U.S.-flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. FRASER:

H.R. 10455. A bill to establish within the Department of State a Bureau of Humanitarian Affairs, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GUDE:

H.R. 10456. A bill to authorize recomputation at age 60 of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972, and for other purposes; to the Committee on Armed Services.

By Mr. PODELL:

H.R. 10457. A bill to provide that the value added to the private real estate of any person who is protected by the Secret Service under section 3056 of title 18 of the United States Code, by reason of any improvement made at Government expense, other than an improvement reasonably related to the security or protection of such persons, shall be recoverable by the United States and constitutes a lien against the real estate so improved; to the Committee on the Judiciary.

By Mr. QUIE (for himself, Mr. ERLENBORN, Mr. DELLENBACK, Mr. ESCH, Mr. KEMP, Mr. TOWELL of Nevada, Mr. ZWACH, Mr. MAYNE, Mr. WARE, Mr. KEATING, Mr. LENT, and Mr. FRELINGHUYSEN):

H.R. 10458. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand the coverage of that act, and for other purposes; to the Committee on Education and Labor.

By Mr. RINALDO:

H.R. 10459. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities designed to achieve educational equity for all students, men and women, and for other related educational purposes; to the Committee on Education and Labor.

By Mr. ROSENTHAL (for himself, Mr. BROWN of California, Mr. BURTON, and Ms. HOLTZMAN):

H.R. 10460. A bill to amend title 5, United States Code, to provide for the establishment of a special cost-of-living pay schedule containing increased pay rates for Federal employees in heavily populated cities and metropolitan areas to offset the increased cost of living, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROYBAL:

H.R. 10461. A bill to prohibit revenue sharing under Federal laws and programs designed to assist or serve migrant and seasonal farmworkers; to the Committee on Education and Labor.

H.R. 10462. A bill to provide for the establishment of a National Office for Migrant and Seasonal Farmworkers within the Department of Health, Education, and Welfare, with responsibility for the coordinated administration of all of the programs of that Department serving migrant and seasonal farmworkers; to the Committee on Education and Labor.

By Mr. YOUNG of Illinois:

H.R. 10463. A bill to improve the regulation of Federal election campaign activities; to the Committee on House Administration.

H.R. 10464. A bill to amend section 218 of the Internal Revenue Code of 1954 to increase the maximum deduction allowable with respect to contributions to candidates for public office; to the Committee on Ways and Means.

By Mr. HUDNUT:

H.J. Res. 738. Joint resolution proposing an amendment to the Constitution of the United States relating to open admissions to public schools; to the Committee on the Judiciary.

By Mr. FUQUA:

H. Con. Res. 304. Concurrent resolution expressing the sense of Congress with respect to the missing in action in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. FUQUA (for himself, Mr. TEAGUE of Texas, Mr. MOSHER, Mr. BELL, Mr. BERGLAND, Mr. BROWN of California, Mr. CAMP, Mr. CONLAN, Mr. COTTER, Mr. CRONIN, Mr. DAVIS, of Georgia, Mr. DOWNING, Mr. ESCH, Mr. FLOWERS, Mr. FREY, Mr. GOLDWATER, Mr. GUNTER, Mr. HANNA, Mr. MCCORMACK, Mr. MARTIN of North Carolina, Mr. MILFORD, Mr. PARRIS, Mr. PICKLE, and Mr. ROE):

H. Con. Res. 305. Concurrent resolution designating the week of October 1 through 7, 1973, as "National Space Week"; to the Committee on the Judiciary.

By Mr. FUQUA (for himself, Mr. TEAGUE of Texas, Mr. MOSHER, Mr. SYMINGTON, Mr. THORNTON, Mr. WINN, and Mr. WYDLER):

H. Con. Res. 306. Concurrent resolution designating the week of October 1 through 7, 1973, as "National Space Week"; to the Committee on the Judiciary.

By Mr. FRASER:

H. Con. Res. 307. Concurrent resolution expressing the sense of the Congress with respect to the forthcoming diplomatic conference being convened by the International Committee of the Red Cross to revise the laws of war; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself, Mr. KASTENMEIER, Mr. MCCLOSKEY, Mr. REID, Mr. OBEY, and Mr. STEIGER of Wisconsin):

H. Con. Res. 308. Concurrent resolution expressing the sense of the Congress with respect to the observance of human rights in Chile; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself, Mr. KASTENMEIER, Mr. YOUNG of Georgia, Mr. MCCLOSKEY, Mr. REID, Mr. STEIGER of Wisconsin, Mr. MOAKLEY, and Mr. WHALEN):

H. Con. Res. 309. Concurrent resolution expressing the sense of the Congress with respect to the observance of human rights in Chile; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself and Mr. FINDLEY):

H. Con. Res. 310. Concurrent resolution expressing the sense of the Congress with respect to the organization of the United Nations in the field of human rights; to the Committee on Foreign Affairs.

H. Con. Res. 311. Concurrent resolution expressing the sense of the Congress with respect to the structure of the United Nations for the prevention of human rights violations; to the Committee on Foreign Affairs.

H. Con. Res. 312. Concurrent resolution expressing the sense of the Congress with respect to measures to be taken by the United Nations to prevent the practice of torture; to the Committee on Foreign Affairs.

H. Con. Res. 313. Concurrent resolution expressing the sense of the Congress with respect to U.S. participation in the United Nations Decade for Action to Combat Racism and Racial Discrimination; to the Committee on Foreign Affairs.

By Mr. HUBER (for himself and Mr. FULTON):

H. Con. Res. 314. Concurrent resolution expressing the sense of Congress with respect to the missing in action in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. FRASER:

H. Res. 556. Resolution expressing the sense of the House with respect to access to the International Court of Justice; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself and Mr. FINDLEY):

H. Res. 557. Resolution expressing the sense of the House with respect to the proposed ratification by the U.S. Senate of international conventions concerning human rights; to the Committee on Foreign Affairs.

By Mr. HARRINGTON (for himself and Ms. HOLTZMAN):

H. Res. 558. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Central Intelligence Agency, and for other purposes; to the Committee on Rules.

By Mr. MOAKLEY:

H. Res. 559. Resolution establishing a Select Committee on Separation of Powers; to the Committee on Rules.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

By Mrs. BOGGS:

H.R. 10465. A bill for the relief of John T. Knight; to the Committee on the Judiciary.

By Mr. YOUNG of Illinois:

H.R. 10466. A bill for the relief of the Continental Chemiste Corp.; to the Committee on the Judiciary.

SENATE—*Thursday, September 20, 1973*

The Senate met at 9:15 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Reverend Father Robert M. Beach, Our Lady of Guadalupe Parish, Taos, N. Mex., offered the following prayer:

O Holy Lord, almighty Father, eternal God, bless most abundantly our beloved Nation and make it true to the ideals of freedom and justice and brotherhood for all which make it great. Guard us from war, from calamity and disaster, from compromise, insecurity, fear, and confusion.

Be close to these Senators, to all our lawmakers, to our President, our diplomats. Give them vision and courage as they ponder decisions affecting peace and love, the dignity of man, and the future of all Your creation.

Let every citizen become more deeply aware of his heritage—realizing not only his rights and privileges, but also his duties and responsibilities as a part of this grand Nation of ours.

Make this great land and all its people know clearly Your will, that we may all fulfill the destiny ordained for us in the salvation of the nations and the restoring of all things in Your divine providence. Hear and answer our humble prayer. O good God. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 19, 1973, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar Nos. 369 and 371.

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

DESIGNATION OF CERTAIN LANDS IN SHENANDOAH NATIONAL PARK, VA., AS WILDERNESS

The Senate proceeded to consider the bill (S. 988) to designate certain lands in the Shenandoah National Park, Va., as wilderness, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, at the beginning of line 3, strike out "That, in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)), certain lands in the Shenandoah National Park, Virginia, which comprise about seventy-three thousand two hundred and eighty acres, and which are depicted on the map entitled 'Wilderness Plan, Shenandoah National Park, Virginia,' numbered NP SHE/MP 8D and dated October 1970, are hereby designated as wilderness, and shall be known as the 'Shenandoah Wilderness.'" and insert "That, in accordance with section 3(c) of the Wilderness Act (78 Stat. 890, 892; 16 U.S.C. 1132 (c)), certain lands in the Shenandoah National Park, which comprise about seventy-nine thousand six hundred and ninety-nine acres, designated 'Wilderness', and which are depicted on the map entitled 'Wilderness Plan, Shenandoah National Park, Virginia', numbered 134–20001 and dated May 1973, are hereby designated wilderness. The lands which comprise about five hundred and sixty acres, designated on such map as 'Potential Wilderness Addition', are effective upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased, hereby designated wilderness. The map and a description of the boundaries of such lands shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior."; and, on page 2, after line 24, strike out:

SEC. 3. Wilderness areas designated by or pursuant to this Act shall be administered in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

And, in lieu thereof, insert:

SEC. 3. The wilderness area designated by this Act shall be known as the "Shenandoah Wilderness" and shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act (78 Stat. 890, 892; 16 U.S.C. 1132(c)), certain lands in the Shenandoah National Park, which comprise about seventy-nine thousand six hundred and ninety-nine acres, designated "Wilderness", and which are depicted on the map entitled "Wilderness Plan, Shenandoah National Park, Virginia", numbered 134–20001 and dated May 1973, are hereby designated wilderness. The lands which comprise about five hundred and sixty acres, designated on such map as "Potential Wilderness Addition", are, effective upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased, hereby designated wilderness. The map and a description of the boundaries of such lands shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior.

SEC. 2. As soon as practicable after this Act takes effect, a map of the wilderness area and a definition of its boundaries shall be filed with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such map and definition shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such map and definition may be made.

SEC. 3. The wilderness area designated by this Act shall be known as the "Shenandoah Wilderness" and shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

The amendments were agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–393), explaining the purposes of the measure.

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

PURPOSE OF BILL

The purpose of S. 988 is to designate as wilderness approximately 80,000 acres in the Shenandoah National Park, Va., under the provisions of the Wilderness Act of September 3, 1964 (78 Stat. 890). The recommendation for inclusion in the wilderness system of this acreage within the Park was made to the Congress by the President on April 28, 1971, following study and favorable recommendation by the Department of the Interior.

BACKGROUND

Senator Byrd of Virginia sponsored S. 988 and also sponsored similar legislation in the 92d Congress. The Public Lands Subcommittee held open hearings during the 92d Congress on the legislation, and following those hearings, the Department of the Interior reexamined the wilderness potential of some of the lands which were not included in the original proposal. The Department has determined that an additional 6,419 acres presently qualify as wilderness and that approximately 560 acres, comprising the corridors for the Trayfoot powerline and administrative road, and the Paine Run, administrative road, should be designated wilderness as soon as the improvements located thereon have been removed.

The Trayfoot road and powerline are used in conjunction with the Trayfoot Mountain radio repeater, which the committee is advised will be relocated shortly. The Paine Run road is used for agricultural purposes, and the committee is also informed that this use will terminate eventually.

NEED

The Shenandoah National Park lies within 90 miles of Washington, D.C. and 100 miles of Richmond. In addition to its proximity to these centers of population, the park is bordered by rapidly growing areas in which some 225,000 people reside.

National Park Service figures indicate that during the first part of 1973 911,000 visitors came to Shenandoah, an increase of more than 15 percent over the figures for the same period in 1972. Thus, it is the view of the committee that the preservation of a portion of this park as unspoiled wilderness is essential at this time.

AMENDMENT

The committee amended S. 988 to reflect the inclusion of the additional acres recommended by the Department of the Interior and made a technical amendment also requested by the Department in the interest of legislative uniformity involving wilderness lands which it administers.

COST

The enactment of S. 988 will result in no additional cost to the Federal Government.

DEFINITIONS OF WIDOW AND WIDOWER UNDER CIVIL SERVICE RETIREMENT SYSTEM

The bill (S. 2174) to amend the civil service retirement system with respect to the definitions of widow and widower, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) clauses (1)(A) and (2)(A) of section 8341(a) of title 5, United States Code, are amended by striking out "2 years" wherever it appears and inserting in lieu thereof "1 year".

(b) The amendments made by subsection

(a) of this section shall not apply in the cases of employees, Members, or annuitants who died before the date of enactment of this Act. The rights of such individuals and their survivors shall continue in the same manner and to the same extent as if such amendments had not been enacted.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93-395), explaining the purposes of the measure.

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

PURPOSE

The purpose of this legislation is to amend the definitions of "widow" and "widower" of a deceased Federal employee, Member of Congress, or Federal annuitant eligible for survivor benefits under the Federal retirement system. Under present law, a surviving spouse is one who (1) was married to the decedent for at least 2 years immediately prior to the date of death or (2) was the parent of issue by that marriage. S. 2174 would change the 2-year marriage requirement to a 1-year requirement. This change would be prospective and would not apply in the cases of employees, Members of Congress, or annuitants who died before the date of the bill's enactment.

BACKGROUND

The Federal Civil Service Retirement Act became law on May 22, 1920. However, it was not until January 1, 1940, under the provisions of Public Law 76-263, that the principle of surviving protection was adopted as a part of the retirement system. That retiring for age or under the optional retirement provision, to elect a reduced annuity for himself and an annuity benefit for a named survivor. There was no requirement of relationship or dependency. The 1940 law did provide that the employee's election of a reduced annuity with a survivor benefit would be void if he died within 30 days after retirement. Apparently, the purpose of this 30-day provision was to safeguard the Civil Service Retirement and Disability Fund against "deathbed" marriages or elections.

The survivor protection provisions enacted in 1940 were changed by Public Law 80-826, enacted February 28, 1948. Under this 1948 amendment to the Federal Civil Service Retirement Act, a married male employee, retiring for any reason except on 5-year discontinued service or deferred annuity, could provide an annuity for his widow by taking a reduction in his own benefit.

The Senate version of the bill which became Public Law 80-426, contained a 5-year marriage requirement, but it was deleted and a 2-year marriage requirement was adopted in conference.

Public Law 81-310, enacted September 30, 1949 extended this same option to married female employees in behalf of their dependent widowers.

JUSTIFICATION

The legislative history of the 2-year marriage requirement indicates that that particular time period was selected out of compromise and was clearly arbitrary.

The protection given the Civil Service Retirement and Disability Fund by this statutory restriction is in practice mostly nominal and causes undue anxiety and concern on the part of the employee who desires to provide for his widow.

The trend throughout the major retirement systems has been to liberalize similar restrictions. For example:

1. Prior to 1967, the Veterans Administration required a marriage of 5 years duration for the payment of benefits to otherwise qualified widows or widowers. This statutory requirement was changed to 1 year in 1967.

2. In 1968, the Social Security System reduced the marriage requirement from 1 year's duration to 9 months (3 months in case of accidental death or death in line of duty in the Armed Forces). Public Law 92-603—the Social Security Amendments of 1972—further liberalized this requirement by providing for the waiver of either the 3-month or 9-month requirement under certain circumstances.

These examples contrast with the Civil Service Retirement System, which has retained the 2-year marriage requirement since 1948.

The Committee believes that it is completely in order to bring the marriage duration requirement applicable to survivor's benefits under the Civil Service Retirement System more in line with other Federally sponsored systems. The Committee believes that 1 year is an adequate time period to protect against so-called "deathbed" marriages and would ease the situation with regard to providing for the surviving spouses of Federal employees, Members of Congress and annuitants.

COST

The unfunded liability of the civil service retirement fund would be increased by $75 million and the normal cost will be increased by .01 percent of payroll. This cost would be amortized by 30 equal annual installments of $4.6 million as authorized under Section 8348(f) of Title 5, United States Code.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination in the Environmental Protection Agency.

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

ENVIRONMENT PROTECTION AGENCY

The second assistant legislative clerk read the nomination of John R. Quarles, Jr., of Virginia, to be Deputy Administrator of the Environmental Protection Agency.

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

LEGISLATIVE SESSION

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

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

REDUCTION OF U.S. FORCES IN EUROPE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a letter to the editor of the Washington Post from Edward L. King, executive director, Coalition on National Priorities and Military Policy, entitled "The Case for Reducing U.S. Forces in Europe to About 150,000," published in the Washington Post of September 14, 1973, be printed in the RECORD.

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

[From the Washington Post, Sept. 14, 1973]

THE CASE FOR REDUCING U.S. FORCES IN EUROPE TO ABOUT 150,000

It is interesting that Robert Komer, one of the architects of some of our disastrous policies in South Vietnam, has now become a "Europe-firster" ("Keeping GIs in Europe"—August 30, 1973).

It is difficult indeed to reconcile his newfound concern for maintaining U.S. conventional troop levels in Europe, with his previous acquiescence in the slashing of those same troop levels in 1967-1969 to provide trained military men to work in his special Vietnam program.

Komer now cavalierly labels many past arguments about removing U.S. troops from Europe as "simplistic" and calls for a more informed discussion of the issue. Despite his long preoccupation with Vietnam he must be aware that serious critics such as Senator Mansfield have been carrying on informed discussions for 10 years.

Komer's article certainly adds nothing new to the discussion. It does, however, raise some questions about the facts and his understanding of them.

For example, he contends that four and one third U.S. divisions—stationed mostly in southern Germany — are defending "the shortest high speed avenues of attack by which a Warsaw Pact offensive could split NATO, much as the Germans did . . . in 1940." But the major high speed approaches are located north of the U.S. divisions, and in two world wars the Germans attacked France from the north, not through the area where most U.S. divisions are stationed today.

Komer says it cost $4 billion to maintain U.S. troops in Europe. That is only the cost of the pay and maintenance of the men and their dependents. If you also consider the cost of their arms and equipment, that figure is correctly $7.7 billion. And he makes no mention of the $1.5 billion deficit in U.S. military balance of payments caused by the presence of over 300,000 U.S. troops and dependents in Europe.

Pages 190-194 of the FY 1974 Department of Defense Military Manpower Requirements Report clearly show that over 50% of our general purpose forces are predicated solely on a NATO conflict—not one major and one minor conflict in Europe or elsewhere as Komer claims.

He also repeats the tired old argument that it costs almost as much to keep our troops at home as in Europe. Yet last year—before devaluation—DOD witnesses testified before the Senate Armed Services Committee that first year savings of $42 million would be realized from withdrawing one mechanized division from Germany and stationing it in the U.S.

After his Vietnam years, perhaps Komer considers $42 million an insignificant amount. I doubt that other taxpayers would agree.

Komer missed a central point in joining the decade-long debate on U.S. troops in Europe. That is, why should the taxpayer pay $17 billion (cost of all U.S. forces committed to NATO), or $7 billion (cost of those in Europe), when less than 25% of those troops are assigned to combat skill jobs that direct fire on an enemy in actual combat defense of the American people?

I agree with Komer's call for keeping "sub-

stantial" U.S. forces in Europe. I submit that Senator Mansfield's proposal to keep around 150,000 U.S. troops in Europe is exactly such a "substantial" force.

EDWARD L. KING.

Washington.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Michigan desire recognition?

Mr. GRIFFIN. No, Mr. President.

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.

LIMITATION OF DEBATE ON AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 2335—to amend the Foreign Assistance Act of 1961, and for other purposes—is laid before the Senate and made the pending business there be a limitation thereon of 3 hours for debate, to be equally divided between the distinguished majority leader and the distinguished minority leader, or their designees; that there be a limitation on any amendment thereto of 1 hour; and a limitation on any amendment to an amendment, debatable motion, or appeal of 30 minutes; and that the agreement be in the usual form.

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

The text of the unanimous-consent agreement is as follows:

Ordered, That, during the consideration of S. 2335, a bill to amend the Foreign Assistance Act of 1961, debate on any amendment shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any amendment to an amendment, debatable motion or appeal shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 3 hours, to be equally divided and controlled, respectively, by the majority and minority leaders, or their designees: *Provided,* That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion or appeal.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I charge the time against my time.

