these form a vicious circle which prevents many elderly persons from enjoying a decent and well-deserved retirement.

I was very pleased to serve on the committee which wrote the Older Americans Act, and this week I am proud to see the fruits of a title of that act begin to ripen in Rhode Island. The inauguration of well-planned nutrition projects in Rhode Island, supported by transportation services and educational and recreational opportunities for senior citizens, will mean a great deal to many senior citizens. An article by John Ward about this excellent program appeared in the Providence Evening Bulletin, of September 10, 1973, and, because I believe the article would be helpful to others who might be interested in starting such programs, I ask unanimous consent that it be printed in the RECORD.

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

U.S. FUNDED NUTRITION WILL BEGIN TOMORROW

Rhode Island introduces its Nutrition Program for the Elderly tomorrow, serving the first meals in Providence at noon at the URI Extension Building, 364 Prairie Ave., and at Sheldon House, Fox Point.

Frank J. Centazzo, assistant coordinator of the R.I. Division on Aging, which is sponsoring the program, said that eventually the entire state, divided into six areas, will be served. Rhode Island, he said, is the first state in New England and one of the first in the nation to get such a program underway. It is funded by $493,000 from the U.S. Department of Health, Education and Welfare under Title 7. Contributions from state and local governments in services, personnel and added in-kind funds will boost the overall total to three quarters of a million dollars, Mr. Cantazzo said.

The program is to subsidize group meals for the elderly with supportive services, including health and transportation.

"But this is not just feeding people," Miss Eileen Kennedy of the division said. "This is a comprehensive approach to the nutritional problems that many of the elderly have. We are using meals as the core of the program to attract people, get them out of their houses and use this as a vehicle to provide all services of the program. This includes nutrition education, coded in an entertaining way; problems of finance, social services, including food stamps, public assistance and legal services.

"There will be an Outreach component for shopping services someone trained in home economics to teach how to stretch food dollars and a health component," Miss Kennedy said. Miss Kennedy, division nutritionist, and Andrew Clary, resource specialist, will be directing the program. The first area director, for Province, to be named, is Mrs. Betty Newsom. She is a director in SECAP, the Model Cities Program agency and a member of the division's advisory commission, Mrs. Newsom, as will other area directors, will have meal site managers on her staff.

Mr. Centazzo said, "the important ingredient for the success of this nutrition program is accessibility of transportation to bring the elderly to the meal sites. We are also required by law to see that each person is provided a variety of backup services, including home health and maintenance, counselling, information referral to proper agencies and Outreach, to find the elderly in need of nutritional help.

"Nutrition grants could not possibly fund all of these additional services, so we have to find additional resources in other state departments, local agencies and, to some extent, Title 3 funds, under the Older American Act."

To answer the transportation problem mentioned by Mr. Centazzo, the program is awaiting delivery of 10 new mini-buses, expected later this month. Mr. Centazzo said that eight of the 15-passenger, van-style vehicles, are costing $5,389 each and are to be delivered by Paul Goodman Dodge. Two others, to be equipped with forklift type apparatus to aid in transporting handicapped elderly, will cost $8,740 each and will come from educational products, the division official said.

The mini-buses will be radio-equipped and will be tied into the AST dispatch network. The network is already operational although Miss Kennedy said that radios for the nutrition programs' vehicles have yet to be obtained. Ten drivers are to be hired through the Senior Citizens Transportation Corp. at 1 Mendon Rd., Cumberland Preferences are being given in hiring elderly persons for these jobs and at meal sites in the six areas covering the state, Miss Kennedy said.

The Division anticipates that once the full program is operational, 1,000 meals a day will be served weekdays. The clients will be located through Outreach, and referrals by the R.I. Council of Community Services, local visiting nurses and other agencies that serve the elderly. Those taking the meals may make a daily contribution of 75 cents or less, or, if unable to donate, may eat free.

USED CARS

Mr. HARTKE. Mr. President, in introducing the Used Car Warranty Act—S. 1881—I have sought to protect the public from the practices of some used car dealers who are more concerned about making a profit than about selling roadworthy automobiles.

One of the objectives of S. 1881 is to require that every automobile be sold with a written warranty, the terms of which are spelled out in nontechnical language and made a part of the sales contract. An exception is made to allow cars to be sold wiithout a written war-

ranty, but the sales contract for such cars must make it clear that the buyer will be responsible for any and all repairs which may be necessary.

S. 1881 requires the dealer to tell the purchaser exactly where he can get his repairs performed under the warranty. It also requires that vehicles sold by a dealer meet presale State inspection requirements.

These are basic provisions to achieve an equity in the marketplace between the used car dealer and the purchaser. A recent series of articles by reporter Howard S. Marks of Chicago Today illustrates just how much these basic provisions are needed.

Mr. President, I ask unanimous consent that parts three and four of the newspaper series be printed in the RECORD.

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

DAY 2: REPORTER MAKES A SALE

(By Howard S. Marks)

(Unscrupulous used car dealers are highly skilled in the art of prying the last dollar from those who can least afford it—the unwary and the bad credit risk. To get a first-hand look at how these dealers operate, reporter Howard S. Marks worked as an undercover used car salesman for 11 days at one of these lots and kept a diary of each day's events. In this third article of a series, Marks tells how he was "talked into" making his first sale—by a shrewd grandmother.)

Monday, July 9—I sold my first car today—so miracles do happen after all.

I think I closed the deal only because I was outsmarted by the customer. I never even received a "thank you" from Frank the assistant manager.

About 30 minutes before the lot closed, a 77-year-old black grandmother came in saying she wanted to buy a car for her 24-year-old grandson. She really wanted a late model $1,595 Ford, but I couldn't get the damned thing started.

A porter finally got it going and off we went. The air-conditioning wouldn't work and when grandma rolled down the front window, it jumped off the tracks and stuck half way down.

She still wanted the car, but the price was too high. She looked me straight in the eye and said: "No more than a thousand, do you understand?"

I understood and I told Frank about it, knowing that only he could arrange for the superdeal that grandma demanded.

This woman really impressed me. She no doubt was a skillful buyer and businesswoman who probably had more money stuffed in brown envelopes in her purse than most people have in their bank accounts. And all in new $100 bills.

She particularly liked it when I called her "grandmother."

We next got into a '68 Olds four-door hardtop and again the car wouldn't start. A porter had to jump the ignition from cables hooked to another car.

The grandson then took a careful look at the beat-up engine, remarking that it needed a new mount and that a hose was missing. Apparently, he wasn't overly concerned because he told me "that's not too important."

I showed them a Dodge Polara that Frank was trying to push, but the grandson didn't like the sound of the engine.

[Sometimes a bad engine can help. One salesman told me a customer bought a car because the engine "sounded like a sewing machine!" Another car was known as the "mosquito abatement special" because the exhaust fumes were so thick.]

I panicked when grandma started to head for Western Avenue and I called Frank out of the office. He allowed me to sell a '68 Pontiac Catalina for $1,000 or $100 less than the normal cash price.

We went for a test ride. The headlights weren't aligned and the brakes needed tightening, but the grandson didn't notice the problems.

After we got back to the lot, grandson opened the hood and noticed fluid coming from the motor. Frank promised to get it fixed.

This apparently satisfied grandma and she paid for the car in $100 bills. She signed a statement saying there was no promise to correct any faults on the car—which, of course, was more binding than the oral promise received from Frank.

Because business was so lousy, I went down to the firm's small lot at 5670 S. Western Av., not far from Gage Park.

The small office on the lot had been burned out in a fire that police thought was arson. A former salesman was suspected.

The lot's sign proclaimed six different low priced values; none of which was there. Only two of the nine bulls [ugly looking specials] were present as advertised.

A gigantic sign quoting "Art Alan" told potential buyers that "all cars are guaranteed in writing." But it failed to mention that the guarantee costs $75, is severely limited, and requires the customer to pay half the costs of the repairs.

Tuesday, July 10—I had a heart-to-heart talk with Jerry today about my slow start.

"You're just too polite with the customers," said Jerry [not his real name] "Just call them sir, not 'gentlemen'." You just can't let these people lead you around the lot."

Jerry, one of the friendlier salesmen, told me to show them a cheap car and tell them it's good transportation. "Only after they get home will they find out it's crap and then it's too late."

Jerry told me at the company's other lot customers were signing blank contracts, a practice not followed at the main lot. He said, though, that the customers were being ordered back to increase their downpayments by Overland Bond after they signed their contracts.

"That's illegal, but the customer doesn't know that," Jerry said.

I made my second sale, also for cash, to a South Side black, who wanted to buy for cash. It was a '69 Chrysler Newport which I sold for $1,300 plus sales tax. I drove him home and then to Talman Federal Savings & Loan Assn. of Chicago where he withdrew the money.

All he could talk about was getting to his 3 p.m. job. We got him to work on time.

Jack E., one of the billers, then pulled me aside and said I was off to a "bad start" because of my two cash deals. He said cash deals occur quite infrequently and that I shouldn't get into the habit of seeking them out.

A Gary man drove in around 9 p.m. to see the '66 Riviera advertised for $295. It was supposed to be silver with air-conditioning but the only one left was gold.

The radio didn't work, the red overheating light shone, the headlights were out of line, and the front was smashed.

He still would have bought the car, but I told him in all honesty that there was no guarantee that the car would even reach Gary.

When he walked off the lot, I knew that my days as a used car salesman were numbered.

I remembered what Ralph, the honest salesman, told me: "If you're too honest, you can starve. And never sell one of our cars to a friend, if you want them to remain your friend."

HOW SHADY USED CAR DEALERS WORK—REPORTER WATCHES A "REPAIR" JOB

(By Howard S. Marks)

(Unscrupulous used car dealers are highly skilled in the art of prying the last dollar from those who can least afford it—the unwary and the bad credit risk. To get a first-hand look at how these dealers operate, reporter Howard S. Marks worked as an undercover used car salesman for 11 days and kept a diary of each day's events. In this fourth article of a series, Marks has to pay for gas out of his own pocket, then discovers the shocking truth about Car Credit "repairs.")

Wednesday, July 11—This business sure has its share of embarrassing moments. Today, for instance, I ran out of gas on a test drive at the corner of 74th Street and Western Avenue.

I was showing two black youths a '67 repossessed Chevy that was selling for $500 cash.

The car originally sold for $1,095, but the owner blew town and missed his payments.

We had to get a battery charge and some air for an underinflated tire before we got the car going. We were headed west on 74th Street, when we had to stop for the light at Western Avenue—and stayed there. No gas.

I ran across Western Avenue to a gas station and got 70 cents worth of regular in a can. We were off again—this time like speed demons.

I let one of the young men take the wheel and we raced down Western Avenue at 50 m.p.h. I prayed that the car had good brakes.

[One salesman told me that the brakes had gone in one of his "drivers"—used cars that salesmen can take home. "If that ever happens," he cautioned me, "use the emergency brake."]

The two then told me they only had $400, but would return the next day with the extra $100 if I got them a tuneup for the car.

I asked them to put down a $10 deposit, in order to "hold" the car. The only reason for the deposit, was to get the customer to return to the lot.

I asked one of the assistant managers if I could get a tuneup for the car. I was told they were lucky getting the car for almost half-price, because it included power steering and air-conditioning.

The customers returned the next day and refused to buy the car, because it had not been tuned-up as promised.

Those cars that won't turn over on the lot were becoming an increasing problem.

The 77-year-old grandmother who bought my first car the other day, returned to buy another car, with more $100 bills in her purse. She wanted a '67 Buick, but the car wouldn't start and she stomped off the lot.

I must have blown three other deals because the cars wouldn't turn over. When they did start, some of them sounded like steam locomotives.

One customer who bought a Chevy SS complained that the Car Credit mechanics really didn't fix his fan belt or give him new points, as promised. A common complaint or "beef" was the slipshod work done by Car Credit mechanics.

As I gained the confidence of some of the employes at the lot, I found I could wander down to the Enco station where the repairs were being made.

I walked into the station to see one of the mechanics using a Coke can, cement, and clamps to patch a hole in an exhaust pipe.

"We are told to put in the minimum at the lowest cost. Our job is to save money,"

the mechanic said as he tightened the clamps around the pop can.

Thursday, July 12—I made my first credit sale. I sold a '67 Buick Electra for $1,195. The customer put down $503.

I got an O. K. to sell the car to the customer altho he owed creditors in Gary close to $2,000.

On the test ride everything worked except the directional signals, the air-conditioning, and the steering—which seemed awfully unstable.

Frank thought I was selling the car for less than I should, but Ted [one of the managers] said to sell it. They never told me why the car was reduced.

I persuaded the customer to buy the car, but his brother kept telling me the car "was a real ripoff and that Car Credit should be reported to the Better Business Bureau."

I hustled the customer into my office to get him away from his trouble-making brother.

Even tho the car wasn't guaranteed, Jack K., one of the most honest billers at Car Credit, permitted the customer to get—at no cost—faulty rear lights repaired, a missing air hose replaced, and Freon placed in the air conditioning system.

Meanwhile, the discovery of the Coke can used to fix the leaking tail pipe intrigued me so much that I decided to take a chance and poke around the Car Credit garage.

I asked myself, "What kind of cars am I selling these people, are they dangerous or just plain patched-up lemons?"

I found one mechanic, Sylvester, who was willing to talk—after work—in a Southwest Side bar.

"Some of these cars are death traps," Sylvester said. "They [Car Credit] like to pick salesmen who don't know a lot about cars because they might be reluctant to sell a car to someone, if they know the car is defective."

Brakes were a touchy point with Sylvester. "They just put in new shoes, but not new drums. In one case, I saw just one-sixteenth of an inch of material left on the brake drum, which is barely within the minimum permitted by law. To stop the car you have to push the brake pedal to the floor."

In the T-Bird with the bad brakes, it was fixed by adjusting the height of the pedal to give the illusion of safety, Sylvester said, adding:

"In two months, the person who buys that car will be lucky if he can stop safely at all."

Sylvester said the use of pop cans was quite common in fixing tail pipes. Sometimes, coat hangers will be used to fasten mufflers to the underside of cars and it's not uncommon to see electrical and masking tape used to hold parts together.

Wrong jacks are regularly placed in T-Birds and Mustangs, Sylvester said. "Sweet [Bob Sweet, Car Credit's garage boss] orders a regular jack and if the driver of the car used the jack, the car would come down on him."

Sylvester said the used engines Car Credit buys will last 6 to 18 months and the used transmissions may fall apart after 30 days.

"The mechanics are told to make the cars run for 30 days because then the warranty won't apply. They hope the car will hold together for at least one month.

"Even so, they regularly charge customers 70 to 100 per cent of the bill for repairs, altho, according to the guarantee, it's supposed to be split 50-50." One customer paid $175 for a $200 transmission, Sylvester said.

He also told me that most of the parts are used, just like the cars, and are taken from junks or rebuilt.

"We use rebuilt batteries, engines, hoses, and transmissions; everything but spark plugs," he said. "Some spare tires are taken off of cars at junk yards."

Sylvester described most repair work as "shoddy."

"One tuneup I saw took two minutes and consisted of the mechanic lifting the hood, putting in two new plugs and a set of reconditioned points."

The whole tuneup cost Car Credit 90 cents and two minutes of labor.

PROBLEMS WITH THE VOLUNTEER ARMY

Mr. KENNEDY. Mr. President, I am particularly concerned by the increasing evidence of basic flaws in the Volunteer Army program.

Contrary to the original assurances given to the Senate, assurances which I questioned at the time, the Volunteer Army is experiencing grave difficulties in producing sufficient manpower to meet the current military manpower requirements. The shortfall reported in the article, which I ask unanimous consent to have printed in the RECORD, would even prevent the military from meeting the lower force requirements spelled out in the military procurement bill now before the Senate.

Beyond the 19 percent shortfall reported in August and the overall failure of the Army to meet its quota every month since February, there is perhaps a more basic question that the Volunteer Army is not answering satisfactorily.

No one would deny the opportunity of any individual to enlist in the Army. Therefore, the mere fact that there has been an increase in the percentage of blacks in the military apparently should not immediately justify concern. However, if we see the current rate of enlistment continue, where blacks are nearly 30 percent of the total number of new enlistees, then there are other questions which must be addressed. Does this mean that the only opportunity this society is able to offer to minority group members is through joining military service?

When we place the responsibility of protecting the society on those who have been denied an adequate opportunity for careers in the civilian society, are we multiplying the burdens on them? When we offer $2,500 bonuses for combat arms enlistees, are we not insuring that the poor will serve in the front lines?

The Defense Department originally assured us that there would be no increase in the proportion of minorities or the proportion of the poor in the military or in the combat arms. Now we are finding out that the predictions are being challenged by actual experience.

At the same time, we are witnessing proposed changes in standards of quality and requests for new powers to permit the Department of Defense to discharge individuals with little procedural guarantees after they have been permitted to enlist under eased entrance requirements.

All of these matters deserve serious inquiry by the Congress. I intend to inquire into the procedures undertaken by the Department as part of the continuing work of the Administrative Practice and Procedure Subcommittee of the Judiciary Committee and I am pleased to see the leadership shown by Senator NUNN and other members of the Armed Forces Committee in requiring detailed reporting by the Department of Defense on the current status, costs, and progress of the Volunteer Army.

I ask unanimous consent to have printed in the RECORD an article appearing in the Washington Post by Michael Getler as well as a recent statement by former Army Chief of Staff Gen. William Westmoreland.

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

[From the Washington Post, Sept. 12, 1973]

ARMY AGAIN SHORT OF VOLUNTEER GOAL; RECRUITS 29 PERCENT BLACK

(By Michael Getler)

August enlistment figures released by the Pentagon yesterday show that the Army is still unable to meet its recruitment goals for an all-volunteer force and that blacks continue to represent a high percentage of those young men who are signing up for Army service.

Overall, the Army fell short of its goal of 17,000 new recruits for August by 19 per cent, or approximately 3,300 men. The percentage was even higher in the so-called "combat arms" of infantry, artillery and armor, where the Army pays bonuses as high as $2,500 for a four-year enlistment.

The combat arms attracted 2,836 men, some 1,364 fewer than the 4,200-man August goal—a shortage of roughly 30 per cent.

The percentage of blacks among August recruits was below the record high figure, reached in July, of 34.6 per cent. But the 4,200 blacks who did sign up in August still represented 29.7 per cent of all recruits and that figure is the second highest monthly percentage thus far. It is also far above the proportion of the U.S. male population between 18 and 35 years of age represented by blacks, which is about 13.5 per cent.

In 1964, black enlisted men made up about 13.4 per cent of the Army's ranks. Currently, the percentage is 18.6 per cent. But in March, April, May and June of this year the average of blacks entering the Army was slightly above 25 per cent of all recruits. July's 34.6 per cent was called an "aberration" by Army officials. But the August figure is still we'l above any other month except July.

Since February, a month after draft calls ended and the all-volunteer Army concept began to be put to the test, the Army has failed to meet its overall enlistment quotas in any month.

June, July and August are supposed to be among the best for recruitment. But in June the Army got 91 per cent of the number it wanted. In July the figure dropped to 76 per cent and climbed to 81 per cent in August.

When all four services are lumped together, the percentage of volunteers looks much better—89 per cent for August—mostly because the Air Force and Navy met 100 per cent of their goals. But the army has the biggest demand for manpower and it is that service that will determine whether or not the experiment with volunteerism will work.

The Marine Corps is also experiencing some troubles, recruiting only 83 per cent of its 5,665-man August goal.

Lt. Gen. Robert C. Tabor, a deputy assistant secretary of defense for manpower and reserve affairs, told newsmen yesterday that the shortage in the Army's combat arms enlistment will be made up by assigning men who volunteered for service with no specific guarantee of assignment.

Despite the shortages, Taber said that in context of a project which has only had six months to grow since the end of the draft, he was "not discouraged" and that it would be at least another six months before more definitive trends could be determined.

Taber reiterated the official Army position

that it will not impose any quota system to hold the percentage of blacks to a level not far out of balance with the general population. But he did say the Army is considering reducing the very high percentage of blacks in some units by spreading them over other units.

[From the New York Times, Aug. 17, 1973]

IF NOT A VOLUNTEER ARMY, WHAT THEN?

(By William C. Westmoreland)

CHARLESTON, S.C.—Although the United States had a basic conscription law as early as 1797, for 180 years of our history there was no compulsory military service. The military policy of the United States has been to maintain the smallest possible professional army in times of peace. However, cold war developments after World War II and threats on the international scene outdated many old concepts of readiness and national strategy. The responsibilities of world leadership resulted in the maintenance of active forces of sufficient size to provide for defense of our nation and to permit action in support of our national interests.

The termination of the Selective Service Act in 1947 was short-lived since it soon became clear that large peacetime manpower requirements could not be met solely by volunteers. Thus, Congress passed the Selective Service Act of 1948 on March 17 of that year, and conscription to provide military manpower has been with us until now. Clearly, continuous peacetime conscription was a necessity if we were to maintain our armed forces at required force levels, provide for reserves, and ensure a quick, flexible response to threats to world peace and security.

In the troubled atmosphere gripping the country during the long war in Vietnam, some national leaders began to question that necessity. Based on a campaign promise, President Nixon decided to abandon Selective Service and rely entirely on a volunteer military establishment. Congress has supported that decision.

There are military advantages to a volunteer force. It would mean less turnover in personnel, a reduced training base, more professional and better trained leaders and enhanced motivation. Freedom of choice would be restored and the threat of compulsion to serve would be removed.

Based on the President's decision, the Army is fully committed to achieving the national objective of a zero-draft volunteer force, both active and reserve. But, despite its best efforts, the Army cannot go it alone. Incentives to attract the quantity and quality of personnel needed will require sizable funds and those who serve must have the support of the American people. I am not confident that this support will be forthcoming in time because of these factors:

Less than one-third of the high schools across the nation have permitted access by Army recruiters to students.

A nationwide survey revealed that only one-half of fathers of young men looked favorably on having their sons serve in the armed forces.

A number of similar nationwide surveys indicate that less than one-quarter of young men of military age are favorably inclined toward entering military service.

Market surveys show that awareness of Army opportunities is low among the 17-to-21-year-old target group from which most new volunteers are drawn.

I have other concerns. We will have to pay a premium price to attract the last increment of men of the quality required to man the present level of forces—both active and reserves—forces equipped with highly technical equipment. In the final analysis, the size of our forces will be determined by the number of men that can be recruited—not by the security requirement. There is also a danger that the high personnel costs will affect the balance in the defense budget between manpower and modernization of equipment. With the manpower price tag so high, there will be a tendency to cut other programs within a given defense ceiling in an effort to maintain an established force level. Looking to the future, if mobilization is dictated by the international situation, the cost of manpower expansion would be tremendous and such realization could serve as a deterrent to improving our defense posture, perhaps to the disinterest of our national security.

The social and quality composition of our security forces in a truly volunteer environment also bothers me. As we kill the draft, we set aside the traditional concept that a citizen has an obligation to serve his country. I deplore the prospect of our military forces not representing a cross section of our society. Without the draft, few representatives of the affluent families will serve. This prospect is undesirable.

I have searched for a concept that might satisfy in a practical way the advantages of a volunteer force without abandoning the draft entirely and the contributions it provides. By continuing Selective Service using the lottery system, an inducement will be provided for enlistment in the regular services and the vital reserves. Draft quotas would be issued if and when required with selection by lottery to make up for the short fall in enlistment in both the regular and reserve forces. It should be recognized that the organized reserves and the National Guard have maintained their volunteer strength in the past only because of the draft.

Under such a concept, draft calls would be low and for periods unnecessary. Current pay scales, efforts to improve service attractiveness, and dynamic recruiting programs will attract all but a small increment of the manpower needed. Only young men preparing themselves to become officers would be exempt from the draft; this would stimulate greater interest in R.O.T.C. and the service academies. The inducement of the draft would, at a lower cost, bring men into uniform from a cross section of the economic strata of our society. In addition, the bonus effect of registration, physical examinations, aptitude tests, and the continuation of the principle of service to country would be healthy contributions to the society. Our forces would be fully manned.

Under this concept, we would have, in my opinion, a volunteer force of 90 per cent or more. It would approach a zero-draft. It would be a force that would meet our military requirements at a comparatively lower cost, manned by representatives of all segments of our society, and capable of rapid expansion when the situation demanded. It would be a citizen's force primarily of volunteers.

As a nation, we have moved too fast in eliminating the draft. There are uncertainties as to the wisdom of the program.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

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

ORDER FOR CONSIDERATION OF S. 4 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, immediately after the two leaders or their designees have been recognized under the standing order, the Senate proceed to the consideration of S. 4.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there any further morning business? If not, morning business is concluded.

S. 2419—TO CORRECT TYPOGRAPHICAL AND CLERICAL ERRORS IN PUBLIC LAW 93-86

Mr. TALMADGE. Mr. President, on behalf of myself as chairman of the committee, and the ranking minority member, the distinguished Senator from Nebraska (Mr. CURTIS), I send to the desk a bill to correct typographical and clerical errors in Public Law 93-86. It has been cleared by the minority. It makes no changes in substantive law, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection to first and second reading?

There being no objection, the bill was read the first time by title and the second time at length, as follows:

S. 2419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 93-86 is amended as follows:

(a) Paragraph (6) of section 1 is amended by—

(i) striking "diary" and inserting "dairy",

(ii) striking the quotation marks following "articles.", and

(iii) striking "Agriculture Act of 1973" and inserting "Agriculture and Consumer Protection Act of 1973".

(b) Paragraphs (8) and (20) of section 1 are each amended by striking the comma from that part reading: "If the Secretary determines that the producers are prevented from planting, any portion".

(c) Paragraph (12) of section 1 is amended by striking "(12)(a)" and inserting "(12)".

(d) Paragraph (18) of section 1 is amended by—

(i) revising the first paragraph (C) appearing therein so that the quoted sentence contained therein is placed immediately after "follows:" and does not constitute a separate paragraph,

(ii) redesignating the second paragraph (C) appearing therein and paragraph (D), (E), and (F) as (D), (E), (F), and (G), respectively,

(iii) inserting a comma at the end of the first paragraph (C) and at the end of paragraph (D) as so redesignated, and

(iv) striking the period at the end of paragraph (F) as so redesignated and inserting a comma and the word "and".

(e) The second paragraph of paragraph (26) of section 1 is amended by—

(i) inserting double quotation marks and "Sec. 703." at the beginning thereof,

(ii) striking the double quotation marks which precede the word "and" and inserting a single quotation mark, and

(iii) striking the period and double quotation marks at the end thereof and inserting a single quotation mark followed by a period.

(f) Quoted section 812 contained in paragraph (27)(B) of section 1 is amended by striking out the quotation marks at the end thereof.

(g) Paragraph (28) of section 1 is amended by—

(i) striking out paragraphs (1) through (4) appearing in quoted section 1001 and inserting said paragraphs in quoted section 1003(a) immediately before paragraph (5), and

(ii) changing the colon at the end of quoted section 1007(a) to a period.

(h) Section 3(b) is amended by striking "foregoing" and inserting "foregoing".

(i) Section 3(i) is amended by inserting "(1)" after the word "amended".

(j) The final sentence of section 3(k) is amended by inserting "members of" after "permit".

(k) Section 3(m) is amended by striking "for value" and inserting "for households of a given size unless the increase in the face value".

The PRESIDING OFFICER. Is there objection to the consideration of the bill at this time?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed.

STATE, JUSTICE, AND COMMERCE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS, 1974

The PRESIDING OFFICER (Mr. JOHNSTON). Under the previous order, the Senate will now proceed to the consideration of H.R. 8916 which the clerk will state.

The legislative clerk read as follows:

A bill (H.R. 8916) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary and related agencies for the fiscal year ending June 30, 1974, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. What is the pending business?

The PRESIDING OFFICER. H.R. 8916, which is the appropriation bill on State, Justice, and Commerce.

Mr. HRUSKA. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. PASTORE. I yield.

Mr. HRUSKA. Mr. President, I ask unanimous consent that two members of my staff, Mr. Kenneth Lazarus and Mr. Charles Bruse, be permitted the privilege of the floor during the debate and the vote on this bill.

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

Mr. PASTORE. Mr. President, I ask unanimous consent that, apart from the members of the staff of the Appropriations Committee, Mr. Martin Donovan of my office be allowed the privilege of the floor.

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

How much time does the Senator yield?

Mr. PASTORE. As much time as I may require.

Mr. President, the pending measure contains recommendations for new obligational authority totaling $4,470,532,500. This sum is $52,368,500 under the fiscal 1974 amended budget request of $4,522,901,000. It is also $2,308,561,350 under the appropriations approved for fiscal 1973. The committee recommendation is $317,586,500 over the total approved by the House. However, of this increase, $267,821,000 was contained in budget amendments not considered by the House, of which the committee approved $259,954,000, a reduction of $7,867,000 in the total of the budget amendments requested.

With respect to the sum added to the House bill, I wish to point out some of the major items of increase.

For the Department of State, the committee recommends a total of $623,412,000, an increase of $27,841,000 over the House allowance, but a reduction of $9,638,000 under the amended budget estimate of $633,050,000. Of the $27,841,000 increase over the House allowance, $20 million was contained in a budget amendment not considered by the House, and will provide increased protection of U.S. Government personnel and facilities from threats or acts of terrorism abroad, as well as provide for increased domestic security for foreign dignitaries and official delegations visiting the United States. The second major item of increase will provide $4 million for the mutual educational and cultural exchange program. The third major item of increase is $2,200,000 not considered by the House for a new appropriation account entitled "Payment to International Center, Washington, D.C." This appropriation will be used to clear the site of the former National Bureau of Standards installation in the District for sale or lease to foreign governments or international delegations. Proceeds from sale of the sites will be used in part to repay this appropriation to the U.S. Treasury.

For the Department of Justice, the committee recommends a total of $1,844,262,000, a reduction of $16,562,000 in the amended budget estimates and a net increase of $36,150,000 over the House allowance. Pursuant to Reorganization Plan No. 2, 1973, which established a new Drug Enforcement Administration and a new narcotics division, the committee has provided a total of $107,230,000 for the Drug Enforcement Administration and a total of $2,911,000 for the narcotics division. These amounts are made up in part by transfers within the Department, a transfer from the Bureau of Customs to the new drug agency and new obligational authority. The details of these transactions are set forth in the report. For the Antitrust Division, the committee recommends a $1 million increase over the budget to enable the division to cope with its increased workload. For the Community Relations Service, the committee has also provided an additional $1 million over the budget estimate. This increase is considered essential for the agency's field operations and its ability to meet crisis situations. For the Law Enforcement Assistance Administration, the recommendation provides a total of $870,675,000, an increase over the House and requested by the Attorney General of $4,675,000 to permit the agency to maintain matching grants and aid for correctional institutions at the 1973 level. The distribution of the amount recommended is also set forth in the report. The committee has also approved the sum of $2,800,000 to fund the activities of the Watergate Special Prosecution Force. This item was not considered by the House.

For the Department of Commerce, a total of $1,227,852,000 is recommended. This sum is $16,860,000 over the amended budget estimates and is $266,048,000 over the House. However, of this total increase over the House, $211,379,000 was contained in budget amendments not considered by the House; $20 million contained in the January budget, but passed over by the House; $32,548,000 not considered by the House or contained in budget amendments; and $2,121,000 in agency appeal items approved by the committee. To initiate the 1974 Census of Agriculture, the committee has provided the sum of $1,200,000 which together with $1,360,000 in unobligated funds carried over from fiscal 1973 will provide $2,360,000, the amount necessary to initiate this census in 1974. The committee also recommends $1,800,000 to make a survey of population requested by the Treasury Department for purposes of distributing general revenue sharing funds. For the Economic Development Administration, the committee recommends the full budget estimate of $203 million. Of this sum, $19 million for administering these programs is contained in the General Administration account and $184 million is contained in the EDA appropriation. For Regional Action Planning Commissions, the committee recommends a total of $42 million, an increase of $20 million over the budget estimate. The distribution of the amount recommended by commissions is contained in the report at page 23. The committee has included language in the bill which prohibits the use of funds in this

bill or otherwise available to the Department of Commerce to be used to phase-out or discontinue the EDA programs or the Regional Commissions. For Minority Business Enterprise, the committee recommends the budget estimate of $35,231,000. The committee was advised that in addition, approximately $25 million will be available from unobligated funds appropriated in 1973. For the National Oceanic and Atmospheric Administration, the committee recommends a total of $361,090,000. This sum is $9,827,000 over the amended budget estimate and is $17,548,000 over the House allowance. However, this figure includes a $5 million budget amendment not considered by the House. Of the increase over the House, $15 million is to provide initial funding for Coastal Zone Management. For the Maritime Administration, the committee recommends the House allowance of $329,027,000, a reduction of $1 million in the budget estimate.

For the judiciary, the committee recommends a total of $203,639,000, which sum is $1,890,000 below the budget estimate and is $1,275,000 over the House allowance. Included in the committee increase is the sum of $1,125,000 for court-appointed counsel appointed by judges of the Superior Court of the District of Columbia or the District of Columbia Court of Appeals. The sum recommended will cover necessary expenses for approximately 6 months or longer. In recommending the $1,125,000, the committee believes that the appropriation for this activity should be contained in the District of Columbia budget. In accordance with this belief, the committee has stated in its report that a supplemental estimate requesting funding out of monies available to the District to the District of Columbia should be submitted to cover funding until June 30, 1974.

For the 15 related agencies funded in this bill, the committee recommends a total of $571,367,500, which sum is $41,138,500 under the amended budget estimates and is $13,727,500 under the House allowance. For the Arms Control and Disarmament Agency, the committee has allowed a total of $7,935,000, which sum is $200,000 over the budget and $1 million over the House. Of the latter sum $800,000 was contained in a budget amendment not considered by the House. The increase is considered necessary to intensify high-priority research. For the Civil Rights Commission the full budget estimate of $5,814,000 is recommended. This sum is $248,000 over the House. The committee has allowed the full budget estimate of $1,100,000 for the Commission on the Organization of the Government for the Conduct of Foreign Policy, which sum was contained in a budget amendment not considered by the House. For the Equal Employment Opportunity Commission, the committee recommends the full budget estimate of $46,934,000, an increase of $6,934,000 over the House allowance. The committee has allowed a total of $40,000,000 for International Radio Broadcasting Activities. This sum is $9,934,000 under the budget and $5 million below the House allowance. The committee is of the opinion that our European allies should contribute to the operating expenses of Radio Free Europe and Radio Liberty. For the new Marine Mammal Commission, the committee recommends the full budget estimate of $825,000. This sum is $413,000 over the House. The committee believes that because of the multiplicity of duties assigned to this Commission by statute, the full budget estimate is necessary. For the Small Business Administration, the committee recommends a total appropriation of $248,123,000, which sum is the same as the House and $150,000 under the budget estimate. In addition, the committee has approved the transfer of $69,700,000 from the several revolving funds to salaries and expenses. The committee recommends a total of $200,699,500 for the U.S. Information Agency. This sum is $31,154,500 under the budget estimate and is $18,722,500 under the House allowance. The reduction below the House allowance will provide the same total appropriation as contained in S. 1317, the authorization bill approved by the Senate on May 30, 1973.

Mr. President, I am perfectly willing to answer any questions that might arise at any time during the course of this debate.

I wish to point out that the subcommittee and the full committee spent long and hard hours in scrutinizing every estimate that was sent up by the administration, every request that was made by the administration, and every request that was made by Senators and others interested in either cuts or increases. When we finished, we were $52,368,500 under the estimates.

I sincerely hope that the Senate, which has acted time and time again in placing a ceiling on spending, will maintain this cut of more than $52 million, in order to prove to the administration, in order to prove to the people, and in order to prove to Congress that Congress is assuming full responsibility in fiscal affairs.

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

Mr. PASTORE. I yield.

Mr. McCLELLAN. And prove to the country that we are doing the best thing and the essential thing for the solvency of our Government in trying to hold down expenditures.

Mr. PASTORE. That is correct.

Mr. McCLELLAN. I congratulate the distinguished chairman and the members of his committee for the very fine work they have done in reporting this bill in the amounts that are provided therein. I know it would be easy to increase some of the items. We could always establish a need for them. But in this period of the critical fiscal situation that is upon us, I believe it behooves us to make some concessions even to needs and undertake to be frugal in our expenditures, with the idea of trying to maintain a sound fiscal policy. I congratulate the Senator.