The ACTING PRESIDENT pro tempore. 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 do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from West Virginia has 9 minutes remaining.

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

DO NUCLEAR POWERPLANTS THREATEN U.S. SECURITY?

Mr. ROBERT C. BYRD. Mr. President, while inadequate supplies of oil and natural gas, and the current controversy regarding the use of high-sulfur fossil fuels versus clean air, are the two aspects of our energy crisis that are foremost in peoples' minds, there is another consideration about which I am becoming increasingly concerned.

I refer to the widening opinion being expressed by reputable scientists and engineers that the construction of nuclear powerplants in close proximity to our major cities and defense establishments constitutes a danger of such magnitude that the time has come for the Atomic Energy Commission, and the administration, to make clear to the American people whether the fears expressed have foundation in fact, or are wholly unfounded.

I am not a scientist, and I can therefore offer no firm judgment in this matter. Nor am I an alarmist. But I have been sufficiently impressed by what I have read, and by what I have been told by competent scientists, to raise the question of whether surface-emplaced nuclear power reactors constitute a major risk to the security of this Nation.

According to my information, each large nuclear reactor at full fission product inventory contains radioactive poisons vastly greater in lethal potential than the world total of chemical warfare poisons. After running at full power for several months, interference with the heat removal systems will inevitably result in the uncontrollable fuming meltdown of the critical array and core vessel. Again, according to my information, breaching of the containment shell would permit the dispersal of fission product fume.

In stories published in the Wall Street Journal and the Washington Post of August 17, such a contingency is described by the Atomic Energy Commission as "an unlikely accident," but one which, if it happened, could kill upward of 5,000,000 people.

I emphasize, Mr. President, that I am raising these questions as a U.S. Senator and as a concerned citizen. I claim no expertise, as is undoubtedly held by the distinguished members of the Joint Committee on Atomic Energy, but I am curious when I read the standard-text recitation of the nuclear electric power proponents that "electricity from uranium is incomparably clean, altogether safe, and much cheaper than energy derived from conventional fossil fuels," and then elsewhere I read that all uranium available to the United States—including all producible at up to five times the current cost—converted to electricity by commercial technology, would supplement our fossil fuels potential by only one-half of 1 percent.

I am further advised by scientific sources that "fast neutron" systems, which have been put forward as a major solution to future energy needs, because of their fantastically high power density and inherent uncontrollability at full fission product inventory, are thermodynamically and mechanically impossible of commercialization.

If the apprehensions being voiced by some members of our scientific and engineering community as to the efficiency and potential danger of nuclear power reactors are wholly without foundation in scientific fact, I would feel much easier in my mind if the Atomic Energy Commission, or the administration, or some other scientific body of impeccable professional integrity, would so reassure the American people.

If, on the other hand, these apprehensions have validity, it becomes imperative that the appropriate authorities tell the Congress and the people exactly what hazards we face. Nuclear power, atomic reactors, full fission product inventory—these are scientific terms that are not within the knowledge or comprehension of 99 percent of the people, and their potential for good or evil is likewise beyond common understanding. But they are understood by the tiny segment of our population whose business it is to understand them, and when even a few individuals in that small segment of America raise relevant questions that affect every living soul in this Nation, then their questions deserve attention. It may turn out that these scientists and engineers who are asking the questions are cranks—but anyone who has read even a little of the history of scientific achievement is aware of how often in the saga of mankind, the "cranks" have turned out to be the great discoverers, despite the obloquy heaped upon them by their peers.

The principal questions posed by this minority of scientists are:

First. Is the vast R. & D. expenditure undertaken by the United States in the field of commercial nuclear power justified in the light of what some experts claim is the very limited availability of uranium?

Second. Just how "unlikely" is an "unlikely accident," as described by the AEC, and is the AEC completely satisfied that every possible safety precaution is being taken at all times in the commercial power reactor plants that soon will number almost 100 all over the United States?

Third. Is the AEC confident that the security plans against subversive action at surface nuclear reactor plants by enemies of this Nation, are totally adequate to prevent a disaster of almost inconceivable magnitude?

Fourth. Are the AEC, and the administration satisfied that in the event of war, this proliferation of surface nuclear reactor plants does not present a target for demolition by enemy action, the successful completion of which would cause a population loss so devastating that defense of the United States would become meaningless?

Fifth. Has the AEC ever considered placing a moratorium on the construction of surface nuclear reactor powerplants, with their obvious vulnerability, and insisted that all such nuclear reactor plant construction be underground?

Sixth. Have the additional costs of underground construction vis-a-vis surface construction been a controlling factor in the construction and location of these facilities, to the possible jeopardy of the lives and property of the American people?

Mr. President, I do not know the answers to these questions, but I feel certain that if the Atomic Energy Commission could possibly make a full public disclosure of the answers, a vital and valuable public service would be rendered to the American people.

Toward this end, I have today written a letter to the Chairman of the Atomic Energy Commission, in which I ask the questions that are included in this statement, with the hope that appropriate answers—at least, some of the answers—will be forthcoming.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may reserve the remainder of my time, if I have any.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia has 2 minutes remaining. Without objection, he may reserve the 2 minutes.

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

The Senator from New Mexico.

FATHER ROBERT M. BEACH, TAOS, N. MEX., VISITING CHAPLAIN

Mr. DOMENICI. Mr. President, before I begin my prepared remarks, let me thank the Reverend Father Robert Beach, who came from New Mexico, from a northern community, a small city, to preside and pray over us today.

In thanking him I thank the many little people that have made his life, because that has been his business. He has served the average person in a small kind of town, in a small way, but when we add it all up, it makes a great service.

I was privileged to turn his name in as a possible chaplain, and I thank our distinguished Chaplain of the Senate for selecting him. I also thank the people of the city of Taos, N. Mex., who knew, as he came here and presided and delivered a prayer before the Senate, that he would not have this opportunity again; and in their generosity and in their own way, they provided the ways and means for this rather lengthy and costly trip and his 3 or 4 days to see the Capital of the United States. In behalf of the Senate, I thank them, also.

BUDGETARY REFORM

Mr. DOMENICI. Mr. President, many thousands of words are spoken in these Halls each session.

I contribute my share of those. Like all Members, I occasionally fear many of those words go unheeded when they should be clearly heard.

That fear haunts me a little as I speak today, because I rise to make as serious a statement as any I have heard here. I hope it will not go unheeded.

Let me put my charge as simply and clearly as I can: The body to which we belong, the Congress of the United States, has no rational way to budget its enormous expenditures of our Nation's wealth. Insofar as this is so, we fail to do well the major task assigned us by the Constitution, and so we fail the very citizens who sent us here.

That is a serious accusation, which I propose to substantiate to the best of my ability in a continuing series of statements later. But before I do that, let us look at some of the results of the disorderly, disorganized, and inefficient budgetary practices which prevail.

What are some of the pictures an American citizen sees as he looks at his world today?

He sees a rate of inflation which, though it is slowing, still must seem to him a kind of unending drain on his personal resources and a threat to the value of everything he owns. He sees a currency once sound enough to serve as a standard for the world now so dubious that some foreign businessmen refuse it in payment for goods or services. He sees a spiral of taxation which has gone so high that, in the period in which our population doubled, our tax burden actually increased 3,000 percent.

Underlying it all, he sees a national debt which is a major cause of all those gloomy economic facts.

That debt is in large part the result of Congress unwillingness to establish even rudimentary budget systems—and so it is a measure of our failure to do what the Constitution bids us do.

To make clear how bad I think the present lack of system is, let me say that I believe it makes it virtually impossible for any of us to do the job for which we were elected.

If that sounds offensively strong, let me put it this way: How can any individual Member, under the present order, determine intelligently which proposed functions and programs of the Federal Government should be funded and which should not? All any of us can do, in respect to any individual measure, is go by intuition, by "feel," by whether it is "good" or "bad" for the country. What results is a series of decisions on the part of any Member so individualized and personalized that they often appear to observers to be the consequence of mere whim or caprice.

The truth is what we simply do not have the facts on which to base rational judgments, and facts are necessary to every business decision—not least of all in the biggest business in the world.

Who is there here who will not honestly admit that this leads to the excessive spending to which I have already referred? Who can deny that in practice we displace our funding priorities, so that primary needs are often shunted aside in favor of programs of nebulous or dubious worth? And who will refuse to say that, time after time, these Houses continue to fund programs which are beyond the legitimate scope of responsibility of the Federal Government?

All this, it seems to me, comes about because we have no real system for preparing and keeping to budget systems which even the smallest businessman knows are essential to economic health.

The Constitution clearly vests in Congress the power of the purse strings. Surely there goes with that power the obligation to use it rationally and with care.

For the first 75 years of the Federal Government, each House of Congress had only one committee to consider budgetary matters—Ways and Means in the House and Finance in the Senate. When, after the heavy expenses of the Civil War, it was first proposed in the House that spending and taxing functions be separated, many Members expressed misgivings, I admire their foresight; I believe, in light of present-day affairs, that their worst fears have come to pass. Yet not only did the House so organize itself, but 2 years later the Senate followed suit.

By the start of this century, consideration of taxes and spending have been so dispersed among committees of both Houses that there was no longer any overall consideration of expenditure programs—the situation in which we find overselves today. As the Joint Committee on Budget Control said earlier this year—

> There is now no way . . . for making a choice between competing expenditure programs.

Back in 1921, when total appropriations were about one one-hundredth of what they are today, an effort was made to bring some order out of this chaos. But the major effect of the Budget and Accounting Act of that year was to create the concept of an executive budget, not a congressional one, and to make the former Bureau of the Budget, an executive agency, the point of control over budgeting.

Since that time, Congress has done almost nothing effective about budgetary

proceedings, though it has from time to time shown indications that it was at least aware of some vague and unfulfilled obligations in the matter. In 1946, for example, there was the Legislative Reorganization Act, which made some feeble efforts toward budget control—and was quickly abandoned. Later efforts to enact budget ceilings, though they turned out to be rubbery, indeed, were at least indications of Congress cognizance of the fact that the Constitution vests this onerous but essential task in our two bodies.

So where does a legislator find himself today? Our mutual experience shows us we have at least these major deficiencies to work against.

First, there is from Congress no overview of expected income to provide a figure against which to measure the reasonableness of expected spending.

Second, there is never sufficient information on which to judge spending priorities, though such priorities are considered essential in any well-run business enterprise.

Third, there is one process for authorizing expenditures and another for appropriating them, and the two processes are totally unrelated to one another.

Fourth, the appropriation process is totally fragmented, with 13 different appropriations bills presented annually. In addition, each individual bill may contain a mishmash of programs, no one of which is clearly related to any other.

Finally, I believe it is not unjust to be somewhat critical of the present system, which places such a heavy burden and so much responsibility almost exclusively on the shoulders of chairmen and senior members of those committees and subcommittees which are concerned with appropriations. I am sure these gentlemen, who devote so much time to this task, feel the need for additional observations from and even the counsel of more Members of this body as they perform this onerous task. I am sure they would consider any change which provided some sharing of their burden a healthy one, even though it will not diminish their responsibility.

I do not believe it is necessary for me now to review the bills so far introduced to bring about some degree or another of budgetary reform, but I would make these observations about them.

Senator McCLELLAN has been proposing a bill to create a joint committee on the budget faithfully since at least the 89th Congress, now 7 years in the past.

Many of the bills, with the rationale behind them, have been compiled in the very effective reports of the Joint Study Committee on Budget Control and the Subcommittee on Budgeting, Management, and Expenditures of the Committee on Government Operations. I believe they merit the most intense study of every Member of this body.

I am so convinced that this is so, that almost at the start of this session Senator SAM NUNN and I, in a letter cosigned by the other 13 freshmen Members of the Senate, urged our leadership to make consideration and revision of the budgetary process our first order of business, before consideration of appropriations of any kind. I do not think today that that request was a mistaken one; if anything, I am more positive now of the urgency of this matter than I was when that letter was written.

Because that is what I believe, I intend to continue to address myself to this problem in a series of statements which establish in detail the reasoning behind each of the general criticisms I have made today. I would be glad to hear the views of all Members of this body on this important subject; perhaps, with the addition of their voices, this can become an ongoing dialog, not a mere monolog.

Perhaps then our combined voices will be heard and reason prevail, instead of going unheeded, as I began by suggesting it may, in the words of Pogo—

We have met the enemy and he is us.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from New Mexico has 4 minutes remaining.

Mr. DOMENICI. Mr. President, I yield back the remainder of my time.

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

EXPORT CONTROLS ON AGRICULTURAL COMMODITIES

Mr. JOHNSTON. Mr. President, I have asked for a few minutes this morning to express my views on an issue that is emerging as one of the key issues of this session. We are hearing more and more about the need for export controls on agricultural commodities as a vehicle for confining the surging demand, and disturbing price rises, in these products.

The administration has asked for increased authority to impose controls on agricultural exports. The Committee on Banking, Housing, and Urban Affairs, of which I am a member, has held hearings on the proposed amendments to the Export Administration Act, but as yet the bill has not been reported out.

Only last Thursday, the Senator from New York (Mr. JAVITS) and the Senator from Illinois (Mr. STEVENSON) introduced legislation to create an apparently permanent scheme for regulating exports of all American agricultural commodities.

It is easy to understand the impetus for this legislation. Food prices are rising faster than ever before. In a year of devastating inflation, food prices have led the way to a public attitude approaching an inflationary panic—the first I can recall in recent American history.

In August alone, farm product prices jumped 23 percent—the greatest 1-month increase since the Government began keeping price records in 1913. That 23-percent increase was more than twice the 11-percent increase in July of 1946, just after World War II.

In August alone, grain products rose 69.5 percent to 166.9 percent above a year ago; livestock prices were up 22.1 percent in August, 64.3 percent over a year ago; poultry 42.3 percent in August and 52.5 percent over a year ago, and so on down the list of our agricultural mainstays.

At the same time, agricultural exports reached record levels. In a recent release, the Foreign Agricultural Service of the Department of Agriculture states proudly that:

US farm exports rose an astonishing three-fifths to a record $12.9 billion in FY 1973.

Exports to Japan, the Soviet Union, and Western Europe led the way.

Our total agricultural exports to Japan rose from $1.2 billion in fiscal year 1972 to $2.3 billion in fiscal year 1973—an increase of 97 percent or practically double in a single year.

Exports to Western Europe increased by nearly half, from $3 billion to $4.5 billion.

And most dramatically—owing largely to the notorious wheat deal—agricultural exports to the Soviet Union increased nearly six times over the level of the previous year—from $150 million to $905 million. Wheat exports to the Soviet Union alone amounted to 345 million bushels worth $563 million, compared with a negligible total of only 100,000 bushels in fiscal year 1972. Exports of soybeans to Russia rose from zero in fiscal year 1972 to 31 million bushels, worth $119 million, in fiscal year 1973.

It is now generally accepted that this enormous growth in our agricultural exports was spurred on by two devaluations of the dollar. For example, the purchasing power of the yen increased by some 27 percent in relation to the dollar during fiscal year 1973.

If we put these two developments together—booming exports, rising prices—it seems clear that in fiscal year 1973 growing foreign purchases of U.S. agricultural products had a substantial effect on what the American consumer paid for food here at home. No observer of the agricultural scene, so far as I am aware, would dispute the existence of a causal relationship between these two phenomena. In a word, foreign buyers have bid up the price of American commodities.

It is by no means obvious, however, that the strong sedative of export controls is the proper medicine for last year's overheated agricultural price structure. Prof. John Kenneth Galbraith, in opposing the administration's request for additional power to impose export controls, has stated:

There is an Alice-in-Wonderland aspect about a liberal feeling called upon to oppose this legislation. It should be opposed by every principled conservative in the country. And it should never have been proposed by a conservative Administration. It involves an interference with market forces at one of the precise points where these work to the advantage of the United States in particular and people in general.

I am not one who seeks to be labeled either a conservative or a liberal. I do

not consistently agree, or disagree, with Professor Galbraith's analysis of our economic problems. In this instance, however, nothing could summarize my own feelings about agricultural export controls more succinctly than Professor Galbraith's words.

First, agricultural export controls, by dampening the farmer's incentives to increase investment and production, threaten to curtail supplies and increase, rather than depress, consumer prices.

Second, agricultural export controls would deprive the American farmer of the full realization of a long overdue period of prolonged prosperity.

Third, agricultural export controls would have a substantial adverse impact on our trade deficit, on the dollar, and on the prices consumers pay for imported and domestic goods of a nonagricultural kind.

Fourth, agricultural export controls would harm established trading relationships and undermine the thrust of our trade policy of at least a decade by politicizing foreign trade in agricultural commodities.

First, the basic point is that commodity supplies will be expanded most rapidly and most efficiently if foreign demand is permitted to have its full impact on the American market. Farming is typically characterized by high, fixed capital investments in land, buildings, and machinery. The variable costs—seed, fertilizer and labor—required to increase production are much lower. As a result, expanding production to meet rising foreign demand promises to spread these high, fixed capital costs over more production, lowering per-unit costs. Increased volumes and lower per-unit costs mean more net farm income for producers and lower food costs for consumers—both here and abroad. The alternative—attempting to recover one's cost from fewer units of production—means higher prices, greater dependence upon taxpayers and less dynamism in rural America.

A similar economics applies to the system for handling, storing, transporting and processing farm products. Elevators, processing facilities, transportation facilities—all of these represent high initial fixed capital costs. Moving larger volumes through this marketing and distribution network means reduced per-unit costs. A secure and expanding agriculture would also attract the capital, management skills and innovations which would help to augment our efficiencies even further. These underlying economics—coupled with our natural advantages of land and climate—are the most powerful arguments one can have for seizing the opportunities of the present to continue to expand our marketing prospects.

Second, we are seeing a long-term trend toward increased world demand for more expensive foods, especially animal proteins, which require large multiples of feedgrains to produce. Demand is growing not only in the nations which stand out conspicuously in our agricultural export statistics, but also in a number of countries we do not customarily associate with rapid economic growth and rising prosperity. Spain, Mexico, Taiwan, Korea, Yugoslavia—these are among the nations whose hunger for meats and feedgrains have created a golden opportunity for the American farmer, and for the American economy as a whole. In a very real sense, our wheat and corn and soybeans have become as valuable on the world market as the oil of the Arab States—more valuable, perhaps, since if properly managed our capacity for agricultural production is inexhaustible.

For the American farmer, the growing world demand for food offers the first real chance to achieve economic prosperity equivalent to that experienced by other segments of our society in recent years. In the 1950's, the after-tax income of farm people averaged only 54 percent as much as the average for nonfarm people. In the 1960's, the after-tax income of farm people averaged only 67 percent as much as the nonfarm average. Now, for the first time in many years, farmers are free to expand production under the new farm bill. Some 60 million acres will be released for production this year under the new legislation.

If past experience is any guide, there is every reason to think that the American farmer will—with the unique combination of favorable demand conditions and unrestricted production opportunities—be able to meet or surpass the growing demand for farm products. By 1973, even when the farms of our country were still under legislative wraps, feedgrain production in the United States had increased 56 percent over 1963 levels, while feedgrain production rose 34 percent during the same period. Farm productivity per man has been increasing in recent years at a rate nearly twice that of manufacturing industries. I am told that in only 2 years, between 1970 and 1972, many corn farmers have been able to increase the per acre yield of that crop from 32 to 97 bushels.

Of course, the beneficial effects of the rising U.S. agricultural export trade are not confined to the farmer. More farm exports mean more business for American ports and American shipping, more jobs for Americans of all walks of life associated with the business of preparing and sending American agricultural commodities abroad.

Third, of even broader significance is the fact that our enormous international trade deficit in nonagricultural products is subsidized and offset by our substantial international trade balance in agricultural products. In fiscal year 1973, the U.S. agricultural trade balance rose from $3.6 billion to a record $5.6 billion, despite a 20-percent increase in our own agricultural imports to a record $7.3 billion. This favorable agricultural trade balance helped to offset the U.S. trade deficit in nonagricultural products, which amounted to $9.1 billion in fiscal year 1973.