Mr. PASTORE. I thank the distinguished chairman.

Mr. President, I want to pay an accolade to the members of the committee, particularly to the Senator from Nebraska (Mr. HRUSKA), who was at my side and played a very important part in the consideration of all these items. We did not make everyone happy. Perhaps that is the success of the bill we have reported.

At this time, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

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

The amendments agreed to en bloc are as follows:

On page 1, line 4, after the word "appropriated", insert a comma and "and shall be made available for expenditure except as specifically provided by law,".

On page 3, line 6, after the word "aids", strike out "$282,500,000" and insert "$302,800,000".

On page 3, line 24, after "(22 U.S.C. 1131)", strike out "$1,125,000" and insert "$1,263,000".

On page 4, line 24, strike out "$5,038,000" and insert "$5,138,000".

On page 6, line 6, after "(22 U.S.C. 2669)", strike out "$5,525,000" and insert "$5,725,000".

On page 6, at the beginning of line 22, strike out "$4,500,000" and insert "$4,800,000".

On page 7, line 6, after the word "entertainment", strike out "$1,500,000" and insert "$1,743,000".

On page 12, line 2, after "(31 U.S.C. 529)", strike out "$47,800,000" and insert "$51,800,000"; and, in the same line, after the amendment just stated, strike out "of which not less than $2,500,000 shall be used for payment in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States".

On page 12, line 14, after the word "Hawaii", strike out "$6,500,000" and insert "$6,860,000".

On page 12, after line 19, insert:

"OTHER

"PAYMENT TO INTERNATIONAL CENTER WASHINGTON, DISTRICT OF COLUMBIA

"For payment to the special account authorized by section 6 of Public Law 90–553, as amended, $2,200,000, to remain available until expended."

On page 13, line 7, after $2,328,200", strike out the colon and *"Provided,* That this appropriation shall be available only upon the enactment into law of S. 929 or similar legislation".

On page 14, at the beginning of line 15, strike out "$19,100,000" and insert "$15,834,000, of which $2,800,000 is for the Watergate Special Prosecution Force".

On page 15, line 1, after "(31 U.S.C. 529)", strike out "$47,200,000" and insert "$50,111,000".

On page 15, line 9, after the word "laws", strike out "$13,019,000" and insert "$14,019,000".

On page 16, line 10, after "(42 U.S.C. 2000g–2000g–2)", strike out "$2,818,000" and insert "$3,818,000".

On page 17, after line 13, insert:

"The funds provided for Salaries and Expenses, Federal Bureau of Investigation, may be used, in addition to those uses authorized thereunder, for the exchange of identification records with officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions, and, if authorized by State statute and approved by the Attorney General, to officials of State and local governments for purposes of employment and licensing, any such exchange to be made only for the official use of any such official and subject to the same restriction with respect to dissemination as that provided for under the aforementioned appropriation: *Provided, however,* That the Federal Bureau of Investigation is hereby forbidden to furnish officials of federally chartered or insured banking institu-

tions or officials of any State or local government any identification or other record indicating that any person has been arrested on any criminal charge or charged with any criminal offense unless such record discloses that such person pleaded guilty or nolo contendere to or was convicted of such charge or offense in a court of justice."

On page 19, line 11, after the word "files", strike out "and maintenance, care, detention, surveillance, parole, and transportation of alien enemies and their wives and dependent children including return of such persons to place of bona fide residence or to such other place as may be authorized by the Attorney General;".

On page 21, at the beginning of line 11, strike out "$866,000,000" and insert $87,675,000".

On page 21, after line 12, insert:

"DRUG ENFORCEMENT ADMINISTRATION

"SALARIES AND EXPENSES

"For necessary expenses of the Drug Enforcement Administration, including hire of passenger motor vehicles; payment in advance for special tests and studies by contract; not to exceed $70,000 to meet unforseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; purchase of not to exceed 344 passenger motor vehicles (of which 210 are for replacement only) for police-type use without regard to the general purchase price limitation for the current fiscal year; payment of rewards; payment for publication of technical and informational material in professional and trade journals; purchase of chemicals, apparatus, and scientific equipment; payment for necessary accommodations in the District of Columbia for conferences and training activities; lease, maintenance, and operation of aircraft; employment of aliens by contract for services abroad; research related to enforcement and drug control; $107,230,000, of which not to exceed $4,500,000 for such research shall remain available until expended."

On page 22, after line 9, strike out:

"BUREAU OF NARCOTICS AND DANGEROUS DRUGS

"SALARIES AND EXPENSES

"For necessary expenses of the Bureau of Narcotics and Dangerous Drugs, including hire of passenger motor vehicles; payment in advance for special tests and studies by contract; not to exceed $70,000 for miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Attorney General and to be accounted for solely on his certificate; purchase of not to exceed one hundred fifty one (for replacement only) passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year; payment of rewards; payment for publication of technical and informational materials in professional and trade journals; purchase of chemicals, apparatus, and scientific equipment; and not to exceed $135,000 for payment for accommodations in the District of Columbia in connection with training activities; $77,400,000."

On page 23, line 15, after "District of Columbia", insert a colon and "*Provided*, That notwithstanding the provisions of this section, not to exceed $7,821,000 from any funds in the Treasury of the United States to the credit of the District of Columbia shall be available for reimbursement to the United States pursuant to this section."

On page 24, after line 21, insert:

"ADMINISTRATION OF ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

"For necessary expenses of administering the economic development assistance programs, not otherwise provided for, $19,000,000, of which not to exceed $800,000 may be advanced to the Small Business Administration for processing of loan applications: *Provided*, That none of the funds appropriated in this Act or otherwise available for expenditure by the Department of Commerce shall be used to discontinue or phase out the economic development assistance programs (including Regional Action Planning Commissions) undertaken under the Public Works and Economic Development Act of 1965, as amended."

On page 26, at the beginning of line 7, strike out "$14,800,000" and insert "$17,800,000".

On page 26, after line 12, insert:

"ECONOMIC DEVELOPMENT ADMINISTRATION

"DEVELOPMENT FACILITIES

"For grants and loans for development facilities as authorized by titles I, II, and IV of the Public Works and Economic Development Act of 1965, as amended (79 Stat. 552; 81 Stat. 266; 83 Stat. 219; 84 Stat. 375; 85 Stat. 166), $159,000,000 of which not more than $25,000,000 shall be for grants and loans to Indian tribes, as authorized by title I, section 101(a) and title II, section 201(a) of such Act: *Provided*, That upon the enactment of the Indian Tribal Government Grant Act the unobligated balances of the amounts appropriated for Indian tribes under title I, section 101(a) and title II, section 201(a) shall be transferred to carry out such purposes of the Indian Tribal Government Grant Act: *Provided further*, That none of the above amounts shall be subject to the restrictions of the last sentence of section 105 of the Public Works and Economic Development Act of 1965, as amended."

On page 27, after line 6, insert:

"INDUSTRIAL DEVELOPMENT LOANS AND GUARANTEES

"For loans and guarantees of working capital loans for industrial development, pursuant to titles II and IV of the Public Works and Economic Development Act of 1965, as amended (79 Stat. 552; 81 Stat. 690; 83 Stat. 219; 84 Stat. 375; 85 Stat. 166), $5,000,000."

On page 27, after line 12, insert:

"PLANNING, TECHNICAL ASSISTANCE, AND RESEARCH

"For payments for technical assistance, research, and planning grants, as authorized by title III of the Public Works and Economic Development Act of 1965, as amended (79 Stat. 558; 81 Stat. 266; 83 Stat. 219; 84 Stat. 375; 85 Stat. 166), $20,000,000."

On page 27, after line 18, insert:

"REGIONAL ACTION PLANNING COMMISSIONS

"REGIONAL DEVELOPMENT PROGRAMS

"For expenses necessary to carry out the programs authorized by title V of the Public Works and Economic Development Act of 1965, as amended, $42,000,000."

On page 28, line 22, after "22 U.S.C. 401 (b)", strike out "$48,500,000" and insert "$49,000,000"; and, on page 29, line 1, after the word "which", strike out "$15,033,000" and insert "$15,212,000".

On page 30, line 24, after the word "facilities", strike out "$340,368,000" and insert "$342,916,000".

On page 31, after line 13, insert:

"COASTAL ZONE MANAGEMENT

"For carrying out the provisions of Public Law 92-583, approved October 27, 1972, $15,000,000, to remain available until expended. This appropriation shall be in addition to the appropriations otherwise made to the National Oceanic Atmospheric Administration by this Act and expenditures of such other appropriations shall not be reduced on account of expenditures of this appropriation: *Provided*, That States eligible for grants under the requirements of section 305 or 306 of Public Law 92-583 shall be entitled to receive a pro rata share of the amounts appropriated for uses according to the provisions of such sections of such Act. No finding of invalidity or absence of rule or regulation promulgated pursuant to such Act shall be construed to prevent obligation or expenditure of funds appropriated under this Act to such eligible States: *Provided further*, That this appropriation shall not be used by a recipient coastal State for areas outside its coastal zone which it has included in an application for Federal financial assistance under a national land use policy and planning assistance Act which may hereafter be enacted."

On page 33, line 9, after the word "appropriation", insert a colon and "*Provided further*, That not to exceed $3,000,000 from funds available to the Department of Commerce shall be expended for direct support of the Office of Telecommunications Policy in the Executive Office of the President.".

On page 39, line 1, after "$1,100,000", insert a colon and "*Provided*, That not to exceed $75,000 of the unobligated balance of the appropriation under this head for the fiscal year 1973 is hereby continued available until June 30, 1974.".

On page 40, line 15, after the word "for", strike out "$83,372,000" and insert "$83,522,000".

On page 41, line 17, after "October 14, 1970", strike out "$15,500,000" and insert $16,625,000: *Provided*, That not to exceed $1,125,000 of the funds contained in this title shall be available for compensation and reimbursement of expenses of attorneys appointed by judges of the District of Columbia Court of Appeals or by Judges of the Superior Court of the District of Columbia".

On page 45, line 12, after "(22 U.S.C. 2551 et seq.)", strike out "$6,935,000" and insert "$7,935,000".

On page 45, line 23, strike out "$5,566,000" and insert "$5,814,000".

At the top of page 46, insert:

"COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT FOR THE CONDUCT OF FOREIGN POLICY

"SALARIES AND EXPENSES

"For necessary expenses of the Commission on the Organization of the Government for the Conduct of Foreign Policy, authorized by title VI of the Foreign Relations Authorization Act of 1972, $1,100,000 to remain available until June 30, 1975, and of which not to exceed $6,000 may be expended for official reception and representation expenses."

On page 46, line 17, after the word "exceed", strike out "$1,700,000" and insert "$4,600,000"; and, in line 19, after the word "Act", strike out "$40,000,000" and insert "$46,934,000".

On page 47, line 24, after the word "law", strike out "$45,000,000" and insert "$40,000,000".

On page 48, line 6, after the word "Commission", strike out "$412,000" and insert "$825,000, of which not to exceed $1,725, shall be available for expenses incurred in fiscal year 1973".

On page 51, at the beginning of line 10, strike out "$7,000,000" and insert "$7,300,000".

On page 52, line 23, after the word "organizations", strike out "$202,000,000" and insert "$190,077,500".

On page 53, at the beginning of line 25, strike out "$7,008,000" and insert "$5,208,000".

On page 54, line 26, after the word "otherwise", strike out "$6,000,000" and insert $1,000,000".

Mr. HRUSKA. Mr. President, as the ranking minority member of the subcommittee which considered H.R. 8916, the apppropriation bill for the Departments of State, Justice, Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1974, I want to associate myself generally with the remarks of the chairman of the subcom-

mittee, the distinguished Senator from Rhode Island (Mr. PASTORE) and to applaud his leadership in reporting this bill.

This measure now before the Senate represents a responsible attempt at fashioning a fair and equitable bill which is supported by virtually all of the members of the subcommittee with only relatively minor points of disagreement.

Of course, this bill does not, and could not, fully fund every program which was considered. But, it is the product of many days of hearings and persevering effort and represents a very healthy spirit of bipartisan compromise. It is, of course, necessary that mutual concessions be made in order to report to the Senate a bill worthy of general support and endorsement.

The chairman has already analyzed the money items in the bill so I shall not belabor the time of the Senate to expand on the remarks of my distinguished friend from Rhode Island. However, let no one fail to notice that the appropriation bill before us totals $4,470,532,500, which is $52,368,500 under the budget request. Had all of the Senate requests and amendments for additional funding been approved this bill would have exceeded the budget by $82,887,500. Hearty congratulations are due not only our chairman, but all the members of the committee who let restraint and discretion be the order of the day in order to hold the line, and avoid fueling the fires of inflation.

Naturally, there are areas in the bill where additional increases might be justified. However, it reflects our best collective judgment as to the needs of the departments and agencies, and the priorities that should be accorded the programs covered.

I am pleased to have played a role in the development of this bill along with our chairman and encourage my colleagues to support the measure.

Before yielding the floor, Mr. President, I would also like to take this opportunity to note the retirement of a most valued member of the professional staff of the Appropriations Committee, who is present in the Chamber today. Mr. William Kennedy has devoted a very substantial period of his life to our work. He has distinguished himself in all respects. His skill and expertise have been of great benefit to the members of the Appropriations Committee and the Senate as a whole. I am sure that all of my colleagues join me in this expression of sincere appreciation and best wishes for Mr. Kennedy's continued success.

I also take this opportunity to pay tribute to Mr. Harold Merrick, whose long years of service have been of unmeasurable help to our committee. I wish him many years of good health in retirement.

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

Mr. HRUSKA. I yield.

Mr. PASTORE. Mr. President, I wish to join my colleague in this fine accolade he has paid to Mr. Kennedy. He represents the minority side of our committee but he has been fair. Frankly I do not think there is a majority and a minority side when it comes to the staff of the Committee on Appropriations.

At this time I wish to pay tribute to Mr. Harold Merrick, who is retiring and is on hand only to see the completion of this bill, because he was present at the beginning of its consideration. The first man I met on the Committee on Appropriations when I came to the committee was Harold Merrick. Later on he and I worked together on the District of Columbia bill and other bills, and finally on this bill that has to do with the Departments of State, Justice, and Commerce.

I wish for William Kennedy and Harold Merrick many happy years of retirement and may their years in the future be as fruitful as the years in the past.

Mr. President, I have an amendment to offer, but I shall defer to other Senators.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. ERVIN. Mr. President, I have an amendment I would like to offer but I am waiting for the cosponsors to come to the Chamber.

Mr. PASTORE. Fine. I have an amendment to propose.

Mr. President, I call up my amendment No. 486 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 14, after line 3, insert the following:

SEC. 105. None of the funds appropriated in this title shall be available for obligation, except upon the enactment into law of authorizing legislation.

Mr. PASTORE. Mr. President, this is a very simple amendment. I understand the conference report on the authorization bill was rejected. The question was whether or not that vitiated the fact that the Senate and the House had already passed an authorization that would come within the rules. To overcome the ambiguity, we are providing that "none of the funds appropriated in this title shall be available for obligation, except upon the enactment into law of authorizing legislation."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FULBRIGHT. Mr. President, the amendment offered by the Senator from Rhode Island and adopted by the Senate appears to be a small matter. But it represents a far-reaching principle which the Senate has voted to uphold many times in recent years—that funds for major activities and programs should not be appropriated except pursuant to a valid authorization.

There is no current authorization for the Department of State and the conference report on the State Department authorization bill was rejected by the House on September 11 after deletion of two Senate initiated provisions relative to congressional access to information and congressional approval of foreign military base agreements. As a consequence the outlook for passage of an authorization bill for the Department is uncertain. If the appropriation bill had gone through as a matter of course, it would have seriously undercut the position of the Senate in trying to find a solution to the problem on the authorization bill.

The Senate's approval of the amendment making the appropriation for the Department of State conditional on the passage of authorizing legislation upholds the traditional legislative process. It is also consistent with similar provisions in the fiscal year 1971 appropriations bill for foreign aid and a fiscal year 1971 supplemental appropriation bill, excerpts from which I ask to have printed in the RECORD following my remarks.

The amendment is also consistent with, and adds emphasis to, section 15 of Public Law 855 of the 84th Congress, as amended by Congress in 1971, which states:

Notwithstanding any other provision of law, no appropriation shall be made to the Department of State under any law for any fiscal year commencing on or after July 1, 1972, unless previously authorized by legislation hereafter enacted by the Congress.

The action on the appropriation bill makes it doubly clear that there must first be a valid authorization for the State Department before any appropriations that may be passed can be used.

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

CHAPTER IV: FOREIGN OPERATIONS

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE

MILITARY CREDIT SALES TO ISRAEL

For expenses, not otherwise provided for, necessary to enable the President to finance sales of defense articles and defense services to Israel, as authorized by law, $500,000,000.

MILITARY ASSISTANCE

For an additional amount for "Military assistance", $340,000,000: *Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation: *Provided further*, That obligations incurred from funds appropriated herein shall not exceed the total amount authorized in H.R. 19911, or similar legislation.

ECONOMIC ASSISTANCE

SUPPORTING ASSISTANCE

For an additional amount for "Supporting assistance", $155,000,000: *Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation: *Provided further*, That obligations incurred from funds appropriated herein shall not exceed the total amount authorized in H.R. 19911, or similar legislation.

CONTINGENCY FUND

For the additional amount for "Contingency funds", $7,500,000: *Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation.

TITLE II—FOREIGN MILITARY CREDIT SALES

FOREIGN MILITARY CREDIT SALES

For expenses not otherwise provided for, necessary to enable the President to carry out the provisions of the Foreign Military Sales Act, $200,000,000: *Provided, however*, That none of these funds may be obligated or expended until an authorization shall have been enacted into law.

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

The PRESIDING OFFICER. On whose time?

Mr. PASTORE. To be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HARRY F. BYRD, JR. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 5, line 18, it is proposed to delete "$202,287,000." and insert in lieu thereof "$185,357,750."

Mr. HARRY F. BYRD, JR. Mr. President, I yield myself 5 minutes.

First, I commend the committee and its chairman, the distinguished senior Senator from Rhode Island (Mr. PASTORE), for the report directing that continued and increased efforts be made to hold down the overall budgets for international organizations and conferences. I think it is important to do that in this period of high inflation and of increased budget deficits.

The proposal that I make through the amendment that has just been stated is that the appropriation for contributions to international organizations be kept at the same figure as the 1973 appropriation; namely, $185,357,750. The committee recommendation is $202,287,000. That is an increase of very close to 10 percent.

It occurs to me that this would be a good time to tighten up on what one might call not completely essential items in the budget. The way to achieve control of the continually rising cost of this part of the State Department budget is to hold the line, and I submit that there is no time like the present to begin.

The overall State Department budget has been increased about $36 million over last year, if the Senate adopts the committee's recommendation. If the Senate should adopt the amendment just sent to the desk by the senior Senator from Virginia, one-half of that increase in the State Department budget would be eliminated. As I have said, what the amendment does is to hold the line on funds appropriated for contributions to international organizations.

I wonder whether the able chairman, the distinguished Senator from Rhode Island (Mr. PASTORE), would accept the amendment and taking it to conference, to see what might be worked out.

Mr. PASTORE. Mr. President, will the Senator from Virginia yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. PASTORE. I say to the distinguished Senator from Virginia, who keeps a very watchful and scrutinizing eye over the amounts that must be paid by U.S. taxpayers—and I applaud him for it—that one of the most vexing and disturbing things that have confronted our committee is that we had to add more American dollars, because of the devaluation of the American dollar.

One reason why our money was devalued is our involvement and commitments all over the world. We went into these items quite thoroughly, and that is what was told to us by the Department. We were told that these amounts are for commitments made by these agencies, and they are assessments against the United States. The assessments in many instances, of course, have to be paid in foreign currency that we have to buy with good, solid American dollars.

Apparently our dollar no longer carries the same prestige in Europe today as it did when Europe was prostrate and needed our help and we extended that help. Now, because we have extended it, because we are so much involved, they are telling us that our dollars are not worth as much as they once were, and we have to put up more of them, which is just another imposition.

The Senator from Virginia makes an attractive proposition to me. I do not know how the Senator from Nebraska (Mr. HRUSKA) feels about it, but I am willing to take the amendment to conference and see how they feel about it.

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

Mr. HARRY F. BYRD, JR. I yield.

Mr. HRUSKA. I do not know how we should view the suggestion for taking this amendment. There are two major categories in the budgetary increase over last year. One has to do with the devaluation of the dollar. That is a heavy factor. The other has to do with our contribution to the United Nations. We had an extensive discussion on that subject in the Senate last year. As a result of that discussion, the proviso recited on page 7 of the report of the committee was adopted.

The trouble lies in the fact that the fiscal year for the United Nations is a calendar year. The budget is calculated in a 3-year cycle, and a year's time is taken in the processing of the next 3 years' budget 1973, was the third year of the 3-year budget for the United Nations.

There are those who are of a like mind with the Senator from Virginia on the limitation of our contribution to the United Nations. The committee felt, however, that we had committed ourselves to a 3-year budget and, therefore, were honorbound and legally bound, to make that payment whole. The bill finally passed in that form.

Thus, I emphasize that the money contained in this bill, while in the 1974 budget, is for the United Nations year 1973.

To that extent, I just question the feasibility of the Senate's saying. "Well, we will take this amendment and go to conference." I wonder how heavily this action would be counted against us; that we, as a nation, having made a formal agreement, and having paid it for 2 years now, decide not pay it in the third and final year. This would not lie well with Senate Members who feel that such a course perhaps should not be followed.

Therefore, I would rather defer my expression on the proposed amendment of the Senator from Virginia for the present.

Mr. PASTORE. Mr. President, if the Senator will yield, the Senator from Nebraska makes a fine argument. There is no question about it. That is the reason why we were motivated to come out with the amount proposed, which is really the administration's estimate. Many nations in these organizations are not paying their dues.

I repeat, it might be a good thing to discuss this in conference. At least, it alerts them to the fact that we watch those figures very closely.

All the Senator is saying is that this amount should be what it was last year. The reason why it is not what it was last year is devaluation. It might not be a bad idea to point out the fact that we do not like devaluation as much as some people think we should.

Mr. HARRY F. BYRD, JR. Mr. President, I think the Senator from Rhode Island makes an excellent point.

Also, with regard to the points made by the distinguished Senator from Nebraska, I point out that for the international organizations, of which the United Nations is the largest, there is an increase of almost 10 percent for which the taxpayers are being called upon to finance its operations. Can we justify for these international organizations a 10-percent increase?

The Senate passed legislation, as the able Senator from Nebraska has pointed out, to reduce the share of the U.S. contribution to the United Nations from 31 to 25 percent, and that will take effect in a little over 3 months from now.

So, instead of increasing, it seems to me we should be decreasing.

I am not advocating a decrease over last year. I am suggesting in this amendment that we keep the total the same as last year; namely, $185 million as compared to the committee recommendation of $202 million, or a reduction of approximately $17 million.

Mr. PASTORE. Mr. President, we are ready to vote.

The PRESIDING OFFICER. Is time on the amendment yielded back

Mr. PASTORE. I yield back my time.

Mr. HARRY F. BYRD, JR. Mr. President, I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia (putting the question).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MATHIAS. Mr. President, the Senate is today considering H.R. 8916, the appropriation bill for the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies. I think it is a good bill, providing much-needed funds for a number of crucial Federal programs and operations while also representing a serious and responsible effort to stay within the President's budget requests.

There are, however, two issues in the bill as reported by the Appropriations Committee which I raised in committee and which I hope will be the focus of further consideration here on the floor today.

The first is the matter of funds for the expenses of attorneys appointed by judges of the District of Columbia for indigent defendants. I know there has been considerable discussion in recent months as to whether these funds should be provided in the bill or as part of the District of Columbia budget. The bill, as passed by the House, reflected the latter view and included no funds for this purpose. Since the District of Columbia appropriation bill has already been passed, however—also without funds for this purpose—the committee correctly recognized that some funds had to be provided in this bill, and has recommended $1,125,000, an amount equal to about half of what was needed for the District of Columbia indigent defender program last year.

I have been and remain firmly committed to full funding for this program. The question as to where the funds should come from is a difficult and complex one, and should be resolved based on a full airing of the competing views on the subject. The position of the House appears to be that the funds should be provided as part of the District of Columbia budget rather than under the Federal Judiciary. This may not be possible, however, without a corresponding change in the authorizing legislation since under the Criminal Justice Act, the program is a Federal one, and not a local one.

In order to allow all these issues to be fully and fairly considered by the appropriate committees—Judiciary, District of Columbia, and Appropriations—I hope that sufficient funding will be approved today to allow this program to continue throughout the current fiscal year. As a member of all three of the affected committees, I can assure my colleagues that the issues involved here are servious and worthy of such careful deliberation. Therefore, if an amendment is offered and adopted here today to provide for a full year's funding of this program, I would strongly urge the members of the conference committee to remain as firm as possible in the conference with the House to secure adequate funding for this program. We can do no less if we are to fulfill our responsibilities to the indigent defendants in the District of Columbia, the Criminal Justice Act, and the Constitution of the United States.

The second matter, Mr. President, involves appropriations for Radio Free Europe. The House reduced the President's budget request for this purpose by almost $5 million, to $45 million, and the committee has recommended a further reduction, to $40 million. This lower figure would place Radio Free Europe in an almost unresolvable fiscal crisis, Mr. President, and I intend to join Senator HUMPHREY and others in recommending an increase at least back up to the level recommended by the House. This is necessary at the very least to maintain current levels of operation, due to the extra costs incurred as a result of the devaluation of the dollar.

Mr. ERVIN. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment, as follows:

On page 41, line 17, strike "$16,625,000" and insert "$17,700,000". On page 41, line 18, strike "$1,125,000" and insert "$2,200,000".

The PRESIDING OFFICER: Does the Senator want these amendments considered en bloc?

Mr. ERVIN. Yes. Mr. President, I ask unanimous consent that they be considered en bloc, because they relate to the same matter.

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

Mr. ERVIN. Mr. President, in 1970 the Senate enacted several significant amendments to the Criminal Justice Act of 1964, which sought to improve the quality of criminal justice in America by improving and expanding the system of public support of defense legal assistance for individuals who are financially unable to obtain counsel in criminal cases. The 1970 amendments to the Criminal Justice Act resulted in expansion of the scope of defense services available to the indigent defendant, an increase in the rate of compensation paid to attorneys representing indigent defendants, and the establishment of Federal public defender organizations within certain Federal judicial districts.

At the same time Congress was focusing attention on the local courts of the District of Columbia. The Court Reform and Criminal Procedure Act was enacted in the same year. This legislation transformed the local trial court from a municipal court of very limited jurisdiction to the court of full general jurisdiction for the District of Columbia. One of the reasons for the enactment of this legislation was to eliminate the severe criminal case backlogs which were then in effect in the Federal District Court for the District of Columbia, which prior to court reorganization handled serious local criminal cases.

Congress addressed both pieces of legislation at the same time and both the Senate and House Judiciary Committees were fully aware of the need to conform the Criminal Justice Act to the reorganization plan. Therefore, when a question was raised as to whether the Criminal Justice Act would continue to apply in the reorganized District of Columbia courts, Congress decided that question in the affirmative, because it was understood that the Federal Government would continue to have a very real impact and an interest in the operations of the revised court system. Indeed, the U.S. Attorney for the District of Columbia continues to prosecute serious crimes in the District of Columbia courts. Furthermore, the Congress felt that all Criminal Justice Act payments should be administered by one agency, the Administrative Office of the U.S. Courts so that the standards set out in the act would be applied uniformly nationwide. For these reasons the Criminal Justice Act was amended contemporaneous with court reform in the District to provide expressly that the act was to continue to apply to the local courts in Washington. Indeed, it was the Justice Department that urged both in the Constitutional Rights Subcommittee and in the House Judiciary Committee carefully drawn amendments specifically designed to insure that court reform would not impair the continued application of the federally administered Criminal Justice Act program in the District's new courts.

Despite the clear legislative intent expressed by the Congress in both the 1970 amendments to the Criminal Justice Act and the 1970 District of Columbia Court Reorganization Act, there has been considerable controversy involving the means of financing and administering defense services for indigents in the District of Columbia under the provisions of the Criminal Justice Act. The Administrative Office of the U.S. Courts has expressed its reluctance with having to administer Criminal Justice Act funds for the District of Columbia and with the inclusion of these funds in the Federal judiciary budget. Last year, in response to a decision by the Administrative Office of the U.S. Courts not to accept vouchers from attorneys providing services under the Criminal Justice Act of the District of Columbia, the Comptroller General of the United States issued a formal decision on May 26, 1972. In this decision, the Comptroller General ruled that the legislative intent of Congress in both of these acts was that Criminal Justice Act funds for the District of Columbia should be administered and budgeted for by the Administrative Office of the U.S. Courts, as is the case with Criminal Justice Act defender funds for the other Federal judicial districts. However, despite this ruling, which is an authoritative interpretation of the law binding on the Administrative Office no less than on other agencies of the Federal Government, on October 26, 1972, the Judicial Conference of the United States voted not to include the budget estimates of needed District of Columbia Criminal Justice Act funds in their fiscal year 1974 appropriation request. The House followed the Conference's recommendation and included no appropriation for expenditure of Criminal Justice Act funds in the District of Columbia. Because the District Government accepted the Comptroller General's decision as authoritative, it did not ask for funds for the Criminal Justice Act in its budget. We were then faced with the very real danger that the Criminal Justice Act would come to an end in the District of Columbia. Indeed, the appropriation bill enacted earlier this year for the District contains no funds and the only way to save the program is to include the appropriation in this bill.

H.R. 8916 as it appears before the Senate today contains an appropriation for $1.125 million for funding of legal counsel for indigent defendants in the District of Columbia as part of the total $16.623 million appropriation for Criminal Justice Act payments nationwide. This appropriation is less than one-half of the $2.250 million estimated to be necessary for the funding of indigent defendant counseling for the full fiscal year in the District of Columbia.

Presumably, the Appropriations Committee intends to resolve this question in the supplemental appropriation for the Federal Judiciary. This would simply postpone the crisis from this month to March or April of 1974. There is no possible way in which the District of Columbia court system, with its well over 12,500 indigent defendants annually can operate for the remainder of the fiscal year with the sum provided for by H.R. 8916. It seems to make little sense to me to build into this appropriation a crisis to be faced next spring.

This method of handling the District of Columbia Criminal Justice Act funds adds yet another element of confusion to the already disputed issue of which agency of the Federal Government is charged with the administration and budgeting of funds administered under this program.

I find this to be a most inefficient way to appropriate funds for this very important program, and I can see no reason why the funding for defense services in the District of Columbia should be accomplished in a different manner than the funding for the same services in the other judicial districts is accomplished. The intent of the Congress to administer these funds through the Federal judiciary has been voiced by the Congress and affirmed by the Comptroller General.

It may well be that at some future date the Congress will decide that the funds for legal services for indigent criminal defendants in the District of Columbia should be administered by some Federal agency other than the Administrative Office of the U.S. Courts. If the Judicial Conference will come before the committees and subcommittees of the Congress with jurisdiction over the Criminal Justice Act and convince them of the wisdom of its position then the intent of the Congress in this area will be expressed via an amendment to the Criminal Justice Act. That is the way laws should be changed. I am firmly opposed to the use of the appropriation process to remove this administrative power from that agency which has been legally designated as the wielder of that power.

The Members of this body should understand that the compensation awarded to attorneys in the District of Columbia courts is far lower than that in the Federal courts generally. In the Federal district courts throughout the Nation the average payment for the representation of indigents during fiscal year 1972 was $271 per case. By comparison the average attorney payment in the Superior Court of the District of Columbia was $126. The total number of persons prosecuted by the U.S. Government anywhere in the United States who were represented by attorneys appointed under the Criminal Justice Act last year was 51,435; 12,405 of these individuals were prosecuted by the U.S. Attorney for the District of Columbia courts. Thus, the District of Columbia courts handled 24 percent of all criminal defendants falling within the ambit of the Criminal Justice Act yet only approximately 9 percent of the Criminal Justice Act funds for fiscal year 1973 went to pay for Criminal Justice Act activities in the local courts—$1.5 million out of $14.5 million. Thus the suggestion which has been made from time to time that Criminal Justice Act compensation in the District of Columbia has somehow been extravagant or exorbitant is totally false. If anything, the opposite is true.

Therefore, I strongly believe that H.R. 8916 should be amended to provide for an appropriation for the full fiscal year. The amendment that I propose is both administratively advisable and legally required. Only by providing a full fiscal year appropriation, administered by the Administrative Office of the U.S. Courts, can the provisions of the Criminal Justice Act be faithfully fulfilled.

As chairman of the Constitutional Rights Subcommittee, which was responsible for the Criminal Justice Act, I am prepared to introduce the necessary amendments which would accomplish the change desired by the Administrative Office. I believe I have the support of the chairman of the Senate District Committee to hold joint hearings on the issue at an early date. I propose, therefore, that the Senate continue the full financing of the program through the normal means of the judiciary budget until these hearings are held and the issue resolved by the legislative process before the two committees.

I am informed that the added amount necessary for full year funding is $2,200,000 and that is the figure proposed by my amendment.

I ask unanimous consent that a statement given by Chief Judge Harold H. Greene before the House District Committee, a chronology of the events relating to funding of defense services in the District of Columbia under the Criminal Justice Act, the May 26, 1972, ruling of the Comptroller General, and a letter from the American Bar Association be printed at this point in the RECORD.

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

STATEMENT OF CHIEF JUDGE HAROLD H. GREENE

JUNE 28, 1973.

Mr. Chairman and members of the Committee: I am delighted to be here to testify before the Committee concerning the threatened crisis in the continued availability of counsel under the Criminal Justice Act for indigent criminal defendants in the local court system of the District of Columbia. Since 1966, pursuant to an order in the case of U.S. v. Walker and a subsequent ruling of the Comptroller General of the United States, the Criminal Justice Act has applied in the District of Columbia courts. Criminal Justice Act payments have been made routinely for appointed attorneys in the District of Columbia courts in the same manner as in federal courts throughout the country and funds needed for this program have been included routinely in the Criminal Justice Act appropriation requests of the Federal Judiciary and have been so approved.

During the time when the Court Reform and Criminal Procedure Act of 1970 was pending before the Congress, the question of the applicability of the Criminal Justice Act to the reorganized D.C. Court System was explicitly raised. At that time the Criminal Justice Act was amended (18 U.S.C. 3006A(1)) in several respects, including an amendment of Section (1) of the Act to provide that "the provisions of this Act, other than Subsection (h) of Section (1), shall be applicable in the District of Columbia. The plan of the District of Columbia shall be approved jointly by the Judicial Council of the District of Columbia Circuit and the District of Columbia Court of Appeals." The legislative history of this amendment fully supports the conclusion that it was the intent of Congress that the Criminal Justice Act continue to be applicable in the reorganized local court system for the purpose of providing compensation to counsel who are appointed to represent indigent defendants. Moreover, unless it had been intended that the Act would be applicable within the local court system there would be no reason whatsoever for requiring that the CJA plan for the District of Columbia be approved by the District of Columbia Court of Appeals, since that court is a local rather than a federal court.

Notwithstanding this statutory language the Administrative Office of the United States Courts asked the Comptroller General of the United States for an opinion concerning the continued applicability of the Criminal Justice Act in the local court system in view of court reorganization. In a formal opinion, issued on May 26, 1972, the Comptroller General ruled that "the Administrative Office of the U.S. Courts should handle the administration of, and budgeting for, the Criminal Justice Act program in the District of Columbia's local courts generally in the same manner as it has in the past and to the extent possible as it administers and budgets for programs of the Federal District courts."

In early 1972 there was publicity concerning the fact that some attorneys practicing in the local courts had received what were considered to be inordinately large amounts of CJA funds during previous fiscal years. Although the local courts began an immediate review of this problem and quickly took action to remedy any abuses, the Subcommittee on the Federal Judiciary of the House Appropriations Committee inserted a rider in the 1973 appropriation eliminating the District of Columbia courts from any further participation in CJA funding. This rider was subsequently modified and a $1 million ceiling for CJA expenditures for the District was substituted. It should be noted, however, that during FY 1972 $1,570,000 in CJA funds were expended in the local courts and that thereafter the jurisdiction of the D.C. Court System was greatly increased and the rates payable under the Criminal Justice Act were doubled. All estimates of the funding needed for operation of the Criminal Justice Act in the local court system during FY 1973 had indicated that the cost would probably exceed $2 million and it was clear at the time the $1 million ceiling was imposed that this amount would not be adequate to finance CJA operations in the local court system throughout FY 1973.