The balance of payments is not a technical game played solely by international economists. It is an issue of vital concern to every American consumer because the balance of payments affects the prices consumers pay for every item they purchase. And that is why I disagree with those who say that a free and expanding international trade in agricultural commodities is fine for the farmer but disastrous for the consumer.

Both the consumer's interest and that of the farmer are best served by permitting free trade in agricultural commodities in all but the most unusual circumstances.

If our balance of payments goes further in the red, we will face additional devaluations of the dollar caused by an excess of foreign purchasing power hanging over U.S. markets. If the dollar is revalued again, the price of every imported item will go up—from radios and cameras to steel to clothing to foreign cars. At the same time, U.S. products which are comparable will go up in price as they become cheaper to foreign buyers—thus bidding up the price of domestic consumer goods as well as foreign goods. In fact, it is precisely this kind of price action in agricultural commodities, resulting in part from two devaluations of the dollar within a year, that has produced the current concern about foreign demand.

It would be most unwise to respond to what appears to be a short term supply shortage in some agricultural commodities with an economic policy which promises only more of the same price inflation in other sectors of the economy where hope of increased production is not nearly so bright.

Fourth, moreover, export controls destroy our international trading relationships. Export controls encourage other nations to close their markets to American products that we are very anxious to export, and to close their markets to U.S. agricultural products in times of domestic surplus.

Last week, the Washington Post reported on the world trade negotiations now in progress in Japan. The Post quotes Mr. Eberle, the President's representative, as stating that our hastily imposed export controls on soybeans have allowed foreign nations to argue that the United States is no longer a dependable supplier of food. Thus, the foreign nations argue, import restrictions are vital for those countries to protect their own farmers—even when they can not produce as cheaply as American farmers—in order to safeguard those foreign countries' supplies of food in the event that the export climate in the United States sours.

Finally, as the distinguished Senator from Kansas (Mr. DOLE) has said, export controls are an administrative nightmare. Because an export control bureaucracy would supplant the present operation of the free market, decisions normally made predominantly on the basis of market price would be subject to considerations so cosmic in scope as to defy analysis. To paraphrase the Senator from Kansas:

What level of commodity exports

would it be prudent to authorize for this year?

To which countries should such exports go and in what quantities?

How much should farm prices in the United States be permitted to fall and who should be the beneficiaries of these drops in prices?

Above all, I fear that our foreign trade policies will be politicized, for inevitably administrative allocations of American commodity exports would have to be attuned to American foreign policy objectives—diplomatic and strategic objectives wholly unrelated to economic efficiency.

The entire thrust of our efforts in recent years has been to free world trade from these demoralizing constraints. Yet now, in the aftermath of a most atypical year for agricultural trade, we are ready to turn our backs on free trade.

I am, then, firmly opposed to controls on the export of agricultural products as an ongoing instrument of economic policy.

To some, the expedient of export controls may seem attractive. In the short run export controls unquestionably will stifle demand and help to hold down prices. But in the long run, controls will undermine the incentive and the productivity potential of the American farmer. Indeed, to impose controls today would destroy the farmer's incentive to meet present market conditions without ever having given the farmer a fair chance to respond to those market forces.

In the long run, export controls would close important markets to American goods, compound the balance-of-payments problem, devalue the dollar, and increase the price of thousands of products—including food products—to the American consumer.

This does not mean that I favor a complete hands-off policy when it comes to agricultural exports. The Department of Agriculture did not adequately monitor the Russian grain deal and the results were disastrous. Speculation and market-cornering activities must be closely regulated, and I believe the administration has taken desirable steps in that direction by its new reporting requirements, which require all exporters to report on a weekly basis by country and month of shipment all exports and sales for exports of certain grains, oilseeds, and primary products of oilseeds.

American sellers must be fully informed of the market activities of foreign buyers. But sensible regulation need not result in closing off the gates of American agriculture to the rest of the world.

Unquestionably, there will be times when domestic supplies are threatened, as they were by the usual market conditions of this past year. In such times, there will be need for short-range export controls. But controls in those circumstances—should be imposed only after consultation with our trading partners and only when it is perfectly clear that controls are absolutely necessary.

AMENDMENT OF INTERNATIONAL ECONOMIC POLICY ACT OF 1972—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. HUDDLESTON). Under the previous order, the Senate will now proceed to the consideration of the conference report on S. 1636, which the clerk will state.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1636) to amend the International Economic Policy Act of 1972, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

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

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of July 23, 1973 at pp. 25428–29.)

Mr. TOWER. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum with the time to be charged equally to both sides.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Who yields time?

Mr. SPARKMAN. Mr. President, the conference report has been laid before the Senate.

The PRESIDING OFFICER. It has been laid before the Senate.

The Chair observes that debate on this conference report is limited to 2 hours, to be equally divided between and controlled by the Senator from Alabama (Mr. SPARKMAN) and the Senator from Texas (Mr. TOWER), with 30 minutes on any debatable motion or appeal.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the following members of the staff of the Committee on Banking, Housing and Urban Affairs be granted the privilege of the floor during the debate on this conference report: Reginald Barnes, Michael Burns, and Steven Paradise.

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

Mr. SPARKMAN. Mr. President, in a conference with the House on July 19, 1973, the Senate conferees agreed to what is, I believe, a good version of S. 1636, a bill to amend the International Economic Policy Act of 1972. All members of the conference signed the conference report.

The conference agreed to extend the life of the act until June 30, 1977. This is an amendment to the House version.

The conference version would permit the President to appoint the Chairman of the Council of International Economic Policy from the statutory members or any other person he names as a member of the Council. This retains the Senate version of the bill. The conference version also contains a provision of the House version which adds the Secretary of Transportation as a statutory member of CIEP.

The conference version of the bill would require that all future Executive Directors of CIEP should be subject to Senate confirmation. This retains the House version.

The conference version of the bill contains an authorization for appropriations for the CIEP for $1.4 million for fiscal year 1974. This is the House version.

The conference version of the bill also contains a provision of the House version which requires an annual report regarding certain activities and policies of the United States, the European community, Japan, and in some cases the U.S.S.R. The report would also contain recommendations for programs and policies to insure that American business is competitive in international commerce.

Mr. President, I recommend that the Senate approve this report. There was a full, free, and clear conference in which we reached this agreement, and all members of the conference committee signed the report and sent it to the floor of the Senate.

Mr. TOWER. I yield myself such time as I may require.

Mr. President, the conference report before the Senate is a good resolution of issues before the conferees, concerning the Council on International Economic Policy. The report represents some aspects of each of the two versions of the bills involved.

The objection has been voiced, however, to the report by some Members that the so-called prospective confirmation provision, because it differs from the Senate "incumbent confirmation" provision, somehow violates Senate rules on conferences. I do not know of any Senate rule that requires that Senate conferees must come back with the Senate version intact. Otherwise, what is the point of a conference? We could just tell the House every time we pass a bill that they either take our version or there will be no legislation at all.

In fact, as we all know, we go to conference with the knowledge that there will be some give and take on both sides of the conference before a compromise satisfactory to both sides is achieved. Each side might well go into conference proclaiming loudly that its version is the only good version it will accept, but usually this is merely a posturing maneuver in the intricate system of bargaining which characterizes controversial conferences.

In fact, circumstances may make such a tactic unnecessary or undesirable for some reason, and conferees may well go

into conference fully aware of where feasible, sound compromises lie. In this particular conference, on the issue of confirmation, the House did not want incumbent confirmation and was relying on existing precedents against such confirmation. The Senate had concurred in establishing those precedents on other executive branch positions. On one attempt where the Senate had tried to legislate incumbent confirmation, it was successfully rebuffed in a sustained veto, and the Senate agreed thereafter to the prospective confirmation approach. So the Senate conferees had a pretty clear idea that only prospective confirmation had a realistic chance of eventual passage, and were prepared to recede on that issue in return for other compromises on the part of the House. The fact that this realistic compromise was apparent to our conferees at the beginning of the conference should not run against the merits of the compromise itself.

It is, I feel, reasonable to adopt the prospective confirmation approach since the precedent has been set in other bills and after the sustainable veto has been demonstrated in a recent incumbent confirmation attempt. The Senate has access to the incumbent director virtually at will, and there is no issue here of lack of cooperation from that director or his organization.

I think that the Senate can accept this report without surrendering any of its prerogatives with respect to foreign policy or accountability of the executive branch.

Therefore, I join the chairman of the committee in urging the adoption of the report.

I might point out that conferences with the House conferees with the Banking and Currency Committee over there are not always the easiest matters in the world to resolve; as a matter of fact, they are very difficult. We still have two bills languishing in conference because of the difficulty in resolving differences between the House and the Senate. Although I think we are sometimes very adamant and posture ourselves very strongly, the House can be as adamant as we can and, too, they have a rules phenomenon that makes it very difficult for us to resolve matters in conference.

Having successfully resolved this very important measure in conference with them, I think no useful purpose would be served in rejecting this conference report on an extremely important piece of legislation dealing with our commercial intercourse with other nations. The incumbent council director is already abroad and working, and I think we should enhance his position by acting today in an affirmative way on the conference report.

Mr. President, there are 2 hours on the bill and the time is allotted to the distinguished chairman of the committee and me as the ranking minority member. In fairness, the opponents should have some time. Therefore, if the Senator from Alabama will yield them such time as they request, if they run short I shall be glad to yield some of my time.

I yield 30 minutes of my time to the control of the Senator from Florida (Mr. CHILES).

Mr. SPARKMAN. Mr. President, at this time I yield 15 minutes to the Senator from Florida and it may be that later I will have more time, but make 15 minutes definite.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. CHILES. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. SPARKMAN. Mr. President, if the Senator will yield, so that the Senator will have a definite amount of time to count on, I yield 30 minutes of my time.

Mr. CHILES. I thank the Senator.

The PRESIDING OFFICER. The Senator from Florida may proceed.

Mr. CHILES. Mr. President, I ask Senators to vote against this conference report and to support a subsequent motion to further disagree with the House substitute amendment which struck from the Senate bill a provision for the confirmation of the incumbent Executive Director of the Council of International Economic Policy—CIEP. I am asking you to vote against this conference report on S. 1636 solely as a procedural matter so as to be able to ask for a further conference with the House to restore the confirmation provision.

On the desks of Senators is a "Dear Colleague" letter concerning this matter. It has the support and the signatures of 24 Senators. This indicates some very broad concern in the Senate for this matter. Let me explain, Mr. President, why there is such wide concern.

TRADE POLICY AUTHORITY

Currently before Congress is major trade legislation which contains sweeping discretionary power for the President in trade policy. I want a strong trade bill. I think we need to give our negotiators at least as much leverage as their counterparts have to get concessions and changes from our trade partners.

But there is now a much larger issue of how our Government should operate and what the relationship should be between the different branches of Government. For our Government to function properly, there has to be respect between the different branches. Each branch must play its role. The Congress is given the authority by the Constitution—

To regulate commerce with foreign nations.

Yet the executive branch must be the one to negotiate trade agreements with other countries. The only way each branch can fulfill its responsibilities in the trade areas is if there is comity between the branches.

The only way we will get the changes we want in trade is if the executive branch and the Congress can work together and if the Congress is fully involved in the process. This means that there has to be some change in the way the executive branch goes about its relations with the Congress from the way it has been in the recent past on issues of war and the budget. Unless there is some change, I would take the position that we have to wait a few more years to begin trade negotiations even though I think we have some urgent trade problems to resolve with other countries. Congress cannot be in the position again of surrendering power and authority to the executive without assurances that its own prereogatives are going to be protected.

Confirmation of the nomination of the Executive Director of the Council in the executive branch, which has broad coordinating responsibility for international economic policy under the President and the Secretary of the Treasury, is essential as we enter this period of trade negotiations. This confirmation is a minimum condition for guaranteeing comity between the branches on trade.

ACCOUNTABILITY

Senate bill, S. 1636, as originally drafted was intended to make the Council on International Economic Policy a permanent part of the Executive Office of the President. The Council was created on January 19, 1971, by a Presidential order on the basis of a recommendation in 1970 by the Advisory Council on Executive Organization presided over by Mr. Roy Ash, who is now, of course, Director of the Office of Management and Budget. So after more than 2 years of operation under a Presidential order and with new trade talks in the offing, S. 1636 was intended to give the Council permanent status within the executive.

However, as the Senate Committee on Banking, Housing, and Urban Affairs considered the bill, the committee recommended that CIEP be authorized for a 2-year period, after which it would be subject to reevaluation by the Congress. This would be done because it was felt that the flux of circumstances affecting the international economic policy might make today's decisionmaking structure inappropriate tomorrow and to insure accountability to Congress. So it is clear that from the beginning of its consideration in Congress, the Committee on Banking, Housing and Urban Affairs was the first Senate committee to work on the bill and the issue of accountability to Congress was a primary consideration which was made manifest in limiting the authorization to 2 years.

THE SENATE POSITION ON CONFIRMATION

The Committee on Banking, Housing and Urban Affairs reported the bill with a provision requiring confirmation of the nomination of the incumbent Executive Director of the Council by June 30, 1973. The Finance Committee agreed with the intent of the Banking, Housing and Urban Affairs Committee that the nomination of the individual serving in the Office of Executive Director of the Council be subject to confirmation through advice and consent of the Senate. The Finance Committee felt that the June 30 deadline was unfair to the incumbent Executive Director because it would prevent him from continuing in office if no action had been taken by the Senate on his nomination by June 30. So the Finance Committee amended the provision to preserve the principle of confirmation of the nomination of the incumbent and assure that the incumbent could continue to serve so as to be able to be subject to confirmation. The Foreign Relations Committee supported the Finance Committee's amended version of the bill.

So three Senate committees—Banking, Housing and Urban Affairs; Finance; and Foreign Relations—all reported S. 1636 with the provision of confirmation of the nomination of the incumbent Executive Director of the Council in it. Accountability was very much on the minds of the members of the committees, as they all kept to the 2-year authorization limit as well as retained the confirmation provision.

This bill with the confirmation provision passed the Senate on June 22. So the Senate position on this particular confirmation is abundantly clear. It was expressed earlier in the session in a separate bill, S. 590, which was reported by the Government Operations Committee. This bill required the confirmation of the incumbent Executive Director of the Council and two other high executive branch officials. This bill contained no other provisions and served no other purpose. It passed the Senate on May 9 by a vote of 72 to 21.

Even though the Senate position on this confirmation has been sustained by four Senate committees and the passage of two Senate bills, nevertheless the confirmation provision was removed by the Senate conferees in conference with the House.

I am asking that Senators vote today against the conference report on S. 1636 solely for the purpose of restoring the confirmation provision, in order that the will of the Senate may in fact be carried into law.

BROADER ISSUES

There is more that can be said about some of the broader issues involved in restoring the confirmation provision to this bill.

It is clear that the Senate has had a general tendency in recent months to reassert its authority in a number of important areas to restore balance to our system of government. It seems to me that the gradual shift in power to the executive branch has been going on for a long time, ever since the New Deal in the 1930's. In 1973, Congress has begun to reverse this trend in a number of important areas—war powers, impoundment, budget formulation, and foreign policy in general. This is a time of transition—of restoring balance to the system. This is one of the most healthy developments in recent times. I would hate to see the Senate at this important stage simply give away by default its authority in a critical area like trade and to renege on the principle of accountability unwittingly. Now is precisely the time, Mr. President, when we should be especially careful not to give away authority that is rightly that of Congress and when we should insist on accountability in every way we can, including confirmation of the nominations of high executive officials in order to assure that balance is restored to our system. Now is not the time to let matters of principle pass for reasons of expediency.

Mr. President, I reserve the remainder of my time.

Mr. SPARKMAN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SPARKMAN. Mr. President, I listened with interest to the statement made by the Senator from Florida. I recall the measures he points out, in which confirmation was required, but in practically every case in which prospective confirmation was discussed and made a part of the bill, the Senate has voted in favor of it.

The Senator from Florida mentioned the one with reference to the Director of the Budget, and two others, I believe, that the Senate passed, requiring their confirmation. I do not recall that the question of prospective confirmation came up at all. The President vetoed that bill, and later the Government Operations Committee reported another bill, S. 2045, that provided for prospective confirmation. That bill came back to the Senate, and the Senate passed it, I believe, by a vote of 64 to 21, and the Senator from Florida voted for it.

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

Mr. SPARKMAN. That is one of the most important positions we could find in the whole Government, but the Senator from Florida voted for prospective confirmation.

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

Mr. SPARKMAN. I yield.

Mr. CHILES. I think the Senator is correct in the statement he has made today, except I think one thing has been left out. As I recall, in the bill that required confirmation of Mr. Roy Ash, the Senate passed that bill. Congress passed that bill——

Mr. SPARKMAN. That is right.

Mr. CHILES. And the President vetoed the bill.

Mr. SPARKMAN. I stated that.

Mr. CHILES. The Senate overrode the veto.

Mr. SPARKMAN. Yes, but the House did not.

Mr. CHILES. And the House did not.

Mr. SPARKMAN. So I stand on what I said.

Mr. CHILES. I said the Senator was correct.

Mr. SPARKMAN. The bill came back providing specifically for prospective confirmation, and the Senate voted for it, and the Senator from Florida and the Senator from Illinois, and I believe every Member who was present whose name is included in this "Dear Colleague" letter voted for it.

Mr. CHILES. I cannot speak for the others——

Mr. SPARKMAN. No, but I have it. Here is the record. I think I will put it in the RECORD.

Mr. CHILES. I wish the Senator would.

Mr. SPARKMAN. I ask unanimous consent to include this record, in which the Senator from Florida voted for prospective confirmation.

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

The result was announced—yeas 64, nays 21, as follows:

[No. 219 Leg.]

YEAS—64

Abourezk, Allen, Baker, Bayh, Bentsen, Bible, Brooke, Burdick, and Byrd, Harry F., Jr.

Byrd, Robert C., Cannon, Case, Chiles, Church, Cook, Cranston, Domenici, Dominick, Eagleton, Eastland, and Ervin.

Fulbright, Griffin, Hart, Hartke, Hatfield, Hathaway, Hollings, Huddleston, Humphrey, Inouye, and Jackson.

Javits, Johnston, Long, Magnuson, Mansfield, McClellan, McClure, McGee, McGovern, McIntyre, and Metcalf.

Mondale, Montoya, Moss, Nelson, Packwood, Pastore, Pearson, Pell, Percy, Proxmire, and Randolph.

Ribicoff, Roth, Schweiker, Scott, Pa., Stevens, Stevenson, Symington, Talmadge, Tunney, and Weicker.

NAYS—21

Aiken, Bartlett, Beall, Bellmon, Bennett, Brock, and Buckley.

Curtis, Dole, Fannin, Fong, Goldwater, Gurney, and Hansen.

Hruska, Saxbe, Scott, Va., Stafford, Thurmond, Tower, and Young.

NOT VOTING—15

Biden, Clark, Cotton, Gravel, Haskell, Helms, Hughes, Kennedy, Mathias, Muskie, Nunn, Sparkman, Stennis, Taft, and Williams.

Mr. SPARKMAN. Furthermore, just a few weeks ago we had a bill, S. 1828, before the Senate which provided for Senate confirmation of the Head of the Mining Enforcement and Safety Administration, a new position. Included in this bill was the requirement of Senate confirmation of four or five offices in which incumbents were already serving. It was stated by the Senator from Montana (Mr. METCALF) definitely on the floor that none of the incumbents in the offices would be affected by the legislation. Senator METCALF stated that the Interior Committee wanted to make the confirmations prospective only.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPARKMAN. Mr. President, I yield myself 1 more minute.

That bill passed by the Senate by a vote of 91 to 2, and every signer of this "Dear Colleague" letter who was present and voting voted for prospective confirmation.