At roughly the same time, during the Spring of 1972, the Judicial Conference of the United States, apparently acting at the request of the Administrative Office of the U.S. Courts, directed that the Administrative Office thereafter discontinue including funds for the operation of the CJA program in the District of Columbia in the budget submitted on behalf of the Federal Judiciary.

The imposition of the $1 million ceiling for FY 1973 and the refusal of the Administrative Office, acting pursuant to the direction of the U.S. Judicial Conference, to include funds for the D.C. Courts in its appropriation request for FY 1974 gave rise to both immediate and long-term problems. The local courts immediately set in motion the machinery to request a supplemental appropriation for FY 1973 and the Administrative Office cooperated in submitting a supplemental appropriation request in the amount of $543,000. Additionally, the courts began immediately to attempt to avert the crisis which it was clear would occur unless a means were

found to finance the operation of the Criminal Justice Act in the District of Columbia in FY 74 and thereafter. A detailed chronology of efforts to find a solution to this problem is attached, but these efforts included meetings with representatives of the Administrative Office, the Chief Justice, Congressional staff members, Mayor Washintgon and local budget officials, representatives of the Department of Justice, and leaders of the local Bar. Although many of these persons have made outstanding efforts to help find a permanent solution to this problem, and all have voiced their concern about the problem and their desire to cooperate in reaching a solution, the problem is, as yet, unsolved.

As indicated, the local courts took immediate action to investigate and curb any abuses which had occurred in the operation of the CJA program in the District of Columbia. Among the steps taken by the Board of Judges of the Superior Court were: the appointment of a committee of judges to investigate the operation of the Criminal Justice Act in the Superior Court; the adoption of a resolution limiting individual attorney payments in the Superior Court under the Criminal Justice Act to $18,000 and calling for increased utilization of the Public Defender Service in the defense of indigent defendants in juvenile and criminal cases; the imposition of a requirement that CJA vouchers submitted in the Superior Court include detailed time records; an amendment of the Superior Court rules to provide for increased use of law students in the representation of indigent defendants, including the assignment of all pretrial diversion cases to third year law students; the development of procedures for obtaining increased contributions from CJA defendants; and the establishment of a new system whereby a single judge examines and passes upon CJA vouchers in all nontrial cases. Moreover, a procedure was developed to provide for disciplinary action against any attorneys who falsify CJA vouchers.

I have made this relatively detailed account of the history of the Criminal Justice Act crisis to underline how seriously the Court tighten CJA procedures and to avert this crisis to underline how seriously the Court regards this problem. Indeed, it is clear that a failure to find a permanent solution to the dispute over the question of funding for this program will result in a serious crisis in the administration of justice in the District of Columbia. In the event funds are not forthcoming the Court can seek to conscript, on an unpaid basis, private attorneys to provide legal counsel to indigent defendants. As you may be aware, a few days ago I directed the Public Defender Service and the Unified Bar of the District of Columbia to seek to implement such a system, beginning on July 1, 1973. The Board of Governors of the Unified Bar responded to me that they felt such a system would raise severe constitutional problems both from the point of view of the defendants represented and from the point of view of the lawyers conscripted, particularly if such conscription were limited to the relatively small number of local attorneys with previous criminal trial experience. I am quite sympathetic to the position taken by the Bar, indeed, I myself have questioned in the past whether such a system could constitutionally be developed. Moreover, I am in wholehearted accord with their view that any effort to provide free-attorneys from among the private Bar for more than 300 defendants per week would be administratively impossible.

Conceivably the Court could return to the system which existed before 1966 when criminal representation was handled by a few attorneys who entered guilty please or not, depending solely upon the ability of a defendant or his family to pay. Such a system, of course, promotes practices which are sordid in the extreme and are intolerable in a system which seeks to provide justice, in appearance and in fact, to the defendants coming before it.

It has been suggested that this problem could be resolved by requiring that the Public Defender Service represent a larger proportion of the indigents coming before the Court. The Public Defender Service presently handles approximately 25% of the Superior Court's criminal and juvenile cases involving indigent defendants, and handled a total of 1,971 cases in the Court last year; it cannot handle a larger percentage of the cases without additional attorneys. In any event, the Public Defender Service is limited, by statute, to providing representation in 60% of the local cases involving indigent defendants. This statutory limitation, included in the Court Reorganization Act, reflects the apparent feeling of the Congress, with which I agree, that a mixed system of providing representation to indigent defendants is preferable to relying solely upon Defender services.

In 1972 51,435 defendants in federal trial courts throughout the United States were represented by attorneys appointed pursuant to the Criminal Justice Act, including 12,405 defendants so represented in the Superior Court. This means that in 1972 local CJA appointments constituted 24% of the total appointments in the United States, whereas only approximately 9% ($1,536,000) of the entire Criminal Justice Act appropriation for FY 1973 went to pay for CJA activities in the local courts. Moreover, during FY 1972 the average CJA payment to attorneys in U.S. District courts was $271, whereas the average payment in the Superior Court of the District of Columbia was $126. I am advised that the average per case cost of representation has always been and continues to be lower in the Superior Court than in U.S. District Courts. Further, it should be noted that well over 25% of the total prosecutions brought in the name of the United States each year are brought in the Superior Court of the District of Columbia. Thus the cost of defense services in the local courts is not disproportionate in view of the number of federal prosecutions in that court.

The Constitution, as interpreted by the Supreme Court, requires that every defendant in a criminal or juvenile delinquency proceeding be represented by counsel. If counsel is not available, as appears likely unless this impasse is resolved, the Court will ultimately have to discontinue the conduct of criminal and juvenile delinquency proceedings. Whether this action would mean that all individuals affected would be held in confinement until counsel were found or, as appears more likely, that they would be released pending solution of this problem, both alternatives are highly unpalatable.

The Superior Court is in a position, perhaps unique among urban court systems, of having little or no backlog and of trying juvenile and criminal cases in a matter of weeks after they are filed, despite the fact that a very substantial number of the cases in the Court are disposed of by trial rather than by enforced plea bargaining. It is clear that the present system of paid counsel for indigent defendants has contributed significantly to the success of the operation of D.C.'s criminal justice system and its present status as a model for the nation. I am deeply concerned that what appears to be basically a jurisdictional dispute over the source of funding for a necessary program should threaten to wipe out the progress which has been made over the last several years toward the goal of fair and efficient operations in the local court system, and I sincerely hope that steps will be taken to permit the Court to continue to be a model of how criminal justice should be administered.

STATEMENT

D.C. Court of Appeals—Chambers of Chief Judge Gerard D. Reilly.

Superior Court—Chambers of Chief Judge Harold H. Greene.

On June 30, 1973, the end of the fiscal year, current Criminal Justice Act funding for legal representation for indigents ends with respect to the District of Columbia courts. While efforts still being made to provide specific congressional appropriations for fiscal year 1974 may yet prove to be successful, and without prejudice to such legal arguments as may be made that the Constitution or substantive statutory law form a basis for a continuation of Criminal Justice Act payments in the District of Columbia, arrangements have been announced today for an alternate method of providing representation for indigents in our courts. We believe this to be an appropriate time for summarizing for the record the efforts we have made, in conjunction with others, to provide continued Criminal Justice Act appropriations for the District of Columbia.

1. On March 7, 1972 the Administrative Office of the United States Courts requested the opinion of the Comptroller General of the United States as to whether, in view of the reorganization of the local courts in the District of Columbia, funds appropriated under the Criminal Justice Act would continue to be available to pay attorneys appointed to represent indigent defendants in the D.C. Court System. On May 26, 1972 the Comptroller General issued a written opinion (B–175429) holding that ". . . subsection (1) of the CJA, as added by Public Law 91–447, clearly and unequivocally makes the CJA applicable to prosecutions brought in the D.C. Superior Court and the D.C. Court of Appeals with regard to those prosecutions brought in the name of the United States . . ." Moreover, the opinion stated that "the Administrative Office of the United States Courts should handle the administration of, and budgeting for, the CJA program in the District of Columbia's local courts generally in the same manner as it has in the past and to the extent possible as it administers and budgets for programs of the Federal district courts . . ."

2. On October 25, 1972 we were informed by Mr. Rowland Kirks, Director of the Administrative Office of the U.S. Courts, that the Judicial Conference of the United States had decided that its budget submission for fiscal year 1974 would not include a request for Criminal Justice Act payments to counsel in the local courts of the District of Columbia, and that this item should, instead, be included in the D.C. budget submission. The District of Columbia courts were given no opportunity to explain to the Judicial Conference, either orally or in writing, the difficulties that this action would create for the administration of justice in the District, nor were they given an opportunity to present to the Conference whatever factual or legal basis there might have been in opposition to the Judicial Conference action.

3. On November 15, 1972 we arranged for a meeting with Mr. Kirks. That meeting was also attended by representatives of the Department of Justice. After considerable discussion, Mr. Kirks suggested that, should the District of Columbia agree to asume Criminal Justice Act financing for the period beginning on July 1, 1973, his Office would seek to obtain from the Congress, by way of a supplemental appropriation, the funds necessary to carry CJA operations in the District of Columbia courts to June 30, 1973. The participants at the conference concluded that before this proposal could be agreed to, it was subject to approval by, among others, Mayor Washington, the D.C. Court of Appeals, the Superior Court, and

the committees of the Congress having jurisdiction, but they agreed that the proposal was a reasonable effort to resolve the matter and they stated they would seek to implement the proposal.

4. On December 5, 1972 a meeting was held attended by the undersigned, Mr. Barrett Prettyman, President of the Unified Bar of the District of Columbia, representatives of other bar associations in the District of Columbia, Mr. Norman Lefstein and Mr. J. Patrick Hickey of the Public Defender Service, Mr. Charles Work of the Office of the U.S. Attorney, and others to discuss the feasibility of implementing the Kirks proposal. It was the unanimous conclusion of those present that this proposal did not represent a basis upon which agreement could be reached. A principal obstacle, which was extensively discussed, was the fact that the enabling legislation, both on its face also as construed by the Comptroller General, placed responsibility for local CJA funding on the Federal Judiciary, and that therefore any effort to fund the program through the District of Columbia budget might require new substantive legislation as well as appropriations, and, hence approval by four separate congressional committees. The group also considered the fact that the District of Columbia courts had no authority to give up a statutory right granted to criminal defendants in the District simply in order to assure emergency funding for the remainder of the fiscal year, and the fact that, in view of the congressional requirement that the District of Columbia budget be balanced, a condition which is not true of funding through the Federal Judiciary, Criminal Justice Act payments would henceforth, under the Kirks proposal, constitute a constant and permanent drain on District resources, and a threat to other important District programs.

5. Numerous meetings were held thereafter between the undersigned leaders of the organized Bar, Congressional staff members, Mayor Washington, and others in an effort to resolve the problem. Despite repeated expressions of concern, no dispositive action was taken.

6. On February 7, 1973, Mr. Rowland Kirks submitted to the Executive Office of Management and Budget a supplemental appropriation request for fiscal year 1973 in the amount of $543,000, to be used for the payment of counsel appointed under the Criminal Justice Act in the District of Columbia court system. This amount was to take care of those CJA payments in excess of the $1 million ceiling which had been placed by the Congress on CJA expenditures in the local court for FY 73. In his transmittal letter to Mr. Roy Ash, the Director of the Office of Management and Budget, Mr. Kirks noted that no funds were included in the budget estimates of the Judiciary for fiscal year 1974 for use in connection with the operation of the Criminal Justice Act in the local court system.

7. On March 5, 1973 the undersigned secured a meeting with the Chief Justice of the United States to explain the situation to him. The Chief Justice gave the matter thorough consideration, he was sympathetic and expressed his desire to be helpful, but he indicated that, insofar as funding through the budget of the Federal Judiciary was concerned, he was bound by the Judicial Conference resolution and that accordingly he could not help in that regard.

8. Subsequent to these developments a committee of distinguished attorneys with congressional experience was appointed by Mr. E. Barrett Prettyman on behalf of the District of Columbia Bar, to attempt to persuade the Congress to take appropriate action to solve the local CJA crisis. This committee was headed by former Maryland Senator Joseph Tydings. Parallel efforts were made by Mr. Bernard Nordlinger and members of the D.C. Bar Association.

9. On March 13, 1973 Chief Judge Reilly wrote to Mr. Roy Ash, Director of the federal Office of Management and Budget requesting that the budget estimate of the Federal Judiciary for FY 74 be amended to include an additional sum of $2,259,000 for CJA expenditures for services performed in the Superior Court and the Court of Appeals of the District of Columbia.

10. On April 10, 1973 the Judicial Conference of the District of Columbia Circuit was apprised of the current status of efforts to obtain continued Criminal Justice Act funding for the local courts. The Conference unanimously adopted a resolution urging continued funding for this purpose and calling attention to the critical nature of the problem which would face the District of Columbia in the event no source of funding was found.

11. On April 12, 1973 the undersigned and Mr. E. Barrett Prettyman and Mr. Charles Duncan, the President and President-Elect of the District of Columbia Bar, held a press conference to apprise the public of the current status of efforts to obtain continued Criminal Justice Act funding and the potential crisis confronting the city in the event these efforts were not successful.

12. On April 13, 1973 the Judicial Conference of the United States again voted not to request funds for the payment of CJA expenses in the D.C. Court System in its FY 74 budget.

13. On April 18, 1973 the undersigned wrote to the Chairmen of the House and Senate Appropriations Committee as well as the Subcommittee on the District of Columbia and on the Federal Judiciary outlining the history of the applicability of the Criminal Justice Act to the District of Columbia Court System and requesting their assistance in resolving the jurisdictional conduct, and in averting the threatened crisis in CJA funding and therefore in court operations in the District of Columbia.

14. On April 25, 1973 Mr. Ash advised the court system that, because of the separation of powers, the Office of Management and Budget was unable to propose any amendment to the budget submission of the Judicial Branch.

15. On May 3, 1973 the House Appropriations Subcommittee, chaired by Congressman John Rooney, stated its agreement with the position taken by the Judicial Conference of the United States and announced its opposition to any effort to fund local CJA activities in fiscal year 1974 through any source other than the budget of the District of Columbia.

16. On May 3, 1973 Chief Judge Reilly, in the course of his testimony on the appropriation request of the D.C. Court of Appeals, brought the District of Columbia Subcommittee of the House Appropriations Committee up to date on the courts' efforts and emphasized the need for urgent action.

17. On May 16, 1973 Chief Judge Reilly reiterated his concern to the District of Columbia Subcommittee of the Senate Appropriations Committee, and Chief Judge Greene, in response to questions, underlined Judge Reilly's position. During the same hearings, while the Director of the Public Defender Agency was testifying, Chairman Birch Bayh and Senator Mathias expressed their support for the judicial system's needs in this regard, and expressed the opinion that funds for this purpose should come from the budget of the Federal Judiciary.

18. On May 30, 1973 Mayor Walter Washington informed Chief Judge Greene that insofar as he was concerned, the District would be prepared to include a request for compensation for the defense of indigents in its budget, beginning with fiscal year 1975, but that the inclusion of this program was not possible with respect to fiscal year 1974. He suggested that efforts should be made once more to induce the Federal Judiciary to continue its funding through fiscal year 1974.

19. On June 5, 1973 Senator Joseph Tydings and Mr. E. Barrett Prettyman, Jr., urged this course of action upon the Chief Justice of the United States, but they were again informed that the Chief Justice would not support this position, in view of the two Judicial Conference resolutions opposing continued federal funding for local CJA matters.

20. On June 4, 1973 Deputy Attorney General Sneed directed the Law Enforcement Assistance Administration to explore the possibility of funding the indigent defense program for the District for fiscal year 1974. At a meeting held on June 6, 1973, which was attended by representatives from the Office of the Deputy Attorney General, representatives from LEAA, Senator Tydings, Mr. Charles Duncan, representatives of the Mayor's Office, and by the undersigned, it was agreed that Chief Judge Greene's Office would prepare and submit an application for an LEAA grant for this purpose. Such an application has been prepared. However, thereafter the undersigned were advised that the grant would not be approved, apparently because of Subcommittee representations that such a grant was not favored.

21. On June 8, 1973 Senator Tydings and Chief Judge Greene discussed the desirability of holding one more meeting of principals to determine whether a legislative or executive solution could be found prior to the June 30 deadline. Accordingly, a meeting was held on June 13, 1973 in Senator Mathias' Office which was attended by Senator Tydings, Deputy Attorney General Sneed, representatives of the Mayor, Mr. Charles Duncan, members of the Bar Committee working on this matter, and the undersigned. It was the consensus of this meeting that legal and practical problems precluded fiscal year 1974 funding through the District of Columbia budget, and that in view of the action of the Department of Justice on the LEAA request, the most feasible avenue was 1974 funding through the Federal Judiciary appropriation. Those present concluded that this course could reasonably be urged in view of the cooperative attitude of the Mayor with respect to funding beginning in 1975. A number of those present, including the Deputy Attorney General, undertook to persuade key congressional leaders that the minimal step on one-year funding by way of the Federal Judiciary budget should be undertaken.

22. On June 14, 1973, the Deputy Attorney General advised that the Attorney General could not successfully carry out the assignment undertaken at the previous day's meeting. Subsequently, Deputy Attorney General Sneed advised the undersigned that the question of funding local CJA operation through the Federal Judiciary appropriation for fiscal year 1974 had been further explored and that it was impossible for the Department of Justice to be of further assistance to the local court system in this matter.

23. The undersigned met on June 20, 1973 with Mr. Prettyman, Mr. Duncan, Mr. Lefstein and Mr. Coppie and formally requested that the District of Columbia Bar and the Public Defender Service undertake the necessary arrangements to provide, from among the members of the local Bar, adequate numbers of attorneys to service all indigent defendants beginning on July 1, 1973.

24. It should be made very clear that the local court system has received the highest level of cooperation, throughout several months of attempts to find a solution to the problem of criminal justice operation, from the District of Columbia Bar, the Public Defender Service, the Mayor and numerous private individuals. Moreover, throughout this period of uncertainty private attorneys have continued to faithfully appear in the local

courts and accept assignments to represent indigent criminal defendants even during those periods when it appeared unlikely that they would be appropriately compensated for their efforts. Every possible effort has been made both by the court and by other concerned parties to find a solution to what initially appeared to be a relatively simple problem. As the months have passed it has become clear, however, that—despite widespread verbal commitments to the necessity of continued funding for the Criminal Justice Act in the local courts—no one is willing to undertake the responsibility for budgeting the amount necessary to continue this program. It is indeed regrettable that an extremely well functioning criminal justice system, perhaps the only urban system in the United States with no backlog despite a high level of trials as opposed to guilty pleas, is being threatened by this administrative imbroglio. Clearly it is central to the continued efficient functioning of the local court system that the elements of the adversary process be maintained and that trial counsel and appellate counsel and transcripts be provided for both indigent and non-indigent defendants. The Superior Court has sought the assistance of the Bar Association and the Public Defender Service in an effort to provide attorneys for each defendant and it has been assured of the continued cooperation of these agencies in seeking to meet this goal. The courts will do everything within their power to continue to operate an efficient criminal justice system and to guarantee justice to all participants in the system.

Gerard D. Reilly, Chief Judge, D.C. Court of Appeals.

Harold H. Greene, Chief Judge, D.C. Superior Court.

HISTORY OF DEVELOPMENTS IN THE DISTRICT OF COLUMBIA COURT SYSTEM CRIMINAL JUSTICE ACT CRISIS

May 15, 1972: House Report recommending elimination of local court system from CJA coverage. Report attached as Exhibit A.

May 16, 1972: Memorandum from Chief Judge Harold Greene to Bess Dick, Counsel, House Judiciary Committee, outlining alternatives available in the event of a cut-off of CJA funds for the District of Columbia courts. Memorandum attached as Exhibit B.

May 19, 1972: Resolution adopted by Board of Judges of the Superior Court limiting individual attorney payments under the Criminal Justice Act to $18,000 and increasing ultilization of the Public Defender Service in the defense of indigent defendants in criminal and juvenile cases. A copy of this resolution is attached as Exhibit C.

May 26, 1972: Letter from the Comptroller General of the United States to the Director of the Administrative Office of the U.S. Courts ruling that CIA is applicable in the District of Columbia Courts and that "the Administrative Office of the U.S. Courts should handle the administration of, and budgeting for, the Criminal Justice Act program in the District of Columbia's local courts generally in the same manner as it has in the past and to the extent possible as it administers and budgets for programs of the Federal District courts." A copy of this decision was furnished to Chief Judge Greene, by the Comptroller General's Office, on May 26. A copy of the Comptroller General's letter is attached as Exhibit D.

May 31, 1972: Report #92–821 from the Senate Committee on Appropriations recommending deletion of the House provision eliminating the availability of CJA funds for the District of Columbia Court of Appeals and the Superior Court of the District of Columbia. A copy of the relevant portion of this report is attached as Exhibit E.

June 13, 1972: The Supreme Court decided in the case of Argersinger v. Hamlin that no person may be imprisoned for any offense unless that person is represented by counsel at his trial. A copy of the decision is attached as Exhibit F.

June 30, 1972: The Criminal Justice Committee of the Superior Court issued guidelines concerning the limitation of earnings under the CJA to $18,000 to all counsel appointed pursuant to the Act. A copy of that memorandum is attached as Exhibit G.

July 18, 1972: Effective on this date all CJA attorneys, when assigned cases, were supplied with detailed time sheets to be maintained by them as the case progressed and to be submitted to the appropriate judge with the final voucher form seeking approval of the fee. A copy of this form and of a memorandum to the judges explaining its use is attached as Exhibit H.

August 2, 1972: Letter was written by the CJA Advisory Board to House and Senate conferees on H.R. 14989, urging that the conferees support appropriations adequate for the operation of the Criminal Justice Act in the local courts. A copy of this letter is attached as Exhibit I.

August 30, 1972: A letter from Chief Judge Greene to the Chairman of the CJA Advisory Board thanking him for his efforts. A copy of this letter is attached as Exhibit J.

October 10, 1972: Conference report placing a ceiling of $1.5 million on the money available for use in the local courts for payment of counsel appointed to defend indigent defendants pursuant to the Criminal Justice Act. A copy of the report is attached as Exhibit K.

October 25, 1972: Letter from Roland Kirks to Chief Judge Reilly advising him that the Judicial Conference had taken the position that a request for appropriations for payment of counsel under the Criminal Justice Act in the local courts should not be included in the budget request of the Administrative Office for FY 1974. A copy of this letter is attached as Exhibit L.

November 1, 1972: Superior Court rules amended to provide for increased use of law students to represent indigent defendants. A copy of the new student practice rule is attached as Exhibit M.

November 2, 1972: The Board of Judges of the Superior Court asked its CJA Committee to develop procedures for dealing with attorneys who abuse CJA appointments, for tightening CJA eligibility standards. A copy of the Order implementing the Board of Judges action is attached as Exhibit N.

November 15, 1972: Meeting between Roland Kirks, Chief Judge Reilly, Chief Judge Greene and representatives of the Justice Department to discuss methods of dealing with the problem.

December 5, 1972: Meeting called by Chief Judge Greene and attended by representatives from Public Defender Service, U.S. Attorney's Office, court system, and the local Bar Associations. At this meeting a history of use of the Criminal Justice Act in the District of Columbia courts was circulated (a copy of this history is attached as Exhibit O) and those present at the meeting agreed that all possible efforts should be made to insure that funding for CJA appointments in the local courts be maintained in the federal budget during FY 1974. At this meeting Public Defender Service was asked to report on the number of lawyers available with prior trial experience.

December 7, 1972: Letter from J. Patrick Hickey concerning the number of available lawyers with trial experience. A copy of this letter is attached as Exhibit P.

December 11, 1972: The CJA Committee recommended to Chief Judge Greene that all pretrial diversion cases be assigned to third year law students, that defendant contributions for payment of attorneys be increased and that a new system for approval of vouchers be established in an effort to decrease the total cost of CJA representation. A copy of the memorandum of the CJA Committee to Chief Judge Greene is attached as Exhibit Q.

January 3, 1973: Memorandum to the judges was circulated adopting the recommendations of the CJA Committee. A copy of this memorandum is attached as Exhibit R.

January 15, 1973: Letter from Chief Judge Greene to Congressman Rooney apprising him the fact that despite severe economy measures taken in the court it then appeared that the $1,000,000 limit set for CJA spending in the local court system would be reached in early February, and seeking authorization for additional funds for use during the remainder of FY 1973. A copy of this letter is attached as Exhibit S. (Letter from Attorney General Kleindienst to Chief Justice Burger outlining the applicability of the Criminal Justice Act in the District of Columbia Court System and urging the support of the Chief Justice in maintaining the funding of the local CJA program as part of the federal budget. A copy of this letter is attached as Exhibit ___.)

January 19, 1973: A letter from Roland Kirks to Chief Judge Reilly requesting a detailed estimate of expenditures for use in preparation of a supplemental CJA appropriation for FY 1973. A copy of this letter is attached as Exhibit T.

January 24, 1973: Letter to Chief Judge Greene from Public Defender Service giving estimates of the total cost of CJA representation for FY 1973. A copy of this letter is attached as Exhibit U.

January 24, 1973: Memorandum from Nancy A. Wynstra to Chief Judge Greene detailing the additional cost of CJA representation for the Superior Court for the period from February 1–June 30. A copy of this memorandum is attached as Exhibit V.

January 26, 1973: Memorandum from Chief Judge Greene to Chief Judge Reilly concerning the needs of the Superior Court for CJA representation from February 1–June 30. A copy of this memorandum is attached as Exhibit W.

January , 1973: Response of Chief Judge Reilly to letter from Roland Kirks.

February 6, 1973: Development of procedures for implementing increased contributions from CJA defendants. A copy of the memorandums to Judge Braman from Tom Hammond and Alan Schuman is attached as Exhibit X.

February 6, 1973: Memorandum from Tom Hammond to Judge Braman concerning implementation of the December 11 recommendations of the Braman Committee for the conservation of CJA funds. A copy of this memorandum is attached as Exhibit Y.

February 7, 1973: Letter from Roland Kirks to Roy Ash, Director of the Office of Management and Budget, submitting a supplemental appropriation request in the amount of $543,000 to permit operation of the Criminal Justice Act in the D.C. Court System throughout FY 973. A copy of this letter is attached as Exhibit Z.

February 7, 1973: Letter from William Sweeney, Administrative Office of the U.S. Courts, to Chief Judge Reilly noting an increase in the number of appointments but a reduction in the cost per case for services rendered in the Superior Court of the District of Columbia for the first half of FY 1973. A copy of this letter is attached as Exhibit AA.

February 15, 1973: Memorandum from Judge Braman to Chief Judge Greene transmitting the Hammond-Schuman memorandum of February 6. A copy of this memorandum is attached as Exhibit BB.

February 16, 1973: Memorandum from Judge Braman to Chief Judge Greene concerning disciplinary measures to be taken against CJA attorneys who falsify vouchers, including a recommendation for reinstatement of a court rule allowing suspension from the appointment panel for such be-

havior. A copy of this memorandum is attached as Exhibit CC.

February 22, 1973: Request from the House Appropriations Committee for the District of Columbia that monies paid to attorneys for indigent criminal defendants pursuant to the Criminal Justice Act be noted in the court budget as if it were a federal grant. A copy of a memorandum from Arnold Malech concerning this request is attached as Exhibit DD.

March 6, 1973: A letter from Chief Justice Burger to Chief Judge Reilly concerning continuing operation of the Criminal Justice Act in the local court system.

On April 10, 1973 the D.C. Judicial Conference went on record in support of the need for continued CJA payments to the District of Columbia. Later that same week the Judicial Conference of the United States again voted not to seek funds in the budget of the Administrative Office of the U.S. Courts to support the operation of the Criminal Justice Act in the District of Columbia. Subsequent to these two meetings Chief Judge Greene wrote letters to all appropriate Congressional committee chairmen outlining the Criminal Justice Act problem and seeking their assistance in solving it. When the Superior Court appeared before the District of Columbia Appropriations Subcommittee last week Senator Bayh and Senator Mathias indicated their feeling that local CJA funding should continue as part of the budget of the federal judiciary and suggested that they would introduce approximate legislation to this effect. Earlier in the month when the Court was before the House Appropriations Subcommittee, Congressman Natcher announced that the full House Appropriations Committee had voted against continuing to fund local operation of the Criminal Justice Act through the federal judiciary budget, and said that he felt sure that money could be found in the District of Columbia budget to pay for this program.

COMPTROLLER GENERAL OF
THE UNITED STATES,
Washington, D.C., May 26, 1972.

Hon. ROWLAND F. KIRKS,
Director, Administrative Office of the United States Courts.

DEAR MR. KIRKS: Your letter of March 7, 1972, requests our opinion as to whether, in light of the reorganization of the local courts in the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970, Public Law 91-358, 84 Stat. 473, the funds appropriated to the Federal Judiciary for the implementation of the Criminal Justice Act (CJA), 18 U.S.C. 3006A, are available to pay attorneys and experts appointed in the District of Columbia Superior Court as well as pay for other services, in cases where exclusive jurisdiction over the criminal offense charged is vested in that court; and if it is our decision that such funds may be so applied in what categories of cases could such attorneys and experts be compensated. You also ask what responsibilities the Judicial Conference of the United States and your office would have over the administration of, and budgeting for, the CJA program in the District of Columbia (D.C.) Superior Court and the District of Columbia (D.C.) Court of Appeals if we determine that CJA applies to cases peculiar to the local jurisdiction of those courts. We wrote to the Executive Officer of the D.C. Courts for his views on these matters, and in response thereto, the Honorable Harold Greene, Chief Judge of the Superior Court of the District of Columbia, furnished us the views of the District of Columbia courts.

In 45 Comp. Gen. 785 (1966)—referred to in your letter—we stated that the Criminal Justice Act is intended to provide adequate representation at all stages for persons charged with the commission of felonies or misdemeanors, other than petty offenses as defined in section 1 of title 18, United States Code, who are financially unable to obtain an adequate defense. We noted that in making such provision, the act was framed in terms of the Federal Court System of which the District of Columbia Court of General Sessions has traditionally not been considered a part. However, we pointed out that with respect to the purposes of the Criminal Justice Act of 1964, the United States District Court for the District of Columbia had concurrent jurisdiction over all criminal cases which could properly be heard in the "United States Branch" of the D.C. Court of General Sessions, and that all criminal cases heard in the Court of General Sessions—other than those involving violations of police or municipal ordinances or regulations—were prosecuted by a United States attorney in the name of the United States. We stated that since the United States determined whether a defendant in a criminal case was to be tried in the United States District Court or in the Court of General Sessions, it was difficult to reach the conclusion that the Congress intended a defendant's entitlement under the Criminal Justice Act to be dependent upon whether the United States should choose to prosecute him in one court rather than another. Thus, we concluded that the Criminal Justice Act of 1964 should be construed as covering the United States Branch of the D.C. Court of General Sessions and that any plan covering application of the act in the District of Columbia should include that Branch. See also our decisions of September 24, 1970, B-153485 and 48 Comp. Gen. 569 (1969).

On July 29, 1970, the District of Columbia Court Reform and Criminal Procedure Act of 1970, Public Law 91-358, 84 Stat. 473 (henceforth referred to as the D.C. Court Reform Act) was enacted into law. Among other things, that act merged the three local courts—the Court of General Sessions, the Juvenile Court, and the D.C. Tax Court—into a new Superior Court. The Superior Court is given exclusive jurisdiction "of any criminal case under any law applicable exclusively to the District of Columbia" except for those already commenced in the United States District Court or those filed there during an 18-month transition period. The D.C. Court Reform Act also established the District of Columbia Public Defender Service and phased out over a 30-month period the former pro rata contributions made from District of Columbia appropriations for the maintenance of the United States District Court and the United States Court of Appeals.

You state that the D.C. Superior Court, having been invested with both misdemeanor and felony criminal jurisdiction of local application, has assumed much of the character of a State court. You further state that it appears that two of the major premises of our original opinions finding the Criminal Justice Act of 1964 applicable to the D.C. General Sessions Court are now eliminated: first, there is no longer concurrent jurisdiction shared by the local court and the United States Court and second, the trial jurisdiction is no longer dependent upon whether the United States should choose to prosecute a defendant in one court rather than another.

On October 14, 1970, shortly after the enactment of the D.C. Court Reform Act, there was enacted Public Law 91-447, 84 Stat. 916, amending 18 U.S.C. 3006A (the CJA), which amendment you describe as a "virtual rewriting of the Criminal Act." While in this act the Congress did not disturb the section (18 U.S.C. 3006A(k)) defining the United State "Districts Courts" to which CJA is applicable, it added a new subsection (1) to the CJA, which subsection provides:

"(1) *Applicability in the District of Columbia.*—The provisions of this Act, other than subsection (h) of section 1, shall be applicable in the District of Columbia. The plan of the District of Columbia shall be approved jointly by the Judicial Council of the District of Columbia Circuit and the District of Columbia Court of Appeals."

This language (except for the phrase "other than subsection (h) of section 1") was initially introduced on April 30, 1970, on the floor of the Senate, by Senator Hruska as an amendment to the bill which amended the CJA. At the time the amendment was introduced, Senator Hruska made the following statement:

"Mr. President, the amendment that I have offered would make the provisions of the Criminal Justice Act, as amended by S. 1461, fully applicable to the District of Columbia.

"This amendment is needed to clarify the application of the act to appointed counsel appearing before the court of general sessions or any other courts of general jurisdiction, now or in the future, in the District of Columbia. The Criminal Justice Act of 1964, as originally enacted, omitted any reference to the District of Columbia Court of General Sessions, although the Comptroller General ruled in 1966 that the act does extend to certain classes of cases prosecuted in that court. As I recall, that was also the intent of the 1964 act.

"Since the Constitutional Rights Subcommittee began consideration of S. 1461, and other proposed amendments to the 1964 act, legislation has been proceeding through the Senate and House District Committees that would significantly reorganize the Federal courts of the District. That legislation is now before a conference committee.

"The concurrent jurisdiction of the District of Columbia District Court and the District Court of General Sessions over certain offenses against the United States would end under that legislation, and the court systems would be greatly changed. It is the concurrent jurisdiction, however, upon which the Comptroller General based his opinion of coverage under the 1964 act.

"Therefore, to insure coverage of the Criminal Justice Act in the District, whether or not the court reorganization bill is enacted, for those classes specified in the 1964 act as amended by S. 1461 as reported by the full Judicial Committee, this amendment is offered." (Congressional Record—Senate, April 30, 1970, S6500, Temp. Ed.)

Senator Hruska's amendment making the CJA applicable in the local courts of the District of Columbia was agreed to by the Senate. It was subsequently accepted by the House, with additional amendments after the Department of Justice noted that the language of the Senate amendment left unclear the applicability of the public defender organization provisions of the act within the District of Columbia and the question of compensation of counsel appointed to represent juveniles. (See the Hearings before Subcommittee No. 3 of the House Judiciary Committee, June 18 and 25, 1970, pages 96 to 99.) While the Department of Justice proposed specific language to deal with these problems, the House Committee merely amended the bill to exempt the District of Columbia from the public defender organization provisions of the CJA within the District of Columbia courts. Thus, House Report No. 91-1546, 91st Congress, explains:

"Amendment No. 11 provides that except for subsection (h) involving defender organizations, the provisions of the Criminal Justice Act apply in the District of Columbia. The District already [sic] a Public Defender Service (title III, Public Law 91-358)."

The House and the Senate both accepted this further amendment of Senator Hruska's amendment.

Further, we note that section 210(a) of the D.C. Court Reform Act revises, codifies, and enacts the general and permanent laws of the

District of Columbia relating to criminal procedure. That section revises title 23, D.C. Code, and provides, in effect, that all criminal prosecutions—except (in most cases) for prosecutions for violations of all police or municipal ordinances or regulations and for violation of all penal statutes in the nature of police or municipal regulations, where the maximum punishment is a fine only or imprisonment not exceeding one year, or prosecutions for violations of section 6 of the act of July 29, 1892 (D.C. Code, section 22–1107), relating to disorderly conduct, and for violations of section 9 of that act (D.C. Code, section 22–1112), relating to lewd, indecent, or obscene acts—shall be conducted in the name of the United States by the United States attorney for the District of Columbia, or his assistants. In other words, most, if not all, criminal prosecutions formerly brought by the United States attorney in the name of the United States in the "United States Branch" of the Court of General Sessions or in the United States District Court for the District of Columbia will now be brought by the United States attorney in the name of the United States in the D.C. Superior Court. Application of the CJA to these cases in the Superior Court would accomplish the stated purpose of the sponsor of subsection (1) of the CJA that CJA coverage in the District under the 1970 amendments should include those classes of cases which were covered by the 1964 act prior to the reorganization of the D.C. Court System.

Moreover, the intent to make applicable the CJA to the District of Columbia courts is obvious from the wording of subsection (1) of the CJA. As noted above, the last sentence of that subsection provides:

"The plan of the District of Columbia shall be approved jointly by the Judicial Council of the District of Columbia Circuit and the District of Columbia Court of Appeals."

We agree with Judge Greene's interpretation of this sentence that:

"* * * Had it not been the clear congressional intent for the Criminal Justice Act to apply to the D.C. Court system, there would, of course, have been no reason whatever for requiring that the Criminal Justice Act plan for the District of Columbia be approved by the District of Columbia Court of Appeals, a local court without strictly 'federal' responsibilities."

We agree that the rationale of our former decisions making the CJA—prior to the 1970 amendments thereto—applicable to the D.C. Court of General Sessions (i.e., the concurrent jurisdiction shared by the local court and the United States District Court for the District of Columbia and the fact that the choice of forum was up to the United States) no longer applies to the D.C. courts as reorganized by the D.C. Court Reform Act. However, it is our opinion that except as to subsection (h) of the CJA relating to public defender systems, subsection (1) of the CJA, as added by Public Law 91–447, clearly and unequivocally makes the CJA applicable to prosecutions brought in the D.C. Superior Court and the D.C. Court of Appeals with regard to those prosecutions brought in the name of the United States, and we so hold.

As to the application of the CJA to juvenile proceedings, section 3006A(a) of title 18, United States Code, provides, in effect, that the CJA will cover:

"* * * any person financially unable to obtain adequate representation (1) who is charged with * * * juvenile delinquency by the commission of an act, which if committed by an adult, would be such a felony or misdemeanor * * * or, (4) for whom the Sixth Amendment to the Constitution requires the appointment of counsel or for whom, in a case in which he faces loss of liberty, any Federal law requires the appointment of counsel. * * *"

House Report 91–1546, dated September 30, 1970, states on page 3 that the purpose of 18 U.S.C. 3006A is to:

"* * * render explicit the coverage [under section 3006A(a)(1)] of persons charged with juvenile delinquency. Within the District of Columbia, children would also be covered by section [3006A(a)(4)], insofar as the District of Columbia Court Reform and Criminal Procedure Act of 1970 (Public Law 91–358, approved July 29, 1970) requires the appointment of counsel for them in cases in which they face loss of liberty * * *"

In other words, the provisions of 18 U.S.C. 3006A(a)(1) are applicable in the District of Columbia, as in all the other CJA covered jurisdictions, to persons charged with juvenile delinquency by the commission of an act which, if it had been committed by an adult, would be a felony or misdemeanor (other than a petty offense as defined by 18 U.S.C. 1) or with violation of probation covered by the provisions of the CJA, and the provisions of 18 U.S.C. 3006A(a)(4) cover persons charged in juvenile proceedings in the District of Columbia for whom the Sixth Amendment of the Constitution requires the appointment of counsel, or for whom, in a case in which the juvenile faces loss of liberty, any Federal law—including, in particular, the D.C. Court Reform Act—requires the appointment of counsel.

As to your final question, the Administrative Office of the United States Courts should handle the administration of, and budgeting for, the CJA program in the District of Columbia's local courts generally in the same manner as it has in the past and to the extent possible as it administers and budgets for programs of the Federal district courts, except, of course, that the administration of, budgeting for, and financing of, the District of Columbia Public Defender Service should be in accordance with sections 306 and 307 of the D.C. Court Reform Act. Except for the aforementioned, this decision should not be construed to increase or decrease the responsibilities of the Judicial Conference of the United States or the Administrative Office of the United States Courts under sections 604, 605, and 610 of title 28, United States Code with respect to the D.C. Superior Court and the D.C. Court of Appeals.

Copies of this decision are being sent to the Executive Director of the District of Columbia Courts and to the Chief Judge of the Superior Court of the District of Columbia.

Sincerely yours,

R. F. KELLER,
Deputy Comptroller General of the United States.

AMERICAN BAR ASSOCIATION,
Washington, D. C., September 15, 1973.

Hon. SAM J. ERVIN, Jr.,
Chairman, Subcommittee on Constitutional Rights, U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: Your letter of September 13 requests Association support for efforts to continue Criminal Justice Act funding for the courts of the District of Columbia for the current fiscal year. You also suggest that such funding should be included in the Judiciary budget rather than in the District of Columbia budget as has apparently been proposed by others.

This matter was discussed today by the Administration Committee of the Association at its meeting here in Washington. As mentioned in your letter, the Association has long supported the concept embodied in the Criminal Justice Act. You will recall our cooperation with you and other congressional leaders who secured the enactment of the Act in 1964 and the adoption of desirable amendments in 1970. On behalf of the Association, therefore, I am pleased to inform you that we support full funding of the District of Columbia program as authorized by the Act for the current fiscal year and that the Association urges that you and your colleagues make every effort to assure the necessary funding.

With regard to the question of the appropriate budget for the funds, it appears to me that the Association is not in a position to make that determination. In any event, however, we have concluded that this question should not be considered by the Administration Committee without the benefit of advice from concerned groups within the Association structure. We, therefore, propose to refer your letter to appropriate entities within the Association with a request for their early advice.

We appreciate very much your continued interest in the Association's position on issues before the Congress.

Sincerely,

CHESTERFIELD SMITH.

Mr. PASTORE. Mr. President, if the Senator would yield at that point, I think I should also state for the benefit of my colleague that the House did not allow any money for representation under the act for people appearing before the district courts of the District of Columbia. The argument that was made that this actually belongs in the District of Columbia budget. We were told that Mayor Washington for the 1975 fiscal year would suggest money and recommend money in the District of Columbia budget.

Realizing the fact that there was no money in our bill and no money in the District of Columbia bill and that we would have had a complete hiatus, the Senate committee took the $2,250,000 and divided it in two in order to have money in there at least up until December 31, 1973, with the understanding—and we wrote it in the report—that the committee expected that a supplemental budget estimate request for funding with the moneys available to the District of Columbia for the period January 1, 1974, through June 30, 1974, will be made.

That is why we did that. We recognized that we had to have the money. We did this to initiate action on the part of the Senate and the House and on the part of the District of Columbia officials. We thought that we should allow it up to December 31, so that we would have that money. They would then send up the budget.

Mr. President, I hope that the Senate will go along with it, because if they do not put it in the budget, I propose to put it back in.

Mr. ERVIN. Mr. President, I appreciate the position of the Senator and the position of the committee. I think that we should have the funds needed for the first half of the fiscal year. However, unfortunately Congress may be in adjournment by the time any supplemental request could be made, and we would have a situation in which no funds would be left with which to provide for the representation to indigent defendants of the District of Columbia.

Mr. PASTORE. Mr. President, we realize that. However, there will be a supplemental appropriations bill just before adjournment sine die. I make a pledge to the Senator that if they have not acted to put the funds in the District of Columbia budget, I will put in

the balance that the Senator specified, under the judiciary budget. I am perfectly willing to do that.

We will have a supplemental bill before we go home. We will know then how much of the $1.225 million was funded. If there is enough money to carry it over until next year, that will be fine. Otherwise, we will appropriate the amount needed.

Mr. ERVIN. Mr. President, I appreciate the Senator's position. However, I wonder if the Senator would be willing to take it to conference and see what he could work out with the House, because the funds are needed if the act is to be effective in the District of Columbia.

Mr. PASTORE. Mr. President, I do not have any objection to it. If the Senator would make it $2 million instead of $2,225,000, I will take it to conference if the Senator from Nebraska is agreeable.

Mr. ERVIN. That would be satisfactory. I would ask that my amendment be modified accordingly.

Mr. HRUSKA. Mr. President, the effect of the amendment as modified would be to raise the figure to $17,500,000 for this item?

Mr. PASTORE. It is just a matter of correcting the figure. We will have to correct the figure because it will have to correspond. The $2,250,000 will become $2,000,000.

Mr. HRUSKA. It simply adds $875,000 without any language change. It is just in the amount.

Mr. PASTORE. The Senator is correct. However, this will vitiate the language "December 31" in the report.

Mr. ERVIN. This would raise it to $2 million in the first instance.

Mr. PASTORE. We would have to increase the figure by adding $875,000 to the committee figure of $1,125,000.

Mr. ERVIN. The Senator is correct.

Mr. President, I modify the amendments to conform to the suggestion of the Senator from Rhode Island.

The PRESIDING OFFICER. The amendments are so modified.

The modification of the amendment is as follows:

On page 41, line 17, strike "$16,625,000" and insert $17,500,000".

On page 41, line 18, strike $1,125,000" and insert "$2,000,000".

Mr. ERVIN. Mr. President, I thank the Senator from Rhode Island and the Senator from Nebraska for the position they have taken on this matter. This will mean that there will be no hiatus in any event in the funding.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

Mr. President, since the passage of the Criminal Justice Act, this matter has been the subject of some controversy. The difficulty stems from the question of who should administer and disburse these funds.

Frankly, I was in agreement with the thoughts expressed earlier this afternoon on the floor by the Senator from North Carolina. The Comptroller General of the United States agreed. However, the House disagreed.

The committee sought a temporary solution and was hopeful that it would be permanent starting in fiscal year 1975. It was understood that the Mayor of the District of Columbia would come here and support it. However, that involves a good deal of difficulty, for we will very likely be in adjournment at that time and it would not be practicable to get it done.

For that reason, I am glad that the amendments as modified have been agreed to. I express agreement with the fashion in which the Senator from North Carolina expressed the matter.

Mr. ERVIN. Mr. President, I thank the Senator from Nebraska. He and I were sponsors of the Criminal Justice Act which was a step forward in the administration of criminal justice in the United States. This would expedite a final solution of the matter.

I would be glad to have the Constitution Rights Subcommittee, of which the Senator from Nebraska and I are members, hold joint hearings, if necessary, with the Criminal Justice Subcommittee to bring about a final solution to this problem.

Mr. HRUSKA. Mr. President, I think it would be a good idea. I agree with that.

The PRESIDING OFFICER. Is all time yielded back?

Is all remaining time yielded back?

Mr. ERVIN. I yield back any time I have remaining.

Mr. PASTORE. I yield back my time.

Mr. GRIFFIN. Mr. President, is any time left?

Mr. PASTORE. Oh, yes. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 54 minutes on the bill.

Mr. PASTORE. What about on the amendment?

The PRESIDING OFFICER. Time was yielded back on the amendment.

Mr. PASTORE. I ask unanimous consent that my request be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. PASTORE. I yield whatever time I have to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, if the floor manager will permit me, I had not intended to speak on this amendment, but another feature of the bill.

Mr. PASTORE. I do not care what the Senator speaks on.

Mr. GRIFFIN. I yield to my senior colleague; we have a common interest.

Mr. HART. Mr. President, we do have a common interest, one really shared by the people of the entire Great Lakes Basin; most particularly by Michigan, I suppose, because of the geography.

We rise to express appreciation to the Senator from Rhode Island, the Senator from Nebraska, and others on the committee for increasing, actually, the sum available to the Great Lakes fisheries in the effort to continue the effective attack on the lamprey eel.

In August, I attended the Great Lakes Fisheries Commission annual meeting. All of the members of that commission expressed concern lest we lessen our effort in the drive to eliminate the lamprey. The committee has responded, and I as one of the two Senators from Michigan rise to express appreciation.

Mr. GRIFFIN. Mr. President, I associate myself with the remarks of my distinguished senior colleague. I wish to add that during the forties and the fifties, in particular, the whitefish, the lake trout, and the steelhead in the Great Lakes had almost become extinct because of the menace of the lamprey eel. The program to which we are referring was instituted and, I think, has been carefully and wisely administered by the Great Lakes Fishery Commission in conjunction with Canada.

Last year in particular, when the lake trout were coming back into Lake Michigan and the other lakes of the Great Lakes, there was considerable concern because the funding for this program had been cut back. Many people in our State were particularly concerned that just as we were about to get the problem under control, it looked as though there would be some effort to cut the program back.

Now the administration has requested an increase over the funding for last year, and the House of Representatives and this committee have concurred in that request. I join my colleague in commending the distinguished chairman of the subcommittee, the ranking Republican member of the subcommittee, and other members of the Appropriations Committee for seeing the wisdom of following this program and making sure that this menace is totally eradicated.

I ask unanimous consent that some material from the hearings on this particular item be extracted and printed in the RECORD at this point.

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

GREAT LAKES FISHERY COMMISSION

Actual 1972: $1,827,000.
Actual 1973: $1,884,100.
Estimate 1974: $1,914,100.
Increase: $30,000.

The net increase requested of $30,000 is for the cost of research to determine the effects on the environment of the use of lampricides. Previously the U.S. contribution for this research was $232,810 in FY 1972 and $129,100 in FY 1973. With the requested increase it would be $159,100 in FY 1974.

The registration-oriented research on the lampricides TFM and Bayer 73 is required to satisfy more stringent regulations established for re-registration by the United States Environmental Protection Agency. The special investigations on TFM begun in fiscal year 1971 and continued in fiscal year 1972 will be substantially completed in fiscal year 1973. The research proposed in fiscal year 1974 is designed to investigate the safety of the lampricidal mixture of TFM and Bayer 73 which is deemed necessary to keep the costs of sea lamprey control at an economical justifiable level.

The value of powdered Bayer 73 is essentially economic. The addition of a small amount of Bayer 73 (one to two percent by weight) greatly enhances the action of TFM. In streams where Bayer 73 can be used, it can reduce the required amount of TFM by approximately one-half. It is estimated that the use of TFM-Bayer 73 mixtures in treatments of United States and Canadian streams has provided savings of about $200,000 per year in chemical costs.

Currently the Bayer 73 registration is tenuous. EPA could at any time advise agencies of its intention to cancel the registration within 30 days. Its current status is illustrated by an excerpt taken from a Notice issued March 12, 1971 by the Pesticides Regulation Division of EPA as follows:

"Registration for many of the pesticide use patterns accepted on a "zero tolerance" or "no residue" basis are being continued based on pending petitions for finite tolerances or upon request of a Federal agency. A published listing of these extended uses will not be issued. Those uses not cancelled will be considered extended until further notice. Additional cancellations will be issued in the event that some pending petitions are withdrawn or the requested clearances are denied."

Failure to conduct this research to provide the information required by EPA to determine the safety of TFM and Bayer 73 lampricidal mixture in the environment could result in cancellation of its registration. Based on stream treatments scheduled, the loss of Bayer 73 in the lamprey control program would increase TFM requirements by 180,000 pounds at a cost of $630,000 ($3.50/pound) between fiscal years 1974 and 1976.

This Commission has reported encouraging results in fulfillment of one of its major responsibilities—controlling the parasitic sea lamprey in the Great Lakes. A substantial degree of control has been achieved in Lakes Superior and Michigan where it has been possible to introduce successfully the valuable Pacific salmon and to rehabilitate the highly desirable native stocks of lake trout, steelhead, and whitefish—species virtually destroyed by the sea lamprey during the 1940's and 1950's. The Commission has reduced and is holding the lamprey in these lakes to about 10–15 percent of their former abundance. Similar trends are also evident in Lake Huron and are expected to occur soon in Lake Ontario where first round lampricide treatments were completed in fiscal year 1972.

The presence of significant populations of desirable species in the Upper Lakes has generated a rapidly growing sport fishery. Prior to lamprey control and the introduction of valuable salmonid species, Great Lakes sport fishing was severely limited. By 1969, however, the fishery in Michigan waters alone produced 1 million salmonids in about 2 million angler-days, and by 1971 this had risen to 2.3 million salmonids caught in 3.9 million angler days. An economic study of the sport fishery in Michigan waters indicated the net value of the trout and salmon resource in 1969 to be between $5 and $7 million.

As the sea lamprey have yielded to control in Lakes Superior and Michigan, planted lake trout (the most susceptible to lamprey attack of all Great Lakes fish), salmon, and other trout species have experienced excellent growth and high rates of survival. Stocks of immature (17 to 24 inches in length) lake trout have been restored to pre-lamprey abundance; the total annual mortality of such trout in recent years has been less than 10 percent. Older mature trout are becoming more abundant and spawning has resumed, although survival to sexual maturity has not been sufficient yet for natural reproduction to make significant contributions to the stocks. Indeed, larger trout nearing first spawning continue to suffer 30 to 80 percent annual mortality rates depending on lamprey abundance. In Lake Michigan, total returns from annual plantings of coho salmon have ranged from 19 to 32 percent—spectacular by any standards. Substantial increases have also been noted in the abundance of whitefish and rainbow (steelhead) trout. Other examples include: commercial production of whitefish in northern Lake Michigan which fell to an all-time low of 25,000 pounds in 1957 has increased to 2.0 million pounds in 1971; and the number of mature steelhead trout counted at the Little Manistee River weir during their spawning run has shown an increase from 17 fish in 1957 to 7,300 fish in 1971. There are, however, areas in the lakes where lamprey wounds on larger lake trout continue to be very high indicating that the residual lamprey population is still capable of inflicting heavy losses on such trout.

LAKE SUPERIOR

In fiscal year 1974 the Commission plans to retreat 20 streams (14 in United States and 6 in Canada); examine deep water areas to locate and destroy lamprey larvae; routinely examine other streams to determine time for retreatment; operate assessment barriers on 8 lamprey spawning streams; and construct simple lamprey barriers on selected lamprey streams.

LAKE MICHIGAN

Routinely survey streams to determine time for retreatment; retreat reinfested streams; and examine, locate, and destroy larvae populations in difficult-to-treat deep water areas such as estuaries at the mouths of lamprey-producing streams.

LAKE HURON

Retreat 18 streams (12 in the United States and 6 in Canada); routinely survey other streams to determine time for retreatment; examine, locate, and destroy larvae populations in difficult-to-treat deep water areas as estuaries at the mouths of lamprey-producing streams; and operate assessment barriers on 8 lamprey spawning streams.

LAKE ONTARIO

Construct a lamprey barrier dam on Graham Creek (a Canadian tributary), and routinely survey lamprey streams to determine time of retreatment.

COMPARATIVE FUNDS, FISCAL YEAR 1972 THROUGH FISCAL YEAR 1974

Projects	Actual, 1972	Estimate, 1973	Estimate, 1974	Increase or decrease
A. Sea lamprey control and research:				
Lake Superior:				
Chemical operations	$416,100	$724,180	$701,690	−$22,490
Barrier operations	110,000	111,200	141,720	+30,520
Subtotal	526,100	835,380	843,410	+8,030
Lake Michigan:				
Chemical operations	421,350	576,350	617,645	+41,295
Barrier operations				
Subtotal	421,350	576,350	617,645	+41,295
Lake Huron:				
Chemical operations	565,900	779,220	579,905	−199,315
Barrier operations	35,500	36,900	37,945	+1,045
Subtotal	601,400	816,120	617,850	−198,270
Lake Ontario: Chemical operations	$472,550		$148,945	+$148,945
Research:				
Registration oriented lampricide	337,400	$187,100	230,580	+43,480
Other research	227,000	254,250	254,250	
Subtotal	564,400	441,350	484,830	+43,480
Total operations	2,585,800	2,669,200	2,712,680	+43,480
B. Administration and general research	76,900	84,700	84,700	
Grand total	2,662,700	2,753,900	2,797,380	+43,480
C. Distribution by governments:				
United States	[1] 1,827,000	[2] 1,884,100	[3] 1,914,100	+30,000
Canada	835,700	869,800	883,280	+13,480

[1] Lamprey control and research at 69 percent=1,788,550/administration and general research at 50 percent=38,450.
[2] Lamprey control and research at 69 percent=1,841,750/administration and general research at 50 percent=42,350.
[3] Lamprey control and research at 60 percent=1,871,750/administration and general research at 50 percent=42,350.

Mr. KENNEDY. Mr. President, H. R. 8916—the State, Justice, Commerce, the judiciary and related agencies appropriations bill—contains a most puzzling inconsistency. Under H.R. 8916, funding to finance legal counsel for indigent criminal defendants in the District of Columbia, provided for under the Criminal Justice Act, will be continued through the Administrative Office of the U.S. Courts for only part of the current fiscal year. Presumably, this means that the Congress will be asked at a later date to provide for further funding of this program in a supplemental appropriation. Identical programs created under the Criminal Justice Act in the other Federal districts, however, have not been dealt with in this manner.

It appears that this inconsistency arises from a long-standing controversy over which Federal agency should administer and budget funds for Criminal Justice Act defense services in the District of Columbia. Historically, these funds were included in the budget of the Administrative Office of the U.S. Courts. However, the Judicial Conference of the United States voted on October 26, 1972, not to include these specific defense services funds in its fiscal 1974 budget. The action by the judicial conference was taken despite the clear legislative intent of the Congress that the Federal judiciary administer all funds provided under the Criminal Justice Act. This legislative intent was specifically affirmed by the Comptroller General in his decision of May 26, 1972.

It is clear that any curtailment in Criminal Justice Act defense services funds for the District of Columbia would be disastrous. The D.C. Public Defender Service can handle no more than approximately 20 percent of the prosecutions brought by the United States in the District of Columbia. Without Criminal Justice Act financed attorneys, the remaining 80 percent of criminal cases would be difficult to prosecute, since the Constitution guarantees every criminal defendant the right to be represented by counsel. It is doubtful that uncompensated practicing attorneys pressed into service by mandatory decrees of the courts would be able to fill the gap, so we would be faced with the probability of dismissal of prosecutions for want of defense counsel.

In light of the disruptive consequences,

should funding for this program in the District of Columbia be terminated by an appropriation that does not cover the entire fiscal year, I have joined with the distinguished Senator from North Carolina, Senator ERVIN, in proposing that H.R. 8916 be amended to insure that legal counsel for indigent defendants will be continued for the full fiscal year. The appropriations process is not the proper mechanism for determining whether another Federal agency will administer a program which Congress has specifically indicated is the responsibility of the Federal judiciary. Any such change should be accomplished by affirmative legislative action, and I join Senator ERVIN in the call for hearings on this subject to be held jointly by the Subcommittee on Constitutional Rights and the Senate District Committee for the purpose of determining which Federal agency should administer these funds.

I am firmly convinced for now, however, that full financing of the D.C. criminal justice program through the normal means of the Federal judiciary budget should be continued until this controversy is resolved by the legislative process.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield back the remainder of his time?

Mr. PASTORE. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from North Carolina, as modified.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. PASTORE. Mr. President, I have an amendment to the text of the language dealing with the American Battle Monuments Commission. It is technical in nature.

I ask unanimous consent that on page 44, line 15, the word "countries" be changed to the word "counties" as contained in the act as passed by the House and sent to the Senate. The correct word is "countries", but in order for the Senate to insert the correct word I now send to the desk an amendment to change the word "counties" to "countries".

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 44, line 15, change the word "counties" to "countries".

The PRESIDING OFFICER. Is time on the amendment yielded back?

Mr. PASTORE. I yield back my time.

Mr. HRUSKA. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment was agreed to.

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

The PRESIDING OFFICER. On whose time?

Mr. PASTORE. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. PASTORE. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

A LETTER FROM DR. SAKHAROV—ON DÉTENTE AND FREEDOM OF EMIGRATION

Mr. JACKSON. Mr. President, every year the Congress receives, from individuals and organizations, hundreds of open letters on every conceivable sort of issue. But never in the more than 30 years that I have served in the House and Senate have I seen an open letter that so deeply challenges the conscience of the Congress, or so profoundly appeals to the spirit of the American people, as the brave letter released in Moscow Saturday by Andrei Sakharov.

Sakharov, who is known throughout the world for his great achievements as a scientist, including his central role in the development of the Soviet hydrogen bomb, has, at great personal risk, established himself as the principal spokesman both for civil rights in the Soviet Union, and an international détente based upon the development of human rights. For his courage, his eloquence, and his wisdom, he has earned the admiration and respect of men throughout the world who are dedicated both to individual liberty and to the sort of stable international society that can only result from a lowering of the barriers to the free movement of men and ideas. For his heroic refusal to be silent in the face of threats and intimidation, Sakharov has earned the bitter wrath and coercion of the Soviet state that once conferred upon him its highest awards—and that now seeks to isolate him from his own people and to silence his call for peace based on a vision of human rights.

I know I speak for millions of Americans in deploring the failure of the highest officials of this administration to speak out on behalf of Sakharov and Alexander Solzhenitsyn, in support of the view of these distinguished Russian citizens that any genuine détente must be based on human rights. Health, Education and Welfare Secretary Caspar Weinberger's outrageous criticism of the President of the National Academy of Sciences for his defense of Sakharov disgraces the American tradition of speaking out on behalf of individual liberty. To Weinberger, who condones Soviet repression on the grounds that scientific exchange with the Soviets benefits mankind, I say this: mankind will never truly benefit from scientific exchange that takes place in the shadow of official persecution of great men of science. Instead of condemning the American scientific community Secretary Weinberger should condemn the Soviets' 20th century inquisition directed against free thought and expression.

It is a sorry indication of how easily the highest officials of the administration would betray the principles on which this great Nation is founded when the Secretary of State-designate has indicated his practical indifference to the appeals of Soviet intellectuals who know that progress in the area of human rights must be a condition of economic and political concessions to the Soviet Union. A failure to insist upon progress in the area of human rights in the context of the developing détente is a betrayal of our own highest values. It also ignores the requirements for a more peaceful world. The confidence which we can have in the commitment of the Soviet Union to a genuine era of peaceful East-West relations can best be measured by the willingness of the Soviet authorities to accept an increasing measure of individual freedom in the East. Therefore, until we see signs of genuine change in Soviet policy on human rights, we will never know whether the "relaxation of tensions" is tactical and ephemeral, or whether it is basic and likely to endure. Now, at the beginning of the road to détente, is the time to test the direction we are asked to travel. For as Sakharov has said—and this is the man who is the father of the hydrogen bomb, I remind my colleagues, the Soviet Union's foremost man of science, giving some advice to the Congress of the United States:

For decades the Soviet Union has been developing under conditions of an intolerable isolation, bringing with it the ugliest consequences. Even a partial preservation of those conditions would be highly perilous for all mankind, for international confidence and detente.

In view of the foregoing, I am appealing to the Congress of the United States to give its support to the Jackson Amendment, which represents in my view and in the view of its sponsors an attempt to protect the right of emigration of citizens in countries that are entering into new and friendlier relations with the United States.

The Jackson Amendment is made even more significant by the fact that the world is only just entering on a new course of detente and it is therefore essential that the proper direction be followed from the outset. This is a fundamental issue, extending far beyond the question of emigration.

Mr. President, I ask unanimous consent that the entire text of Dr. Sakharov's letter, issued in Moscow last Saturday, be printed in the RECORD.

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

OPEN LETTER TO THE CONGRESS OF THE UNITED STATES FROM ANDREI SAKHAROV, MOSCOW, SEPTEMBER 14, 1973

At a time when the Congress is debating fundamental issues of foreign policy, I consider it my duty to express my view on one such issue—protection of the right to freedom of residence within the country of one's choice. That right was proclaimed by the United Nations in 1948 in the Universal Declaration of Human Rights.

If every nation is entitled to choose the political system under which it wishes to live, this is true all the more of every individual person. A country whose citizens are deprived of this minimal right is not free even if there were not a single citizen who would want to exercise that right.

But, as you know, there are tens of thousands of citizens in the Soviet Union—Jews, Germans, Russians, Ukrainians, Lithuanians, Armenians, Estonians, Latvians, Turks and members of other ethnic groups—who want

to leave the country and who have been seeking to exercise that right for years and for decades at the cost of endless difficulty and humiliation.

You know that prisons, labor camps and mental hospitals are full of people who have sought to exercise this legitimate right.

You surely know the name of the Lithuanian, Simas A. Kudirka, who was handed over to the Soviet authorities by an American vessel, as well as the names of the defendants in the tragic 1970 hijacking trial in Leningrad. You know about the victims of the Berlin Wall.

There are many more lesser known victims. Remember them, too!

For decades the Soviet Union has been developing under conditions of an intolerable isolation, bringing with it the ugliest consequences. Even a partial preservation of those conditions would be highly perilous for all mankind, for international confidence and detente.

In view of the foregoing, I am appealing to the Congress of the United States to give its support to the Jackson Amendment, which represents in my view and in the view of its sponsors an attempt to protect the right of emigration of citizens in countries that are entering into new and friendlier relations with the United States.

The Jackson Amendment is made even more significant by the fact that the world is only just entering on a new course of detente and it is therefore essential that the proper direction be followed from the outset. This is a fundamental issue, extending far beyond the question of emigration.

Those who believe that the Jackson Amendment is likely to undermine anyone's personal or governmental prestige are wrong. Its provisions are minimal and not demeaning.

It should be no surprise that the democratic process can add its corrective to the actions of public figures who negotiate without admitting the possibility of such an amendment. The amendment does not represent interference in the internal affairs of socialist countries, but simply a defense of international law, without which there can be no mutual trust.

Adoption of the amendment therefore cannot be a threat to Soviet-American relations. All the more, it would not imperil international detente.

There is a particular silliness in objections to the amendment that are founded on the alleged fear that its adoption would lead to outbursts of anti-semitism in the U.S.S.R. and hinder the emigration of Jews.

Here you have total confusion, either deliberate or based on ignorance about the U.S.S.R. It is as if the emigration issue affected only Jews. As if the situation of those Jews who have vainly sought to emigrate to Israel was not already tragic enough and would become even more hopeless if it were to depend on the democratic attitudes and on the humanity of OVIR [the Soviet visa agency]. As if the techniques of "quiet diplomacy" could help anyone, beyond a few individuals in Moscow and some other cities.

The abandonment of a policy of principle would be a betrayal of the thousands of Jews and non-Jews who want to emigrate, of the hundreds in camps and mental hospitals, of the victims of the Berlin Wall.

Such a denial would lead to stronger repressions on ideological grounds. It would be tantamount to total capitulation of democratic principles in face of blackmail, deceit and violence. The consequences of such a capitulation for international confidence, detente and the entire future of mankind are difficult to predict.

I express the hope that the Congress of the United States, reflecting the will and the traditional love of freedom of the American people, will realize its historical responsibility before mankind and will find the strength to rise above temporary partisan considerations of commercialism and prestige.

I hope that the Congress will support the Jackson Amendment.

(signed) A. SAKHAROV.

September 14, 1973.

Mr. JACKSON. Mr. President, let me quote from another part of the letter because there has been such misunderstanding of the Jackson amendment—one paragraph from Dr. Sakharov's letter—and he is referring here to the right of Jews to leave:

But, as you know, there are tens of thousands of citizens in the Soviet Union—Jews, Germans, Russians, Ukrainians, Lithuanians, Armenians, Estonians, Latvians, Turks and members of other ethnic groups—who want to leave the country and who have been seeking to exercise that right for years and for decades at the cost of endless difficulty and humiliation.

Mr. President, I mention that, only in the context of our understanding here, that we are talking about something very fundamental which is now international law. In 1948 the United Nations adopted a Universal Declaration of Human Rights, under article XIII, which provided for the right of any citizen to leave the country and to return to that country; 25 years later we are talking about the very same point, not really having done anything about it, unless and until the Jackson amendment is adopted.

Mr. President, I have been dismayed to learn that a high American official, the Deputy Assistant Secretary of Commerce for East-West trade, recently sent an intermediary to meet with a group of Russian Jews—brave men who have been waging a heroic struggle for the right to emigrate freely—to advise them to lobby American citizens against my amendment to the trade bill that would make trade concessions to the Soviet Union contingent on free emigration. But what is perhaps most shameful is the indication, in a statement by 12 Jewish scientists in Moscow, that this American official warned that the Soviet Government would "wreak vengeance" on its Jewish citizens and that "no one would be able to come to [their] aid" if the Jackson amendment were to be approved by the Congress.

In contrast to the ugly spectacle of a high administration official conveying a Soviet warning of reprisals, there is this response from the brave Jews of the Soviet Union:

Apprehension for our future fate must not become a . . . pretext to abandon the fight for our human rights.

And, of course, as Sakharov well understands, the Jackson amendment and the struggle for free emigration extend to citizens in the Soviet Union, Jews and non-Jews alike, who, in Sakharov's words:

Want to leave the country and who have been seeking to exercise that right for years and for decades at the cost of endless difficulty and humiliation.

Mr. President, Andrei Sakharov, in his open letter to us, has courageously and eloquently urged that the Congress agree to my amendment to the trade bill and to its companion measure, the Mills-Vanik provision in the House. It is ironic that Sakharov's forceful argument should come to us at a moment when the trade bill is before the House Committee on Ways and Means and when there is a move underway—which I am certain will not succeed—to kill the Mills-Vanik measure by a hastily drafted administration-backed Corman-Pettis alternative that would disappoint the hopes of thousands of people to whom we are trying to help bring just a little bit of freedom. I am confident that the House of Representatives, and the 18 cosponsors of the Mills-Vanik amendment on the Ways and Means Committee, will reject this or any such maneuver and keep their promise to those innocent men and women who desire only to emigrate to the free world.

Withholding most-favored-nation treatment and subsidized credits from nonmarket countries until they implement the right to emigrate is the most effective action the Congress can take in the area of human rights. The Mills-Vanik amendment in the House and the Jackson amendment in the Senate do just that. As a nation of immigrants, we can do no less.

Mr. President, Andrei Sakharov, by speaking out at this moment when both he himself and the movement for human rights in the Soviet Union are gravely threatened by the full power of the Soviet state, has challenged each of us to higher levels of conscience and responsibility. Let me conclude with his words—and with my affirmation that we shall meet our responsibilities before history:

The abandonment of a policy of principle would be a betrayal of the thousands of Jews and non-Jews who want to emigrate, of the hundreds in camps and mental hospitals, of the victims of the Berlin Wall.

Such a denial would lead to stronger repressions on ideological grounds. It would be tantamount to total capitulation of democratic principles in face of blackmail, deceit and violence. The consequences of such a capitulation for international confidence, detente and the entire future of mankind are difficult to predict.

I express the hope that the Congress of the United States, reflecting the will and the traditional love of freedom of the American people, will realize its historical responsibility before mankind and will find the strength to rise above temporary partisan considerations of commercialism and prestige.

I hope that the Congress will support the Jackson Amendment.

STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1974

The Senate continued with the consideration of the bill (H.R. 8916) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary and related agencies for the fiscal year ending June 30, 1974, and for other purposes.

Mr. MONDALE. Mr. President, I send to the desk an amendment and ask unanimous consent that its reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and reading of the amendment will be dispensed with. It will be printed in the RECORD at this point.

The text of the amendment is as follows:

On page 14, between lines 3 and 4, insert the following new section:

SEC. 105. (a) The Senate finds that—

(1) physicist Andrei Sakharov, novelist Alexander Solzhenitsyn, historian Pyotr Yakir, economist Viktor Krasin, and other citizens of the Soviet Union have demonstrated enormous courage and intellectual honesty in advocating and defending the importance of fundamental civil and political liberty, the necessity for the free and unrepressed dissemination of ideas, and the meaning of basic human decency although faced with increasing harassment and imminent danger of criminal sanction;

(2) the intensive and thorough campaign of the Soviet Government to intimidate and deter those who have spoken out against repression of political and intellectual dissent profoundly offends the conscience of a free people; and

(3) recent incidents of Soviet Government-sanctioned anti-Semitism violate internationally agreed-upon principles of human rights, including free emigration and free expression of ideas.