It just does not add up to say that it is something out of the ordinary. As a matter of fact, we have been doing it the other way.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the rollcall that was made on the bill when the Senator from Florida voted with his other 90 colleagues for prospective confirmation, and every Senator who signed this "Dear Colleague" letter who was present and voting voted likewise.

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

The result was announced—yeas 91, nays 2, as follows:

[No. 325 Leg.]

YEAS—91

Aiken, Allen, Baker, Bartlett, Bayh, Beall, Bellmon, Bennett, Bentsen, Bible, Biden, and Brock.

Brooke, Buckley, Burdick, Byrd, Harry F., Jr., Byrd, Robert C., Cannon, Case, Chiles, Church, Clark, Cook, Dole, Domenici, Dominick, Eagleton, Ervin, Fong, and Fulbright.

Goldwater, Gravel, Griffin, Gurney, Hansen, Hart, Hartke, Haskell, Hatfield, Hathaway, Helms, and Hollings.

Hruska, Huddleston, Hughes, Humphrey,

Inouye, Jackson, Javits, Johnston, Kennedy, Long, Magnuson, Mansfield, Mathias, McClellan, McClure, McGee, McGovern, McIntyre, and Metcalf.

Mondale, Montoya, Moss, Muskie, Nelson, Nunn, Packwood, Pastore, Pearson, Pell, Percy, and Proxmire.

Ribicoff, Roth, Schweiker, Scott, Pa., Scott, Va., Sparkman, Stafford, Stevens, Stevenson, Symington, Taft, Talmadge, Thurmond, Tower, Tunney, Weicker, Williams, and Young.

NAYS—2

Fannin and Saxbe.

NOT VOTING—7

Abourezk, Cotton, Cranston, Curtis, Eastland, Randolph, and Stennis.

Mr. SPARKMAN. Mr. President, there are other matters that I could bring up, and I hope to bring them up, but I want to repeat that every member of the Senate conference committee signed this conference report. It was not pulling the wool over the eyes of anybody. They sent it to the Senate with the recommendation that it be adopted. I reserve the remainder of my time.

Mr. TOWER. Mr. President, I might just note that one of the reasons why the House was particularly adamant about the question of confirmation of the incumbent was that they have received excellent cooperation from the incumbent chairman and did not want to do anything to jeopardize his continued efforts in that particular position. Mr. Flanigan has shown himself to be willing to appear before committees of Congress. He has made a personal commitment to the chairman and to myself that he will appear before any relevant committees of the Senate whenever summoned. I think that is all the commitment we can require.

Therefore, I see no reason to go through this long drawn out process of referring the conference report back to conference, maybe getting an agreement with the House, and maybe not, and, if successful, going through the long confirmation process and then going through the long process here on the floor. Therefore, I think, considering the urgency of the situation, we should adopt the conference report as is and defeat any effort to send it back to conference.

Mr. President, at this time I would like to yield to the Senator from West Virginia (Mr. ROBERT C. BYRD) for the purpose of propounding a unanimous-consent request, and I ask unanimous consent that the time consumed be charged to neither side.

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

Mr. ROBERT C. BYRD. Mr. President, I have discussed this with Mr. SPARKMAN, Mr. TOWER, Mr. CHILES and, through Mr. CHILES, Mr. STEVENSON.

I ask unanimous consent that the vote on the adoption of the conference report occur today at the hour of 12:30 p.m.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. SPARKMAN. Mr. President, I yield myself 1 additional minute.

The Senator from Texas mentioned this letter and the assurances cited from Mr. Flanigan. I ask unanimous consent to have that letter printed in the RECORD.

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

THE WHITE HOUSE,
Washington, D.C., August 29, 1973.

DEAR MR. CHAIRMAN: You have requested from me a statement on the position of the Administration with regard to the conference report on S. 1636 now pending before the Senate. You have specifically asked about the merger of the staffs on the Council on International Economic Policy (CIEP) and the Office of the Special Trade Representative (STR). As you know, the Administration expressed its intention to merge these two staffs, at some future date, when it transmitted legislation extending the authorization of CIEP to the Congress last spring.

Since that time various members of the Administration, both in public testimony and in private conversation, have discussed the issue of the merger with the various concerned Committees of the Congress. As you know, the activities of the Special Trade Representative fall within the jurisdiction in the Senate of the Committee on Finance and in the House on the Committee of the Ways and Means. In Senate Report No. 93–218, the Committee on Finance stated its views on the proposed merger as follows:

"The Committee is aware of the explicit intention of the President to merge the functions and staff of the Office of the Special Trade Representative (STR) with the Council on International Economic Policy (CIEP), both of which are in the Executive Office of the President. Such a merger can be accomplished without authorizing legislation, and S. 1636 neither authorizes nor prevents such a merger.

"Since the Council on International Economic Policy is the overall policy coordinating body within the administration for foreign economic policy, the committee feels that the activities of the special trade representative should be within the policy scope and coordinating functions of the Council. The committee recognizes that the President should have the flexibility to determine the procedures which he deems appropriate to coordinate the flow of information and the decisionmaking process within the Executive Office of the President. However, the committee does anticipate that the special trade representative will continue to be the negotiating arm of the President on trade matters, and will be vested with full authority to perform his functions in accordance with the policy direction of the legislation which authorizes such negotiations, as coordinated through the Council."

In the House, the proposed merger was less formally considered. However, after considerable discussions on the pros and cons of the merger with Chairman Mills of the Committee on Ways and Means, he agreed not to oppose it and so informed the Committee on Banking and Currency.

As you are further aware, additional Committees of the Senate also explicitly addressed the merger issue. As you will recall, the Banking Committee voted not to deprive the President of his authority to "proceed with the merger as planned" on the understanding that it did not "in any way detract from the Special Trade Representative's effectiveness or from his accountability to the Congress". That understanding I am happy to reaffirm in this letter. The Committee on Foreign Relations also considered the question of the merger and its report states that it took no action with regard to it "largely because it had no evidence that the Special Trade Representative and his Deputies were opposed to the projected reorganization".

As all have agreed, the Office of the Special Trade Representative, as opposed to the statutory position which he occupies, is a creation of a Presidential Executive Order. Thus, no one has questioned the President's authority to make such revisions in this structure as he deems appropriate "to coordinate the flow of information and the decisionmaking process within the Executive Office of the President". (See page 2 of the Senate Finance Committee Report.)

In seeking a reauthorization of the council on International Economic Policy, we did believe that candor required us to lay clearly before the Congress the outline of the international Economic Policy staff within the Executive Office of the President contemplated for the remainder of his term. It seemed to us plain that one integrated foreign economic staff was far more desirable than two separate ones with overlapping responsibilities. We are, of course, gratified to observe that various Committees of the Congress considering the question have concurred in this judgment.

The other issue which has been raised with regard to the conference report on S. 1636 regards requiring Senate confirmation of the incumbent Executive Director. As you are aware, the conference report provides for Senate confirmation for all future Executive Directors of the Council. This same approach was adopted in S. 2045 passed by the Senate 64 to 21 on June 25 of this year. In that bill, appointments of the Director and Deputy Director of the Office of Management and Budget, the Executive Director of the Domestic Council, and the Executive Secretary of the National Security Council are all made subject to Senate confirmation. However, Section 4 of S. 2045 explicitly provides that "the provisions of this Act . . . shall apply to appointments made after the date of enactment of this Act". Thus, the conference report on S. 1636 seems to parallel precisely the approach the Senate adopted with regard to the similar offices considered in S. 2045.

As a matter of Constitutional law, the Administration has opposed the *de facto* removal from office of incumbents by the imposition of a Senate confirmation requirement after their appointment. This objection is based upon the fact that the Constitution explicitly provides a method by which the Congress can remove officials of the Executive Branch, and does not empower the Congress to employ indirect or "back door" methods to accomplish the same result.

As a matter of public administration, further delay in the enactment of S. 1636 as well as additional delays inherent in a Senate confirmation procedure are bound to have a seriously detrimental effect upon the work of the Council and its coordination of international economic policy. For example, because of the lack of an authorization, the Council has been omitted from its proper appropriations bill and has been subjected to the uncertainties inherent in operating through the continuing resolution. This uncertainty has cost us considerably in terms of recruitment and the morale of the current staff.

As you know, it has been my practice to make myself readily available for testimony before Committees of the Congress concerning my duties as Executive Director of the Council on International Economic Policy. This will continue to be my practice. I, of course, will specifically continue to consult as I have in the past with the Chairmen of the Finance and Ways and Means Committees on all matters relating to international trade. In addition, if any Senator has reservations about my qualifications or fitness to hold this office, I would certainly pledge to meet with him at any time in order to resolve any questions he may have.

I am hopeful that, based upon the facts outlined above, the Senate will see fit to give

its prompt approval to the conference report accompanying S. 1636.

With very best wishes,

Respectfully yours,

PETER M. FLANIGAN,
Assistant to the President for International Economic Affairs.

Mr. SPARKMAN. Mr. President, it also refers to what he promises with reference to working with the special trade representative and with the two committees, the House Ways and Means Committee and the Senate Finance Committee, and cooperating with them.

There has been something said about the special trade representative. I ask unanimous consent to have included in the RECORD at this point a letter from Mr. W. D. Eberle, who is special representative. He is well pleased with his status and with the fact that they work well together.

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

WASHINGTON, D.C.,
September 7, 1973.

DEAR MR. CHAIRMAN: I understand you have inquired as to (a) the relationship between myself and Peter Flanigan, and my position on (b) permanent authorization for CIEP included in S1636 and (c) the Office of Management & Budget letter proposing a "closer relationship" between CIEP and STR.

First let me assure you that, taking into account the normal human differences in style and occasional disagreement between reasonable men, my relationships with Mr. Flanigan are fine.

As to the proposed CIEP changes my comments relate solely to the two aspects in (b) and (c) above. First I have testified before the Banking and Foreign Relations Committees that I believe the proposed permanent authorization for CIEP and the structural changes in the Council are sound. Second, as to the letter accompanying the legislation, from Director of the Office of Management & Budget, stating that the President intended to bring STR into "a closer relationship with the Council" when the CIEP is given a firm statutory basis, I also have testified that I believe the President must have the right to determine how he will organize the Executive Office of the President.

At the same time I have indicated both in Congressional testimony and to my associates that in such a "closer relationship" certain factors relating to STR operations should prevail. Some of these factors are also covered in Mr. Flanigan's Congressional testimony and in Secretary Shultz's letter to your committee. I would be happy to discuss these factors with you.

In sum, I believe the proposed permanent status and specific structural changes in CIEP are sound and appropriate, and I believe a closer STR-CIEP relationship can be satisfactorily worked out. To clarify my position I am sending copies of this letter to you to ranking members of the Congressional committees which have been concerned with this matter.

Sincerely,

W. D. EBERLE,
Special Representative.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. CHILES. Mr. President, the distinguished Senator from Alabama is correct in the reference he made. I noted in my colloquy with him that after the Senate voted for the confirmation of Mr. Ash, the House voted. The measure then went to the President. The President vetoed it. The Senate overrode the veto, and the House failed to override it. After that, the House reported out a bill, and the Senate voted for that.

We have learned that if we cannot override a veto, we then take what we can get after we have tried and exhausted all other remedies.

In that issue, the Senate certainly tried and exhausted all remedies and voted to confirm Mr. Ash. It then overrode the veto of the President. Only after that did they come up with the new legislation that has anything to do with not requiring confirmation——

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

Mr. CHILES. I yield to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, what does the Senator say about the vote recently on the Senate floor in the mine safety bill S. 1828? The Senate voted either four or five prospective confirmations when it is stated definitely in the bill and definitely on the floor of the Senate that it would provide for prospective confirmations. As I recall, every Member who signed the "Dear Colleague" letter voted for that.

Mr. CHILES. Mr. President, the Senator from Florida would have to say on the mine safety bill that it does not happen to ring a bell.

Mr. SPARKMAN. Mr. President, I would be glad to refresh the Senator's memory.

Mr. CHILES. Mr. President, I am not sure that I did not vote for it. However, the point I want to bring out is that mine safety does not trigger my mind as being a matter of overriding concern to the Senate. Certainly we cannot equate international policy matters with trade. For that reason, it does not have much to do with my position on the prospect of whether we are going to require accountability on items which the Senate has a constitutional duty to perform.

There is a difference here when we are talking about the requirement of prospective confirmations. We are dealing with something created only by Executive order. That is not like the OMB that was already created. It was not like some other agency on which our position might be weaker on requiring confirmation, because the Director was already there.

This was an Executive order. It now comes under the statutory requirement and has an air of permanency. It hits the Senate completely fresh. In addition to that, this is not just an economic policy. It is the fact that we are now talking about putting our special trade representatives, three or four who are confirmed by the Senate, under this appointee who is not confirmed by the Senate.

That is a distinct future that makes this a completely different question from what we had before.

Mr. President, I yield such time to the Senator from Illinois as he may require.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. STEVENSON. Mr. President, first I want to respond very briefly to some of the comments made by the Senator from Alabama and the Senator from Texas.

I was a member of the conference with the House and feel that I must differ with a point made by the Senator from Texas. The House conferees were not adamant on this issue. In fact, before there was any serious discussion of the issue, the motion to recede from the Senate position was made by the Senator from Texas and supported by a majority of the Senate conferees. The position was not defended by a majority of the Senate conferees. If it had been, it is quite possible that the House conferees would have receded.

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

Mr. STEVENSON. I yield.

Mr. TOWER. Mr. President, before the conference I had spoken with a member of the House conferees. I found out that the House conferees appeared to me to be very adamant and stubborn. That is why I made the motion to recede.

Mr. STEVENSON. Mr. President, we obviously spoke to different House conferees. I stand by what I have already said.

With respect to the OMB bill discussed by the Senator from Alabama, we are not at this point faced with a Presidential veto. The Senate has repeatedly taken the position that appointments by the President, including the Director of the Office of Management and Budget, should be subject to confirmation. In S. 590, which passed the Senate earlier this year by a vote of 72 to 21, we provided for the confirmation of the incumbent Executive Director of CIEP. The Senator from Alabama voted for that bill.

The Senate's position has been clear. It should be made clear again. If, after requiring confirmation of the Executive Director, this bill were to be vetoed, we would then for the first time be faced with the necessity of considering whether to recede from what has been a very consistent position and, I think, a very sound position taken by the Senate. That position is simply stated. An exception should not be logically made for individuals simply because they are incumbents.

Mr. President, the international economic policy has assumed unprecedented importance in our foreign policy. We are now embarking on trade negotiations that will affect every trading country in the world and virtually every industry in the United States for the rest of the decade.

The Committee on Ways and Means in the other body has rewritten the administration's trade bill so as to provide for greater executive accountability to the Congress.

The Senate now takes up the question: "Should the Senate deny itself the opportunity to confirm the incumbent Executive Director of the Council on International Economic Policy, Peter Flanigan?

The Senate version of this bill was referred to three committees—Banking, Finance, and Foreign Relations—all of which recommended that the confirmation requirement extend to the incumbent. During the Senate floor debate, that provision went unchallenged, and the bill passed unanimously.

The House and Senate agree that the position in question is one to which the confirmation requirement should apply. The only remaining issue is whether a special exception should be carved out for the incumbent Executive Director.

I believe there is no basis for such an exception.

First, the administration has announced that it will merge the Office of the Special Representative for Trade Negotiations into the Council upon enactment of the legislation under consideration. If that merger occurs, three officials who have been confirmed by the Senate—Ambassador Eberle and his two principal deputies, Ambassador Pearce and Ambassador Malmgren—will serve under the Executive Director of the Council.

By what conceivable logic can we justify an organizational arrangement in which the subordinates are subject to confirmation, but the superior is not? Such an arrangement is preposterous on its face, and it can only generate confusion about the Council's relationship to Congress.

The confirmation requirement should in no way detract from Mr. Flanigan's ability to discharge his important duties.

The distinguished chairman mentioned his own correspondence with Ambassador Eberle. Since Mr. Flanigan will be assuming final responsibility for some of Ambassador Eberle's duties if the proposed merger takes place, I would like for the RECORD to mention my correspondence with Ambassador Eberle. I wrote Ambassador Eberle on September 10 to inquire about the effect of the confirmation requirement on the discharge of his duties.

The response I received stated that Ambassador Eberle does not regard his confirmation as in any way inhibiting or restricting his performance of his duties. Moreover, he has found it helpful in his relations with Congress.

I ask unanimous consent that the exchange of correspondence which I have had with Ambassador Eberle on this subject be printed in the RECORD at this point.

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

U.S. SENATE,
Washington, D.C., September 10, 1973.

Hon. WILLIAM D. EBERLE,
Special Representative for Trade Negotiations, Washington, D.C.

DEAR MR. AMBASSADOR: I have a copy of your letter of September 7 to Chairman Sparkman concerning the relationship between the Office of the Special Representative for Trade Negotiations and the Council on International Economic Policy, and on certain provisions of S. 1636.

As I read your letter, you have not taken a position for or against Senate confirmation of the incumbent Executive Director of the Council on International Economic Policy. Is that interpretation correct?

You and your two Deputies, Ambassador Pearce and Ambassador Malmgren, have been confirmed by the Senate. Has the accountability to Congress which arises out of your Senate confirmation in any way interfered with your ability to discharge your duties in the areas of trade negotiation and trade policy formulation?

I look forward to your response to my questions and to your continued leadership in the effort to create a fair and workable international trading system for the 1970's and beyond.

With best wishes,
Sincerely,

ADLAI E. STEVENSON.

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS,
Washington, D.C., September 10, 1973.

Hon. ADLAI E. STEVENSON, III
Committee on Banking, Housing and Urban Affairs, Washington, D.C.

DEAR SENATOR STEVENSON: In response to your letter of September 10, which I have discussed with Ambassador Eberle in Tokyo, he has asked me to reply on his behalf in his absence that your understanding and interpretation of his letter to Senator Sparkman is correct. He also has authorized me to say that he does not regard his confirmation as in any way inhibiting or restricting his performance of his duties. Moreover, he has found it helpful in his relations with Congress.

Sincerely yours,
JOHN H. JACKSON, *General Counsel.*

Mr. STEVENSON. A special exemption for the incumbent Executive Director operates at cross purposes with the trade bill as rewritten by the Committee on Ways and Means. Although Members of Congress differ widely on one or another provision of the trade bill, there is virtural unanimity within Congress that the executive must be made more accountable to Congress in the formulation and implementation of trade policy. That goal cannot be attained if the administration's chief trade policy official is not subject to confirmation.

Failure to apply the confirmation requirement to the incumbent may render that requirement a nullity. At the hearings held by the Senate Subcommittee on International Finance, of which I am the chairman, witness after witness testified that the next administration might well wish to abolish CIEP and formulate its international economic policy some other way, as previous administrations have. If that were to happen Mr. Flanigan might be the only Executive Director the Senate will ever have the opportunity to confirm—an opportunity it should not deny itself.

Mr. President, this is above all a question of principle. It is not a question of personalities. The principle here is the same one which underlies legislation on war powers, impoundment, budget review, and a host of other issues. The principle is that Congress must reassert its constitutional prerogatives against the executive, so that representative government will work as it is supposed to work.

Theoretically, the Council on International Economic Policy is concerned with investment policy, monetary policy, and trade. The fact of the matter is that CIEP and Mr. Flanigan concentrate primarily on trade.

The importance of our trade negotiations with other nations could not be exaggerated. The conduct of those negotiations is essential to the maintenance of amicable political relationships abroad, as well as to the maintenance of commercially profitable relationships with other nations.

Whoever is in charge of the conduct of those negotiations has enormous power with which to enhance or to impair our relations, both political and commercial, abroad. He has the power to wipe out whole communities in this country, and entire industries. That power, Mr. President, ought to be reposed in the hands of professional independent career public servants, not in the hands of a political appointee not confirmed by this body.