(b) It is, therefore, the sense of the Senate that the President should take immediate and determined steps to—

(1) impress upon the Soviet Government the grave concern of the American people with the intimidation of those within the Soviet Union who do not adhere to prevailing ideology;

(2) call upon the Soviet Government to permit the free expression of ideas and free emigration by all its citizens in accordance with the Universal Declaration of Human Rights; and

(3) use the medium of current negotiations with the Soviet Union as well as informal contacts with Soviet officials in an effort to secure an end to repression of dissent.

Mr. MONDALE. Mr. President, this is a sense of the Senate resolution in the form of an amendment, and follows the comments of the distinguished Senator from Washington (Mr. JACKSON) concerning the outrageous and repressive treatment by the Soviet Government of many distinguished critics in the Soviet Union, led by such great world citizens as Mr. Alexander Solzhenitsyn, the Nobel laureate, and Dr. Sakharov, the father of the Soviet hydrogen bomb, and many other men of letters and science, as well as literally millions of minorities and others in the Soviet Union who have been intimidated and repressed, as the Senator from Washington (Mr. JACKSON) so clearly and eloquently just described earlier.

Mr. President, I was offended, astounded, and shocked the other day when, following a most moving resolution by the National Academy of Sciences, under the direction of Dr. Handler, condemning the harassment and detention of Sakharov and the other repressive acts to which we have made reference, our own Secretary of Health, Education and Welfare, Mr. Weinberger, upon his return from a tour of health facilities in the Soviet Union—I wish he would visit some of our own—incredibly criticized the National Academy of Sciences for taking this position on behalf of humanity and condemned it as being contrary to the policy of the United States.

Mr. President, on many occasions our country has made clear its support of article 5 of the United Nations, which calls for an international convention on the elimination of all forms of racial discrimination—which, incidentally, was ratified by the Soviet Union in 1969—and article 19, the so-called Universal Declaration of Human Rights, which says:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of subject.

It is not only these articles, but also such things as the recent public humiliation of Mr. Yakir and Mr. Krasin, who, in an appearance that was remindful of the sham trials described by Arthur Koestler in "Darkness at Noon," were forced to appear in front of western journalists and plead guilty to phony charges which had been placed against them by the Soviet Government.

These practices, it seems to me, require at least an expression of outrage by the Senate and some of the other steps to which Senator JACKSON and others have made reference. That is what this sense of the Senate resolution is designed to do, and I hope the distinguished floor manager will accept it.

Mr. President, I ask unanimous consent that the name of the Senator from Massachusetts (Mr. KENNEDY) be added as a cosponsor.

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

Mr. PASTORE. Mr. President, there is a relevancy between this amendment and the State Department, although it is not binding. It is merely a sense of the Senate resolution. We all feel as strongly about this as does the Senator from Minnesota, and I do not think anybody in the Chamber is opposed to it—at least, so far as I know. I am going to accept it.

Mr. HRUSKA. I have no objection.

Mr. PASTORE. I yield back the remainder of my time.

Mr. MONDALE. I wish to make one modification, so that the amendment will read "section 106." It is a technical change.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota, as modified.

The amendment, as modified, was agreed to.

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 47, line 24, strike out "$40,000,000" and insert in lieu thereof "$45,934,000".

Mr. HUMPHREY. Mr. President, the amendment merely adds $5 million to the Radio Free Europe appropriation. This still would be below the authorization. It would make the sum of $45,934,000 instead of $40 million.

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

Mr. HUMPHREY, I yield.

Mr. PASTORE. The House cut the estimate by $5 million. We cut it further $5 million. I understand that this amendment brings it back to the House figure.

Mr. HUMPHREY. That is correct.

Mr. PASTORE. If that is the case, I am perfectly willing to accept it, if the Senator from Nebraska is.

Mr. HRUSKA. Mr. President, the suggestion is agreeable to this Senator.

The PRESIDING OFFICER. Is all time yielded back?

Mr. HUMPHREY. I yield back the remainder of my time.

Mr. PASTORE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors of the amendment: Mr. MATHIAS, Mr. PERCY, Mr. MCGEE, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. COOK, Mr. BUCKLEY, and Mr. BROCK.

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

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 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. PASTORE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized, in the engrossment of the Senate amendments to H.R. 8916, to correct any technical or clerical errors.

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

Mr. HATHAWAY. Mr. President, I shall be brief but I do wish to express my concern at the continuing low level of support we are giving to the Antitrust Division of the U.S. Department of Justice. I am aware that our distinguished committee did see fit to raise the Division's appropriation from $13 million in the budget request to $14 million, and I commend the committee on this action. Unfortunately, however, this is not enough.

I am becoming more and more convinced, as our economic troubles pile up, that a renewed emphasis on antitrust—both new legislation and enforcement—is critical if the traditional American economic system is to survive. Since 1950, our GNP has grown from $285 billion to well over a trillion dollars, an increase in the "size" of the economy of 312 percent. During this same period, the professional staff of the Antitrust Division grew from 314 to 354, an increase of only 12 percent. Meanwhile, the country's 200 largest industrial corporations increased their share of manufacturing assets from 46 to 66 percent, the bulk of the increase attributable to mergers, not internal corporate growth. Those 354 staffers at the Justice Department, plus a somewhat smaller contingent at the Federal Trade Commission, are being asked to police the activities of 1.5 million corporations, 245 of which have assets of more than

a billion dollars and more than 85,000 of which have assets of over a million dollars.

I submit that in a free enterprise economy, where the basic decisions on resource allocation, prices, and production are supposedly made by the market mechanism through the force of competition, this paltry amount to keep competition alive is scandalous. As the Nader report on antitrust enforcement pointed out, this amount represents one-twentieth of Procter & Gamble's advertising budget, one-tenth of the cost of a C–5A transport plane, and one-fifth of the appropriation of the Bureau of Commercial Fisheries. To put it in another perspective, it has been estimated that IBM will spend in the neighborhood of $20 million in defense of the antitrust charges presently pending against it—an amount equal to the total antitrust enforcement expenditures of the entire U.S. Government.

Still another way to assess this problem is to consider that we spend over $30 billion a year—local, State, and Federal—on the prevention of ordinary "street crime" while the threat of "business crime" merits only a few million dollars. And lest anyone think that business crime is not significant, I would point out that the electrical conspiracy of 1961 stole more from the consumers that year than the total of all the conventional robberies in the Nation that year. I could go on and on with examples to dramatize the inadequacy of our antitrust effort; suffice it to say that if we are serious about preserving competition, we are going to have to start paying some attention to—and spending some money on—antitrust.

I realize that even if we give them an extra $1 million the administration is not likely to spend it. This is not like other types of appropriations. One of the reasons we do not have better enforcement of our antitrust laws is that the Antitrust Division of the Department of Justice is grossly understaffed. About 80 percent of the cases coming before the Antitrust Division are settled; they do not have the manpower to take them all to court. Many large corporations in this country spend more money defending themselves in antitrust cases than we are spending in the Antitrust Division. If we are going to restore competition in our society which will go a long way toward bringing down higher prices that we are suffering from today we should beef up the Antitrust Division.

Mr. PASTORE. Mr. President, I assure my distinguished colleague from Maine that the committee gave very serious consideration to this matter of antitrust. The request was made that we increase the amount over and above the budget estimate by $3 million. We talked on that matter hard and long for a long time and we finally decided to make it $1 million. I think it will be sufficient. It will allow them to engage 56 additional employees on a 9-month basis during this fiscal year.

By the time this gets to the President, it will be the end of September or October before it is signed. Practically one-half of the fiscal year has passed. Let us give it a trial with the $1 million additional. I do not know how we are going to make out in the House, but we will do the best we can.

Mr. HATHAWAY. I thank the Senator from Rhode Island.

Mr. HATFIELD. Mr. President, I wish to call attention to some budget additions made by our committee that I believe to be wise investments. They are all ocean or coastal related items, and are of great interest in my State of Oregon.

The important aspect of this also can be seen when we see that even with these budget additions of $14.9 million, our overall bill as we sent it to the floor is some $52 million under the administration budget request. I think we have beefed up programs with obvious benefits, while cutting needless expenses elsewhere in the budget. The Oregon programs that will be increased all are people-centered ones I support strongly.

I refer specifically to the budget additions of $1 million for the sea-grant college program, $348,000 for the monitoring of foreign fishing activities off our coasts, and $10 million for funding of the Coastal Zone Management Act.

The sea-grant program at Oregon State University has been one of the real leaders in the country, and I am advised that the million-dollar increase nationwide should provide funds for some beneficial programs at OSU that have been shelved, because of budgetary restraints.

While I was a member of the Senate Commerce Committee, we considered the coastal zone bill, and it is one I support. I need not point out that without funds, however, it is only ink in the books—doing no good. I believe Congress must provide the funding for the laws we enact, for it is not being candid with people to enact legislation and then fail to follow it up with funding. There were no funds at all requested when the bill was considered by the House. Then, on August 15, 1973, the administration did request $5 million to implement the act. In my opinion, and I know I speak for others on the Appropriations Committee, more funds are needed if the Coastal Zone Act is to bear fruit and help save our coastal resources. Therefore, we are in the debt of Senators MAGNUSON and HOLLINGS, who led efforts to step up this funding.

I certainly support this higher level, and I would point out that the estuarine sanctuary program would receive funding if this higher funding level is retained. Yaquina Bay, in my hometown of Newport, is one of the bays under consideration in this aspect of the program, and I believe it would be a wise expenditure of funds.

Also, I need not repeat the concerns we have in the Northwest about the depletion of our fishery resources by foreign fishing fleets that vacuum up fish off Oregon and Washington. The $348,000 budget addition here will help provide better monitoring.

Mr. TUNNEY. Mr. President, I rise to congratulate the chairman of the Appropriations Subcommittee on State-Justice-Commerce Appropriations, Mr. PASTORE, for increasing funds for two important items: the budget of the Antitrust Division and the budget of the Community Relations Service of the Justice Department. The subcommittee has recommended an increase of $1 million for each item over the administration requests, and over the amounts appropriated by the House.

Both issues have concerned me for some time. Last year, I offered a floor amendment to increase the Antitrust Division budget by $2 million. Unfortunately, a point of order against the floor amendment was sustained. This year, Senator HART, myself, and other members of the Judiciary Committee sent a letter to subcommittee Chairman PASTORE requesting a budget increase of $3 million. Fortunately, the subcommittee has partially acceded to our request, and increased the budget request by $1 million.

With respect to the Community Relations Service, I wrote to the subcommittee chairman on July 17 requesting that the $4 million in funds slashed from this division's request by the administration be restored. Again, the subcommittee has attempted to meet this request by adding back $1 million.

Both issues are extremely important.

I ask unanimous consent to print in the RECORD the letters to which I have referred.

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

JULY 17, 1973.

Hon. JOHN O. PASTORE,
Chairman, Senate Appropriations Subcommittee on State, Justice, Commerce, the Judiciary, Washington, D.C.

DEAR JOHN: It is my understanding that your subcommittee currently is marking-up appropriations that include funding for the Community Relations Service of the Justice Department. The service was set up under the Civil Rights Act of 1964 to help reduce racial tensions and conflicts, but it will all but be dismantled under the administration's 1974 budget, which slashes funds for the service from $6.8 to $2.8 million. This goes beyond cutting to the bone. It cuts through the bone in a meat-axe amputation of the one federal agency charged with conciliating racial disputes. The service, which has shunned publicity, has been spectacularly successful in behind-the-scenes negotiations in preventing violence and settling conflicts. It has worked in major cities in California and in troubled farm lands in the Central Valley. My state would be particularly hard hit by the drastic cut-back, and its two-man Los Angeles office would be closed. I'm sure other areas throughout the United States would be similarly affected and I would urge you and your subcommittee to restore funding to this vital service. Thank you for your consideration.

Sincerely,

JOHN V. TUNNEY,
U.S. Senator.

U.S. SENATE,
Washington, D.C., June 28, 1973.

Hon. JOHN O. PASTORE,
Chairman, Subcommittee for the Departments of State, Justice, Commerce, the Judiciary, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is to request an increase of $3 million in the budget for the Antitrust Division of the Department of Justice.

We make this request mindful of wide-

spread concern about inflation and the effect of government spending on the economy.

Economists of various persuasions, including Dr. Arthur Burns, Chairman of the Federal Reserve Board, and Dr. Pierre Rinfret, formerly Special Economic Advisor to President Nixon, have stated that the most effective way to control prices is to increase competition in the marketplace.

The antitrust laws are designed to do just that, and effective enforcement of those laws remain the nation's best defense against unhealthy economic concentration. Certainly, we do not suggest that an additional $3 million for the Antitrust Division will solve the problem of inflation, but we do believe it could help. Equally important, potential savings to consumers from successful antitrust actions could more than offset the increase.

For example, antitrust action against five drug companies has directly reduced prices of the important antibiotic tetracycline to consumers by 95 percent. The antitrust action against a number of electrical equipment manufacturers led to treble damage settlements which resulted in more than $500 million being returned to consumers through reduced utility rates. The electrical equipment conspiracy settlements alone would meet the division's current budget for more than 40 years.

Surprisingly enough, despite such success, the budget for the division—when measured in 1958 dollars—has decreased since 1950, while the size of the economy has more than doubled. So in the face of a well-documented trend toward economic concentration, the division employs fewer persons to enforce the antitrust laws than it did 23 years ago.

As a result, cases which are brought drag on longer; and many actions are not filed because the division is reluctant to take on "big cases" which would tie up a large percentage of its resources. About ten percent of the division's manpower is now working full time on the IBM case. That case was filed over four years ago and has yet to come to trial. Even more striking, Control Data Corporation's private suit against IBM was settled in a pretrial stage with a $15 million payment from IBM to cover Control Data's legal expenses alone. This sum exceeds the division's entire budget.

Unhappily, the hard fact is that to a great extent the cases brought today must be made against giant defendants whose resources swamp those of the Antitrust Division. In 1950, there were only a dozen manufacturing corporations with assets in excess of $1 billion; as a group, they held 18 percent of all manufacturing assets. By 1972, 52 percent of all manufacturing assets were held by 115 "billion dollar" firms.

The Administration has requested about $13 million for the division for fiscal year 1974, a small and clearly inadequate increase over last year's total. An increase of $3 million would allow the division to hire 50 more lawyers and support personnel, including economists. It is our understanding that the division could usefully absorb such an increase.

It seems to us then that our request is consistent with congressional concern about inflation and federal spending. Further, our request should enjoy the support of all of us who believe competition in the marketplace is the best way to control prices and of those who recognize that successful antitrust actions can save consumers many times over the cost to the Federal Government.

With best wishes,

Sincerely,

EDWARD M. KENNEDY,
BIRCH BAYH,
EDWARD J. GURNEY,
PHILIP A. HART,
JOHN V. TUNNEY.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. PASTORE. I yield back my time.

Mr. HRUSKA. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Texas (Mr. BENTSEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Hawaii (Mr. INOUYE), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) and the Senator from Kansas (Mr. PEARSON) are absent because of illness.

The Senator from Utah (Mr. BENNETT) and the Senator from New York (Mr. JAVITS) are absent on official business.

The Senator from Oklahoma (Mr. BARTLETT) and the Senator from Vermont (Mr. STAFFORD) are detained on official business.

The Senator from Illinois (Mr. PERCY) is necessarily absent, and, if present and voting, would vote "yea."

The result was announced—yeas 85, nays 0, as follows:

[No. 394 Leg.]

YEAS—85

Aiken	Gravel	Moss
Allen	Griffin	Muskie
Baker	Gurney	Nelson
Bayh	Hansen	Nunn
Beall	Hart	Packwood
Bible	Hartke	Pastore
Biden	Haskell	Pell
Brock	Hatfield	Proxmire
Brooke	Hathaway	Randolph
Buckley	Helms	Ribicoff
Byrd, Harry F., Jr.	Hollings	Roth
	Hruska	Saxbe
Byrd, Robert C.	Huddleston	Schweiker
Cannon	Hughes	Scott, Pa.
Case	Humphrey	Scott, Va.
Chiles	Jackson	Sparkman
Clark	Johnston	Stennis
Cook	Kennedy	Stevens
Cotton	Magnuson	Stevenson
Curtis	Mansfield	Symington
Dole	Mathias	Taft
Domenici	McClellan	Talmadge
Dominick	McClure	Thurmond
Eagleton	McGee	Tower
Ervin	McGovern	Tunney
Fannin	McIntyre	Weicker
Fong	Metcalf	Williams
Fulbright	Mondale	Young
Goldwater	Montoya	

NAYS—0

NOT VOTING—15

Abourezk	Burdick	Javits
Bartlett	Church	Long
Bellmon	Cranston	Pearson
Bennett	Eastland	Percy
Bentsen	Inouye	Stafford

So the bill (H.R. 8916) was passed.

Mr. PASTORE. Mr. President, I move that the Senate insist on 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 appointed Mr. PASTORE, Mr. MCCLELLAN, Mr. MANSFIELD, Mr. HOLLINGS, Mr. MAGNUSON, Mr. EAGLETON, Mr. FULBRIGHT, Mr. HRUSKA, Mr. FONG, Mr. BROOKE, Mr. COTTON, and Mr. YOUNG conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, before the distinguished Senator from Rhode Island leaves the floor, I want to commend him for the outstanding job which he has done today in having passed the appropriations bill dealing with State, Commerce, the Judiciary, and related agencies.

I think it is worthy of note that the bill which has just been passed unanimously by the Senate is $63,522,750 under the budget request of the President. This is only another indication of the attitude of economy of the distinguished Senator from Rhode Island not only in this particular instance, but I also point out that very few people know of the part he has played over the past 4 years in making possible an overall reduction below the President's budget requests during that period of time of something over $20 billion.

Too often, the people who are the workhorses and not the show horses do not get the credit which is their due. But I want the RECORD to show that Senator JOHN PASTORE has once again done a great job in the field of economy for the people of this country, and done it in a way which was able to achieve a unanimous vote of approval from the Senate as a whole.

Mr. GRIFFIN. Mr. President, I rise to join the distinguished majority leader in paying tribute to the chairman of the subcommittee, the distinguished Senator from Rhode Island (Mr. PASTORE), and also to the distinguished ranking minority member of the subcommittee, the Senator from Nebraska (Mr. HRUSKA) and others who worked so hard to hold the line on spending in this appropriation bill.

In the light of remarks made by the distinguished majority leader, and others from time to time that Congress appropriates less than the President requests, it needs to be emphasized that what really counts is how much is actually spent under all the bills that Congress passes.

Over and over again, back door spending legislation is ignored in the assessment of what Congress does. The fact is as members of the Appropriations Committee know very well that because of more and more backdoor spending bills which require expenditure of funds without the approval of the Appropriations Committee, we are finding that less and less of the money spent is actually under the control of the committee. The fact that the Appropriations Committee is able to hold appropriation bills down below the budget requests does not mean that this Nation is not going into debt.

As the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) has pointed out over and over again, the debt of this Nation is getting out of control. So every time a speaker seeks to impress this body or the Nation about how Congress is saving money, I hope they will not only add up the appropriation bills but will also add up how much money is being spent through the backdoor spend-

ing process. That is where the trouble is really getting out of hand.

I yield to the distinguished Senator from Virginia, if he seeks the floor.

Mr. HARRY F. BYRD, JR. I thank the distinguished Senator from Michigan.

Mr. President, I just wanted to point out that there are two large appropriation bills yet to be acted on—the two largest, incidentally—the defense appropriation and the appropriation for HEW. Each of those will be in the tens of billions of dollars, and I rise now only to express the hope that before either of those bills is called up for consideration, adequate time will be given for individual Senators to study the committee reports.

I happen to be reasonably familiar with the Defense bill, and I am not concerned about that. But many others who are not on the Armed Services Committee should be concerned about the size of the Defense bill. I am not on the committee handling the HEW appropriation, so that will require a great deal of study for me to know how much is in that appropriation when it comes to the floor, the justifications for it, and so forth.

My only purpose in commenting today is to say that the Senate will have before it, before it adjourns, two tremendous appropriation bills. The Defense bill will total, when it is all added together, somewhere around $80 billion, and the HEW bill will be even more than that, when you add to it all of the component parts. So I do not think we want to be in the position of having to act too hastily on either of those gigantic appropriation bills, and I would hope that the Appropriations Committee, when it reports out each of those bills, will make available to the Senate the legislation from the committee and the committee report at the earliest possible time, so that each Senator will have an opportunity to examine it with some care before it comes to the floor.

Mr. PASTORE. Mr. President, first of all, I want to thank the majority leader for his complimentary remarks, and also the minority whip (Mr. GRIFFIN).

I think I should observe at this time that over the years I have been an antagonist of backdoor spending, and one thing that has surprised me more than anything else was the part the administration played 2 years ago, because it was election year, in advocating a revenue-sharing bill that submitted the taxpayers of this country to a cost of $30 billion, and when some of us here in the Senate tried to subject that bill to the scrutiny of the Appropriations Committee, we were told that was not the way the administration wanted it done. That, to me, was the biggest travesty in my recollection upon the appropriations process that was adopted by this Congress, because all we tried to do at that time was say, "Put it before the Appropriations Committee and let them determine, year in and year out, as to whether or not the money is being wasted or well spent."

When we tried to do that, Mr. President, we were told that the White House—wanted to eliminate the appropriations process, and that the money had to go forthwith—forthwith—and all we had to be satisfied with was that some department downtown was going to audit the books—not the Congress of the United States, but someone downtown in the administration was going to audit the books. And that is where we started.

Yes, it is all wrong. There should not be any backdoor financing, because that is where your big money goes. I agree with the minority whip. But I am telling you that when we were allowed to vote for $30 billion—and that is no trifling amount—$30 billion, in order to give it to every State and every community, without the scrutiny of the Appropriations Committee, that was a grievous mistake, in my opinion, because the Appropriations Committee, over the years, has been very, very careful, and the best example we have is before us today.

We fought hard. Yes, we increased some few items where we thought they should be increased, and we cut other items where it should have been cut, but we came back to the Senate with a bill that was $52,368,500 under the request of the President, and I think that was a hard feat to accomplish.

Mr. GRIFFIN. Mr. President, will the distinguished Senator yield?

Mr. PASTORE. I yield.

Mr. GRIFFIN. I want to say that the Senator from Rhode Island has made an excellent point—a point which is not in conflict, as he well understands, with the point that I made.

When you talk about how much money Congress has approved, you do not just add up the appropriation bills, but the backdoor spending bills as well.

Mr. PASTORE. I know.

Mr. GRIFFIN. We agree on that.

Mr. PASTORE. But, if the Senator will yield, all those bills were signed by the President.

Mr. GRIFFIN. Oh, yes.

Mr. PASTORE. Not one of those was vetoed; not one of them. And he advocated some backdoor spending, too; and that is the complaint I am making. We should have done without it all, and we would have been a lot better off. Rely on the Appropriations Committee, and we will keep this budget in order.

Since Mr. Nixon has been President of the United States, and we are talking about the debt, we have added more than $100 billion to the national debt of this country. That is much more than three Democratic administrations before him ever did.

Mr. GRIFFIN. Mr. President, I think the Senator from Rhode Island knows very well that the division on that question was not along party lines. He had some allies on this side of the aisle on the question of whether they should go through the Appropriations Committee. In the final analysis, it seems to me we both agree on that. When someone wants to get up and tell the country about what Congress has done or has not done in terms of spending, let us add it all up and not just talk about appropriations bills.

RETIREMENT INCOME SECURITY FOR EMPLOYEES ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 119, S. 4, that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER (Mr. HELMS). The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 4) to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

That this Act may be cited as the "Retirement Income Security for Employees Act".

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SEC. 2. (a) The Congress finds that private pension and other employee benefit plans

and programs in the United States are intrinsically woven into the working and retirement lives of American men and women; that such plans and programs have become firmly rooted into our economic and social structure; that their operational scope and economic impact is interstate and increasingly affecting more than thirty million worker participants throughout the United States; that the pension assets of approximately $150,000,000,000 accelerating at more than $10,000,000,000 annually, represent the largest fund of virtually unregulated assets in the United States; that the growth in size, scope, and numbers of employee benefit plans is continuing rapidly and substantially; that Federal authority over the establishment, administration, and operations of these plans is fragmented and ineffective to secure adequate protection of retirement and welfare benefits due to the workers covered and affected; that deficient and inadequate provisions contained in a number of such plans are directly responsible for hardships upon working men and women who are not realizing their expectations of pension benefits upon retirement; that there have been found to be serious consequences to such workers covered by these plans directly attributable to inadequate or nonexistent vesting provisions, lack of portability to permit the transfer of earned credits by employees from one employment to another; that terminations of plans beyond the control of employees, without necessary and adequate funding for benefit payments, has deprived employees and their dependents of earned benefits; that employee participants have not had sufficient information concerning their rights and responsibilities under the plans, resulting in loss of benefits without knowledge of same; that the lack of uniform minimum standards of conduct required of fiduciaries, administrators, and trustees has jeopardized the security of employee benefits; and that it is therefore desirable, in the interests of employees and their beneficiaries, and in the interest of the free flow of commerce, that minimum standards be prescribed to assure that private pension and employee benefit plans be equitable in character and financially sound and properly administered.

(b) It is the declared policy of this Act to protect interstate commerce, and the equitable interests of participants in private pension plans and their beneficiaries, by improving the scope, administration, and operation of such plans, by requiring pension plans to vest benefits in employees after equitable periods of service; to meet adequate minimum standards of funding; to promote greater transferability of employees' earned credits resulting from change of, or separation from employment; to protect vested benefits of employees against loss due to plan termination; to require more adequate disclosure and reports to participants and beneficiaries of plan administration and operations, including financial information by the plan to the participant, as may be necessary for the employees to have a comprehensive and better understanding of their rights and obligations to receive benefits from the plans in which they are participants; to establish minimum standards of fiduciary conduct; and to provide for more appropriate and adequate remedies, sanctions, and ready access to the courts.

DEFINITIONS

SEC. 3. As used in this Act—

(1) "Secretary" means the Secretary of Labor.

(2) "Office" means the Office of Pension and Welfare Plans Administration.

(3) "Assistant Secretary" means the Assistant Secretary of Labor in charge of the Office of Pension and Welfare Plans Administration.

(4) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343).

(5) "Commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between any foreign country and any State, or between any State and any place outside thereof.

(6) "Industry or activity affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry affecting commerce within the meaning of the Labor-Management Relations Act, 1947, as amended, or the Railway Labor Act, as amended.

(7) "Employer" means any person acting directly as an employer or indirectly in the interest of an employer in relation to a pension or profit-sharing-retirement plan, and includes a group or association of employers acting for an employer in such capacity.

(8) "Employee" means any individual employed by an employer.

(9) "Participant" means any employee or former employee of an employer or any member or former member of an employee organization who is or may become eligible to receive a benefit of any type from a pension or profit-sharing-retirement plan, or whose beneficiaries may be eligible to receive any such benefit.

(10) "Beneficiary" means a person designated by a participant or by the terms of a pension or profit-sharing retirement plan who is or may become entitled to a benefit thereunder.

(11) "Person" means an individual, partnership, corporation, mutual company, joint stock company, trust, unincorporated organization, association, or employee organization.

(12) "Employee organization" means any labor union or any organization of any kind, or any agency or employee representation committee, association, group, or program, in which employees participate and which exists for the purpose in whole or in part, of dealing with employers concerning a pension or profit-sharing-retirement plan, or other matters incidental to employment relationships; or any employees' beneficiary association organized for the purpose, in whole or in part, of establishing or maintaining such a plan.

(13) The term "fund" means a fund of money or other assets maintained pursuant to or in connection with a pension or profit-sharing-retirement plan, and includes employee contributions withheld but not yet paid to the plan by the employer, or a contractual agreement with an insurance carrier. The term does not include any assets of an investment company subject to regulation under the Investment Company Act of 1940.

(14) "Pension plan" means any plan, fund, or program, other than a profit-sharing-retirement plan, which is communicated or its benefits described in writing to employees and which is established or maintained for the purpose of providing for its participants, or their beneficiaries, by the purchase of insurance or annuity contracts or otherwise, retirement benefits.

(15) "Profit-sharing-retirement plan" means a plan established or maintained by an employer to provide for the participation by the employees in the current or accumulated profits, or both the current and accumulated profits of the employer in accordance with a definite predetermined formula for allocating the contributions made to the plan among the participants and for distributing the funds accumulated under the plan upon retirement or death. Such plan may include provisions permitting the withdrawal or distribution of the funds accumulated upon contingencies other than, and in addition to, retirement and death.

(16) "Registered plan" means a pension plan or profit-sharing-retirement plan registered and certified by the Secretary as a plan established and operated in accordance with title I of this Act.

(17) "Money purchase plan" refers to a pension plan in which contributions of the employer and employee (if any) are accumulated, with interest, or other income, to provide at retirement whatever pension benefits the resulting sum will buy.

(18) The term "administrator" means—

(A) the person specifically so designated by the terms of the pension or profit-sharing-retirement plan, collective bargaining agreement, trust agreement, contract, or other instrument, under which the plan is established or operated; or

(B) in the absence of such designation, (i) the employer in the case of a pension or profit-sharing-retirement plan established or maintained by a single employer, (ii) the employee organization in the case of such plan established or maintained by an employee organization, or (iii) the association, committee, joint board of trustees, or other similar group of representatives of the parties who have established or maintain such plan, in the case of a plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations.

(19) "Initial unfunded liability" means the amount (on the effective date of title II, or the effective date of the establishment of a pension plan or any amendment thereto, whichever is later), by which the assets of the plan are required to be augmented to insure that the plan is and will remain fully funded.

(20) "Unfunded liability" means the amount on the date when such liability is actuarially computed, by which the assets of the plan are required to be augmented to insure that the plan is and will remain fully funded.

(21) "Fully funded" with respect to any pension plan means that such plan at any particular time has assets determined, by a person authorized under section 101(b)(1), to be sufficient to provide for the payment of all pension and other benefits to participants then entitled or who may become entitled under the terms of the plan to an immediate or deferred benefit in respect to service rendered by such participants.

(22) "Experience deficiency" with respect to a pension plan means any actuarial deficit, determined at the time of a review of the plan, that is attributable to factors other than the existence of an initial unfunded liability or the failure of any employer to make any contribution required by the terms of the plan or by section 210, except insofar as such failure to make a required contribution is treated as an experience deficiency under section 217(a)(1).

(23) "Funding" shall mean payment or transfer of assets into a fund, and shall also include payment to an insurance carrier to secure a contractual right pursuant to an agreement with such carrier.

(24) "Normal service cost" means the annual cost assigned to a pension plan, under the actuarial cost method in use (as of the effective date of title II or the date of establishment of a pension plan after such date), exclusive of any element representing any initial unfunded liability or interest thereon.

(25) "Special payment" means a payment made to a pension plan for the purpose of liquidating an initial unfunded liability or experience deficiency.

(26) "Nonforfeitable right" or "vested right" means a legal claim obtained to that part of an immediate or deferred life annuity which notwithstanding any conditions subsequent which could affect receipt of any benefit flowing from such right, arises from

the participant's covered service under the plan, and is no longer contingent on the participant remaining covered by the plan.

(27) "Covered service" means that period of service performed by a participant for an employer or as a member of an employee organization which is recognized under the terms of the plan or the collective bargaining agreement (subject to the requirements of part A of title II) for purposes of determining a participant's eligibility to receive pension benefits or for determining the amount of such benefits.

(28) "Normal retirement benefit" means that benefit payable under a pension or profit-sharing-retirement plan in the event of retirement at the normal retirement age.

(29) "Normal retirement age" means the normal retirement age, specified under the plan but not later than age 65 or, in the absence of plan provisions specifying the normal retirement age, age 65.

(30) "Pension benefit" means the aggregate, annual, monthly, or other amounts to which a participant will become or has become entitled upon retirement or to which any other person is entitled by virtue of such participant's death.

(31) "Accrued portion of normal retirement benefit" means that amount of benefit which, irrespective of whether the right to such benefit is nonforfeitable, is equal to—

(A) in the case of a profit-sharing-retirement plan or money purchase plan, the total amount (including all interest held in the plan) credited to the account of a participant;

(B) in the case of a unit benefit-type pension plan, the benefit units credited to a participant; or

(C) in the case of other types of pension plans, that portion of the prospective normal retirement benefit of a participant, which under rule or regulation of the Secretary is determined to constitute the participant's accrued portion of the normal retirement benefit under the terms of the appropriate plan.

(32) "Multi-employer plan" means a collectively bargained pension plan to which a substantial number of unaffiliated employers are required to contribute and which covers a substantial portion of the industry in terms of employees or a substantial number of employees in the industry in a particular geographic area.

(33) "Unaffiliated employers" means employers other than those under common ownership or control, or having the relationship of parent-subsidiary, or directly or indirectly controlling or controlled by another employer.

(34) "Qualified insurance carrier" means an insurance carrier subject to regulation and examination by the government of any State, which is determined by rule or regulation of the Secretary to be suitable for the purchase of the single premium life annuity or the annuity with survivorship operations authorized under section 305(2).

(35) "Vested liabilities" means the present value of the immediate or deferred pension benefits for participants and their beneficiaries which are nonforfeitable and for which all conditions of eligibility have been fulfilled under the provisions of the plan prior to its termination.

(36) "Unfunded vested liabilities" means that amount of vested liabilities that cannot be satisfied by the assets of the plan, at fair market value, as determined by rule or regulation of the Secretary.

TITLE I—ORGANIZATION

PART A—ORGANIZATIONAL STRUCTURE

POWERS AND DUTIES OF THE SECRETARY

SEC. 101. (a) It shall be the duty of the Secretary—

(1) to promote programs and plans for the establishment, administration, and operations of pension, profit-sharing-retirement, and other employee benefit plans in furtherance of the findings and policies set forth in this Act;

(2) to determine, upon application by a pension or profit-sharing-retirement plan, such plan's eligibility for registration with the Secretary under section 105 and, upon qualification, to register such plan and issue appropriate certificates of registration;

(3) To cancel certificates of registration of pension and profit-sharing-retirement plans registered under section 105, upon determination by the Secretary that such plans are not qualified for such registration;

(4) (A) to direct, administer, and enforce the provisions and requirements of this Act and the Welfare and Pension Plans Disclosure Act, except where such provisions are only enforceable by a private party;

(B) to make appropriate and necessary inquires to determine violations of the provisions of this Act, or the Welfare and Pension Plans Disclosure Act, or any rule or regulation issued thereunder: *Provided, however,* That no periodic examination of the books and records of any plan or fund shall be conducted more than once annually unless the Secretary has reasonable cause to believe there may exist a violation of this Act, or the Welfare and Pension Plans Disclosure Act or any rule or regulation thereunder;

(C) for the purpose of any inquiry provided for in subpargaraph (B), the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 1, 1914, are hereby made applicable to the jurisdiction, powers, and duties of the Secretary;

(5) to bring civil actions authorized by this Act and the Welfare and Pension Plan Disclosure Act and in all such proceedings attorneys appointed by the Secretary shall represent the Secretary except for proceedings in the Supreme Court.

(6) to appoint and fix the compensation of such employees as may be necessary for the conduct of his business under this Act in accordance with the provisions of title 5, United States Code, governing appointment in the competitive service, and chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, and to obtain the services of experts and consultants as necessary in accordance with section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem equivalent for GS–18;

(7) to perform such other functions as may be necessary to carry out the purposes of this Act.

(b) The Secretary is authorized to prescribe rules and regulations—

(1) establishing standards and qualifications for persons responsible for performing services under this Act as actuaries and upon application of any such person, to certify whether such person meets the standards and qualifications prescribed;

(2) establishing reasonable fees for the registration of pension and profit-sharing-retirement plans and other services to be performed by him in implementing the provisions of this Act, and all fees collected by the Secretary shall be paid into the general fund of the Treasury;

(3) establishing and maintaining reasonable limitations on actuarial assumptions, including, but not limited to, interest rates, mortality, and turnover rates, which reflect relevant experience;

(4) such as may be necessary or appropriate to carry out the purposes of this Act, including but not limited to definitions of actuarial, accounting, technical, and other trade terms in common use in the subject matter of this Act and the Welfare and Pension Plans Disclosure Act; and

(5) governing the form, detail, and inspection of all required records, reports, and documents, the maintenance of books and records, and the inspection of such books and records, as may be required under this Act.

(c) (1) (A) The Secretary is authorized and directed to undertake appropriate studies relating to pension and profit-sharing-retirement plans including but not limited to the effects of this Act upon the provisions and costs of pension and profit-sharing-retirement plans, the role of private pensions in meeting retirement security needs of the Nation, the administration and operation of pension plans, including types and levels of benefits, degree of reciprocity or portability, financial characteristics and practices, methods of encouraging the growth of the private pension system, and advisability of additional coverage under this Act, including but not limited to plans of State and local governments exempt under section 104(b)(1).

(B) Without limiting the generality of subsection (c)(1)(A), the Secretary shall undertake a study of the sufficiency of the vesting provisions of this Act as applied to high-mobility employees, and shall recommend such changes in existing law and regulations as may be appropriate to afford to such employees adequate protection against unreasonable forfeiture of pension credits as a result of frequent job changes inherent in the conduct of their professions. In developing such recommendations, the Secretary shall consult with professional societies, industry representatives, and other interested groups with specialized knowledge of the problems of high-mobility workers. The study required by this subsection (c)(1)(B) shall be completed and submitted to the Congress within a year after the enactment of this Act.

(2) The Secretary shall submit annually a report to the Congress covering his activities under this Act during the preceding fiscal year, together with the results of such studies as are conducted pursuant to this Act, or, from time to time, pursuant to other Acts of Congress, and recommendations for such further legislation as may be advisable.

(d) Prior to promulgating rules or regulations, the Secretary shall consult with appropriate departments or agencies of the Federal Government to avoid unnecessary conflicts, duplications, or inconsistency with rules and regulations which may be applicable to such plans under other laws of the United States.

(e) In order to avoid unnecessary expense and duplication of functions among Government agencies, the Secretary may make such arrangements or agreements for cooperation or mutual assistance in the performance of his functions under this Act and the functions of any agency, Federal or State, as he may find to be practicable and consistent with law. The Secretary may utilize on a reimbursable basis the facilities or services of any department, agency, or establishment of the United States, or of any State, including services of any of its employees, with the lawful consent of such department, agency, or establishment; and each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary, and to the extent permitted by law, to provide such information and facilities as the Secretary may request for his assistance in the performance of his functions under this Act.

APPROPRIATIONS

SEC. 102. There are authorized to be appropriated such sums as may be necessary to enable the Secretary to carry out his functions and duties.

OFFICE OF ADMINISTRATION

SEC. 103. (a) There is hereby established within the Department of Labor an office to

be known as the Office of Pension and Welfare Plan Administration. Such Office shall be headed by an Assistant Secretary of Labor who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) It shall be the duty of the Assistant Secretary of Labor under the supervision of the Secretary to exercise such power and authority as may be delegated to him by the Secretary for the administration and enforcement of this Act.

(c) Paragraph 20, of section 5315, title 5, United States Code, is amended by striking "(5)" and inserting in lieu thereof "(6)".

(d) Such functions, books, records, and personnel of the Labor Management Services Administration as the Secretary determines are related to the administration of the Welfare and Pension Plans Disclosure Act are hereby transferred to the Office of Pension and Welfare Plan Administration.

PART B—COVERAGE, EXEMPTIONS, AND REGISTRATION

COVERAGE AND EXEMPTIONS

SEC. 104. (a) Except as provided in subsections (b) and (c), titles II, III, and IV of this Act shall apply to any pension plan and any profit-sharing-retirement plan established or maintained by any employer engaged in interstate commerce or any industry or activity affecting interstate commerce or by any employer together with any employee organization representing employees engaged in commerce or in any industry or activity affecting such commerce or by any employee organization representing employees engaged in commerce or in any industry or activity affecting commerce.

(b) Titles II, III, and IV of this Act shall not apply to any pension plan or any profit-sharing-retirement plan if—

(1) such plan is established or maintained by the Federal Government or by the government of a State or by a political subdivision of the same or by any agency or instrumentality thereof;

(2) such plan is established or maintained by a religious organization described under section 501(c) of the Internal Revenue Code of 1954 which is exempt from taxation under the provisions of section 501(a) of such Code;

(3) such plan is established or maintained for the benefit of self-employed individuals or owner-employees (as defined in section 401(c)(3) of the Internal Revenue Code of 1954);

(4) such plan covers not more than twenty-five participants;

(5) such plan is established or maintained outside the United States primarily for the benefit of employees who are not citizens of the United States and the situs of the employee benefit plan fund established or maintained pursuant to such plan is maintained outside the United States;

(6) such plan is unfunded and is established or maintained by an employer primarily for the purpose of providing deferred compensation for a select group of management employees and is declared by the employer as not intended to meet the requirements of section 401(a) of the Internal Revenue Code; or

(7) such plan is established or maintained by an employee organization and financed solely by contributions from its members.

(c) Title IV and part B of title II shall not apply to profit-sharing-retirement plans or money purchase plans.

(d) Titles V and VI shall apply to any plan covered by the Welfare and Pension Plans Disclosure Act and any pension plan or profit-sharing-retirement plan covered by this Act.

REGISTRATION OF PLANS

SEC. 105. (a) Every administrator of a pension or profit-sharing-retirement plan to which title II, III, or IV apply shall file with the Secretary an application for registration of such plan. Such application shall be in such form and shall be accompanied by such documents as shall be prescribed by regulation of the Secretary. After qualification under subsection (c), the administrator of such plan shall comply with such requirements as may be prescribed by the Secretary to maintain the plan's qualification under this title.

(b) In the case of plans established on or after the effective date of this title, the filing required by subsection (a) shall be made within six months after such plan is established. In the case of plans established prior to the effective date of this title, such filing shall be made within six months after the effective date of regulations promulgated by the Secretary to implement this section but in no event later than twelve months after the date of enactment of this Act.

(c) Upon the filing required by subsection (a), the Secretary shall determine whether such plan is qualified for registration under this title, and if the Secretary finds it qualified, he shall issue a certificate of registration with respect to such plan.

(d) If at any time the Secretary determines that a plan required to qualify under this title is not qualified or is no longer qualified for registration under this title, he shall notify the administrator, setting forth the deficiency or deficiencies in the plan or in its administration or operations which is the basis for the notification given, and he shall further provide the administrator, the employer of the employees covered by the plan (if not the administrator), and the employee organization representing such employees, if any, a reasonable time within which to remove such deficiency or deficiencies. If the Secretary thereafter determines that the deficiency or deficiencies have been removed, he shall issue or continue in effect the certificate, as the case may be. If he determines that the deficiency or deficiencies have not been removed, he shall enter an order denying or canceling the certificate of registration, and take such further action as may be appropriate under title VI.

(e) A pension or profit-sharing-retirement plan shall be qualified for registration under this section if it conforms to, and is administered in accordance with this Act, the Welfare and Pension Plans Disclosure Act, and in the case of a pension plan subject to title IV of this Act, applies for and maintains plan termination insurance and pays the required assessments and premiums.

REPORTS ON REGISTERED PLANS

SEC. 106. The Secretary may, by regulations, provide for the filing of a single report satisfying the reporting requirements of this Act, and the Welfare and Pension Plans Disclosure Act.

AMENDMENTS OF REGISTERED PLANS

SEC. 107. Where a pension or profit-sharing-retirement plan filed for registration under this title is amended subsequent to such filing, the administrator shall (pursuant to regulations promulgated by the Secretary) file with the Secretary a copy of the amendment and such additional information and reports as the Secretary by regulation may require, to determine the amount of any initial unfunded liability created by the amendment, if any, and the special payments required to remove such liability.

CERTIFICATE OF RIGHTS

SEC. 108. The Secrtary shall, by regulation, require each pension and profit-sharing-retirement plan to furnish or make available, whichever is the most practicable, to each participant, upon termination of service with a vested right to an immediate or a deferred pension benefit or other vested interest, with a certificate setting forth the benefits to which he is entitled, including, but not limited to, the name and location of the entity responsible for payment, the amount of benefits, and the date when payment shall begin. A copy of each such certificate shall be filed with the Secretary. Such certificate shall be deemed prima facie evidence of the facts and rights set forth in such certificate.

TITLE II—VESTING AND FUNDING REQUIREMENTS

PART A—VESTING REQUIREMENTS

ELIGIBILITY

SEC. 201. No pension or profit-sharing-retirement plan filed for registration under this Act shall require as a condition for eligibility to participate in such a plan a period of service longer than one year or an age greater than twenty-five, whichever occurs later: *Provided, however,* That in the case of any plan which provides for immediate vesting of 100 per centum of earned benefits of participants, such plan may require as a condition for eligibility to participate in the plan, a period of service no longer than three years or an age greater than thirty, whichever occurs later.

VESTING SCHEDULE

SEC. 202. (a) All pension or profit-sharing-retirement plans filed for registration under this Act, except as provided for in paragraphs (2) and (3) herein, shall provide under the terms of the plan with respect to the accrued portion of the normal retirement benefit attributable to covered service both before and after the effective date of the title, that:

(1) a plan participant who has been in covered service under the plan for a period of eight years is entitled upon termination of service prior to attaining normal retirement age—

(A) in the case of a pension plan, to a deferred pension benefit commencing at his normal retirement age; or

(B) in the case of a profit-sharing-retirement plan, to a nonforfeitable right to his interest in such plan.

equal to 30 per centum of the accrued portion of the normal retirement benefit as provided by the plan in respect of such service, or of such interest, respectively, and such entitlement shall increase by 10 per centum per year thereafter of covered service until the completion of fifteen years of covered service after which such participants shall be entitled upon termination of service prior to attaining normal retirement age to a deferred pension benefit commencing at his normal retirement age equal to 100 per centum of the accrued portion of the normal retirement benefit as provided by the plan with respect to such service, or to the full amount of such interest in the profit-sharing-retirement plan;

(2) in the event a plan is established or amended after the effective date of this title, the requirements of paragraph (1) of this subsection need only apply to service rendered after the date of the plan's establishment or the date of such plan amendment with respect to any improvement in benefits made by such amendment.

(3) if the plan is a class year plan, then such plan shall provide that the participant shall acquire a nonforfeitable right to 100 per centum of the employer's contribution on his behalf with respect to any given year, not later than the end of the fifth year following the year for which such contribution was made. For the purposes of this paragraph, the term "class year plan" means a profit-sharing-retirement plan which provides for the separate vesting of each annual contribution made by the employer on behalf of a participant.

(4) the pension benefits provided under terms of a pension plan, and the interest in a profit-sharing-retirement plan referred to in subparagraph (B) of paragraph (1) shall not be capable of assignment or alienation

and shall not confer upon an employee, personal representative, or dependent, or any other person, any right or interest in such pension benefits or profit-sharing-retirement plan, capable of being assigned or otherwise alienated; except that where a plan fails to make appropriate provisions therefor, the Secretary shall, by regulation, provide for the final disposition of plan benefits or interests when beneficiaries cannot be located or ascertained within a reasonable time.

(b) Any participant covered under a plan, for the number of years required for a vested right under this section, shall be entitled to such vested right regardless of whether his years of covered service are continuous, except that a plan may provide that—

(1) three of the eight years required to qualify for the 30 per centum vested right under subsection (a) shall be continuous under standards prescribed under subsection (c),

(2) service by a participant prior to the age of twenty-five may be ignored in determining eligibility for a vested right under this section, unless such participant or an employer has contributed to the plan with respect to such service, and

(3) in the event a participant has attained a vested right equal to 100 per centum of the accrued portion of the normal retirement benefit as provided by the plan with respect to such service, or to the full amount of such interest in a profit-sharing-retirement plan, and such participant has been separated permanently from coverage under the plan and subsequently returns to coverage under the same plan, such participant may be treated as a new participant for purposes of the vesting requirements set forth in section 202(a)(1) without regard to his prior service.

(c) The Secretary shall prescribe standards, consistent with the purposes of this Act, governing the maximum number of working hours, days, weeks, or months, which shall constitute a year of covered service, or a break in service for purposes of this Act. In no case shall a participant's time worked in any period in which he is credited for a period of service for the purposes of this section, be credited to any other period of time unless the plan so provides.

(d) Notwithstanding any other provision of this Act, a pension or profit-sharing-retirement plan may allow for vesting of pension benefits after a lesser period than is required by this section.

(e) Notwithstanding any other provision of this Act, the Secretary may grant a waiver of the requirements of section 202(a)(1) where he determines, upon application for such waiver by the plan administrator, that such plan contains vesting provisions which assure a degree of vesting protection as equitable as the vesting schedules set forth in section 202(a)(1). The Secretary shall prescribe the manner in which affected or interested parties shall be notified of such pending application.

PART B—FUNDING

FUNDING REQUIREMENTS

SEC. 210. (a) Unless a waiver is granted pursuant to part C of this title, every pension plan filed for registration under this Act shall provide for funding, in accordance with the provisions of this part, which is adequate to provide for payment of all pension benefits which may be payable under the terms of the plan.

(b) Provisions in the plan for funding shall set forth the obligation of the employer or employers to contribute both in respect of the normal service cost of the plan and in respect of any initial unfunded liability and experience deficiency. The contribution of the employer, including any contributions made by employees, shall consist of the payment into the plan or fund of—

(1) all normal service costs; and

(2) where the plan has an initial unfunded liability, special payments consisting of no less than equal amounts sufficient to amortize such unfunded liabilities over a term not exceeding:

(A) in the case of an initial unfunded liability existing on the effective date of this title, in any plan established before that date, thirty years from such date;

(B) in the case of an initial unfunded liability resulting from the establishment of a pension plan, or an amendment thereto, on or after the effective date of this title, thirty years from the date of such establishment or amendment, except that in the event that any such amendment after the effective date of this title results in a substantial increase to any unfunded liability of the plan, as determined by the Secretary, such increase shall be regarded as a new plan for purposes of the funding schedule imposed by this subsection and the plan termination insurance requirements imposed by title IV.

(3) special payments, where the plan has an experience deficiency, consisting of no less than equal annual amounts sufficient to remove such experience deficiency over a term not exceeding five years from the date on which the experience deficiency was determined, except where the experience deficiency cannot be removed over a five-year period without the amounts required to remove such deficiency exceeding the allowable limits for a tax deduction under the Internal Revenue Code of 1954 for any particular year during which such payments must be made, the Secretary shall, consistent with the purposes of this subsection, prescribe such additional time as may be necessary to remove such deficiency within allowable tax deduction limitations.

(c) Within six months after the effective date of rules promulgated by the Secretary to implement this title (but in no event more than 12 months after the effective date of this title) or within six months after the date of plan establishment, whichever is later, the plan administrator shall submit a report of an actuary (certified under section 101(b)) stating—

(1) the estimated cost of benefits in respect of service for the first plan year for which such plan is required to register and the formula for computing such cost in subsequent years up to the date of the following report;

(2) the initial unfunded liability, if any, for benefits under the pension plan as of the date on which the plan is required to be registered;

(3) the special payments required to remove such unfunded liability and experience deficiencies in accordance with subsection (b);

(4) the actuarial assumptions used and the basis for using such actuarial assumptions; and

(5) such other pertinent actuarial information required by the Secretary.

(d) The administrator of a registered pension plan shall cause the plan to be reviewed not less than once every five years by a certified actuary and shall submit a report of such actuary stating—

(1) the estimated cost of benefits in respect of service in the next succeeding five-year period and the formula for computing such cost for such subsequent five-year period;

(2) the surplus or the experience deficiency in the pension plan after making allowance for the present value of all special payments required to be made in the future by the employer as determined by previous reports;

(3) the special payments which will remove any such experience deficiency over a term not exceeding five years;

(4) the actuarial assumptions used and the basis for using such actuarial assumptions; and

(5) such other pertinent actuarial information required by the Secretary.

If any such report discloses a surplus in a pension plan, the amount of any future payments required to be made to the funds or plan may be reduced or the amount of benefits may be increased by the amount of such surplus, subject to the provisions of the Internal Revenue Code of 1954 and regulations promulgated thereunder. The reports under this subsection shall be filed with the Secretary by the administrator as part of the annual report required by section 7 of the Welfare and Pension Plans Disclosure Act, at such time that the report under such section 7 is due with respect to the last year of such five-year period.

(e) Where an insured pension plan is funded exclusively by the purchase of individual insurance contracts which—

(1) require level annual premium payments to be paid extending not beyond the retirement age for each individual participant in the plan, and commencing with the participant's entry into the plan (or, in the case of an increase in benefits, commencing at the time such increase becomes effective), and

(2) benefits provided by the plan are equal to the benefits provided under each contract, and are guaranteed by the insurance carrier to the extent premiums have been paid.

such plan shall be exempt from the requirements imposed by subsections (b) (2) and (3), (c), and (d) of this section.

(f) The Secretary may exempt any plan, in whole or in part, from the requirement that such reports be filed where the Secretary finds such filing to be unnecessary.

DISCONTINUANCE OF PLANS

SEC. 211. (a) Subject to the authority of the Secretary to provide exemptions or variances where necessary to avoid substantial hardship to participants or beneficiaries, upon complete termination or substantial termination (as determined by the Secretary), of a pension plan, and subject to the provisions of the Internal Revenue Code and regulations promulgated thereunder, relating to limitations applicable to the twenty-five highest paid employees of an employer, all assets of the plan shall be applied under the terms of the plan, as follows—

(1) first, to refund to nonretired participants in the plan the amount of contributions made by them;

(2) second, to participants in the plan who have retired prior to the date of such termination and have been receiving benefits under the plan;

(3) third, to those participants in the plan who, on the date of such termination had the right to retire and receive benefits under the plan;

(4) fourth, to those participants in the plan who had acquired vested rights under the plan prior to termination of the plan but had not reached normal retirement age on the date of such termination; and

(5) fifth, to any other participants in the plan who are entitled to benefits under the plan pursuant to the requirements of section 401(a)(7) of the Internal Revenue Code of 1954.

(b) Upon complete termination, or substantial termination (as determined by the Secretary), any party obligated to contribute to the plan pursuant to section 210(b), or to contribute on behalf of employees pursuant to a withholding or similar arrangement shall be liable to pay all amounts that would otherwise have been required to be paid to meet the funding requirements prescribed by section 210 up to the date of such termination to the insurer, trustee, or administrator of the plan or the Pension Benefit Insurance Fund in the circumstances described by section 404(c).

(c) Upon complete termination, or substantial termination (as determined by the Secretary), of a profit-sharing-retirement

plan, the interests of all participants in such plan shall fully vest.

(d) In any case, the Secretary may approve payment of survivor benefits with priorities equal to those of the employees or former employees on whose service such benefits are based.

PART C—VARIANCES

DEFERRED APPLICABILITY OF VESTING STANDARDS

SEC. 216. (a) Where, upon application to the Secretary by the plan administrator and notice to affected or interested parties, the Secretary may defer, in whole or in part, applicability of the requirements of part A of this title for a period not to exceed five years from the effective date of title II, upon a showing that compliance with the requirements of part A on the part of a plan in existence on the date of enactment of this Act would result in increasing the costs of the employer or employers contributing to the plan to such an extent that substantial economic injury would be caused to such employer or employers and to the interests of the participants or beneficiaries in the plan.

(b) For purposes of subsection (a), the term "substantial economic injury" includes, but is not limited to, a showing that (1) a substantial risk to the capability of voluntarily continuing the plan exists, (2) the plan will be unable to discharge its existing contractual obligations for benefits, (3) a substantial curtailment of pension or other benefit levels or the levels of employees' compensation would result, or (4) there will be an adverse effect on the levels of employment with respect to the work force employed by the employer or employers contributing to the plan.

(c) (1) In the case of any plan established or maintained pursuant to a collective bargaining agreement, no application for the granting of the variance provided for under subsection (a) shall be considered by the Secretary unless it is submitted by the parties to the collective bargaining agreement or their duly authorized representatives.

(2) As to any application for a variance under subsection (a) submitted by the parties to a collective bargaining agreement or their duly authorized representatives, the Secretary shall accord due weight to the experience, technical competence, and specialized knowledge of the parties with respect to the particular circumstances affecting the plan, industry, or other pertinent factors forming the basis for the application.

VARIANCES FROM FUNDING REQUIREMENTS

SEC. 217. (a) Where, upon application to the Secretary by the plan administrator and notice to affected or interested parties, the Secretary determines that—

(1) any employer or employers are unable to make annual contributions to the plan in compliance with the funding requirements of section 210(b) (2) or (3), and he has reason to believe that such required payment for that annual period cannot be made by such employer or employers, the Secretary may waive the annual contribution otherwise required to be paid, and prescribe an additional period of not more than five years for the amortization of such annual funding deficiency, during which period the funding deficiency shall be removed by no less than equal annual payments. Any funding deficiency permitted under this section shall be treated for the purposes of any actuarial report required under this Act as an experience deficiency under section 210;

(2) no waiver shall be granted unless the Secretary is satisfied after a review of the financial conditions of the plan and other related matters that—

(A) such waiver will not adversely affect the interests of participants or beneficiaries of such plan; or

(B) will not impair the capability of the Pension Benefit Insurance Fund to equitably underwrite vested benefit losses in accordance with title IV; and

(3) waivers granted pursuant to this provision shall not exceed five consecutive annual waivers.

(b) Where a plan has been granted five consecutive waivers pursuant to subsection (a), the Secretary may—

(1) order the merger or consolidation of the deficiently funded plan with such other plan or plans or the contributing employer or employers in a manner that will result in future compliance with the funding requirements of part B of title II of this Act without adversely affecting the interests of participants and beneficaries in all plans which may be involved;

(2) where necessary to protect the interests of participants or beneficiaries, or to safeguard the capability of the Pension Benefit Insurance Fund to equitably underwrite vested benefit losses, under title IV, order plan termination in accordance with such conditions as the Secretary may prescribe; or

(3) take such other action as may be necessary to fulfill the purposes of this Act.

(c) No amendments increasing plan benefits shall be permitted during any period in which a funding waiver is in effect.

(d) (1) Notwithstanding the requirements of part B of title II of this Act the Secretary shall by rule or regulation prescribe alternative funding requirements for multiemployer plans which will give reasonable assurances that the plan's benefit commitments will be met.

(2) The period of time provided to fund such multiemployer plans shall be a period which will give reasonable assurances that the plan's benefit commitments will be met and which reflects the particular circumstances affecting the plan, industry, or other pertinent factors, except that no period prescribed by the Secretary shall be less than thirty years.

(3) No multiemployer plan shall increase benefits beyond a level for which the contributions made to the plan would be determined to be adequate unless the contribution rate is commensurately increased.

(e) Upon a showing by the plan administrator of a multiemployer plan that the withdrawal from the plan by any employer or employers has or will result in a significant reduction in the amount of aggregate contributions to the plan, the Secretary may take the following steps:

(1) require the plan fund to be equitably allocated between those participants no longer working in covered service under the plan as a result of their employer's withdrawal, and those participants who remain in covered service under the plan;

(2) treat that portion of the plan fund allocable under (1) to participants no longer in covered service, as a terminated plan for the purposes of the plan termination insurance provisions of title IV; and

(3) treat that portion of the plan fund allocable to participants remaining in covered service as a new plan for purposes of the funding standards imposed by part B of title II of this Act, any variance granted by this section, and the plan termination insurance provisions of title IV.

(f) In considering the experience of multiemployer plans for purposes of establishing new premium rates under section 403(b)(3)(A) the Secretary shall take into account for purposes of prescribing lower premium rates, the withdrawal of employers from such plans for which the variance provided in subsection (e) was not available.

PART D—PROTECTION OF PENSION RIGHTS UNDER GOVERNMENT CONTRACTS

FINDINGS

SEC. 220. The Congress finds that because of rapid and frequent changes in Federal procurement objectives and policies, professional, scientific, and technical personnel suffer a uniquely high rate of forfeiture of pension benefits under private pension plans, as such employees tend to change employment more freqently than other workers. The Congress declares that it is the policy of the United States to seek to protect professional, scientific, and technical personnel from such forfeitures by making protection against forfeiture of pension credits, otherwise provided, a condition of compliance with Federal procurement regulations.

DEVELOPMENT OF REGULATIONS

SEC. 221. The Secretary shall develop, in consultation with appropriate professional societies, business organizations, and heads of interested Federal departments and procurement agencies, recommendations for modifications of Federal procurement regulations to insure that professional, scientific, and technical personnel and others working in associated occupations employed under Federal procurement, construction, or research contracts or grants shall, to the extent feasible, be protected against forfeitures of pension or retirement rights or benefits, otherwise provided, as a consequence of job transfers or loss of employment resulting from terminations or modifications of Federal contracts, grants, or procurement policies.

PUBLICATION

SEC. 222. Recommend changes in regulations governing Federal contracts, grants, or procurement policies shall be developed by the Secretary, as required by section 221, within six months after enactment of this Act, and shall be published in the Federal Register within fifteen days thereafter as proposed regulations subject to comment by interested parties.

RECOMMENDATIONS

SEC. 223. After publication under section 222, receipt of comments, and such modification of the published proposals as the Secretary deems appropriate, the recommended changes in procurement regulations developed under this title shall be adopted by each Federal department and procurement agency within sixty days thereafter unless the head of such department or agency determines that such changes would not be in the national interest or would not be consistent with the primary objectives of such department or agency.

TITLE III—VOLUNTARY PORTABILITY PROGRAM FOR VESTED PENSIONS

PROGRAM ESTABLISHED

SEC. 301. (a) There is hereby established a program to be known as the Voluntary Portability Program for Vested Pensions (hereinafter referred to as the "Portability Program"), which shall be administered by and under the direction of the Secretary. The Portability Program shall facilitate the voluntary transfer of vested credits between registered pension or profit-sharing-retirements plans. Nothing in this title or in the regulations issued by the Secretary hereunder shall be construed to require participation in such Portability Program by a plan as a condition of registration under this Act.

(b) Pursuant to regulations issued by the Secretary, plans registered under this Act may apply for membership in the Portability Program, and, upon approval of such application by the Secretary, shall be issued a certificate of membership in the Portability Program (plans so accepted shall be hereinafter referred to as "member plans").

ACCEPTANCE OF DEPOSITS

SEC. 302. A member plan shall, pursuant to regulations prescribed by the Secretary, pay, upon request of the participant, to the fund established by section 303, a sum of money equal to the current discounted value of the participant's vested rights under the plan, which are in settlement of such vested rights, when such participant is separated

from employment covered by the plan before the time prescribed for payments to be made to him or to his beneficiaries under the plan. The fund is authorized to receive such payments, on such terms as the Secretary may prescribe.

SPECIAL FUND

SEC. 303. (a) There is hereby created a fund to be known as the Voluntary Portability Program Fund (hereinafter referred to as the "Fund"). The Secretary shall be the trustee of the Fund. Payments made into the Fund in accordance with regulations prescribed by the Secretary under section 302 shall be held and administered in accordance with this title.

(b) With respect to such Fund, it shall be the duty of the Secretary to—

(1) administer the Fund;

(2) report to the Congress not later than the first day of April of each year on the operation and the status of the Fund during the preceding fiscal year and on its expected operation and status during the current fiscal year and the next two fiscal years and review the general policies followed in managing the Fund and recommend changes in such policies, including the necessary changes in the provisions of law which govern the way in which the Fund is to be managed; and

(3) after amounts needed to meet current and anticipated withdrawals are set aside, deposit the surplus in interest-bearing accounts in any bank the deposits of which are insured by the Federal Deposit Insurance Corporation or savings and loan association in which the accounts are insured by the Federal Savings and Loan Insurance Corporation. In no case shall such deposits exceed 10 per centum of the total of such surplus, in any one bank, or savings and loan association.

INDIVIDUAL ACCOUNTS

SEC. 304. The Secretary shall establish and maintain an account in the Fund for each participant for whom the Secretary receives payment under section 302. The amount credited to each account shall be adjusted periodically, as provided by the Secretary pursuant to regulations to reflect changes in the financial condition of the Fund.

PAYMENTS FROM INDIVIDUAL ACCOUNTS

SEC. 305. Amounts credited to the account of any participant under this title shall be paid by the Secretary to—

(1) a member plan, for the purchase of credits having at least an equivalent actuarial value under such plan, on the request of such participant when he becomes a participant in such member plans;

(2) a qualified insurance carrier selected by a participant who has attained the age of sixty-five, for the purchase of a single premium life annuity in an amount having a present value equivalent to the amount credited to such participant's account, or in the event the participant selects an annuity with survivorship options, an amount determined by the Secretary to be fair and reasonable based on the amount in such participant's account; or

(3) to the designated beneficiary of a participant in accordance with regulations promulgated by the Secretary.

TECHNICAL ASSISTANCE

SEC. 306. The Secretary shall provide technical assistance to employers, employee organizations, trustees, and administrators of pension and profit-sharing-retirement plans in their efforts to provide greater retirement protection for individuals who are separated from employment covered under such plans. Such assistance may include, but is not limited to (1) the development of reciprocity arrangements between plans in the same industry or area, and (2) the development of special arrangements for portability of credits within a particular industry or area.

TITLE IV—PLAN TERMINATION INSURANCE

ESTABLISHMENT AND APPLICABILITY OF PROGRAM

SEC. 401. (a) There is hereby established a program to be known as the Private Pension Plan Termination Isurance Program (hereinafter referred to as the "Insurance Program"), which shall be administered by and under the direction of the Secretary.

(b) Every plan subject to this title shall obtain and maintain plan termination insurance to cover unfunded vested liabilities incurred prior to enactment of the Act as well as after enactment of the Act.

(c) Upon application by an administrator and the payment of required fees and premiums, the Secretary may provide insurance to cover the unfunded vested liabilities of a plan not otherwise covered by this Act where he determines that such plan conforms with the vesting, funding and all other standards, rules, or regulations required by this Act.

CONDITIONS OF INSURANCE

SEC. 402. (a) The insurance program shall insure participants and beneficiaries of those plans registered under this Act against loss of benefits derived from vested rights which arise from the complete or the substantial termination of such plans, as determined by the Secretary.

(b) The rights of participants and beneficiaries of a registered pension plan shall be insured under the insurance program only to the extent that—

(1) such rights as provided for in the plan do not exceed: (A) in the case of a right to a monthly retirement or disability benefit for the employee himself, the lesser of 50 per centum of the average monthly wage he received from the contributing employer in the five-year period after the registration date of the plan for which his earnings were its greatest, or $500 a month; (B) in the case of a right of one or more dependents or members of the participant's family, or in the case of a right to a lump-sum survivor benefit on account of the death of a participant, an amount no greater than the amount determined under clause (A);

(2) the plan is terminated more than three years after the date of its establishment or its initial registration with the Secretary, except that the Secretary may in his discretion authorize insurance payments in such amounts as may be reasonable to any plan terminated in less than three years after the date of its initial registration with the Secretary where (A) such plan has been established and maintained for more than three years prior to its termination, (B) the Secretary is satisfied that during the period the plan was unregistered, it was in substantial compliance with the provisions of this Act, and (C) such payments will not prevent equitable underwriting of losses of vested benefits arising from plan terminations otherwise covered by this title;

(3) such rights were created by a plan amendment which took effect more than three years immediately preceding termination of such plan; and

(4) such rights do not accrue to the interest of a participant who is the owner of 10 per centum or more of the voting stock of the employer contributing to the plan, or of the same percentage interest in a partnership contributing to the plan.

ASSESSMENTS AND PREMIUMS

SEC. 403. (a) Upon registration with the Secretary, each plan shall pay a uniform assessment to the insurance program as prescribed by the Secretary to cover the administrative costs of the insurance program.

(b) (1) Each registered pension plan shall pay an annual premium for insurance at uniform rates established by the Secretary based upon the amount of unfunded vested liabilities subject to insurance under section 402.

(2) For the three-year period immediately following the effective date of this title such premium shall—

(A) not exceed 0.2 per centum of a plan's unfunded vested liabilities with respect to such unfunded vested liabilities incurred after the date of enactment of this Act;

(B) not exceed 0.2 per centum of a plan's unfunded vested liabilities incurred prior to the date of enactment of this Act, where such plan's median ratio of plan assets to unfunded vested liabilities was 75 per centum during the five-year period immediately preceding the enactment of this Act, or in the event of a plan established within the five-year period immediately preceding the date of enactment of this Act, where the plan has reduced the amount of such unfunded vested liabilities at the rate of at least 5 per centum each year since the plan's date of establishment;

(C) not exceed 0.4 per centum or be less than 0.2 per centum of a plan's unfunded vested liabilities incurred prior to the date of enactment of this Act where such plan does not meet the standards set forth in subparagraph (B);

(D) not exceed 0.2 per centum of a plan's unfunded vested liabilities regardless of whether such liabilities were incurred prior to or subsequent to the date of enactment of this Act with respect to multiemployer plans.

(3) (A) The Secretary is authorized to prescribe different uniform premium rates after the initial three-year period based upon experience and other relevant factors.

(B) Any new rates proposed by the Secretary shall be effective at the end of the first period of ninety calendar days of continuous session of the Congress after the date on which the proposed rates are published in the Federal Register.

(C) For the purpose of subparagraph (B)—

(i) continuity of a session is broken only by an adjournment sine die; and

(ii) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the ninety-day period.

(c) Assessments and premiums referred to in this section shall be prescribed by the Secretary only after consultation with appropriate Government agencies and private persons with expertise on matters relating to assessment and premium structures in insurance and related matters, and after notice to all interested persons and parties.

PAYMENT OF INSURANCE

SEC. 404. (a) Every plan insured under this title shall provide adequate prior notice to the Secretary of intent to terminate the plan, and in the event such notice is not provided and the plan is terminated, the person or persons responsible for failing to give such notice shall be personally liable for any losses incurred by the Pension Benefit Insurance Fund in connection with any plan termination.

(b) As determined by the Secretary, subject to the conditions specified in section 402, the amount of insurance payable under the insurance program shall be the difference between the realized value of the plan's assets and the amount of vested liabilities under the plan.

(c) The Secretary shall, by regulation, prescribe the procedures under which the funds of terminated plans shall be wound up and liquidated and the proceeds therefrom applied to payment of the vested benefits of participants and beneficiaries. In implementing this paragraph, the Secretary shall have authority to:

(1) transfer the terminated fund to the Pension Benefit Insurance Fund for purposes of liquidation and payment of benefits to participants and beneficiaries;

(2) purchase single-premium life annuities from qualified insurance carriers from the proceeds of the terminated plan on terms

determined by the Secretary to be fair and reasonable; or

(3) take such other action as may be appropriate to assure equitable arrangements for the payment of vested benefits to participants and beneficiaries under the plan.

(d) Any person or persons who terminate a plan insured under this title, with intent to avoid or circumvent the purposes of this Act or in violation of the requirements of this Act or those of the Welfare and Pension Plan Disclosure Act shall be personally liable for any losses incurred by the Pension Benefit Insurance Fund in connection with such plan termination.

RECOVERY

SEC. 405. (a) Where the employer or employers contributing to the terminating plan or who terminated the plan are not insolvent (within the meaning of section 1(19) of the Bankruptcy Act), such employer or employers (or any successor in interest to such employer or employers) shall be liable to reimburse the insurance program for any insurance benefits paid by the program to the beneficiaries of such terminated plan to the extent provided in this section.

(b) An employer, determined by the Secretary to be liable for reimbursement under subsection (a), shall be liable to pay 100 per centum of the terminated plan's unfunded vested liabilities on the date of such termination. In no event however, shall the employer's liability exceed 50 per centum of the net worth of such employer.

(c) The Secretary is authorized to make arrangements with employers, liable under subsection (a), for reimbursement of insurance paid by the Secretary, including arrangements for deferred payment on such terms and for such periods as are deemed equitable and appropriate.

(d) (1) If any employer or employers liable for any amount due under subsection (a) of this section neglects or refuses to pay the same after demand, the amount (including interest) shall be a lien in favor of the United States upon all property and rights in property, whether real or personal, belonging to such employer or employers.

(2) The lien imposed by paragraph (1) of this subsection shall not be valid as against a lien created under section 6321 of the Internal Revenue Code of 1954.

(3) Notice to the lien imposed by paragraph (1) of this subsection shall be filed in a manner and form prescribed by the Secretary. Such notice shall be valid notwithstanding any other provision of law regarding the form and content of a notice of lien.

(4) The Secretary shall promulgate rules and regulations with regard to the release of any lien imposed by paragraph (1) of this subsection.

PENSION BENEFIT INSURANCE FUND

SEC. 406. (a) There is hereby created a separate fund for pension benefit insurance to be known as the Pension Benefit Insurance Fund (hereafter in this section called the insurance fund) which shall be available to the Secretary without fiscal year limitation for the purposes of this title. The Secretary shall be the trustee of the insurance fund.