Congress has recognized that point. It created the office of the Special Trade Representative, and ever since its origins, the relationship between the STR and the Congress has been a special one. Now, ironically, at this point in time, the President proposes to merge the office of the STR into his Council on International Economic Policy. It is an aggrandizement of power which flies in the face of everything this Congress has been attempting. It flies in the face of concern and anxiety throughout the country about the accumulation and centralization of power within the White House.

We do not ask for much. We ask only that the Executive Director of the Council on International Economic Policy, who under this proposal for merger of the STR into that body will take over trade negotiations abroad, be subject to Senate confirmation. That is little enough, Mr. President.

Mr. CHILES. Mr. President, will the Senator yield at that point?

Mr. STEVENSON. I am glad to yield to the Senator from Florida.

Mr. CHILES. I notice, in looking at the letter from Mr. Flanigan that has now been put in the RECORD, the letter that he wrote to the distinguished chairman, the Senator from Alabama, he says in that letter, after being asked to comment on his confirmation:

As a matter of Constitutional law, the Administration has opposed the de facto removal from office of incumbents by the imposition of a Senate confirmation requirement after their appointment. This objection is based on the fact that the Constitution explicitly provides a method by which Congress can remove officials of the Executive Branch, and does not empower Congress to employ indirect or "back door" methods to accomplish the same result.

Now, in that he was an appointee under a Presidential order—not any statutory thing by Congress—can the Senator tell me whether this language, the constitutional point he has cited here, would apply to Mr. Flanigan in his present position as a Presidential appointee under an Executive order, and not any legislation by Congress, and whether this is a back door approach to evade the Constitution on the part of the Senate and on the part of Congress?

Mr. STEVENSON. The Senator is absolutely right in raising the question. There is no conceivable constitutional protection for the "incumbent" in this office; and I would just add that the office has changed. We are talking about an entirely new office now.

Mr. CHILES. So in fact we are not talking about an incumbent, are we?

Mr. STEVENSON. We are not talking

about an incumbent, because the whole complexion of the office is being changed. With the merger of the STR into CIEP, Peter Flanigan becomes the czar, for the first time, of trade negotiations in the United States, one of the most powerful people in this world, and without any accountability to Congress.

Mr. CHILES. So his duty is changed, his title in effect is changed, his role is changed, and his authority is changed, because his office now becomes a creature of law rather than of Presidential order.

Mr. STEVENSON. His office becomes a creature of the President, and the STR, which was a creature of Congress, becomes his creature.

Mr. CHILES. And the Senate has disclosed its position through four committees, three committees on this particular bill, the Government Operations Committee on the Percy bill, and twice through passage of legislation, by saying that the Senate thinks that he should be confirmed?

Mr. STEVENSON. The Senator is absolutely right.

The distinguished chairman of the Government Operations Committee has addressed himself to this alleged constitutional question. It was his committee which reported S. 590. He has found absolutely no constitutional question. The issue here is whether the Senate will preserve its position, its rights and its duties under the Constitution, and also the integrity of the office of the Special Trade Representative established under the statutes.

Mr. CHILES. Now the Percy bill included the Office of International Economic Policy and two other positions. That bill passed the Senate by a vote of 72 to 21. Then we had this bill itself, which passed the Senate. So that it has, in effect, on two votes taken on the floor of the Senate, expressed its position that it requires confirmation.

Mr. STEVENSON. The Senator is absolutely right.

Mr. CHILES. As I understand it, we are being asked, if we adopt the conference report, to reverse the position the Senate has taken in two votes on the floor and which four Senate committees have taken; to reverse that on the basis of Senate conferees' action which never really came to a test with the House conferees in the conference report.

Mr. STEVENSON. A majority of the Senate conferees on this question receded. The motion was made by a Senate conferee to recede from the Senate position. That position was not defended in the conference. What the distinguished Senator from Florida is attempting to do—and I commend him for it—is, at this late hour, to defend the Senate position in the Senate.

Mr. PASTORE. Mr. President, will the Senator from Alabama yield me 5 minutes?

Mr. SPARKMAN. I yield 5 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER (Mr. BIDEN). The Senator from Rhode Island is recognized for 5 minutes.

Mr. PASTORE. Mr. President, at the proper time, I think I shall subscribe to everything that has been said here by the distinguished Senators from Illinois and Florida. There is no question that the Senate, time and time again, has taken a position that in these strategic positions, where the welfare of the Nation is involved and a tremendous responsibility reposes in an individual, there should be a sharing of the responsibility on the part of Congress and that these appointments should be confirmed by the Senate.

As a matter of fact, the committee recognized that when the committee reported the bill, and the Senate recognized that fact also when it passed it on the floor of the Senate.

Now, here we are, confronted with a practical situation. I think that the position being taken by our two distinguished colleagues from Illinois and Florida was pretty well thrashed out in the conference. I would suspect this, although I was not there, and am not on that particular committee, but I think I know a little something about trade negotiations. The office of Mr. Eberle comes under my jurisdiction and I found him to be a distinguished and devoted individual who—I will assume and should assume—will do an excellent job for the country.

As I understand it, the Senate conferees did sign the conference report. The House was adamant that this should not apply to the present incumbent, Mr. Flanigan. The argument was made that it was a matter of principle and not of personality. That is true. When we first reported it, that was exactly the situation.

However, I am afraid that, as we approach this with the same vehemence we are doing now—and I use that word for want of a better one which does not occur to me at the moment so I use the word "vehemence"—we are using the principle against a personality and it is being directed against an individual.

Mr. Flanigan and I are not close friends. He is not beholden to me for anything and I am not beholden to him for anything. In our conversations and in our official conduct I think we have disagreed more than we have agreed. But I still maintain that he is an honorable person. He is a dedicated person. According to his convictions, I think that he is doing what he thinks is right for the country, as we think that what we are doing is right.

Now, Mr. President, I should like to ask a question or two of our distinguished chairman who, I understand, guided the bill out of the committee and guided it to the floor of the Senate.

If Peter Flanigan is, one, going to insist on executive privilege and use this particular office not to come before committees of Congress, I tell you, Mr. President, I would fight against this conference report until Hades froze over. But, I understand that we have assurances from Mr. Flanigan that he will——

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

Mr. PASTORE. When I finish the sentence—not hesitate to come before a congressional committee, that he will come up here any time we ask him to do so. Once we remove executive privilege, which we do not have yet in Mr. Ash's office, the fact that Peter Flanigan was given this post in 1971, what it really amounts to now is that he would have to be discharged, he would have to be reappointed, and then he would have to be confirmed.

In view of the adamant position taken by the House, I am wondering whether we are not pursuing a course that might be impracticable and, possibly, unwise at the moment. That is the reason I rise to speak. I voted to make this appointment subject to confirmation by the Senate when it was so recommended by the committee of the Senate, and I voted for it on the floor of the Senate. Now I understand that this matter is going to conference and the House has taken a very strong position that it should not apply to the present incumbent Mr. Flanigan, but that it should apply to prospective appointees.

I realize that this leaves us more or less in an awkward situation but we have to weigh that against the practical situation that confronts us at this moment. So, I am wondering whether we are not just getting ourselves into an exercise in futility.

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

Mr. PASTORE. I will yield, but before I do so, may I ask this question of the distinguished Senator from Alabama?

No. 1, did we have or do we have assurances from Mr. Flanigan that he will come before committees of Congress upon invitation?

Mr. SPARKMAN. Mr. Flanigan has said that he would come any time to discuss the business of that office. He has made it clear that on anything involving relationships between him and the President, he would not be eligible to testify on——

Mr. PASTORE. On what ground?

Mr. SPARKMAN. But so far as this is concerned, he will come to a committee any time.

Mr. PASTORE. Is the Senator satisfied that this is outside the realm of executive privilege?

Mr. SPARKMAN. Certainly. He recognizes that, too.

Mr. PASTORE. Question No. 2: Does the Senator feel that if this matter went before the conference there would be any chance of the House changing its mind?

Mr. SPARKMAN. I do not believe so.

Mr. PASTORE. Now I yield to the Senator from Illinois (Mr. STEVENSON).

Mr. STEVENSON. Mr. President, let me start by reminding the distinguished Senator from Rhode Island that if Mr. Flanigan refused for whatever reason in the future to testify before Congress at the request of a duly constituted committee of Congress, it would not be the first time.

I was a member of the conference. The Senator said that this issue had been thrashed out and that the House was adamant. That is not the case. It was not thrashed out in conference.

The PRESIDING OFFICER. The Senator's additional 2 minutes have expired.

Mr. CHILES. How much time remains, Mr. President?

The PRESIDING OFFICER. Two minutes remain.

Mr. PASTORE. On their time?

Mr. SPARKMAN. Mr. President, I will yield another minute.

Mr. PASTORE. I may want one more minute.

Mr. STEVENSON. It was not discussed except in the most passing way. The motion to recede from the Senate position was made by one of the Senate conferees at the very beginning of the conference, and that position, that motion, was supported by a majority of the Senate conferees. The Senate position was not defended by a majority in Congress. I discussed it with House Members of the conference. Given a chance to support the Senate position, they might very well have done so.

All we are asking for now is what the Senator says has already happened. We are asking for a chance to go to conference and thrash it out.

Mr. PASTORE. I think we have a precedent we can look to on the Ash confirmation. Both branches passed it and the President vetoed it; then the House sustained his veto. Therefore, today, the most strategic position in the administration, that of the Director of the Office of Management and Budget, does not require confirmation for the present incumbent.

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

Mr. PASTORE. That is the history.

Mr. CHILES. I should like to distinguish that history for the Senator.

Mr. SPARKMAN. Mr. President, this discussion is on my time, and I am about to run out of time.

Mr. CHILES. I yield time for this colloquy.

Is there not a distinguishing feature, in that that action was initiated by Congress with respect to a statutory office, the Office of Management and Budget, already is a statutory office?

In this case, we are dealing with a bill that seeks to give permanent statutory authority for 2 years to what is now an executive office. That is something the administration wants. They want that bill, because they are going to merge the Special Trade Representatives under that bill. This is a little different from Congress initiating something that it would like. The administration would have a little difficulty vetoing this bill. The House would have difficulty saying they will not let the bill pass. This bill is the momentum of the administration, because they want this bill so they can merge the Special Trade Representative.

All the Senate is saying is that we want to be included in this act, we want to have some accountability in this act, and we want to see that someone named to this office is subject to confirmation. It is not confirming an old office, it is confirming a new office, because for the first time statutory authority would be given to the office.

Mr. PASTORE. But is not the purpose of confirmation the right of Congress to call in an individual to testify before congressional committees? One of the guarantees that that individual must make in order to earn his confirmation is that he will respond to the invitation of the Senate and House committees.

Mr. CHILES. Hopefully, that has lately become one of the purposes for confirmation.

Mr. PASTORE. What other purpose can there be?

Mr. CHILES. The other purpose is that the Constitution, in effect, says that where the President appoints an officer, the Senate advises and consents as to that individual. That is the purpose of confirmation. That is the prime purpose.

Mr. PASTORE. I realize that, but the fact remains that that constitutional provision was in existence in 1971 when Mr. Flanigan was appointed, and not one voice was raised in the Senate.

Mr. CHILES. At that time, he was not appointed under a statute. He was appointed under an executive order.

Mr. PASTORE. But he was appointed.

Mr. CHILES. Yes.

Mr. PASTORE. And he had his job. The Senator is saying that he ought to lose the job, that he ought to be reappointed and that he ought to come before the Senate and be confirmed.

Mr. CHILES. He had a job, but he did not have this job.

Mr. PASTORE. According to the President, he had it.

Mr. CHILES. He did not have the job that makes him in control of all trade negotiations, over all special trade negotiators. He did not have the job that this legislation is giving him, with the tremendous power with which he could affect the Senator's State or my State or a region of the State, by virtue of trade policy. He did not have that job.

Now we are going to turn around and give him that job, without knowing his views on these subjects. The Senator from Rhode Island stressed that he wanted to know that this man would appear before the Senate. We have his letter, but what else do we have? We have his actions, in which he refused to come before the Senate, in which he claimed executive privilege and refused committees of the Senate. What is better, his letter or his actions?

Mr. PASTORE. Was that not with reference to the Watergate situation, what the Senator is talking about now? The Senator is mixing up apples with oranges. The mere fact that he came here and exercised executive privilege under the aegis of the President, at the request of the President, in another matter that had to do with the question of Watergate—that situation is entirely different from this.

Mr. CHILES. The Senator from Rhode Island confuses me by his logic, in saying that now we do not require the confirmation of this man.

Mr. PASTORE. The Senator confuses me by his logic, in spades. After all, if we begin throwing these accusations back and forth, that I confuse the Senator with my logic and the Senator confuses me—as a matter of fact, the Senator does confuse me with his logic—what does that prove? Those are reckless remarks made on the floor of the Senate. If the Senator thinks I am illogical, I say he is illogical twice in spades.

Mr. CHILES. No, I do not say the Senator is illogical.

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

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. CHILES. I think the Senator misread my remarks. I said I was confused, not that he was illogical.

Mr. PASTORE. Do not tell me that I misunderstood the Senator's remarks.

Mr. CHILES. I think my confusion stems from the fact that the Senator from Rhode Island would feel that we should have confirmation of Mr. Flanigan.

Mr. PASTORE. That is right.

Mr. CHILES. Of the head of the National Security Council.

Mr. PASTORE. That is right.

Mr. CHILES. When they were executive offices, not even when they were statutory, as in S. 590. Yet, now, when we have given him statutory authority, when we have given him tremendous other authority in putting all trade representatives under him, so we should not require the confirmation of Mr. Flanigan because we have a letter that says he will come before the Senate, and it would not be right to do that now.

Mr. PASTORE. The thing that concerns the Senator from Rhode Island is that Mr. Flanigan would not exercise executive privilege with respect to the particular office that is now in question.

All I am saying is this: I voted for confirmation of the nomination of Mr. Flanigan when that nomination reached the floor. But this bill has gone to conference, and I asked the manager of the bill whether, in his judgment, he thought we would have any chance of rectifying this. His answer to me, categorically, was "No." Now the Senators disagree with that, and they think it is "Yes." All we have to do is wait in the Chamber for the vote and vote our own consciences.

I hope that what the Senator wants to achieve can be achieved; but with the practical situation that confronts us now, having gone to conference, every conferee having signed the report and the majority having backed up the motion to recede, the big question is: What are we hassling about except trying to make a speech that will catch a headline?

Mr. CHILES. Is not the Senator from Rhode Island concerned by more than whether Mr. Flanigan would appear before Congress? Is he not concerned by what his views are with regard to trade, by what his views are with regard to how he is going to take over Mr. Eberle and the trade representatives who have been doing an outstanding job, and whether he is going to run those people off or keep them? Is the Senator not concerned with those facts that could come out?

Mr. PASTORE. Who said that you cannot call him up tomorrow and ask him? He said he would come. Call him up tomorrow and ask him.

Mr. CHILES. But when you call up and ask him and he says, "Yes, I am going to get rid of Mr. Eberle," what do you do then?

Mr. PASTORE. You cut his pay.

Mr. CHILES. You suffer; that is what you do.

Mr. PASTORE. You cut his pay.

Mr. CHILES. You have already given up your prerogatives.

Mr. PASTORE. We have not given up anything. I am on the Appropriations Committee and so is the Senator from Florida. When Mr. Flanigan comes up there for his salary, for his money, you deny it. We have done that time and time again.

Mr. CHILES. When?

Mr. PASTORE. Any time you are ready. Any time before any harm is done.

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. Mr. President, Mr. Eberle cannot be fired by Mr. Flanigan. Mr. Eberle serves under a longtime statutory enactment and he is doing a good job. He has been doing it for a long time. He says he is perfectly satisfied.

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

Mr. SPARKMAN. I yield.

Mr. PASTORE. Mr. Eberle comes before my subcommittee for his money. I interrogated him.

Mr. SPARKMAN. And the Senator knows he is a statutory officer. Mr. Flanigan cannot fire him.

There has been some talk here about the heavy work in the conference committee. The majority can control at any time and had anyone wanted to make a motion with reference to this matter he had the opportunity to do so. I know that I had had word from the conference that they were going to stand adamant.

I wish to call attention to the fact that every member of the conference from the Senate and the House—I believe—but every Member of the Senate conference, including my good friend, the Senator from Illinois (Mr. STEVENSON) signed this report. I hope I may have the attention of the Senator from Illinois. I am calling attention to the fact that he signed this report which reads:

The committee of conference on the disagreeing votes of the two houses on the amendments of the House to the bill S. 1636) to amend the International Economic Policy Act of 1972, having met, after full and free conference, have agreed to recommend and do recommend to their respective houses as follows:

Then comes the conference report. I do not see that anyone's arm is being twisted when he signed a statement to that effect. I just wanted to call that to the attention of Senators who are present.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged to the Senator from Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MANSFIELD. Mr. President, I understand that there are 23 minutes left on the conference report.

The PRESIDING OFFICER. No; that is incorrect. The Senator from Florida has 23 minutes.

Mr. MANSFIELD. And the other side?

The PRESIDING OFFICER. The Senator from Alabama has 1 minute, and the Senator from Texas has 11 minutes. That is a total of 35 minutes.

Mr. CHILES. Mr. President, if the distinguished majority leader wishes to make a motion to recess until 12 o'clock, I think we would be glad to take 20 minutes on our side and perhaps the other side can take 10 minutes, and we can still have a vote at 12:30 if that would be satisfactory.

RECESS TO 12 NOON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 12 o'clock.

There being no objection, at 11:32 p.m. the Senate took a recess until 12 noon; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. TOWER).

The PRESIDING OFFICER (Mr. TOWER). The Chair now suggests the absence of a quorum.

The second assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

REPORT ON 1971 UPLAND COTTON PROGRAM—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. BENTSEN) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry. The message is as follows:

To the Congress of the United States:

In accordance with the provisions of section 609, Public Law 91–524, I transmit herewith for the information of the Congress the report on the 1971 upland cotton program.

RICHARD NIXON.

THE WHITE HOUSE, *September 20, 1973.*

REPORT OF ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. BENTSEN) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Public Works. The message is as follows:

To the Congress of the United States:

I herewith transmit the 1972 Annual Report of the St. Lawrence Seaway Development Corporation. This report has been prepared in accordance with Section 10 of Public Law 83–358 and covers the period January 1, 1972 through December 31, 1972.

RICHARD NIXON.

THE WHITE HOUSE, *September 20, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BENTSEN) 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

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 1317) to authorize appropriations for the U.S. Information Agency, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 7089) for the relief of Michael A. Korhonen, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 7089) for the relief of Michael A. Korhonen, was read twice by its title and referred to the Committee on the Judiciary.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 20, 1973, he presented to the President of the United States the enrolled bill (S. 666) for the relief of Slobodan Babic.

AMENDMENT OF INTERNATIONAL ECONOMIC POLICY ACT OF 1972—CONFERENCE REPORT

PRECEDENTS

Mr. CHILES. Mr. President, the general effort by Congress to insure accountability through confirmation is familiar to us all already. The Senate position on confirmation in general was first evident when we considered the Senate bill (S. 518) requiring confirmation of the nominations of the incumbent Director and Deputy Director of the Office of Management and Budget. These proceedings received very careful attention. The determination of the Senate was very decisive. That bill, requiring confirmation of the nominations of the incumbent Director and Deputy Director of OMB passed the Senate on February 5 by a vote of 63 to 17. Senators may recall that the President vetoed that bill. The Senate overrode the President's veto on May 22 by a vote of 62 to 22.

Such votes do not leave any doubt where the Senate stands. In fact, the issue of confirmation then is somewhat more difficult than it is in the case of requiring the confirmation of the Executive Director of CIEP. The Office of Management and Budget is an ongoing agency. It was already functioning. It has

day-to-day, year-in-and-year-out responsibilities. It is an organization with regular operating functions to perform.

It is also a creature of the law, a creature of statute. The Council on International Economic Policy is a new organization. It is to advise the President on international economic problems and policy at a moment in history when these happen to be particularly difficult. The power of the Council will be affected in a significant way by the trade legislation which will give the Executive new power.