(b) All amounts received as premiums, assessments, or fees, and any other moneys, property, or assets derived from operations in connection with this title shall be deposited in the insurance fund.

(c) All claims, expenses, and payments pursuant to operation of the program under this title shall be paid from the insurance fund.

(d) All moneys of the insurance fund may be invested in obligations of the United States or in obligations guaranteed as to principal and interest by the United States.

(e) With respect to such insurance fund, it shall be the duty of the Secretary to—

(1) administer the insurance fund; and

(2) report to the Congress not later than the first day of April of each year on the operation and the status of the insurance fund during the preceding fiscal year and on its expected operation and status during the current fiscal year and the next two fiscal years and review the general policies followed in managing the insurance fund and recommend changes in such policies, including the necessary charges in the provisions of law which govern the way in which the insurance fund is to be managed.

TITLE V—DISCLOSURE AND FIDUCIARY STANDARDS

SEC. 501. In addition to the filing requirements of the Welfare and Pension Plans Disclosure Act, it shall be a condition of compliance with section 7 of such Act that each annual report hereinafter filed under that section shall be accompanied by a certificate or certificates in the name of and on behalf of the plan, the administrator, and any employer or employee organization participating in the establishment of the plan, designating the Secretary as agent for service of process on the persons and entities executing such certificate or certificates in any action arising under the Welfare and Pension Plans Disclosure Act or this Act.

SEC. 502. (a) Section 3 of the Welfare and Pension Plans Disclosure Act (72 Stat. 997) is amended by adding at the end thereof the following new paragraphs:

"(14) The term 'relative' means a spouse, ancestor, descendant, brother, sister, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

"(15) the term 'administrator' means—

"(A) the person specifically so designated by the terms of the plan, collective bargaining agreement, trust agreement, contract, or other instrument, under which the plan is operated; or

"(B) in the absence of such designation (i) the employer in the case of an employee benefit plan established or maintained by a single employer, (ii) the employee organization in the case of a plan established or maintained by a employee organization, or (iii) the association, committee, joint board of trustees or other similar group of representatives of the parties who established or maintained the plan, in the case of a plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations.

"(16) The term 'employee benefit plan' or 'plan' means an employee welfare benefit plan or an employee pension benefit plan or a plan providing both welfare and pension benefits.

"(17) The term 'employee benefit fund' or 'fund' means a fund of money or other assets maintained pursuant to or in connection with an employee benefit plan and includes employee contributions withheld but not yet paid to the plan by the employer. The term does not include: (A) any assets of an investment company subject to regulation under the Investment Company Act of 1940; (B) premium, subscription charges, or deposits received and retained by an insurance carrier or service or other organization, except for any separate account established or maintained by an insurance carrier.

"(18) The term 'separate account' means an account established or maintained by an insurance company under which income, gains, and losses, whether or not realized, from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains, or losses of the insurance company.

"(19) The term 'adequate consideration' when used in section 15 means either (A) at no more than the price of the security prevailing on a national securities exchange which is registered with the Securities and Exchange Commission, or (B) if the security is not traded on such a national securities exchange, at a price not less favorable to the fund than the offering price for the security as established by the current bid and asked prices quoted by persons independent of the issuer, or (C) if the price of the security is not quoted by persons independent of the issuer, a price determined to be the fair value of the security.

"(20) The term 'nonforfeitable pension benefit' means a legal claim obtained by a participant or his beneficiary to that part of an immediate or deferred pension benefit which, notwithstanding any conditions subsequent which would affect receipt of any benefit flowing from such right, arises from the participant's covered service under the plan and is no longer contingent on the participant remaining covered by the plan.

"(21) The term 'covered service' means that period of service performed by a participant for an employer or as a member of an employee organization which is recognized under the terms of the plan or the collective-bargaining agreement (subject to the requirements of the Retirement Income Security for Employees Act), for purposes of determining a participant's eligibility to receive pension benefits or for determining the amount of such benefits.

"(22) The term 'pension benefit' means the aggregate, annual, monthly, or other amounts to which a participant has or will become entitled upon retirement or to which any other person is entitled by virtue of such participant's death.

"(23) The term "accrued portion of normal retirement benefit" means that amount of such benefit which, irrespective of whether the right to such benefit is nonforfeitable, is equal to—

"(A) in the case of a profit-sharing-retirement plan or money purchase plan, the total amount credited to the account of a participant;

"(B) in the case of a unit benefit-type pension plan, the benefit units credited to a participant; or

"(C) in the case of other types of pension plans, that portion of the prospective normal retirement benefit of a participant that, pursuant to rule or regulation under the Retirement Income Security for Employees Act, is determined to constitute the participant's accrued portion of the normal retirement benefit under the terms of the appropriate plan.

"(24) The term 'security' means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in, or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.

"(25) The term 'fiduciary' means any person who exercises any power of control, management, or disposition with respect to any moneys or other property of any employee benefit fund, or has authority or responsibility to do so.

"(26) The term 'market value' or 'value' when used in this Act means fair market value where available, and otherwise the fair value as determined pursuant to rule or regulation under this Act."

(b) Paragraph (1) of section 3 of such Act is amended by inserting the words "or maintained" after the word "established", by inserting a comma after the word "unemployment", and by adding the following: "or benefits of the type described or permitted by section 302(c) of the Labor-Management Relations Act".

(c) Paragraph (2) of section 3 of such Act is amended by inserting the words "or maintained" after the word "established".

(d) Paragraph (3) of section 3 of such Act is amended by striking out the word "plan" the first time it appears and inserting in lieu thereof the word "program".

(e) Paragraphs (3), (4), (6), and (7) of section 3 of such Act are amended by striking out the words "welfare or pension" wherever they appear.

(f) Paragraph (13) of section 3 of such Act is amended to read as follows:

"(13) The term 'party in interest' means as to an employee benefit plan or fund, any administrator, officer, fiduciary, trustee, custodian, counsel, or employee of any employee benefit plan, or a person providing benefit plan services to any such plan, or an employer, any of whose employees are covered by such a plan or any person controlling, controlled by, or under common control with, such employer or officer or employee or agent of such employer or such person, or an employee organization having members covered by such plan, or an officer or employee or agent of such an employee organization, or a relative, partner, or joint venturer or any of the above-described persons. Whenever the term 'party in interest' is used in this Act, it shall mean a person known to be a party in interest. If any moneys or other property of an employee benefit fund are invested in shares of an investment company registered under the Investment Company Act of 1940, such investment shall not cause such investment company or such investment company's investment adviser or principal underwriter to be deemed to be a 'fiduciary' or a 'party in interest' as those terms are defined in this Act, except insofar as such investment company or its investment adviser or principal underwriter acts in connection with an employee benefit fund established or maintained pursuant to an employee benefit plan covering employees of the investment company, the investment adviser, or its principal underwriter. Nothing contained herein shall limit the duties imposed on such investment company, investment adviser, or principal underwriter by any other provision of law."

SEC. 503. (a) Section 4(a) of the Welfare and Pension Plans Disclosure Act is amended by striking out the words "welfare or pension", "or employers", and "or organizations" wherever they appear.

(b) Paragraph (3) of section 4(b) of such Act is amended to read as follows:

"(3) Such plan is administered by a religious organization described under section 501(c) of the Internal Revenue Code of 1954 which is exempt from taxation under the provisions of section 501(a) of such Code;"

(c) Paragraph (4) of section 4(b) of such Act is amended by inserting before the period the following: ", except that participants and beneficiaries of such plan shall be entitled to maintain an action to recover benefits or to clarify their rights to future benefits as provided in section 604 of the Retirement Income Security for Employees Act".

(d) Section 4(b) of such Act is further amended by adding at the end thereof the following new paragraph:

"(5) Such plan is established or maintained outside the United States primarily for the benefit of employees who are not citizens of the United States and the situs of the employee benefit plan fund established or maintained pursuant to such plan is maintained outside the United States."

SEC. 504. (a) Section 5(b) of the Welfare and Pension Plans Disclosure Act is amended to read as follows:

"(b) The Secretary may require the filing of special terminal reports on behalf of an employee benefit plan which is winding up its affairs, so long as moneys or other assets remain in the plan. Such reports may be required to be filed regardless of the number of participants remaining in the plan and shall be in such form and filed in such manner as the Secretary may prescribe."

(b) Section 5 of such Act is further amended by adding at the end thereof the following new subsection:

"(c) The Secretary may by regulation provide for the exemption from all or part of the reporting and disclosure requirements of this Act of any class or type of employee benefit plans if the Secretary finds that the application of such requirements to such plans is not required in order to implement the purposes of this Act."

SEC. 505. Section 6 of the Welfare and Pension Plans Disclosure Act is amended to read as follows:

"SEC. 6. (a) A description of any employee benefit plan shall be published as required herein within ninety days after the establishment of such plan or when such plan becomes subject to this Act.

"(b) The description of the plan shall be comprehensive and shall include the name and type of administration of the plan; the name and address of the administrator; the names and addresses of any person or persons responsible for the management or investment of plan funds, the schedule of benefits; a description of the provisions providing for vested benefits written in a manner calculated to be understood by the average participant; the source of the financing of the plan and identity of any organization through which benefits are provided; whether records of the plan are kept on a calendar year basis, or on a policy or other fiscal year basis, and if on the latter basis, the date of the end of such policy or fiscal year; the procedures to be followed in presenting claims for benefits under the plan and the remedies available under the plan for the redress of claims which are denied in whole or in part. Amendments to the plan reflecting changes in the data and information included in the original plan, other than data and information also required to be included in annual reports under section 7, shall be included in the description on and after the effective date of such amendments. Any change in the information required by this subsection shall be reported in accordance with regulations prescribed by the Secretary."

SEC. 506. (a) Subsection (a) of section 7 of the Welfare and Pension Plans Disclosure Act is amended by adding the number "(1)" after the letter "(a)", and by striking out that part of the first sentence which precedes the word "if" the first time it appears and inserting in lieu thereof the words "An annual report shall be published with respect to any employee benefit plan if the plan provides for an employee benefit fund subject to section 15 of this Act or".

(b) Section 7(a)(1) of such Act is further amended by striking out the word "investigation" and inserting in lieu thereof the words "notice and opportunity to be heard", by striking out the words "year (or if" and inserting in lieu thereof the words "policy or fiscal year on which", adding a period after the word "kept", and striking out all the words following the word "kept".

(c) Section 7(a) of such Act is further amended by adding the following paragraphs:

"(2) If some or all of the benefits under the plan are provided by an insurance carrier or service or other organization, such carrier or organization shall certify to; the administrator of such plan, within one hundred and twenty days after the end of each calendar, policy, or other fiscal year, as the case may be, such information as determined by the Secretary to be necessary to enable such administrator to comply with the requirements of this Act.

"(3) The administrator of an employee benefit plan shall cause an audit to be made annually of the employee benefit fund established in connection with or pursuant to the provisions of the plan. Such audit shall be conducted in accordance with generally accepted standards of auditing by an independent certified or licensed public accountant, but nothing herein shall be construed to require such an audit of the books or records of any bank, insurance company, or other institution providing insurance, investment, or related function for the plan, if such books or records are subject to periodic examination by any agency of the Federal Government or the government of any State. The auditor's opinion and comments with respect to the financial information required to be furnished in the annual report by the plan administrator shall form a part of such report."

(d) Section 7 (b) and (c) of such Act are amended to read as follows:

"(b) A report under this section shall include—

"(1) the amount contributed by each employer; the amount contributed by the employees; the amount of benefits paid or otherwise furnished; the number of employees covered; a statement of assets, liabilities, receipts, and disbursements of the plan; a detailed statement of the salaries and fees and commissions charged to the plan, to whom paid, in what amount, and for what purposes; the name and address of each fiduciary, his official position with respect to the plan, his relationship to the employer of the employees covered by the plan, or the employee organization, and any other office, position, or employment he holds with any party in interest;

"(2) a schedule of all investments of the fund showing as of the end of the fiscal year:

"(A) the aggregate cost and aggregate value of each security, by issuer,

"(B) The aggregate cost and aggregate value, by type or category, of all other investments and separately identifying (i) each investment, the value of which exceed 3 per centum of the value of the fund and (ii) each investment in securities or properties of any person known to be a party in interest;

"(3) a schedule showing the aggregate amount, by type of security, of all purchases, sales, redemptions, and exchanges of securities made during the reporting period; a list of the issuers of such securities; and in addition, a schedule showing, as to each separate transaction with or without respect to securities issued by any person known to be a party in interest, the issuer, the type and class of security, the quantity involved in the transaction, the gross purchase price, and in the case of a sale, redemption, or exchange, the gross and net proceeds (including a description and the value of any consideration other than money) and the net gain or loss, except that such schedule shall not include distribution of stock or other distributions in kind from profitsharing or similar plans to participants separated from the plan;

"(4) a schedule of purchases, sales, or exchanges during the year covered by the report of investment assets other than securities—

"(A) by type or category of asset the aggregate amount of purchases, sales, and exchanges; the aggregate expenses incurred in connection therewith; and the aggregate net gain (or loss) on sales, and

"(B) for each transaction involving a person known to be a party in interest and for each transaction involving over 3 per centum of the fund, and indication of each asset purchased, sold, or exchanged (and, in the case of fixed assets such as land, buildings, and leaseholds, the location of the asset); the purchase or selling price; expenses incurred in connection with the purchase, sale, or exchange; the cost of the asset and the net gain (or loss) on each sale; the identity of the seller in the case of a purchase, or the identity of the purchaser in the case of a

sale, and his relationship to the plan, the employer, or any employee organization;

"(5) a schedule of all loans made from the fund during the reporting year or outstanding at the end of the year, and a schedule of principal and interest payments received by the fund during the reporting year, aggregated in each case by type of loan, and in addition, a separate schedule showing as to each loan which—

"(A) was made to a party in interest, or

"(B) was in default, or

"(C) was written off during the year as uncollectable, or

"(D) exceeded 3 per centum of the value of the fund,

the original principal amount of the loan, the amount of principal and interest received during the reporting year, the unpaid balance, the identity and address of the loan obligor, a detailed description of the loan (including date of making and maturity, interest rate, the type and value of collateral, and the material terms), the amount of principal and interest overdue (if any) and as to loans written off as uncollectable an explanation thereof;

"(6) a list of all leases with—

"(A) persons other than parties in interest who are in default, and

"(B) any party in interest,

including information as to the type of property leased (and, in the case of fixed assets such as land, buildings, leaseholds, and so forth, the location of the property), the identity of the lessor or lessee from or to whom the plan is leasing, the relationship of such lessors and lessees, if any, to the plan, the employer, employee organization, or any other party in interest, the terms of the lease regarding rent, taxes, insurance, repairs, expenses, and renewal options; if property is leased from persons described in (B) the amount of rental and other expenses paid during the reporting year; and if property is leased to persons described in (A) or (B), the date the leased property was purchased and its cost, the date the property was leased and its approximate value at such date, the gross rental receipts during the reporting period, the expenses paid for the leased property during the reporting period, the net receipt from the lease, and with respect to any such leases in default, their identity, the amounts in arrears, and a statement as to what steps have been taken to collect amounts due or otherwise remedy the default;

"(7) a detailed list of purchases, sales, exchanges, or any other transactions with any party in interest made during the year, including information as to the asset involved, the price, any expenses connected with the transaction, the cost of the asset, the proceeds, the net gain or loss, the identity of the other party to the transaction and his relationship to the plan;

"(8) subject to rules of the Secretary designed to preclude the filing of duplicate or unnecessary statements if, some or all of the assets of a plan or plans are held in a common or collective trust maintained by a bank or similar institution or in a separate account maintained by an insurance carrier, the report shall include a statement of assets and liabilities and a statement of receipts and disbursements of such common or collective trust or separate account and such of the information required under paragraphs (2), (3), (4), (5), (6), and (7) of section 7(b) with respect to such common or collective trust or separate account as the Secretary may determine appropriate by regulation. In such case the bank or similar institution or insurance carrier shall certify to the administrator of such plan or plans, within one hundred and twenty days after the end of each calendar, policy, or other fiscal year, as the case may be, the information determined by the Secretary to be necessary to enable the plan administrator to comply with the requirements of this Act; and

"(9) in addition to reporting the information called for by this subsection, the administrator may elect to furnish other information as to investment or reinvestment of the fund as additional disclosures to the Secretary.

"(c) If the only assets from which claims against an employee benefit plan may be paid are the general assets of the employer or the employee organization, the report shall include (for each of the past five years) the benefits paid and the average number of employees eligible for participation."

(e) Section 7(d) of such Act is amended by striking out the capital "T" in the word "The" the first time it appears in paragraphs (1) and (2) and inserting in lieu thereof a lowercase "t".

(f) Section 7(e) of such Act is amended to read as follows:

"(e) Every employee pension benefit plan shall include with its annual report (to the extent applicable) the following information:

"(1) the type and basis of funding,

"(2) the number of participants, both retired and nonretired, covered by the plan,

"(3) the amount of all reserves or net assets accumulated under the plan,

"(4) the present value of all liabilities for all nonforfeitable pension benefits and the present value of all other accrued liabilities,

"(5) the ratios of the market value of the reserves and assets described in (3) above to the liabilities described in (4) above,

"(6) a copy of the most recent actuarial report, and

"(A) (i) the actuarial assumptions used in computing the contributions to a trust or payments under an insurance contract, (ii) the actuarial assumptions used in determining the level of benefits, and (iii) the actuarial assumptions used in connection with the other information required to be furnished under this subsection, insofar as any such actuarial assumptions are not included in the most recent actuarial report,

"(B) (i) if there is no such report, or (ii) if any of the actuarial assumptions employed in the annual report differ from those in the most recent actuarial report, or (iii) if different actuarial assumptions are used for computing contributions or payments than are used for any other purpose, a statement explaining same; and

"(7) such other reasonable information pertinent to disclosure under this subsection as the Secretary may by regulation prescribe."

(g) Section 7 of such Act is further amended by striking out in their entirety subsections (f), (g), and (h).

SEC. 507. (a) Section 8 of the Welfare and Pension Plans Disclosure Act is amended by striking out subsections (a) and (b) in their entirety and by redesignating subsection (c) as subsection (a). The subsection redesignated as subsection (a) is further amended by striking out the words "of plans" after the word "descriptions", striking out the word "the" before the word "annual" and adding the word "plan" before the word "descriptions".

(b) Such section is further amended by adding subsections (b), (c), and (d), to read as follows:

"(b) The administrator of any employee benefit plan subject to this Act shall file with the Secretary a copy of the plan description and each annual report. The administrator shall also furnish to the Secretary, upon request, any documents relating to the employee benefit plan, including but not limited to the bargaining agreement, trust agreement, contract, or other instrument under which the plan is established or operated, and any document so furnished shall be available for public inspection. The Secretary shall make copies of such descriptions and annual reports for public inspection.

"(c) Publication of the plan descriptions and annual reports required by this Act shall be made to participants and beneficiaries of the particular plan as follows:

"(1) the administrator shall make copies of the plan description (including all amendments or modifications thereto) and the latest annual report and the bargaining agreement, trust agreement, contract, or other instrument under which the plan was established or is operated available for examination by any plan participant or beneficiary in the principal office of the administrator;

"(2) the administrator shall furnish to any plan participant or beneficiary so requesting in writing a fair summary of the latest annual report;

"(3) the administrator shall furnish or make available, whichever is most practicable: (1) to every participant upon his enrollment in the plan and within one hundred and twenty days after each major amendment to the plan, a summary of the plan's important provisions, including the names and addresses of any person or persons responsible for the management or investment of plan funds, and requirements of the amendment, whichever is applicable, written in a manner calculated to be understood by the average participant; such explanation shall include a description of the benefits available to the participant under the plan and circumstances which may result in disqualification or ineligibility, and the requirements of the Welfare and Pension Plans Disclosure Act with respect to the availability of copies of the plan bargaining agreement, trust agreement, contract or other instrument under which the plan is established or operated; and (ii) to every participant every three years (commencing January 1, 1975), a revised up-to-date summary of the plan's important provisions and major amendments thereto, written in a manner calculated to be understood by the average participant; and (iii) to each plan participant or beneficiary so requesting in writing a complete copy of the plan description (including all amendments or modifications thereto) or a complete copy of the latest annual report, or both. He shall in the same way furnish a complete copy of any bargaining agreement, trust agreement, contract, or other instrument under which the plan is established or operated. In accordance with regulations of the Secretary, an administrator may make a reasonable charge to cover the cost of furnishing such complete copies.

"(d) In the event a plan is provided a variance with respect to standards of vesting, funding, or both, pursuant to title II of the Retirement Income Security for Employees Act, the administrator shall furnish or make available, whichever is most practicable, notice of such action to each participant in a manner calculated to be understood by the average participant, and in such form and detail and for such periods as may be prescribed by the Secretary."

SEC. 508. (a) Section 9(d) of the Welfare and Pension Plans Disclosure Act is amended to read as follows:

"(d) The Secretary may make appropriate and necessary inquiries to determine violations of the provisions of this Act, or any rule or regulation issued thereunder: *Provided, however,* That no periodic examination of the books and records of any plan or fund shall be conducted more than once annually unless the Secretary has reasonable cause to believe there may exist a violation of this Act or any rule or regulation issued thereunder."

(b) Subsection (h) of section 9 of such Act is repealed and subsection (i) of such section is redesignated as subsection (h).

SEC. 509. Section 14 of such Act is amended to read as follows:

"SEC. 14. (a) (1) There is hereby established an Advisory Council on Employee Welfare and Pension Benefit Plans (hereinafter

referred to as the 'Council') consisting of twenty-one members appointed by the Secretary. Not more than eleven members of the Council shall be members of the same political party.

"(2) Members shall be appointed from among persons recommended by groups or and shall be persons qualified to appraise the programs instituted under this Act and the Retirement Income Security for Employees Act.

"(3) Of the members appointed, five shall be representatives of labor organizations; five shall be representatives of management; one representative each from the fields of insurance, corporate trust, actuarial counseling, investment counseling, and the accounting field; and six representatives shall be appointed from the general public.

"(4) Members shall serve for terms of three years, except that of those first appointed, six shall be appointed for terms of one year, seven shall be appointed for terms of two years, and eight shall be appointed for terms of three years. A member may be reappointed, and a member appointed to fill a vacancy shall be appointed only for the remainder of such term. A majority of members shall constitute a quorum and action shall be taken only by a majority vote of those present.

"(5) Members shall be paid compensation at the rate of $150 per day when engaged in the actual performance of their duties except that any such member who holds another office or position under the Federal Government shall serve without additional compensation. Any member shall receive travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(b) It shall be the duty of the Council to advise the Secretary with respect to the carrying out of his functions under this Act, and the Retirement Income Security for Employees Act and to submit to the Secretary recommendations with respect thereto. The Council shall meet at least four times each year and at such other times as the Secretary requests. At the beginning of each regular session of the Congress, the Secretary shall transmit to the Senate and House of Representatives each recommendation which he has received from the Council during the preceding calendar year and a report covering his activities under the Act and the Retirement Income Security for Employees Act for the preceding fiscal year, including full information as to the number of plans and their size, the results of any studies he may have made of such plans and the operation of this Act and the Retirement Income Security for Employees Act and such other information and data as he may deem desirable in connection with employee welfare and pension benefit plans.

"(c) The Secretary shall furnish to the Council an executive secretary and such secretarial, clerical, and other services as are deemed necessary to conduct its business. The Secretary may call upon other agencies of the Government for statistical data, reports, and other information which will assist the Council in the performance of its duties."

SEC. 510. The Welfare and Pension Plans Disclosure Act is further amended by renumbering sections 15, 16, 17, and 18 as sections 16, 17, 18, and 19, respectively, and by inserting the following new section immediately after section 14:

"FIDUCIARY STANDARDS

"SEC. 15. (a) Every employee benefit fund established to provide for the payment of benefits under an employee's benefit plan shall be established or maintained pursuant to a duly executed written document which shall set forth the purpose or purposes for which such fund is established and the detailed basis on which payments are to be made into and out of such fund. Such fund shall be deemed to be a trust and shall be held for the exclusive purpose of (1) providing benefits to participants in the plan and their beneficiaries and (2) defraying reasonable expenses of administering the plan.

"(b)(1) A fiduciary shall discharge his duties with respect to the fund—

"(A) with the care under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims; and

"(B) subject to the standards in subsection (a) and in accordance with the documents and instruments governing the fund insofar as is consistent with this Act, except that (i) any assets of the fund remaining upon dissolution or termination of the fund shall, after complete satisfaction of the rights of all beneficiaries to benefits accrued to the date of dissolution or termination, be distributed ratably to the beneficiaries thereof or, if the trust agreement so provides, to the contributors thereto; (ii) that in the case of a registered pension or profit-sharing-retirement plan, such distribution shall be subject to the requirements of the Retirement Income Security for Employees Act and (iii) any assets of the fund attributable to employee contributions, remaining after complete satisfaction of the rights of all beneficiaries accrued to the date of dissolution or termination shall be equitably distributed to the employee contributors according to their rate of contribution.

"(2) Except as permitted hereunder, a fiduciary shall not—

"(A) rent or sell property of the fund to any person known to be a party in interest of the fund;

"(B) rent or purchase on behalf of the fund any property known to be owned by a party in interest of the fund;

"(C) deal with such fund in his own interest or for his own account;

"(D) represent any other party with such fund, or in any way act on behalf of a party adverse to the fund or adverse to the interests of its participants or beneficiaries;

"(E) receive any consideration from any party dealing with such fund in connection with a transaction involving the fund;

"(F) loan money or other assets of the fund to any party in interest of the fund;

"(G) furnish goods, services, or facilities of the fund to any party in interest of the fund;

"(H) permit the transfer of any assets or property of the fund to, or its use by or for the benefit of, any party in interest of the fund; or

"(I) permit any of the assets of the fund to be held, deposited, or invested outside the United States unless the indicia of ownership remain within the jurisdiction of a United States District Court, except as authorized by the Secretary by rule or regulation.

"(3) The Secretary, by rules or regulations or upon application of any fiduciary or party in interest, by order, shall provide for the exemption conditionally or unconditionally of any fiduciary or class of fiduciaries or transactions or class of transactions from all or part of the proscriptions contained in this subsection 15(b)(2) when the Secretary finds that to do so is consistent with the purposes of this Act and is in the interest of the fund or class of funds and the participants and beneficiaries: *Provided, however,* That any such exemption shall not relieve a fiduciary from any other applicable provisions of this Act.

"(c) Nothing in this section shall be construed to prohibit the fiduciary from—

"(1) receiving any benefit to which he may be entitled as a participant or beneficiary in the plan under which the fund was established;

"(2) receiving any reasonable compensation for services rendered, or for the reimbursement of expenses properly and actually incurred, in the performance of his duties with the fund, or receiving in a fiduciary capacity proceeds from any transaction involving plan funds, except that no person so serving who already receives full-time pay from an employer or an association of employers whose employees are participants in the plan under which the fund was established, or from an employee organization whose members are participants in such plan shall receive compensation from such fund, except for reimbursement of expenses properly and actually incurred and not otherwise reimbursed;

"(3) serving in such position in addition to being an officer, employee, agent, or other representative of a party in interest;

"(4) engaging in the following transactions:

"(A) holding or purchasing on behalf of the fund any security which has been issued by an employer whose employees are participants in the plan, under which the fund was established or a corporation controlling, controlled by, or under common control with such employer, except that (i) the purchase of any security is for no more than adequate consideration in money or money's worth, and (ii) that if an employee benefit fund is one which provides primarily for benefits of a stated amount, or an amount determined by an employee's compensation, an employee's period of service, or a combination of both, or money purchase type benefits based on fixed contributions which are not geared to the employer's profits, no investment shall be held or made by a fiduciary of such a fund in securities of such employer or of a corporation controlling, controlled by, or under common control with such employer, if such investment, when added to such securities already held, exceeds 10 per centum of the fair market value of the assets of the fund. Notwithstanding the foregoing, such 10 per centum limitation shall not apply to profit sharing, stock bonus, thrift and savings or other similar plans which explicitly provide that some or all of the plan funds may be invested in securities of such employer or a corporation controlling, controlled by, or under common control with such employer, nor shall said plans be deemed to be limited by any diversification rule as to plan funds which may be invested in such securities. Profit-sharing, stock bonus, thrift, or other similar plans, which are in existence on the date of enactment and which allow investment in such securities without explicit provision in the plan, shall remain exempt from the 10 per centum limitation until the expiration of one year from the date of enactment of the Retirement Income Security for Employees Act. Nothing contained in this subparagraph shall be construed to relieve profit-taking, stock bonus, thrift and savings or other similar plans from any other applicable requirements of this section;

"(B) purchasing on behalf of the fund any security or selling on behalf of the fund any security which is acquired or held by the fund, to or from a party in interest, if (i) at the time of such purchase or sale the security is of a class of securities which is listed on a national securities exchange registered under the Securities Exchange Act of 1934 or which has been listed for more than one month (at the time of such sale or purchase) on an electronic quotation system administered by a national securities association registered under the Securities Exchange Act of 1934 (ii) no brokerage commission, fee (except for customary transfer fees), or other remuneration is paid in connection with such transaction, (iii) adequate consideration is paid, and (iv) that in the

event the security is one described in subparagraph (A), the transaction has received the prior approval of the Secretary;

"(5) making any loan to participants or beneficiaries of the plan under which the fund was established where such loans are available to all participants or beneficiaries on a nondiscriminatory basis and are made in accordance with specific provisions regarding such loans set forth in the plan and are not otherwise inconsistent with the purposes of this Act;

"(6) contracting or making reasonable arrangements with a party in interest for office space and other services necessary for the operation of the plan and paying reasonable compensation therefor;

"(7) following the specific instructions in the trust instrument or other document governing the fund insofar as consistent with the specific prohibitions listed in subsection (b)(2);

"(8) taking action pursuant to an authorization in the trust instrument or other document governing the fund, provided such action is consistent with the provisions of subsection (b).

"(d) Any fiduciary who breaches any of the responsibilities, obligations, or duties imposed upon fiduciaries by this Act shall be personally liable to such fund for any losses to the fund resulting from such breach, and to pay to such fund any profits which have inured to such fiduciary through use of assets of the fund.

"(e) When two or more fiduciaries undertake jointly the performance of a duty or the exercise of a power, or where two or more fiduciaries are required by an instrument governing the fund to undertake jointly the performance of a duty or the exercise of power, but not otherwise, each of such fiduciaries shall have the duty to prevent any other such cofiduciary from committing a breach of responsibility, obligation, or duty of a fiduciary or to compel such other cofiduciary to redress such a breach, except that no fiduciary shall be liable for any consequence of any act or failure to act as a cofiduciary who is undertaking or is required to undertake jointly any duty or power if he shall object in writing to the specific action and promptly file a copy of his objection with the Secretary.

"(f) No fiduciary may be relieved from any responsibility, obligation, or duty imposed by law, agreement, or otherwise. Nothing herein shall preclude any agreement allocating specific duties or responsibilities among fiduciaries, or bar any agreement of insurance coverage or indemnification affecting fiduciaries, unless specifically disapproved by the Secretary.

"(g) A fiduciary shall not be liable for a violation of this Act committed before he became a fiduciary or after he ceased to be a fiduciary.

"(h) No individual who has been convicted of, or has been imprisoned as a result of his conviction of: robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, kidnaping, perjury, assault with intent to kill, assault which inflicts grevious bodily injury, any crime described in section 9(a)(1) of the Investment Company Act of 1940, or a violation of any provision of the Welfare and Pension Plans Disclosure Act, or a violation of section 302 of the Labor-Management Relations Act of 1947 (61 Stat. 157, as amended), or a violation of chapter 63 of title 18, United States Code, or a violation of section 874, 1027, 1503, 1505, 1506, 1510, 1951, or 1954 of title 18, United States Code or a violation of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 519, as amended), or conspiracy to commit any such crimes or attempt to commit any such crimes or a crime in which any of the foregoing crimes is an element, shall serve—

"(1) as an administrator, officer, trustee, custodian, counsel, agent, employee (other than as an employee performing exclusive clerical or janitorial duties) or other fiduciary position of any employee benefit plan; or

"(2) as a consultant to any employee benefit plan, during or for five years after such conviction or after the end of such imprisonment, unless prior to the end of such five-year period, in the case of a person so convicted or imprisoned, (A) his citizenship rights having been revoked as a result of such conviction, have been fully restored, or (B) the Secretary determines that such person's service in any capacity referred to in clause (1) or (2) would not be contrary to the purposes of this Act. No person shall knowingly permit any other person to serve in any capacity referred to in clause (1) or (2) in violation of this subsection. Any person who willfully violates this subsection shall be fined not more than $10,000 or imprisoned for not more than one year, or both. For the purposes of this subsection, any person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgment of the trial court or the date of the final sustaining of such judgment on appeal, whichever is the later event, regardless of whether such conviction occurred before or after the date of enactment of this section. For the purposes of this subsection, the term 'consultant' means any person who, for compensation, advises or represents an employee benefit plan or who provides other assistance to such plan, concerning the establishment or operation of such plan.

"(i) All investments and deposits of the funds of an employee benefit fund and all loans made out of any such fund shall be made in the name of the fund or its nominee, and no employer or officer or employee thereof, and no labor organization, or officer or employee thereof, shall either directly or indirectly accept or be the beneficiary of any fee, brokerage, commission, gift, or other consideration for or on account of any loan, deposit, purchase, sale, payment, or exchange made by or on behalf of the fund.

"(j) In order to provide for an orderly disposition of any investment, or termination of any service, the retention or continuation of which would be deemed to be prohibited by this Act, and in order to protect the interest of the fund and its participants and its beneficiaries, the fiduciary may in his discretion effect the disposition of such investment or termination of such service within three years after the date of enactment of this Act, or within such additional time as the Secretary may by rule or regulation allow, and such action shall be deemed to be in compliance with this Act.

"(k) In accordance with regulations of the Secretary, every employee benefit plan subject to this Act shall—

"(1) provide adequate notice in writing to any participant or beneficiary whose claim for benefits from the plan has been denied, setting forth the specific reasons for such denial, written in a manner calculated to be understood by the participant, and

"(2) afford a reasonable opportunity to any participant whose claim for benefits has been denied for a full and fair review by the plan administrator of the decision denying the claim.

"(l) An employee benefit plan subject to this Act or the Retirement Income Security for Employees Act, which provides an optional death benefit of any kind, or in any form, shall not provide that such option may be waived by default or in any manner other than in a writing signed by the participant, after such participant receives a written explanation of the terms and conditions of the option and the effect of such waiver."

TITLE VI—ENFORCEMENT

SEC. 601. Whenever the Secretary—

(1) determines, in the case of a pension or profit-sharing-retirement plan required to be registered under this Act, that no application for registration has been filed in accordance with section 102, or

(2) issues an order under section 107 denying or canceling the certificate of registration of a pension or profit-sharing-retirement plan, or

(3) determines, in the case of a pension plan subject to title II, that there has been a failure to make required contributions to the plan in accordance with the provisions of this Act or to pay required assessments or to pay such other fees or moneys as may be required under this Act,

the Secretary may petition any district court of the United States having jurisdiction of the parties, or the United States District Court for the District of Columbia, for an order requiring the employer or other person responsible for the administration of such plan to comply with the requirements of this Act as will qualify such plan for registration or compel or recover the payment of required contributions, assessments, premiums, fees, or other moneys.

SEC. 602. Whenever the Secretary has reasonable cause to believe that an employees' benefit fund is being or has been administered in violation of the requirements of the Welfare and Pension Plans Disclosure Act or the documents governing the establishment or operation of the fund, the Secretary may petition any district court of the United States having jurisdiction of the parties or the United States District Court for the District of Columbia for an order (1) requiring return to such fund of assets transferred from such fund in violation of the requirements of such Act, (2) requiring payment of benefits denied to any participant or beneficiary due to violation of the requirements of such Act, and (3) restraining any conduct in violation of the fiduciary requirements of such Act, and granting such other relief as may be appropriate to effectuate the purposes of this Act, including, but not limited to, removal of a fiduciary who has failed to carry out his duties and the removal of any person who is serving in violation of the requirements of section 15(h) of the Welfare and Pension Plans Disclosure Act.