If the Senate is decisive in its desire to have confirmed incumbent office holders of an existing organization with regular operating functions, then surely the Senate wishes to confirm the Executive Director of a new organization which is likely to obtain new and increased authority from the pending legislation.

What is that new and increased authority? We know what it is. We know that it is a merger of the Office of Special Trade Representatives, who are creatures of statute, who are presently confirmed by the Senate, who are three distinguished gentlemen holding ambassadorial rank, all of whom have appeared before the Senate in confirmation hearings. We are going to merge them under the CIEP, and now we are going to put the present Director of CIEP, which is now just an executive office created by the President—now we are giving statutory authority, merging the Special Trade Representatives under this agency, and putting the incumbent Director of CIEP over these people, who are presently confirmed by the Senate.

SENATE PREROGATIVES

Confirmation is a function of the Senate. The Senate has the right, the authority, and the responsibility to determine and effectuate confirmation proceedings. The Constitution is very definite about that. The Constitution says:

The President shall nominate, and by and with the advice and consent of the Senate shall appoint, ambassadors, other public ministers and consuls, judges of the Supreme Court and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law.

This office is being established by law. It is a new procedure. We are taking what was a temporary or an Executive office, an Executive order, and we are now giving it statutory authority. But here we are not going to require the confirmation of the nomination of its Director. It is just a surrendering of constitutional authority that is the authority and responsibility of Congress.

There can be no confusion, no doubt, about the constitutionality of Senate actions to require confirmation of high Government officials, and there can be no doubt about the constitutional duty of Congress—of the Senate, in this instance, to require the confirmation of a new officer or an agency created by law.

SENATE CONCERNS

Where there is some doubt is in the logic of not confirming the incumbent Executive Director of the Council on International Economic Policy. Throughout the Senate committee deliberations on S. 1636 there was concern for the role that the Office of the Special Trade Representative of the President will play once the Council is given more permanent authority.

The Office of the Special Trade Representative was created by the Trade Expansion Act of 1962 to be the President's Trade Negotiator in the Kennedy round. It was clear from the beginning that the President's Special Trade Representative was just that—a representative of the Presidents—and that he and his two deputies would be responsive to the Congress because all three were and still are subject to Senate confirmation. So Congress feels a special stake in assuring the continued effectiveness of the Office of the Special Trade Representative as we approach major new trade negotiations, especially since it seems as if the proposed merger of STR into the Council will be triggered by the very legislation we are considering in this conference report today. The proposed merger of STR into CIEP depends on CIEP getting more permanent authority than it now has.

In the hearings, the Executive Director of the Council said:

Once the Council on International Economic Policy is given a firm statutory basis, The President also intends to take the necessary administrative actions to bring the functions and staff of the special representative for trade negotiations into a closer relationship with the council . . . under this reorganization the STR guidance will continue to come from the President through the Council on International Economic Policy and its Executive Director.

This has led to some considerable concern in the committees of the Senate with jurisdiction over S. 1636. The reports of all three Senate committees voice the recommendation that the effectiveness, independence and access of the three Senate confirmed officials of STR be maintained.

The report of the Committee on Banking, Housing and Urban Affairs states:

Concern was also expressed that this merger might be premature if completed before congressional action on the President's trade reform legislation, the first such major proposal since enactment of The Trade Expansion Act of 1962, in which the Office of the Special Trade Representative was established. While S. 1636, as reported by the committee does not affect the President's authority to proceed with the merger as planned, the committee expects that the merger, if consummated, will not in any way detract from the STR's effectiveness as a negotiator, or from his accountability to Congress.

The report of the Senate Finance Committee states:

The committee recognizes that the President should have the flexibility to determine the procedures which he deems appropriate to coordinate the flow of information and the decisionmaking process within the Executive Office of the President. However, the committee does anticipate that the special trade representative will continue to be the negotiating arm of the President on trade matters, and will be vested with full authority to perform his functions in accordance with the policy direction of the legislation which authorizes such negotiations, as coordinate with the council.

The report of the Foreign Relations Committee states:

Moreover, the limitation of the Council's statutory authorization to 2 years will permit careful scrutiny of any new arrangements deriving from a merger. Committee members intend to exercise the right and duty of legislative oversight to make certain that assurances about the independence and the access of the STR to the President are respected.

This concern seems well justified. The other day, when we were debating when to consider this conference report, the Senator from Texas mentioned that it was urgent to pass this conference report that day because Messrs. Schultz, Simons, and Flannigan were in Japan, beginning the first round of the Gatt talks. I call to the attention of the distinguished Senator from Texas that the designated negotiators for these talks are Mr. Schultz and Mr. Eberle, the Secretary of the Treasury and the President's Special Trade Representative.

The other gentlemen mentioned by the distinguished Senator, one of whom happens to be the Executive Director of the Council, are appointed as alternates to the negotiations. So already there is a problem in the mind of people who are knowledgeable in these matters of where authority lies.

The Special Trade Representative and his two deputies are already confirmed by the Senate. It is illogical for the Senate to extend the authorization for the Council which may well give the Executive Director more authority over the Office of the Special Trade Representative without requiring Senate confirmation for the Executive Director of the Council when the three men who will be brought under him are already confirmed. It does not make sense.

While we see three committees of the Senate expressing their concern, what do they try to do about that concern? Each of those committees required that there would be confirmation of Mr. Flanigan, the present Director. Each of those committees passed on that, and the Senate has passed on that in two separate bills—this bill when it passed the Senate, and in S. 590, at the time we required confirmation of the three present Directors.

We see that the Ways and Means Committee of the House has said that the committee has moved to establish special statutory authority for the President's Special Trade Representatives. This would stop the administration plan to move this into the Council of International Economic Policy and presumably would give Congress greater oversight of its Office of the Special Trade Representatives. The administration probably will oppose this provision but it is likely to be adopted. It is not going to do much good for the Ways and Means Committee of the House to adopt that if we adopt this conference report today. If we do not require confirmation of the Executive Director today the merger could be a fact accomplished before Congress could move on additional legislation.

CONCLUSION

So for all these reasons I ask Senators to vote against this conference report so we can restore to this legislation the provision, approved by four Senate committees and passed twice by the Senate as a whole, requiring Senate confirmation of the incumbent Executive Director of the Council on International Economic Policy.

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

Mr. CHILES. I yield.

Mr. TUNNEY. Mr. President, I know the Senator's position, although I came in the Chamber late in the debate. I feel very strongly that the Senator from Florida has stated a position which the Senate would be well advised to adopt in the vote that is coming up in a few minutes.

Under normal circumstances I would feel that when conferees reach an accommodation with the other body the Senate should adopt the resolution of the matter and the accommodation simply because to do otherwise would be to create substantial problems for this body. We have to rely on our conferees to come in with the best agreement possible.

I personally have great respect for the Chairman of the Committee on Banking, Housing and Urban Affairs. I think that there is no member of the Senate who has given longer hours and devoted more service to economic matters of this country. I am very deeply aggrieved to have to differ with the position that he has taken on the matter of the confirmation of Mr. Peter Flanigan. I think the Senator from Alabama knows that in disagreeing with him on this matter it in no way affects my great respect for him as a person and as a negotiator for the Senate in conference.

However, I do feel that in a matter as important as trade negotiations with the rest of the world at this very critical point in our history when the United States is losing markets, when we are being challenged by western Europe and by Japan for markets in those areas where high technology is extremely important, it is incumbent upon us to make sure that our chief negotiator has had the opportunity to come before the Senate and express his views on matters of trade policy.

Mr. Flanigan has been in the executive branch now for 5 years. I believe it is 5 years, and if not, it is 4 years. I believe he came in with this administration at the time it was being organized in 1969.

Mr. Flanigan has had the opportunity on occasion to refuse to testify to appropriate Senate committees because of the special relationship that he had in the executive branch to the President. He was a part of the official family in the White House and therefore he could claim executive privilege and not come down and testify before appropriate committees of the Senate.

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

Mr. TUNNEY. I have one last statement and then I will be glad to yield to the Senator from Arkansas.

I think that inasmuch as Mr. Flanigan is going to have more impact on our foreign policy and our domestic economic policy than any other man and inasmuch as he has three ambassadors working for him, already confirmed by the Senate, it is incumbent upon us to demand confirmation of Mr. Peter Flanigan.

Mr. President, I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I know the Senator from California and the Senator from Florida have covered the substantive issues. It seems to me a very important question simply is this overall effort we have tried to mount in the Senate that this body should get back into the mainstream of foreign policy. Mr. Flanigan called me as I suppose he has called others. I have great respect for him and this issue is not at all a personal one.

The PRESIDING OFFICER. All time has expired. The Senator from Alabama and the Senator from Texas have 2 minutes each remaining.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me for 1 minute?

Mr. SPARKMAN. I have only 2 minutes remaining. I was about to ask the Senator from California to yield to me. I yield myself 1 minute.

I have a letter from Mr. Eberle which I will place in the RECORD, in which he states there has been fine cooperation, he is satisfied with his status and his own confirmation. I have a letter in the RECORD that Mr. Flanigan wrote to me and to the Senator from Texas in which he said he would appear before committees at any time to testify on this particular subject. Of course, he made it clear to us that he did not want to appear with reference to things in connection with the President, or his other duties.

Mr. TUNNEY. Did Mr. Eberle refer to his thoughts regarding the confirmation of Mr. Flanigan?

Mr. SPARKMAN. He did not say anything about it. Naturally he did not enter into that. I believe they had a very fine relation. It is in the record.

Now, if I have time, I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I wish only to make the point that I do not think there is the slightest doubt that Mr. Flanigan would be confirmed. Nobody is criticizing him. It is a question of orderly procedure for the future, if the Senate is going to act like a responsible body.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Texas has 2 minutes remaining.

Mr. TOWER. Mr. President, I yield to the distinguished chairman.

Mr. SPARKMAN. May I say to the Senator from Arkansas that about a month ago we had a bill in the Senate, S. 1828, on which the Senator voted, that provided that people who already are serving in offices covered by the bill would not have to be confirmed except prospectively. I believe the Senator voted for the bill, S. 2045, in which the same issue was present with reference to Mr. Ash of the Budget Bureau. This bill, S. 2045, was passed after the President vetoed an earlier bill.

Mr. FULBRIGHT. What the Senator is saying is that in order to get a bill through we have to give up when a bill is vetoed.

Mr. SPARKMAN. The bill that I mentioned, S. 1828, which the Senator voted for had not been vetoed. The Senator voted for it and the bill passed by a vote of 91 to 2. The Senator from Arkansas voted for it and it had five prospective confirmations included in it. We have had this issue many times. For instance, there was Dr. Grayson, Chairman of the Price Commission; Judge Boldt, Chairman of the Wage Board. Their confirmation was not required.

The PRESIDING OFFICER. All time has expired.

Mr. JAVITS. Mr. President, I am voting for the conference report because it is essential to assert congressional authority over the International Economic Council. While I do not see any good reason for the exception of the present Director of the Council from Senate confirmation, the fact is that he has appeared and been thoroughly examined by congressional committees in the course of his present and previous duties and has occupied this office and functioned in it, including relations with the Congress for over a year and therefore the vote on this very motion is equivalent to a vote on confirmation. Therefore, nothing would be gained if the conference report, which is important in itself, is rejected and we come back sometime hence for, in substance, the same kind of vote on confirmation.

Mr. MUSKIE. Mr. President, I must oppose the conference report on S. 1636, a bill authorizing funds for the President's Council on International Economic Policy and giving the Council broad new authority. The conference report, while providing for Senate confirmation of all future nominees to the position of Executive Director of the Council, exempts the present Executive Director from this requirement. This is contrary to the position taken by the Senate last May, in a bill which passed this body by a vote of 72–21, and it is contrary to the position taken by the four Senate committees—Finance, Foreign Relations, Government Operations and Banking, Housing and Urban Affairs—to which this bill was referred.

So the Senate's position on this issue is clear. Yet in July, four of the seven Senate conferees agreed to abandon the provision requiring confirmation of the present Executive Director—before the conferees from the House even made known their views on the issue. Rejection of the conference report would at least assure that the Senate's position in this matter receives a full hearing in conference.

Requiring confirmation of the current Executive Director is essential. The bill before us would more than double the size of the CIEP staff, making it larger than the Council on Environmental Quality, Domestic Council or Council of Economic Advisers. Moreover, if S. 1636 is enacted, CIEP would be granted new policymaking power in the area of international trade and monetary policy. The Office of Special Trade Representative would be absorbed by the Council. In effect, we would be giving the Executive Director of CIEP authority over

negotiators with the rank of ambassador, and giving him new policymaking authority as well.

In fact, the current Executive Director was recently in Japan engaging in multilateral discussions on trade and tariff, with our most important trading partners. Yet in the Senate we have not had an opportunity to consider his qualifications to represent our country in these talks.

No one denies the President's right to have personal advisers, in the area of international economic policy as well as in domestic policy or foreign relations. But with the passage of this bill, the Director of CIEP would be able to play a key role in the execution of policy as well as in its formulation. It is our responsibility to judge his qualifications for that role.

At the same time, I wish to make clear that my vote should not be construed as a vote against the current Director. Nor is it intended to affect the relationship between the President and his personal staff who assist him in the performance of his White House duties. Rather, it is designed to reassert the senatorial power of confirmation.

The Senate's right to advise and consent in the appointment of officers of the United States is stated in article 2, section 2 of the Constitution. The meaning of the Constitution in this regard is clear—important officers of our Government are to be appointed subject to the advice and consent of the Senate; "inferior officers" need not be. In no way could the present Executive Director of the Council on International Economic Policy be considered an "inferior officer." This has been recognized not only by the full Senate but by the conferees who have provided that all future Executive Directors of the Council be subject to Senate confirmation.

The Special Trade Representative and his two deputies all presently hold the rank of Ambassador and have been confirmed by the Senate. Yet, these three men will be working under the direction of the Executive Director of the Council who is not subject to Senate confirmation.

This seems to me to be both bad policy and a mockery of the senatorial power of confirmation. If the Senate has the responsibility to confirm such officials as Assistant Directors of the Office of Emergency Planning and the Office of Economic Opportunity, it should certainly have the power to confirm a powerful policymaker like the Executive Director of the Council on International Economic Policy.

The present Executive Director of the Council must be subject to Senate confirmation—as the Senate has decisively recommended. We must reject this conference report and insist that the will of the Senate prevails in the conference.

The PRESIDING OFFICER. The question is on adoption of the conference report. All those in favor will say "aye"——

Mr. STEVENSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on adoption of the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The VICE PRESIDENT assumed the Chair as Presiding Officer.

Mr. ROBERT C. BYRD. I announce that the Senator from Wyoming (Mr. McGEE) is necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming (Mr. McGEE) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) and the Senator from Kansas (Mr. PEARSON) are absent because of illness.

I also announce that the Senator from Utah (Mr. BENNETT) and the Senator from Ohio (Mr. TAFT) are absent on official business.

The Senator from Kansas (Mr. DOLE) and the Senator from Ohio (Mr. SAXBE) are necessarily absent. The Senator from Tennessee (Mr. BAKER) is detained on official business.

I further announce that, if present and voting, the Senator from Kansas (Mr. DOLE), and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The result was announced—yeas 49, nays 43, as follows:

[No. 401 Leg.]

YEAS—49

Aiken	Fannin	Pastore
Allen	Fong	Pell
Bartlett	Goldwater	Randolph
Beall	Griffin	Roth
Bible	Gurney	Schweiker
Brock	Hansen	Scott, Pa.
Brooke	Hatfield	Scott, Va.
Buckley	Helms	Sparkman
Byrd, Harry F., Jr.	Hruska	Stafford
Byrd, Robert C.	Huddleston	Stennis
Cook	Jackson	Stevens
Cotton	Javits	Talmadge
Curtis	Long	Thurmond
Domenici	Mathias	Tower
Dominick	McClellan	Weicker
Eastland	McClure	Young
	Packwood	

NAYS—43

Abourezk	Hart	Mondale
Bayh	Hartke	Montoya
Bentsen	Haskell	Moss
Biden	Hathaway	Muskie
Burdick	Hollings	Nelson
Cannon	Hughes	Nunn
Case	Humphrey	Percy
Chiles	Inouye	Proxmire
Church	Johnston	Ribicoff
Clark	Kennedy	Stevenson
Cranston	Magnuson	Symington
Eagleton	Mansfield	Tunney
Ervin	McGovern	Williams
Fulbright	McIntyre	
Gravel	Metcalf	

NOT VOTING—8

Baker	Dole	Saxbe
Bellmon	McGee	Taft
Bennett	Pearson	

So the conference report on S. 1636 was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1974

The VICE PRESIDENT. Under the previous order, the Senate will now proceed to the consideration of H.R. 9286, which the clerk will report.

The assistant legislative clerk read as follows:

Calendar No. 363 (H.R. 9286) a bill 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 of the Armed Forces, and the military training student loads, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1974 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons as authorized by law, in amounts as follows:

Aircraft

For aircraft: for the Army, $168,000,000; for the Navy and the Marine Corps, $2,391,000,000 of which not to exceed $197.6 million shall be available for the F–14 aircraft program through December 31, 1973; for the Air Force, $2,964,635,000.

Missiles

For missiles: for the Army, $560,700,000; for the Navy, $650,700,000; for the Marine Corps, $32,300,000; for the Air Force, $1,509,700,000.

Naval Vessels

For naval vessels: for the Navy, $3,628,700,000.

Tracked Combat Vehicles

For tracked combat vehicles: for the Army, $160,300,000; for the Marine Corps, $46,200,000.

Torpedoes

For torpedoes and related support equipment: for the Navy, $203,300,000.

Other Weapons

For other weapons: for the Army, $38,900,000; for the Navy, $33,100,000; for the Marine Corps, $700,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1974 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $1,935,933,000;

For the Navy (including the Marine Corps), $2,656,200,000, of which amount $60,900,000 is authorized only for the surface effect ships program;

For the Air Force, $2,958,200,000; and

For the Defense Agencies, $509,400,000, of which $24,600,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

TITLE III—ACTIVE FORCES

SEC. 301.(a) For the fiscal year beginning July 1, 1973, and ending June 30, 1974, each component of the Armed Forces is authorized

an end strength for active duty personnel as follows:

(1) The Army, 803,806;

(2) The Navy, 566,320;

(3) The Marine Corps, 196,419;

(4) The Air Force, 666,357.

(b) The end strength for active duty personnel prescribed in subsection (a) of this section for the fiscal year ending June 30, 1974, shall be reduced by 156,100. Such reduction shall be apportioned among the Army, Navy, Marine Corps, and Air Force in such manner as the Secretary of Defense shall prescribe, except that in applying any portion of such reduction to any military department, the reduction shall be applied to the maximum extent practicable to the support forces of such military department. The Secretary of Defense shall report to the Congress within 60 days after the date of enactment of this Act on the manner in which this reduction is to be apportioned among the military departments and among the mission categories described in the Military Manpower Requirements Report. This report shall include the rationale for each reduction.

SEC. 302. In computing the authorized end strength for the active duty personnel of any component of the Armed Forces for any fiscal year, there shall not be included in the computation members of the Ready Reserve of such component ordered to active duty under the provisions of section 673 of title 10, United States Code, members of the Army National Guard, or members of the Air National Guard called into Federal service under section 3500 or 8500, as the case may be, of title 10, United States Code, or members of the militia of any State called into Federal service under chapter 15 of title 10, United States Code.

SEC. 303. (a) Section 673 of title 10, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(d) Whenever one or more units of the Ready Reserve are ordered to active duty, the President shall, on the first day of the second fiscal quarter immediately following the quarter in which the first unit or units are ordered to active duty and on the first day of each succeeding six-month period thereafter, so long as such unit is retained on active duty, submit a report to the Congress regarding the necessity for such unit or units being ordered to and retained on active duty. The President shall include in each such report a statement of the mission of each such unit ordered to active duty, an evaluation of such unit's performance of that mission, where each such unit is being deployed at the time of the report, and such other information regarding each unit as the President deems appropriate."