SEC. 603. Civil actions for appropriate relief, legal or equitable, to redress or restrain a breach of any responsibility, obligation or duty of a fiduciary, including but not limited to, the removal of a fiduciary who has failed to carry out his duties and the removal of any person who is serving in violation of the requirements of section 15(h) of the Welfare and Pension Plans Disclosure Act or against any person who has transferred or received any of the assets of a plan or fund in violation of the fiduciary requirements of the Welfare and Pension Plans Disclosure Act or in violation of the document or documents governing the establishment or operation of the fund, may be brought by any participant or beneficiary of any employee benefit plan or fund subject to the Welfare and Pension Plans Disclosure Act in any court of competent jurisdiction, State or Federal, or the United States District Court for the District of Columbia, without respect to the amount in controversy and without regard to the citizenship of the parties. Where such action is brought in a district court of the United States, it may be brought in the district where the plan is administered, where the breach took place, or where a defendant resides or may be found, and process may be served in any other district where a defendant resides or may be found. Such actions may also be brought by a participant or beneficiary as a representative party on

behalf of all participants or beneficiaries similarly situated.

SEC. 604. Suits by a participant or beneficiary for benefits from an employee benefit plan or fund, subject to the Welfare and Pension Plans Disclosure Act, may be brought in any court of competent jurisdiction, State or Federal, or the United States District Court for the District of Columbia, without respect to the amount in controversy and without regard to the citizenship of the parties, against any such plan or fund to recover benefits due him required to be paid from such plan or fund pursuant to the document or documents governing the establishment or operation of the plan or fund, or to clarify his rights to future benefits under the terms of the plan. Where such action is brought in a district court of the United States, it may be brought in the district where the plan is administered, or where a defendant resides or may be found, and process may be served in any other district where a defendant resides or may be found. Such actions may also be brought by a participant or beneficiary as a representative party on behalf of all participants or beneficiaries similarly situated.

SEC. 605. (a) In any action brought under section 603 or 604, the court in its discretion may—

(1) allow a reasonable attorney's fee and costs of the action to any party;

(2) require the plaintiff to post security for payment of costs of the action and reasonable attorney's fees.

(b) A copy of the complaint in any action brought under section 603 or 604 shall be served upon the Secretary by certified mail, who shall have the right, in his discretion, to intervene in the action.

(c) Notwithstanding any other law, the Secretary shall have the right to remove an action brought under section 603 or 604 from a State court to a district court of the United States, if the action is one seeking relief of the kind the Secretary is authorized to sue for under this Act. Any such removal shall be prior to the trial of the action and shall be to a district court where the Secretary could have initiated the action.

SEC. 606. The provisions of the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932, shall not be applicable with respect to suits brought under this title.

SEC. 607. Suits by an administrator or fiduciary of a pension plan, a profit-sharing-retirement plan, or an employees' benefit fund subject to the Welfare and Pension Plans Disclosure Act, to review a final order of the Secretary, to restrain the Secretary from taking any action contrary to the provisions of this Act, or to compel action required under this Act, may be brought in the name of the plan or fund in the district court of the United States for the district where the fund has its principal office, or in the United States District Court for the District of Columbia.

SEC. 608. Any action, suit, or proceeding based upon a violation of this Act or the Welfare and Pension Plans Disclosure Act shall be commenced within five years after the violation occurs. In the case of fraud or concealment, such action, suit, or proceeding shall be commenced within five years of the date of discovery of such violation.

SEC. 609. (a) It is hereby declared to be the express intent of Congress that, except for actions authorized by section 604 of this title, the provisions of this Act or the Welfare and Pension Plans Disclosure Act shall supersede any and all laws of the States and of political subdivisions thereof insofar as they may now or hereafter relate to the subject matters regulated by this Act or the Welfare and Pension Plans Disclosure Act, except that nothing herein shall be construed—

(1) to exempt or relieve any employee benefit plan not subject to this Act or the Welfare and Pension Plans Disclosure Act from any law of any State;

(2) to exempt or relieve any person from any law of any State which regulates insurance, banking, or securities or to prohibit a State from requiring that there be filed with a State agency copies of reports required by this Act to be filed with the Secretary; or

(3) to alter, amend, modify, invalidate, impair, or supersede any law of the United States other than the Welfare and Pension Plans Disclosure Act or any rule or regulation issued under any law except as specifically provided in this Act.

(b) Subsection (a) of this section shall not be deemed to prevent any State court from asserting jurisdiction in any action requiring or permitting an accounting by a fiduciary during the operation of an employee benefit fund subject to the Welfare and Pension Plans Disclosure Act or upon the termination thereof or from asserting jurisdiction in any action by a fiduciary requesting instructions from the court or seeking an interpretation of the trust instrument or other document governing the fund. In any such action—

(1) the provisions of this Act and the Welfare and Pension Plans Disclosure Act shall supersede any and all laws of the State and of political subdivisions thereof, insofar as they may now or hereafter relate to the fiduciary, reporting, and disclosure responsibilities of persons acting for or on behalf of employee benefit plans or on behalf of employee benefit funds subject to the Welfare and Pension Plans Disclosure Act except insofar as they may relate to the amount of benefits due beneficiaries under the terms of the plan;

(2) notwithstanding any other law, the Secretary or, in the absence of action by the Secretary, a participant or beneficiary of the employee benefit plan or fun affected by this subsection, shall have the right to remove such action from a State court to a district court of the United States if the action involves an interpretation of the fiduciary, or reporting, and disclosure responsibilities of persons acting on behalf of employee benefit plans subject to the Welfare and Pension Plans Disclosure Act;

(3) the jurisdiction of the State court shall be conditioned upon—

(A) written notification, sent to the Secretary by registered mail at the time such action is filed, identifying the parties to the action, the nature of the action, and the plan involved; and satisfactory evidence presented to the court that the participants and beneficiaries have been adequately notified with respect to the action; and

(B) the right of the Secretary or of a participant or beneficiary to intervene in the action as an interested party.

SEC. 610. It shall be unlawful for any person to discharge, fine, suspend, expel, discipline, or discriminate against a participant or beneficiary for exercising any right to which he is entitled under the provisions of the plan, this Act, or the Welfare and Pension Plans Disclosure Act, or for the purpose of interfering with the attainment of any right to which such participant may become entitled under the plan, this Act, or the Welfare and Pension Plans Disclosure Act. The provisions of sections 602 and 603 shall be applicable in the enforcement of this section.

SEC. 611. It shall be unlawful for any person through the use of fraud, force, or violence, or threat of the use of force or violence, to restrain, coerce, intimidate, or attempt to restrain, coerce, or intimidate any participant or beneficiary for the purpose of interfering with or preventing the exercise of any right to which he is or may become entitled under the plan, this Act, or the Welfare and Pension Plans Disclosure Act. Any person who willfully violates this section shall be fined $10,000 or imprisoned for not more than one year, or both.

TITLE VII—EFFECTIVE DATES

SEC. 701. (a) Sections 101, 102, 103, and 104, part D of title II, title V, and title VI of this Act shall become effective upon the date of enactment of this Act.

(b) Title II (except part D thereof) of this Act shall become effective three years after the date of enactment of this Act, and titles III and IV of this Act shall become effective one year after the date of enactment of this Act.

Mr. MANSFIELD. Mr. President, the unanimous-consent agreement on the pending business will not start running until tomorrow. There will be no votes on this legislation or amendments thereto this afternoon, but if any Member wants to speak for or against the pending legislation, he should feel free to do so, with the assurance that it will not be under a time limitation, and with the further assurance that the time limitation will start running tomorrow immediately after the majority and minority leaders have been recognized.

The PRESIDING OFFICER. Has the Senator made that request?

Mr. MANSFIELD. Yes; Mr. President that request has already been agreed to.

The PRESIDING OFFICER. I thank the distinguished majority leader.

NEW COINAGE DESIGN

Mr. HATHAWAY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1141.

The PRESIDING OFFICER (Mr. HELMS) laid before the Senate the amendments of the House of Representatives to the bill (S. 1141) to provide a new coinage design and date emblematic of the Bicentennial of the American Revolution for dollars, half dollars, and quarter dollars, to authorize the issuance of special gold and silver coins commemorating the Bicentennial of the American Revolution, and for other purposes which were to strike out all after the enacting clause, and insert:

That the reverse side of all dollars, half-dollars, and quarters minted for issuance on or after July 4, 1975, and until such time as the Secretary of the Treasury may determine shall bear a design determined by the Secretary to be emblematic of the bicentennial of the American Revolution.

SEC. 2. All dollars, half-dollars, and quarters minted for issuance between July 4, 1975, and January 1, 1977, shall bear "1776–1976" in lieu of the date of coinage; and all dollars, half-dollars, and quarters minted thereafter until such time as the Secretary of the Treasury may determine shall bear a date emblematic of the bicentennial in addition to the date of coinage.

SEC. 3. Until the Secretary of the Treasury determines that the mints of the United States are adequate for the production of ample supplies of coins and medals, any facility of the Bureau of the Mint may be used for the manufacture and storage of medals and coins.

And amend the title so as to read: "An Act to provide a new coinage design and date emblematic of the Bicentennial of the American Revolution for dollars, half-dollars, and quarters, and for other purposes."

Mr. HATHAWAY. Mr. President, I move that the Senate disagree to the House amendments and ask for a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. HELMS) appointed Mr. SPARKMAN, Mr. WILLIAMS, Mr. HATHAWAY, Mr. TOWER, and Mr. TAFT conferees on the part of the Senate.

SOVIET REPRESSION

Mr. THURMOND. Mr. President, not too many years ago, distaste for and mistrust of the Communist countries constituted an established—and respected—democratic doctrine. The free nations of the world were united by three principles: First, communism must be contained; second, developing nations have a right to self-determination; and third, a strong military and economic deterrent had to be maintained against Communist aggression.

These principles were based on experience. The Lenin and Stalin purges, in which untold numbers were killed and imprisoned, left no doubt as to their veracity. Communism was—and still is—alien to our fundamental values. It is implemented by revolt, tyranny, persecution, and humiliation. It disdains the individual human elements of life, preferring instead collective amalgamation. It numbs the senses, severs intellectual and moral impulses and chokes creative minds.

No better portrait of communism can be painted than that of Lenin, its cold blooded architect. He said:

> For the Communist, morality consists entirely of compact united discipline and conscious mass struggle against exploiters. We do not believe in eternal morality.

There was a time when the anti-Communist posture could not be shaken. But no more. Some now consider such discourse as coming from militarists who viewed the world from the eyesight of an M–16.

Recent developments in the Soviet Union indicate that such viewpoints are not confined to the American shores. A few Russian citizens, at the risk of losing their lives, have spoken out. Their warnings cry out for attention.

Alexander Solzhenitsyn is a Nobel Prize winner and is considered to be the greatest Russian writer in years. In 1945, he was jailed for describing Stalin as the "whiskered one" as he protested the murders of thousands during the Stalin purges. His literary works are bestsellers everywhere in the world except those places dominated by Communists, where their publishing is forbidden.

He has been quoted as saying:

> In our country, any person who once loudly voices an opinion contrary to the official one is considered guilty without a trial.

Such a man, he states, can be deprived of his homeland, sentenced to a mental institution or killed. Critics of the Soviet system, Mr. Solzhenitsyn says:

> Are crushed in great numbers in silence.

His claims are repeated by another Soviet intellectual, Dr. Andrei Sakharov, a nuclear physicist who is referred to as the "father of the Soviet hydrogen bomb." Because of his candor, Dr. Sakharov is harassed and threatened. He is literally a prisoner in the world he helped to build.

Dr. Sakharov was recently quoted as saying:

> I would be very glad to have my writings published in the Soviet press but that is obviously out of the question.

Sakharov's plight is partly the result of a press conference with western journalists recently in which he warned that detente on Soviet terms can be "dangerous." He has urged Americans to be cautious in negotiating with Russia because of its longstanding commitment to world domination.

The main newspaper of the Soviet military machine, the Red Star, unwittingly supported his contention in a recent article, as reported by the Associated Press. The AP story reported:

> It (Red Star) commented that "changes in the international situation under the influence of the active peace offensive of the Socialist countries is setting the bourgeois ideologists and specialists problems which are unprecedented in history.

The story goes on to say that the storm of protest over the Vietnam war has shattered the morale of the armed forces of this country. In essence, the Red Star claims that the peace offensive of the Soviet Union has led to a relaxation of international tensions which, in turn, aids the Soviet cause.

One could dismiss this article as unfounded propaganda on the basis that fact is not the mainstay of Soviet journalism. I do not find it, unfortunately, to be completely untruthful.

The Soviet peace offensive is causing us problems. The Russian wheat deal, for example, was partially responsible for rising costs of some foods. It is no secret that Russia desperately needs our agricultural products, since its farm program is a failure. What is a secret is what tangible results we received in return.

Another result of the peace offensive seems to be a shifting in the military balance of power. The authoritative International Institute for Strategic Studies in London recently reported that the Soviets are making great leaps in military preparedness while United States' steps are faltering.

According to the Institute, Russia increased its nuclear submarine-launched missiles to 628 during 1973. We have 656. Just 3 years ago, our advantage was 2 to 1. The survey also said Russia has launched a 40,000 ton conventional aircraft carrier, and is deploying new cruisers, destroyers, and attack submarines.

Mr. President, if détente is to be based solely on pragmatic national needs without any consideration of ideology, then we should continue to deal with the Soviet Union.

If, on the other hand, we accept the premise that international détente cannot precede human détente, then we must seriously reevaluate our posture. The plight of Sakharov and Solzhenitsyn is by no means unique.

Untold numbers have been silenced in prison camps.

Officially sanctioned anti-Semitism at the World University Games in Moscow was rampant.

Soviet Jews are denied the right to emigrate.

The list is endless.

Soviet denials of fundamental rights have outraged people in every corner of the world. I believe the American Academy of Sciences showed courage in threatening a moratorium on further cooperation with Russian scientists until intimidation of Russian intellectuals ceases.

European intellectuals, in great numbers, are tearing up their Communist cards in symbolic protest.

In short, the same doubts which have plagued conservatives for years are now overtaking liberals—an event which is not without its poignancy.

Andrei Sakharov has said:

> Detente has to take place with simultaneous liquidation of isolation. Detente without democratization, would be very dangerous . . . that would be cultivation and encouragement of closed countries, where everything that happens goes unseen by foreign eyes behind a mask that hides its real face. No one should dream of having such a neighbor, and especially if this neighbor is armed to the teeth.

Mr. President, these bold men are literally betting their lives that their warnings will not go unheeded. We owe it to them—and indeed the human race—to listen.

The defense bill will be coming before the Senate this week. If we want to encourage people behind the Iron Curtain, if we want to encourage countries that are uncommitted and neutral and waiting to see which country is going to remain a dominant power—whether it is going to be the United States or the Communist countries, such as the Soviet Union and Red China—then the type of defense bill we pass this year is vitally important for it may determine the decisions that these countries make.

We must pass a strong military defense bill if we expect our President to be successful in negotiations with the Communists. There is only one thing the Communists recognize, and that is strength. If we are going to put in the President's hands the power to bring about reductions of Armed Forces in the future, which we all hope will take place, the best and only way to do it is to put in his hands the strength with which to bring it about. That means that Congress must pass a strong military defense bill so that he then will have the strength that the Communists can see and feel. Then and only then will they be inclined to bring about a bilateral reduction, a mutual reduction. Otherwise, if we unilaterally reduce, we will have destroyed the possibility the President may have to bring about reductions of great magnitude in the future.

As we begin the debate on the military bill this year, I hope Members of Congress will think about this, because it is not just the defense bill we will be pass-

ing. We are going to take action here that will have more to do with peace, not only this year but also in years to come, than any other action we could take.

It is my sincere hope that Congress will pass a strong defense bill, back up the President, and give him the strength and the power to go into the negotiations on the 30th of next month in such a way that he can be successful in bringing about mutual reductions and thereby bring about great reductions of Armed Forces on both sides—on the side of the free world and on the side of the Communist world. This is the answer, in my judgment.

THE RECORD OF THE SENATE AND THE PRESIDENT'S SECOND STATE OF THE UNION MESSAGE

Mr. MANSFIELD. Mr. President, on Wednesday, September 6, 1973, the joint majority leadership of the Congress met to discuss the business for the remainder of the session. On Thursday, September 7, I met with the President at breakfast to discuss, in general, the legislative schedule confronting the Congress at that time. On Sunday, September 9, the President made a radio address to the Nation which formed the basis for the second state of the Union message which he sent up to the Congress on Monday, September 10. On the afternoon of that day, I met with the Senate Democratic committee chairmen to discuss the President's message. On Tuesday, September 11, there was a meeting of the Democratic Policy Committee, at which time there was further discussion of the President's message, and that afternoon, a second meeting was held with the Senate committee chairmen, covering the same subject. On Wednesday, September 12, there was a second meeting of the joint congressional Democratic leadership and, on Thursday, September 13, there was a Democratic caucus called for the purpose of reporting to the Members of the majority on developments since the reconvening of Congress and to lay before the conference tentative plans for the remaining weeks of the session.

Mr. President, I ask unanimous consent that a joint statement of the majority leadership of the Congress dated September 6, a joint statement of the majority leadership of the Congress dated September 12, the remarks of the Senate majority leader before the Senate Democratic conference on September 13, and the record of the Senate relating to the President's message, as compiled by the distinguished assistant majority leader, Senator ROBERT C. BYRD, all be incorporated at this point in the RECORD.

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

JOINT STATEMENT OF THE MAJORITY LEADERSHIP OF THE CONGRESS

(MIKE MANSFIELD, majority leader of the Senate, ROBERT C. BYRD, majority whip of the Senate, CARL ALBERT, Speaker of the House, THOMAS P. O'NEILL, majority leader of the House, JOHN J. MCFALL, majority whip of the House)

The President on yesterday chose to pass judgment on the 93d Congress. He described its work as "a very disappointing performance." The Joint Leadership notes that the Congress does not "perform" at the behest of this President or any President. The Congress acts in accord with its independent judgment of what is best for the nation and the people.

There are no apologies to make for this Congress. It has done, it is doing and it will continue to do the people's business.

A vigorous Congress has already addressed itself to a wide range of legislative activity and has a full schedule in the weeks ahead.

We are looking ahead to action on such important legislation as pension reform, manpower, including a public employment program to relieve areas of high unemployment—elementary and secondary education, health maintenance organizations, campaign reform ad other equally important measures.

A real spirit of cooperation will give us the Republican votes essential to put these programs into law.

Both Houses of Congress have demonstrated their commitment to fiscal responsibility by passing 1974 spending ceilings that are *below* the President's requests.

So far as appropriations are concerned, the final figures cannot be determined until all the bills are passed. The remaining bills, including the big defense and foreign aid bills, are still in the legislative mill. The Congress intends to carry out its commitment to fiscal responsibility in the development of these bills; if the President has suggestions for ways to cut these more costly appropriations measures, we would be glad to hear them.

The 93rd Congress has already enacted one hundred and six public laws for this year. Included is an act giving the President full authority for wage-price controls and other economic stabilization measures to combat inflation. Other important new laws passed by this Congress are an increase in social security benefits, an expansion of services for the elderly, an extension of twelve health care programs the Administration wanted to terminate, a four-year farm bill, a pace-setting highway bill which for the first time makes trust funds available for urban mass transit and an extension of the Law Enforcement Assistance programs.

Congress has also passed a far-reaching minimum wage bill which would grant coverage to seven million additional workers and which would bring farm workers up to their industrial counterparts and the Emergency Medical Service System Act.

In the final stages of the legislative process are important bills to set a fiscal 1974 spending ceiling and to restrict the President's practice of impounding appropriated funds, to limit the President's war making powers and to authorize the Trans-Alaska oil pipeline.

The Congress is working hard. We want to get the job done. But we cannot do it alone. We welcome help from any source, including specifically the White House. As the elected representatives of the people, we will continue to pursue the legislative needs of the people and the nation.

JOINT CONGRESSIONAL DEMOCRATIC LEADERSHIP STATEMENT OF SPEAKER CARL ALBERT AND MAJORITY LEADER MIKE MANSFIELD

We expect to pass about fifty significant bills before adjournment. Some are on the President's list, some are not.

The principal legislative complication for the remainder of this session as we see it involves Foreign Aid and Defense.

The tentative adjournment target for the first session remains October.

REMARKS OF SENATOR MIKE MANSFIELD BEFORE THE SENATE DEMOCRATIC CONFERENCE

This Conference has been called for two principal purposes: (1) to report to the Members of the Majority Conference on developments since the reconvening of Congress; and (2) to lay before you tentative plans for the remaining weeks of the session.

The record, to date, speaks well of the Senators of both parties—Democrats and Republicans. It is exceptional. I refer to the legislative output of the initial months of the session no less than to the results of the Senate's oversight and investigative functions. In the latter connection, I wish to note, in particular, the work of the Watergate and the Armed Services Committees and of Members of the Appropriations Committee who have been trying to come to grips with the problems of waste and excess in the Pentagon and elsewhere in the Executive Branch.

On the legislative front, the Senate has passed all but nine of the 30 or so items which were pocket-vetoed by the President or which had come close to enactment last year. These are the measures to which this Conference gave priority last January. One hundred and six measures have become public law since the first of the year. Included in these new laws are acts to increase Social Security Benefits, an expansion of services for the elderly, an extension of twelve health care programs the Administration wanted to terminate, an innovative farm program, a highway bill which for the first time makes trust funds available for urban mass transit and an extension of the Law Enforcement Assistance programs. I mention only a few.

We have also disposed of a great many of the items which the President included in his most recent State of the Union message. Indeed, many were acted on by the Senate on its own initiative before making an appearance on any list. By any reasonable yardstick, there is no basis for disappointment in the Senate's "performance." To be sure, the Administration's program has not been accepted wholesale and without question. It has not been signed, sealed and delivered intact to the White House. If that was the expectation, then the Administration has grounds for disappointment.

But the President never asked for a rubber stamp. On the contrary, he has spoken out for a strong Congress. He has stressed his support for the exercise of independent Constitutional responsibilities at this end of the avenue.

The President is to be commended for that position. The nation needs a functioning Congress no less than a functioning Presidency in an era when too many Congresses throughout the world are falling beneath the heel of Executive absolutism. Insofar as the Leadership is concerned, the nation will have a functioning Congress worthy of the trust of the people of the nation.

At the same time, a decent respect will be shown at all times for the office and prerogatives of the Presidency. In that vein, the Leadership has given careful consideration to the President's State of the Union messages to date, including the most recent. We will pay the same respectful attention to any others which he may dispatch in the future. I want to stress to this Conference that the Senate Majority Leadership seeks not confrontation with the Presidency but cooperation and mutual consideration. We have pursued that course in the past because it is essential to the nation's well-being; we will continue to pursue that course in the future.

During the past ten days, the substance of the latest Presidential message has been explored at great length, in a personal meeting with the President, in meetings with the Majority Policy Committee, with the Senate Committee Chairmen and with the House Leaders. On the basis of these meetings and our understanding of the legislative situation in the Congress, a tentative listing of bills which have reasonable expectation of enactment during this session has been prepared. Some adjustment of House and Senate concepts must still be made so I shall not enumerate the specific items. I will say, how-

ever, that the list contains at this point, many but not all of the measures suggested by the President and some which were not. It includes the remaining general authorizations and appropriations bills. It includes bills involving the gathering energy crisis and environmental problems, certain consumer bills, crime bills, the school lunch program, vocational rehabilitation and health measures, the War Powers Act, and an anti-hijacking bill.

In all, about 50 pieces of significant legislation should be enacted before adjournment, assuming, of course, restraint by the Administration in the use of the veto. Most of these measures have already passed the Senate; a number of them are in Conference with the House. On still others, notably appropriations bills, prior action by the House is awaited.

While the Leadership believes it is reasonable to seek an adjournment in October, I am frank to state that we may well encounter protracted difficulties with regard to Foreign Aid as well as with Defense authorizations and appropriations. The Foreign Aid program has been operating under this Administration for two years on a frail and dubious legislative base which consists largely of "continuing resolutions." Proper authorizing and appropriating acts have all but disappeared. As a result, Congress is voting billions of dollars, at the behest of the Administration, for programs and policies abroad which are at best only vaguely understood.

It may well be that the Congress should blow the whistle on these inexcusable practices. That may take time but this slovenly legislating which has been encouraged by the Executive Branch has forestalled year after year the kind of thorough-going revision of what has become, in part, a worse than useless program. Nevertheless, the Administration insists, year after year, on its unchanged continuance, notwithstanding billions in annual cost to the people of the nation and the dissipating effect of these expenditures on the international value of the dollar. In my judgment, we are reaching the point where the Congress may find that the nation's interests are better served by no foreign aid at all rather than by the mish-mash which is now served up in this program.

With regard to Defense legislation, I can only suggest that the Senate and its Committee of responsibility—the Armed Services and Appropriations Committees, proceed as rapidly as possible with their responsibilities. Hopefully, the House and its Committees will do the same. Together, the two Houses of Congress can then send to the President for his disposition, a combination of their best judgment of the defense needs of the nation. I must say in all candor, however, that this process may well involve delays between the two Houses and the possibility of vetoes on the part of an Administration which apparently is concerned with excessive government expenditures everywhere except in the Pentagon.

In any event, we are delighted to have the Senator from Mississippi (John Stennis), back with us. His return will help us to find a judicious route through the labyrinth of what is by far the largest source of Federal expenditures and, as such, a primary source of the nation's inflation, high prices and depreciating currency—the Defense Department budget.

The Senate Leadership, of course, will do whatever can be done to expedite the disposition of Foreign Aid legislation and Defense expenditures, once the legislation comes out of Committee. In this connection, I want to express my thanks to the Senator from West Virginia (Mr. Byrd), the Majority Whip, for what he has done already in moving the Senate's program. His work in floor scheduling throughout the session has been eminently fair, considerate and highly effective. I also want to reiterate that the "performance" of all Senators—Republicans and Democrats alike—has not been disappointing but exceptional. In all my years here, I have never seen the Senate more attentive to the needs of the people and more perceptive of the totality of the requirements of the nation's security and well-being.

The Senate has made, it is making, and will continue to make, a difference in this government. It is a constructive difference—a margin of security and stability as the nation moves through a period of grave uncertainty and difficulty.

THE RECORD OF THE SENATE RELATED TO THE PRESIDENT'S MESSAGE

Mr. ROBERT C. BYRD. Mr. President, on September 10, the President sent to the Congress a second state of the Union message, in which he was reported to have asked for passage of 50 measures. A careful reading of his message will not reveal a clear identification of 50 bills. Some measures are clearly identified, while others must be determined by reading between the lines, so to speak, and must be extrapolated from an analysis of the subject matter of certain paragraphs in the President's message. In any event, as of September 10, the date on which the President sent up his message, the following record had been established by the Senate:

Days in session	121
Hours in session	685:41
Total measures passed	417
Public laws	106
Treaties	10
Confirmations	37,638
Record votes	376

As to the 417 measures passed by the Senate, they are broken down as follows:

Senate bills passed	179
House bills passed	65
Senate joint resolutions passed	23
House joint resolutions passed	21
Senate concurrent resolutions passed	15
House concurrent resolutions passed	19
Senate resolutions passed	95

Of the 50 measures which can be identified by a careful reading of the President's message, the Senate as of September 10, had already passed 16 measures clearly identified as those enumerated by the President. Seven additional measures had been passed by the Senate in subject areas mentioned in the message. The Senate had passed 23 measures—or 46 percent—out of the list of 50 items contained in the President's message.

In addition to these 23 measures, one measure—pension reform—was on the Senate Calendar and will be taken up next Tuesday, September 18. Twelve other bills alluded to in the President's message were either undergoing markup in committee on September 10, or hearings had been completed or were in progress thereon.

In summary, 36 out of the 50 measures—72 percent—asked for by the President on September 10, had already been passed by the Senate or were on the Senate Calendar or hearings thereon had been either completed or were in progress.

Now, something ought to be said by way of putting this part of the legislative picture in its larger Senate context. I mentioned a little bit ago that, as of September 10, the Senate had passed 417 measures already this year. Twenty-three of those measures, as I have already indicated, can be identified in the President's message. To put it another way, the Senate, as of September 10, had passed 394 measures in addition to those 23 measures asked for by the President and already passed by the Senate. Of these 394 measures, I would like to mention just a few so as to further indicate the fine record the Senate has established during the first 8 months of this first session of the 93d Congress. Keep in mind that the following bills enacted by the Senate—not included in the President's request—do not comprise the whole record thus far:

1. Extension of Economic Stabilization Act (providing authority to the President to combat inflation).
2. Increase in Social Security Benefits.
3. Farm Bill.
4. Highway Bill.
5. Campaign Reform.
6. Emergency Medical Services.
7. Public Works and Economic Development.
8. Rivers and Harbors—Flood Control.
9. War Powers.
10. August 15 cutoff of Cambodian bombing.
11. Legislation dealing with Impoundments.
12. Confirmation of OMB Director.
13. Reconfirmation of Cabinet Officers.
14. 3 Supplemental Appropriation Bills.
15. 8 Regular Appropriation Bills.
16. Public Broadcasting.
17. Anti-hijacking of Aircraft.
18. Fuel Allocation.
19. Fair Credit Billing.
20. Lead Based Paint Poisoning.
21. Compensation for Victims of Crime.
22. Voter Registration.

Aside from the impressive Senate record of legislative enactments this year, Senate committees have done a commendable job in carrying out their oversight responsibilities under the Constitution.

For example, the Senate Judiciary Committee hearing in connection with the confirmation of L. Patrick Gray, and the Senate Judiciary Committee's insistence on the appointment of a special Watergate prosecutor and the laying down of investigative guidelines by the Judiciary Committee to be followed by the special prosecutor in the conduct of the Watergate investigation. All other committees are to be equally commended on the high performance of their duties in carrying out oversight functions. The Select Committee on Presidential Campaign Activities, likewise, has acted notably in this regard.

I think every Member of the Senate should feel proud of the record of the Senate during the first 8 months of this session, and I want to compliment all Senators for the contributions they have made in this important service to the Nation. I think that this record should debunk any suggestion that the Senate has turned in a "disappointing performance," and such a record should also refute any suggestion that the Senate has been tied up in Watergate. Only 7 of the 100 Members of the Senate—and of the 535 Members of Congress—have been involved in carrying out their responsibilities under the Senate mandate, unanimously adopted by both Democrats and Republicans to investigate Watergate. The other 93 Members of the Senate—528 Members of Congress—have been busily engaged in meetings of other committees and subcommittees—numbering over 260 committees and subcommittees, in Senate and House—and have also been active in Senate and House floor debates. Additionally, we should remind ourselves that the seven Members—four Democrats and three Republicans—of the Select Committee on Presidential Campaign Activities have also been active in the other committees to which they are regularly assigned, and they have effectively and responsibly carried out their floor duties meanwhile.

In closing, I shall include a list of the 50 measures identified in the President's second State of the Union Message—the first 16 of which, as heretofore stated, have been passed by the Senate, and the next seven of which measures have been passed by the Senate in subject areas mentioned in the message:

1. Financial Institutions Restructuring Public Law 93-100.

2. Council on International Economic Policy—in conference.
3. Alaskan Pipeline—in conference.
4. Land Use Planning.
5. Toxic Substances Control—in conference.
6. Safe Drinking Water.
7. Manpower Revenue Sharing.
8. Vocational Rehabilitation—in conference.
9. Minimum Wage—Vetoed; House will reconsider 9–19–73.
10. Health Maintenance Organization.
11. Veterans Benefits—in conference.
12. ACTION.
13. FHA Mortgage Insurance Extension—contained in HUD Loan Insurance which is in conference.
14. D.C. Home Rule.
15. Federal Election Reform Commission.
16. National Foundation on Arts & Humanities—in conference.
17. Flood Insurance—Have passed S.J. Res. 26 and 112 and S. 1672 which all have become Public Law.
18. Heroin Trafficking—Have passed S. 800 containing tough provisions re: heroin trafficking.
19. Transportation Improvement—Have passed S. 2060, S. 1925, S. 2120, and S. 386 to improve rail service.
20. Disaster Preparedness & Assistance—Have passed S. 606, S. 1697, and H.R. 1975.
21–23. Indian bills—Have passed S. 1341, S. 1616 & S. 721.
24–26. Indian Bills—Pending in committee.
27. Trade Reform—House originates.
28. Export Administration Act. S. 2053 (Banking) hearings held.
29. Tax Reform (property tax relief for elderly)—House originates.
30. Stockpile Disposal, S. 1849 (Armed Services)—Pending in committee.
31. Deep Water Ports—(Commerce)—Hearings complete.
32. Gas Deregulation (Commerce)—Hearings scheduled.
33. Strip Mining (Interior)—Ordered reported on 9/10/73.
34. Department of Energy and Natural Resources (Govt. Op.)—Hearings in progress.
35. Power Plant Siting (Interior)—Pending in committee.
36. Santa Barbara Energy Reserve (Interior)—Pending in committee.
37. Housing (Banking)—Hearings held but no message yet from President.
38. Better Schools (Labor)—Hearings in progress.
39. School Busing (Labor)—Pending in committee.
40. Welfare Reform (Finance)—Pending in committee.
41. Job Security Assistance—(Finance)—House originates.
42. Pension Reform—Retirement Benefits (Labor and Finance)—On calendar.
43. Legal Services Corp. (Labor)—To be reported early October.
44. Consumer Protection Agency (Commerce and Govt. Ops.)—Hearings completed.
45. Better Communities (Banking)—Hearings in progress.
46. Criminal Code Reform (Judiciary)—Hearings in progress.
47. Capital Punishment (Judiciary)—Hearings held.
48. American Revolution Bicentennial Administration (Judiciary)—P/H; Pending in Senate Committee.
49. Metric Conversion (Commerce).
50. President's Reorganization Authority, S. 2003 (Govt. Ops.)—Pending in committee.

ORDER FOR ADJOURNMENT TO 10 A.M. EACH DAY THROUGH SATURDAY OF THIS WEEK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business daily, through Friday of this week, it stand in adjournment until 10 a.m. daily, through Saturday, respectively.

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

ORDER FOR RECOGNITION OF SENATOR JOHNSTON ON THURSDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday, immediately after the two leaders or their designees have been recognized under the standing order, the distinguished junior Senator from Louisiana (Mr. JOHNSTON) be recognized for not to exceed 15 minutes.

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

AUTHORIZATION FOR SUBMISSION AND PRINTING OF AMENDMENTS TO S. 4, RETIREMENT INCOME SECURITY FOR EMPLOYEES ACT, UNTIL MIDNIGHT TONIGHT

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished Senator from Wisconsin (Mr. NELSON), I ask unanimous consent that it be in order to submit for printing until midnight tonight amendments to S. 4, the Retirement Income Security for Employees Act.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m.

After the two leaders or their designees have been recognized under the standing order, the Senate will proceed to the consideration of S. 4, the Retirement Income Security for Employees Act, under a time limitation. Yea-and-nay votes will occur on amendments thereto, and hopefully we may be able to complete the bill tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

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 10 a.m. tomorrow.

The motion was agreed to; and at 3:19 p.m. the Senate adjourned until tomorrow, Tuesday, September 18, 1973, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 17, 1973:

NATIONAL ENDOWMENT FOR THE ARTS

Nancy Hanks, of New York, to be Chairman of the National Endowment for the Arts for a term of 4 years. (Reappointment.)

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

The following-named persons to be members of the National Commission on Libraries and Information Science for terms expiring July 19, 1978:

Bessie Boehm Moore, of Arkansas. (Reappointment.)

Julia Li Wu, of California, vice Alfred R. Zipf, term expired.

Daniel William Casey, Sr., of New York, vice John G. Kemeny, term expired.

IN THE AIR FORCE

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be general

Lt. Gen. Richard H. Ellis [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

To be general

Gen. Horace M. Wade [redacted] FR (major general, Regular Air Force) U.S. Air Force.

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. John W. Roberts, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

CONFIRMATION

Executive nomination confirmed by the Senate September 17, 1973:

CONSUMER PRODUCT SAFETY COMMISSION

R. David Pittle, of Pennsylvania, to be a Commissioner of the Consumer Product Safety Commission for a term of 5 years from October 27, 1972.

(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.)