(b) The amendment made by subsection (a) of this section shall be effective with respect to any unit of the Ready Reserve ordered to active duty on or after the date of enactment of this Act.

SEC. 304. (a) Subsection (d) of section 412 of Public Law 86-149 is amended to read as follows:

"(d)(1) Beginning with the fiscal year which begins July 1, 1972, and for each fiscal year thereafter, the Congress shall authorize the end strength as the end of each fiscal year for active duty personnel for each component of the Armed Forces, and beginning with the fiscal year which begins July 1, 1974, and for each fiscal year thereafter, the Congress shall authorize the end strength as of the end of each fiscal year for civilian employees for each component of the Department of Defense; and no funds may be appropriated for any fiscal year beginning on or after such applicable dates, to or for the use of the active duty personnel of any component of the Armed Forces or to or for the use of civilian employees of the Department of Defense, unless the end strength for active duty personnel of such component for such fiscal year and the end strength for civilian employees of the Department of Defense for such fiscal year have been authorized by law, respectively.

"(2) Beginning with the fiscal year ending June 30, 1972, with respect to the active duty strength levels and beginning with the fiscal year ending June 30, 1974, with respect to civilian employee strength levels, the Secretary of Defense shall submit to the Congress a written report not later than February 15 of each fiscal year recommending the annual active duty strength level for each component of the Armed Forces for the next fiscal year and the annual civilian employee end strength level for the Department of Defense for the next fiscal year, and shall include in such report justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for such fiscal year and the national security policies of the United States in effect at the time. Such justification and explanation shall specify in detail for all military forces, including each land force division, carrier and other major combatant vessel, air wing, and other comparable unit: (A) the unit mission and capability, (B) the strategy which the unit supports, and (C) the area of deployment and illustrative areas of potential deployment, including a description of any United States commitment to defend such areas. Such justification and explanation shall also include a detailed discussion of (i) the manpower required for support and overhead functions within the Department of Defense, (ii) the relationship of the manpower required for support and overhead functions to the primary combat missions and support policies, and (iii) the manpower required to be stationed or assigned to duty in foreign countries and aboard vessels located outside the territorial limits of the United States, its territories, and possessions."

TITLE IV—RESERVE FORCES

SEC. 401. For the fiscal year beginning July 1, 1973, and ending June 30, 1974, the Selected Reserve of each Reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 379,144;

(2) The Army Reserve, 232,591;

(3) The Naval Reserve, 121,481;

(4) The Marine Corps Reserve, 39,735;

(5) The Air National Guard of the United States, 92,291;

(6) The Air Force Reserve, 49,773;

(7) The Coast Guard Reserve, 11,300.

SEC. 402. The average strength prescribed by section 401 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

TITLE V—MILITARY TRAINING STUDENT LOADS

SEC. 501. (a) For the fiscal year beginning July 1, 1973, and ending June 30, 1974, each component of the Armed Forces is authorized an average military training student load as follows:

(1) The Army, 89,200;

(2) The Navy, 75,800;

(3) The Marine Corps, 28,000;

(4) The Air Force, 55,100;

(5) The Army National Guard of the United States, 19,100;

(6) The Army Reserve, 59,900;

(7) The Naval Reserve, 17,400;

(8) The Marine Corps Reserve, 6,700;

(9) The Air National Guard of the United States, 4,600;

(10) The Air Force Reserve, 24,300.

(b) The average military training student loads for the Army, the Navy, the Marine Corps, and the Air Force prescribed in subsection (a) of this section for the fiscal year ending June 30, 1974, shall be reduced consistent with the overall reduction in manpower provided for in title III above. Such reduction shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force in such manner as the Secretary of Defense shall prescribe.

SEC. 502. Subsection (e) of section 412 of Public Law 86-149 is repealed.

TITLE VI—ANTI-BALLISTIC MISSILE PROGRAM—LIMITATIONS ON DEPLOYMENT

SEC. 601. (a) None of the funds authorized by this or any other Act may be obligated or expended for the purpose of continuing or initiating deployment of an anti-ballistic-missile system at any site except Grand Forks Air Force Base, Grand Forks, North Dakota. Nothing in this section shall be construed as a limitation on the obligation or expenditure of funds in connection with the dismantling of anti-ballistic missile system sites or the cancellation of work at Whiteman Air Force Base, Knob Noster, Missouri, Francis E. Warren Air Force Base, Cheyenne, Wyoming, and Malmstrom Air Force Base, Great Falls, Montana.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Subsection (a)(1) of section 401 of Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"(a)(1) Not to exceed $952,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos; and for related costs, during the fiscal year 1974 on such terms and conditions as the Secretary of Defense may determine. None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970. Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and

assistance to the Government of Cambodia or Laos: *Provided*, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of United States forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war."

SEC. 702. (a) The amount of $28,400,000 authorized to be appropriated by this Act for the development and procurement of the C–5A aircraft may be expended only for the reasonable and allocable direct and indirect costs incurred by the prime airframe contractor under a contract entered into with the United States to carry out the C–5A aircraft program. No part of such amount may be used for—

(1) direct costs of any other contract or activity of the prime contractor;

(2) profit on any materials, supplies, or services which are sold or transferred between any division, subsidiary, or affiliate of the prime contractor under the common control of the prime contractor and such division, subsidiary, or affiliate;

(3) bid and proposal costs, independent research and development costs, and the cost of other similar unsponsored technical effort; or

(4) depreciation and amortization costs in excess of $1,700,000 on property, plant, or equipment.

Any of the costs referred to in the preceding sentence which would otherwise be allocable to any work funded by such $28,400,000 may not be allocated to other portions of the C–5A aircraft contract or to any other contract with the United States, but payments to C–5A aircraft subcontractors shall not be subject to the restriction referred to in such sentence.

(b) Any payments from such $28,400,000 shall be made to the prime contractor through a special bank account from which such contractor may withdraw funds only after a request containing a detailed justification of the amount requested has been submitted to and approved by the contracting officer for the United States. All payments made from such special bank account shall be audited by the Defense Contract Audit Agency of the Department of Defense and, on a quarterly basis, by the General Accounting Office. The Comptroller General shall submit to the Congress not more than thirty days after the close of each quarter a report on the audit for such quarter performed by the General Accounting Office pursuant to this subsection.

(c) The restrictions and controls provided for in this section with respect to the $28,400,000 referred to in subsections (a) and (b) of this section shall be in addition to such other restrictions and controls as may be prescribed by the Secretary of Defense or the Secretary of the Air Force.

SEC. 703. This Act may be cited as the "Department of Defense Appropriation Authorization Act, 1974".

The VICE PRESIDENT. The bill is open to amendment. Are there amendments to be proposed?

The Senator from Missouri is recognized.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that, for the duration of the Senate's consideration of the pending bill, H.R. 9286, that there be permitted on the floor of the Senate not to exceed six, at any one time, of the members of the staff of the Armed Services Committee.

Let me emphasize that I doubt that we will need this many at any one time. However, we do have two subcommittee chairmen who need assistance from time to time, and this may occur simultaneously when other staff assistance is needed on the floor to assist the manager of the bill and other Senators.

Mr. President, may I also ask that Miss Katherine Nelson, a member of my personal staff, be permitted the privilege of the floor during consideration of this bill.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, I ask unanimous consent that during the consideration of the military procurement bill my staff aide, Larry Smith, be permitted the privilege of the floor from time to time.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, may we have order so that Members of the Senate can hear?

The VICE PRESIDENT. The Senate will be in order.

Mr. TOWER. Mr. President, I ask unanimous consent that during the consideration of the military procurement bill, Mr. Robert Old, of the staff of the Armed Services Committee, Mr. Mike Hemphill, of the staff of the Joint Committee on Defense Production, and Mr. Edward Kenney, of the staff of the Armed Services Committee, be given the privilege of the floor.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I ask unanimous consent that, during the consideration of the pending bill, H.R. 9286, Dr. Dorothy Fosdick and Richard Perle of my staff be granted the privilege of the floor.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. CANNON. Mr. President, I ask unanimous consent that during the consideration of the pending bill, Frank Krebs, a member of my staff, be permitted the privilege of the floor.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill is open to amendment.

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

The PRESIDING OFFICER (Mr. BENTSEN). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SYMINGTON. 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. SYMINGTON. Mr. President, I ask unanimous consent that the committee amendment in the nature of a substitute be agreed to, and that, as agreed to, it be considered as original text for the purpose of further amendment.

Let me state that this request in no way limits further amendments to the committee substitute. This is the customary way that the committee has handled the bill for the past several years.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri? The Chair hears none, and it is so ordered.

Mr. SYMINGTON. Mr. President, the Senate now begins the consideration of the annual military procurement authorization bill for the fiscal year 1974.

At the request of Chairman STENNIS, I am handling the bill on the floor.

The committee is recommending a total authorization of $20,447,968,000. This is a reduction of 6.9 percent or $1,511,132,000 below the administration request of $21,959,100,000.

As the Senate knows, the legislation in terms of authorization funding is divided into the procurement request and the request for research and development.

The total request for procurement recommended by the committee is $12,388,235,000. This represents a 7.6 percent reduction, $1,013,000,000 below the request of $13,401,200,000.

The recommendation of the committee for research and development—known as R.D.T. & E.—is $8,059,733,000, which represents a 5.8 percent reduction, $498,167,000 below the request of $8,557,900,000.

SCOPE OF BILL

There follows a summary of the scope of this legislation.

First. Military hardware procurement. About 65–70 percent of all procurement for weapons is authorized by this legislation. In this bill there are thousands of items, ranging from full funding for the nuclear aircraft carrier to grenade launchers.

Second. In this bill also are research, development, test and evaluation efforts within the Department of Defense.

Third. In addition, the active duty military strength for each of the military departments for the fiscal year 1974 is expressed in end-strength figures for June 30, 1974.

As discussed later, the committee is recommending an across-the-board reduction of 7 percent, a reduction in personnel of 156,100 in the Department of Defense.

The reduction is to be apportioned among the services as the Secretary of Defense may determine.

First. Included also is authorization for each of the seven selected reserve strengths for the fiscal year 1974.

Second. Included also is authorization for the fiscal year 1974 of the military training student loads for each of the active and reserve components.

Third. Also included is separate funding authority for South Vietnam and other supporting free world forces, together with local forces in Laos; with a ceiling on these forces of $952 million for the fiscal year 1974.

Fourth. There are various additional limitations, including those relating to the Safeguard antiballistic missile and the C–5A aircraft programs.

COMMITTEE VOTE

As one might expect, there were differences of opinion within the committee on some of the major issues in the bill; differences expressed by nine rollcall votes on major issues. The results of these rollcall votes have already been released; and as the committee report states, individual views on the subject of the Trident submarine were expressed by seven members of the committee.

Fourteen members were in favor of reporting the bill. One member opposed.

On some issues within the committee I voted in opposition to the final committee position. When amendments offered on the floor support a position I took in committee which is contrary to the majority committee position on the matter in question, I will ask another member to represent the majority committee position on the item in question.

SUBCOMMITTEE RECOMMENDATIONS

Mr. President, let me express appreciation for the valuable assistance rendered the full committee by both the Tactical Air Power Subcommitee, of which Senator CANNON is chairman, also the Research and Development Subcommittee, of which Senator MCINTYRE is chairman. The in-depth hearings of both of these subcommittees were important to the full committee with respect to the subjects in question.

Both Senators CANNON and MCINTYRE will discuss in more detail the findings, conclusions, and recommendations of their Subcommittees.

PRELIMINARY OBSERVATIONS ON BILL

RELATION TO THE HOUSE BILL

As a procedural matter, the Senate is now considering the House bill. Let us point out, however, that the House did not pass its version of the procurement bill until last July 31, too late for the Senate committee to consider the House version on its merits.

After reaching its judgment on the Senate bill, the Armed Services Committee struck out everything after the enacting clause in the House bill and substituted the Senate version; and as our committee report presents, the various differences with the House bill are for informational purposes only, and all differences will be taken to conference.

COMMITTEE REPORT

In an effort to conserve time, may we point out that there is before each Member a copy of Senate Report 93–385 totaling 205 pages. It discusses in detail all aspects of this pending legislation; and we would hope each Member would refer to this report with regard to detailed aspects of the bill.

The committee hearings are also available to each Member of the Senate. They exceed 6,000 pages in length.

The purpose of this statement is to cover the highlights of the bill. No doubt there will be questions and amendments as the Senate proceeds with this legislation.

SOME OF THE MAJOR WEAPONS SYSTEMS IN THE BILL

SHIPBUILDING PROGRAMS

There are three separate shipbuilding programs that deserve special mention at this time.

NUCLEAR ATTACK SUBMARINES

The bill authorizes $913 million for the nuclear attack submarine construction program. This would provide for the full funding for five of these submarines; and also supply lead funds for an additional five. With the full funding of these latter five, a total of 86 nuclear attack submarines will have been funded.

TRIDENT BALLISTIC MISSILE SUBMARINE PROGRAM

The bill provides $1.5 billion for planned Trident ballistic missile submarines, $655 million for research and development, $873 million for procurement. This sum would permit procurement of long leadtime ship components for the first three Trident follow ships initiated in the fiscal year 1973; and also initiate procurement of long leadtime components for six additional Tridents for which the Navy plans to request authorization in later years.

CARRIER

The bill also provides $657 million which represents the full funding for the CVN–70, the nuclear attack carrier. Last year $299 million in lead funds were authorized for this carrier.

In addition to these shipbuilding programs, the following weapons systems are of particular interest:

F–14

The committee is recommending a total of $198 million for the F–14. This is $505 million under the amount requested. At the time of the committee's consideration, the Government had no contract with the producers of the aircraft.

SAFEGUARD

The bill provides $359 million to complete the one approved Safeguard ABM installation in North Dakota. About $60 million additional will be required in fiscal year 1975 before this experimental site is operational.

F–15

The bill provides $1.1 billion for the F–15 program for the fiscal year 1974. This sum is for 77 aircraft and necessary support.

B–1 BOMBER

The committee recommended $373.5 million for the development of the B–1 bomber, $100 million below the administration request for fiscal year 1974. This action expresses committee concern over the program, including the cost escalation.

Mr. President, I ask unanimous consent to have printed in the RECORD the table on page 3 of the committee report which sets forth the totals for the entire bill in terms of major weapons categories.

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

DEPARTMENT OF DEFENSE FISCAL YEAR 1974 AUTHORIZATION BILL, SUMMARY BY MAJOR WEAPON CATEGORY—ARMY, NAVY [1], AIR FORCE, AND DEFENSE AGENCIES

[In thousands of dollars]

	Total amount of fiscal year 1974 program	Less available financing	Appropriation requiring authorization	Senate		
				House, authorized	Change from request	Recommended
Aircraft	6,052,100		6,052,100	5,878,400	−528,465	5,523,635
Missiles	2,885,600		2,885,600	2,859,900	−132,200	2,753,400
Naval vessels	3,901,800		3,901,800	3,788,200	−273,100	3,628,700
Tracked combat vehicles	247,900		247,900	239,500	−41,400	206,500
Torpedoes	219,900		219,900	219,900	−16,600	203,300
Other weapons	93,900		93,900	87,300	−21,200	72,700
Total, procurement	13,401,200		13,401,200	13,073,200	−1,012,965	12,388,235
R.D.T. & E.	8,557,900		8,557,900	8,321,797	−498,167	8,059,733
Undistributed reduction				−949,742		
Grand total	21,959,100		21,959,100	20,445,255	−1,511,132	20,447,978

[1] Includes $2,600,000 for special foreign currency program for Navy.

RESEARCH AND DEVELOPMENT

Mr. SYMINGTON. Mr. President, the committee recommends an authorization of $8,059,733,000 for research and development for the fiscal year 1974. This is a reduction of $498,167,000, 5.8 percent, from the budget request of $8,557,900,000. As stated previously, Senator MCINTYRE, chairman of the Research and Development Subcommittee, will discuss the research and development programs in detail. I would make several observations, however, with respect to this category of legislation.

This half-billion-dollar reduction made by the committee and supported by the R. & D. Subcommittee, with the exception of the B–1 bomber reduction, falls into two categories. First, there were cuts in several major programs; the light area defense system was reduced by $42.4 million, the AWACS program by $42 million; site defense was reduced by $70 million; SCAD was eliminated at a savings of $72.2 million. Major program reductions total some $327 million.

The second major reduction category totals $88 million. This represents excess funding not considered necessary for the fiscal year 1974.

Remaining reductions involved lesser sums covering a number of programs. Senator MCINTYRE will discuss these reductions in more detail.

I believe the programs, as recommended, are adequate for our national defense. Of course, otherwise I would not be for them, as I am against some of those recommended by the full committee. Despite this modest reduction, they provide a sound research and development program.

AUTHORIZATION FOR FISCAL YEAR 1974 ACTIVE DUTY MANPOWER FOR THE MILITARY DEPARTMENTS

This is now the third year the Armed Services Committee, as required by law, has recommended the active duty man-

power levels for the military services, authorizing the end-strength for each military department for the closing of each fiscal year; in this case June 30, 1974.

For the end-strength for that latter date, the Armed Services Committee recommends a total reduction of 156,100 in authorized strength.

On a full year basis, which, of course, would not apply to fiscal year 1974, this reduction of 156,100 would result in an annual savings of about $1.6 billion.

Said reduction would be 7 percent below the number requested, and 9 percent below the end-strength of June 30, 1973.

As mentioned, the committee added language to provide that the Secretary of Defense will apportion reductions at his discretion.

The bill further requires that the Secretary of Defense make these reductions, to the maximum extent practical, from support forces, particularly headquarter staffs, rather than from combat elements.

Let us emphasize that, based upon the committee's examination, there should be no difficulty whatever in making these reductions from the vast support establishment which exists throughout the world as a part of the Department of Defense.

Under this reduction, on June 30, 1974, the end-strength of the Department of Defense would still be 2,076,802.

A thorough survey of Defense Department manpower was undertaken; and our report contains many illustrative support areas where appropriate reductions could be made.

NEW AUTHORIZATION FOR DOD CIVILIAN MANPOWER

The committee added language to the bill which would require that, beginning in fiscal year 1975, the fiscal year end-strength of the Department of Defense civilian employees would also require an annual authorization.

I know that Members of the Senate will appreciate the importance of this when they realize, as we do on the committee, that the total cost of civilians in the Department of Defense at this time—just civilians—is over $13 billion. Today, from a high authority. I understand that the figure is nearer to $14 billion than the $13 billion for those civilians.

DISCUSSION OF THE MANPOWER ISSUES

The committee report, pages 129 through 151, discusses in detail many aspects of the active-duty manpower problem within the Department. At this time, I would make a few brief observations on this subject.

In many ways defense manpower is a more difficult subject to control than that of military hardware.

If defense costs are ever to be brought under any real semblance of control, we must pay at least as much attention to manpower policy as we do to weapon systems requirements.

The Senate will be interested to know that in the past 20 years, of the total increase in defense expenditures, 93 percent went for pay and operating costs; and only 7 percent went for investment that could be defined as procurement, research and development, and military construction.

Total defense outlay in fiscal year 1954 was $43.6 billion, as compared to an anticipated fiscal year 1974 outlay of $79 billion.

Note also that since 1968—5 years ago—military basic pay has more than doubled.

The cost of this one element has grown from $12 billion a year to $18 billion, an increase since 1968 from about $3,700 per man or woman to $8,100 per man or woman.

In other words, not only are manpower costs rising as a percentage of the total defense budget—rising from 43 percent in 1964 to over 56 percent today—but, despite that unprecedented increase, we are obtaining less people; because under this budget, the Defense Department would spend $22 billion more in pay and allowances in the fiscal year 1974 than in 1964; nevertheless would have 400,000 fewer military personnel.

As every citizen notes the increasing economic problems of the United States, let us also note that the payroll cost of civilian personnel for the Department of Defense alone is running about $13 billion per year—and, as I mentioned, I heard only today that the figure is closer to $14 billion—with 7,300 civilian defense employees in the $27,000–$36,000 bracket.

In short, we could be reaching the point where, personnel and unprecedented weapon systems combined, we could literally be pricing ourselves out of the current concept of an adequate defense.

Now—let us look at what we can expect if these trends continue.

If the Armed Forces continue at their present levels of strength, if we allow pay increases of only about 5½ percent per year over the next 5 years, if we keep procurement costs at roughly the same level, and if we allow for an annual inflation of about 5 percent, by fiscal year 1980, 6 years from now, the military budget will be about $113 billion per year.

And if we look beyond fiscal year 1980, this military monetary situation becomes even more grim.

The committee was of the unanimous opinion that these reductions can be made without reducing the fighting capacity of the Department of Defense; especially true in that 53 percent of the total DOD manpower request is for what is called auxiliary and support areas, people in the military who are far removed from those combat elements that have the fighting capability.

Despite the now almost universally recognized need to "tighten up" the Defense Department, the Department currently proposes an increase in these support areas; and this despite the fact the committee noted many headquarter staffs continue to be heavily overmanned, actually even above authorized levels; but combat units remain under strength.

Surely these facts point up the crucial need for the Defense Department to overhaul and reduce its vast headquarters and support system. When that is done, the combat effectiveness of our defense forces can only automatically become more efficient.

AUTHORIZATION OF SELECTIVE RESERVE STRENGTH

As the Senate knows, existing law requires there be an annual authorization for the strengths of each of the seven selected reserves—a prior condition to appropriations for these components.

This year, with the exception of the Naval Reserve, the committee is recommending the strengths as shown in the budget. After hearings, it recommended an increase in the Naval Reserve of 121,481. The recommendations are:

Army National Guard	379,144
U.S. Army Reserve	232,591
U.S. Navy Reserve	121,481
U.S. Marine Corps Reserve	39,735
Air National Guard	92,291
Air Force Reserve	49,773
Coast Guard Reserve	11,300

The Reserves have always been an essential element of our national defense. Now, however, as the cost of the regular establishment continues its steep rise, they take on added significance.

Throughout the Vietnam war, the longest in our history, the President relied almost completely on the draft as a means of meeting manpower needs. Now the draft is no longer a source of military manpower; therefore, under existing law, the President must rely more on the Reserves in the event additional manpower is needed.

For the first time, this bill contains language in the form of permanent law which, in effect, requires the President to utilize the Reserves if there is need to exceed the provided active duty strength.

The committee reviewed the Reserve program for the Services. It would appear that, despite some recruiting problems, they are progressing in terms of readiness. We would point out, however, that the expected annual cost of the Reserves for the fiscal year 1974 is $4,394,000,000; therefore, as is true of any large organization, continuous effort should be made to improve efficiency wherever possible.

On pages 153 through 158, the committee report discusses in more detail the Selective Reserve program for the fiscal year 1974.

FUNDING AUTHORITY FOR FREE WORLD FORCES FOR SOUTH VIETNAM AND LAOS

Since the fiscal year 1966, the military authorization bill has authorized the merger of appropriations for U.S. military functions and U.S. military assistance in South Vietnam and Laos. The pending bill, under title VII, continues this authority for the fiscal year 1974.

The original budget request was for $2.1 billion. This was later reduced to $1.6 billion. Appropriations, however, were being requested for only approximately $1.2 billion, with the extra $400 million in authority request being retained for flexibility.

For fiscal year 1974, and after careful examination, the committee reduced authority to $952 million for the fiscal year 1974. These reductions were made by bringing dollar requirements more in line with actual experience subsequent to the cease-fire—primarily in terms of consumption of the items for which these funds were requested. Of this total, $93.5 million in obligational authority is being requested for local forces in Laos.

The committee report, on pages 163–165, also discusses this matter.

We would point out that the funding

for Southeast Asia in this bill applies only to the fiscal year 1974. The issue of whether this subject matter should be transferred back to the military assistance program—MAP—for the fiscal year 1975 or remain a part of the so-called military assistance service funded—MASF—operation is a question to be decided by Congress. The Senate has already approved a bill returning the present assistance with the MASF program to South Vietnam and Laos to the regular military assistance program. As a member of the Committee on Foreign Relations, I voted for that change in procedure, to bring it back to normalcy, in committee and on the floor.

CONCLUDING STATEMENT

As previously presented, this bill was reported by a committee vote of 14 to 1. It is a bill that was carefully considered, and I respectfully urge that we move expeditiously in order that we may first confer with the House, and then have the appropriations committees complete their work on the Department of Defense legislation.

In conclusion, I extend my thanks to the ranking minority member of the committee, Senator THURMOND, for his fine cooperation during this bill, and to the entire membership of the committee. May I also express gratitude for the advice and guidance received from time to time from our distinguished chairman, Senator STENNIS, with whom I had the privilege of conferences at various times during the course of the hearings and our deliberations.

Mr. THURMOND. Mr. President, the proposed legislation, H.R. 9286, comes to the Senate floor today after 5 months of the most extensive hearings ever conducted on a military procurement bill in the Senate.

These hearings, beginning in March and being completed in August, are recorded in eight volumes issued by the committee and available to all Members of the Senate.

As the ranking minority member of the Senate Armed Services Committee, it was a pleasure to work with the able acting chairman, the Senator from Missouri (Mr. SYMINGTON), who conducted the hearings in a thorough and objective manner. He presided in the absence of the chairman, the Senator from Mississippi (Mr. STENNIS), and it has been a pleasure to work with him on this bill.

Senator SYMINGTON and the other members of the committee, assisted by several key subcommittees, worked hard and long to develop a bill worthy of consideration by this body.

As always, a bill of this size does not provide for all we might wish, but it represents the best efforts and collective judgment of our membership. Especially noteworthy in this work were the contributions of Senator HOWARD CANNON, who headed the Tactical Air Power Subcommittee, and Senator THOMAS MCINTYRE, who headed the Subcommittee on Research and Development.

Also, I am most appreciative of the outstanding assistance given by the minority members of the committee, including Senators JOHN TOWER, PETER DOMINICK, BARRY GOLDWATER, WILLIAM SAXBE, and WILLIAM SCOTT.

Mr. President, H.R. 9286 would authorize for our military procurement programs a spending total of $20.4 billion, a $1.5 billion or 6.9 percent reduction in the $21.9 billion requested by the Defense Department.

It should also be pointed out that the bill provides for a cut in military manpower of 156,000 persons. Based on the accepted compilation that the reduction of one person in uniform saves $10,000 then this manpower cut amounts to a cost reduction of $1.5 billion.

Thus, it is fair to say the committee bill reduces spending by $3 billion rather than the $1.5 billion used in most of the discussion to date.

THREE MISCONCEPTIONS

Mr. President, in my view there are three misconceptions which are being used to endanger this bill. I would list them as follows:

First. The misconception that defense spending is bankrupting the country.

Second. The misconception that because of the present détente we can slow or stop building new systems like Trident.

Third. The misconception that we can achieve peace by unilateral military reduction in NATO and elsewhere.

First, the idea that defense spending is bankrupting the country seems to be the driving force behind much of the effort to reduce this bill. I submit that since nondefense spending now consumes about 70 percent of the Federal budget this argument to save the dollar by cutting defense ignores today's realities.

Simply stated here are the facts, and I hope Senators will consider these facts when they vote on the bill:

First. Defense spending as a portion of the Federal budget has gone down from 42.5 percent in 1968 to 28.4 percent in 1972. During this same period defense as a portion of the gross national product has decreased from 9.4 to 6 percent.

Second. In fiscal year 1968 defense outlays were $78 billion. In fiscal year 1974 $79 billion is being requested, an increase of $1 billion. However, during the same period nondefense Federal spending increased by $93 billion and State and local government spending increased by $103 billion.

Thus, it is clear that increased spending in the past few years has gone almost totally to nondefense sources. In fact, defense spending is down sharply since due to inflation and other factors the same size budget in 1974 buys $34 billion less than it did in 1968.

SECOND MISCONCEPTION

The second misconception, Mr. President, is that because of the present détente we can slow or stop building new weapon systems like the Trident, B–1, and the F–14.

Some seem to forget that the reason we obtained an ABM Treaty at SALT I was because we, not the Soviets, were ahead in ABM technology and were building a defense missile system they could not match.

If we achieve success at SALT II, it will be for the same principle. It will not be because the Soviets want to cooperate with us and reach parity. It will be either because they think we are ahead of them in strategic systems or that without an agreement we are going to get ahead.

That in a nutshell is why we need to accelerate the Trident submarine program, for although even with an accelerated program this ship will not be in the water until 1978 and the second round of SALT II begins in Geneva next week.

Mr. President, the Senate also needs to recognize that the Soviets already have a Trident type submarine in the water. In fact, they have four of these submarines and they are building more. These submarines have missiles which have a range of around 4,000 miles, the same planned for the first Trident, which has not even had its keel laid. We need to get Trident going, get some hardware together, and get a ship by 1978, not 1980.

SOVIETS HAVE MIRV

Furthermore, the Soviets are not only building new ballistic missile submarines but they are also developing a whole new family of land-based missiles. At the same time we are depending upon our old Minuteman, which, because of their size, have a limited throwweight capability.

This situation is highly significant in view of the fact that the Soviets recently demonstrated the MIRV technique. One reason our negotiators at SALT I entered into an interim agreement, allowing the United States lesser missile launchers, was the fact that we had MIRV and thus could deliver more warheads per missile. Now, however, with MIRV and the large missiles of the SS–9 class the Soviets can turn their numerical launcher advantage against us. This is possible, because the huge SS–9's can carry more warheads per missile than our smaller Minuteman missiles.

TRIDENT WORRIES SOVIETS

Thus, we need to move rapidly on a new weapon system like Trident to introduce a problem for the Soviets which may bring them to a reasonable bargaining position.

Norman Polmar, U.S. editor of "Janes Fighting Ships," told our committee during the procurement hearings the Soviets have ways to deal with our missiles and our bombers but an approach to counter Trident is "beyond their comprehension."

Mr. Polmar is one of the most knowledgeable men in matters of defense. Mr. Polmar stated:

> Trident concerns the Soviets. They're very much afraid of Trident—There's no way they can write a scenario of killing our Trident tomorrow afternoon.

Mr. President, the Senate needs to realize that if SALT II is to be successful we must give the President the military power to deal with the Soviets. The Trident could well be the heart of the U.S. strategic defense force into the 21st century. It will be lethal, invulnerable and invisible—the perfect weapon.

The Senate needs to speak forcefully by supporting the Trident request. The Soviets are following this debate to meas-

ure our determination. If we approve Trident and these other important systems we transmit to the President the power to obtain an agreement at SALT II which could maintain the peace we all cherish.

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

Mr. THURMOND. I am pleased to yield to the able Senator, who is the acting chairman of the committee.

Mr. SYMINGTON. Mr. President, first I wish to thank my friend and colleague from South Carolina for his kind remarks. There is a meeting of the Joint Atomic Energy Committee which I must attend. Therefore, with his approval, I will leave the Chamber at this time, although that in no way indicates that I am not interested in his remarks. I rely on the Senator from New Hampshire to represent me on the floor during my absence, unless the able chairman would like to do so.

Mr. THURMOND. I certainly understand the situation, and I concur in the request of the distinguished Senator from Missouri.

THIRD MISCONCEPTION

The third misconception which troubles me is the idea that we can achieve peace by undertaking unilateral force reductions in NATO and elsewhere. Nothing could be further from the truth.

On October 30, in Vienna, the NATO and Warsaw Pact countries begin the mutual force reduction negotiations. Nothing would undercut our negotiators more than to have the Senate approve an overseas reduction which would of necessity reduce our troops in NATO.

Mr. President, I favor reducing our forces in NATO and throughout the world. But we could serve the cause of peace more if in accomplishing such reductions we negotiate similar cuts by the opposing side.

The isolationist tendencies in this country are only skin deep. Therefore, we must avoid slipping back into the attitudes of the early 20th century. Technology has turned the muskets and cannonballs of yesterday into the nuclear warheads of today. Technology has moved us from the slow advance of ships and men to the lightening thrust of missiles. Technology has enabled an enemy to fill our skies with nuclear explosions 30 minutes or less after liftoff. People and Presidents only 30 minutes apart cannot afford isolationist attitudes.

These are the realities the Senate should bear in mind as it works its will on this defense legislation. We are still the leader of the free world. People in free countries look to us for leadership; people in slave countries look to us for hope.

If we want to encourage people behind the Iron Curtain, if we want to encourage countries that are neutral, then we must pass a strong defense bill which leaves our dominant world role unchallenged.

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, the only way to do it is to put in his hands the strength with which to bring it about.

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 passing. We are going to take action here that will have more impact on the survival of our people than at any other time in our history.

Above all, let us approach this debate devoid of the misconception that defense spending is bankrupting the country; devoid of the misconception that new and more powerful weapon systems are not needed; devoid of the misconception that peace is strengthened through unilateral force reductions.

Mr. President, in closing let me state that on Monday of this week I had the great pleasure of talking with the President of the United States about this bill. He is our Commander in Chief. He is also our No. 1 negotiator. He told me he needs a defense bill which would give him the power to win fair agreements in Vienna and Geneva. He has told the Senate the same thing in his unusual second state of the Union message presented to us last week.

The defense bill comes to the Senate at a critical time. The second round of SALT II talks begins in Geneva next week. The opening sessions of the mutual force reduction talks begin in Vienna the end of next month.

The strength contained in this bill for new weapons will determine to a large degree the results we achieve at the forthcoming talks. The strength contained in this bill will determine whether the President will be able to bring about mutual force reductions in NATO. The strength contained in this bill will impact on our hopes to reach agreements which will result in future defense bills being less expensive. A strong defense bill today will unquestionably permit savings in the future.

This is a key moment in history. The groundwork for negotiations to relieve the world of some of the burdens of military spending has been laid. Let us put in the hands of the President, through a strong defense bill, the power he needs to make that hope become reality.

Mr. President, in closing, I want to express my appreciation to the able chairman of the Committee on Armed Services, the distinguished Senator from Mississippi (Mr. STENNIS). I thank him for the wise advice and counsel that he has given to the members of our committee during the hearings on the bill, although during a large portion of that time he was in the hospital. He has gone overboard to assist in every way possible, and the members of the committee are grateful for the advice and assistance he has given to us.

Mr. McINTYRE. Mr. President, at this time, I am very happy to yield to our distinguished chairman (Mr. STENNIS).

Mr. STENNIS. Mr. President, I certainly am grateful to the distinguished Senator from New Hampshire (Mr. McINTYRE) for yielding to me. I do not have a set, fixed speech, but I want to express my very warm and deep appreciation, first, to the distinguished Senator from Missouri (Mr. SYMINGTON) for the long days, hours, weeks, and even months that he has devoted to the preparation of the bill—holding hearings, checking all the innumerable matters that come up, and at the same time carrying on the other duties of the chairman of the committee. As always, he has been thorough and diligent and has applied himself in a fine way.

I want to thank, too, the distinguished Senator from South Carolina (Mr. THURMOND), who is the ranking minority member of our committee—and a very valuable one, too. He gives time, thought, work, and effort to the problems of the committee, problems that relate to our entire military program; and he certainly performs his special duties on the committee in a very fine, effective way.

May I especially thank the distinguished Senator from New Hampshire (Mr. McINTYRE), too. Over the years he has developed a new dimension in our committee holding hearings, year after year, on the most difficult part—to understand and to examine—the research, development, testing, and engineering of all the weapons, from their inception on through until production. It is the first time that such work has ever been undertaken by the committee in depth and in a comprehensive way. He has studied these problems for long hours, year after year, as he has again this year. He makes a fine contribution in other fields of activity in our committee where he is knowledgeable. He is hardheaded enough to require proof, and he is courageous enough to take whatever stand he thinks necessary to follow where that proof will lead him.

There is no way to put a dollar value on these qualities measuring savings in dollars. But there is no way to put on a value other than in dollars saved to the country and to the military forces.

Mr. President, I commend the Senator and thank him, too.

I am going to back the committee on every position he has taken that he succeeded in getting in the bill. And I think he got them all in except for one that is considered major. I might differ with him in part on that. It is a question of judgment.

Let me say, too, that this bill has been put together with skill, knowledge, and know-how.

I am going to back the committee bill all the way through unless I find some extraordinary facts—and I do not think I will—that I do not know about now.

I am here not as a floor leader. I have asked the Senator from Missouri to do that. He held the hearings and is qualified in every way. I am not abdicating or dodging any responsibility as chairman. However, frankly I do not feel that I should do anything beyond what I am doing, and that is to be here in a backup position.

I am vitally interested and concerned about all of these major questions. And I have already given some attention to matters that are going to come up again next year.

Mr. President, I thank the Senator for yielding.

Mr. McINTYRE. Mr. President, of course, all of us on the Armed Services Committee—and I think I can speak for all of the Members—are delighted to have our chairman back with us.

We kind of wish our chairman had been able to get back a couple of months earlier. However, the nurses and the doctors insisted on keeping him in the hospital. I think they were probably right. I am glad that the distinguished Senator from Mississippi has taken the doctors' advice.

It is a distinct pleasure, I know, for the Senator from South Carolina, the Senator from Texas, the other members of the committee, and for me to have the Senator from Mississippi back on the floor, because that is where he belongs. We sometimes disagree. The Senator from South Carolina and I do not always see eye to eye. The same is true with respect to the Senator from Texas.

I think that we have an able committee. The Senator from Missouri has filled in very ably for the Senator from Mississippi.

Mr. TOWER. Mr. President, I join the Senator from New Hampshire in expressing the great joy of us all at the return of our distinguished chairman. Even though he is not able to play quite as active a role on the floor as he has in times past, we are very pleased with his return. The Senator is most able. I am certain that any major assaults on this bill will be successfully resisted, because of the presence of the Senator from Mississippi and his inspiration.

Mr. McINTYRE. Mr. President, I associate myself with the remarks of my good friend, the Senator from Texas.

Mr. President, I would like to speak briefly in support of the fiscal year 1974 military procurement authorization bill, H.R. 9286 with amendment, as reported by the Armed Services Committee. Following that, I will discuss in detail that portion of the bill which is the specific responsibility of the Subcommittee on Research and Development, a subcommittee it is my privilege to chair.

This has been a most trying year for the Armed Services Committee. The foul act which struck down our esteemed chairman last January left a breach in our ranks but inspired by the remarkable recovery of Senator STENNIS, the committee closed ranks behind Senator SYMINGTON and again performed an outstanding job on the fiscal year 1974 authorization bill. The guidance and encouragement provided by my very good friend, the able senior Senator from Missouri, helped us hew to the high standards set by our stricken chairman. The strength and conviction of our acting chairman, tempered with fair-mindedness and patience, facilitated the orderly proceedings and deliberations of the committee in its actions on the bill.

In voting to approve the committee report I stated only a single qualification, and that relates to the Trident program. My views on Trident are contained separately in the report, and will be the subject of an amendment which I am introducing to the bill. I will speak to that at another time.

Mr. President, the Nation is beginning to extricate itself from the most difficult and trying times in recent history. The long and bloody war in Vietnam has come to an end; we have stopped the bombing of Cambodia, and although the mood and temper of our people have been strained by Watergate, the divisiveness which saw our cities torn and burning has subsided. We are on the mend, and, I hope, once again asserting moral and physical leadership.

The successful meetings and agreements between the President and the Soviet leader could lead by the end of next year to permanent limitations on strategic offensive weapons, both in number and perhaps in quality. SALT II could produce concrete results that would permit both nations to divert more of their resources from military to domestic needs. The conferences on mutual balanced force reductions could help even further by permitting a cutback in military forces and the withdrawal of some of our troops stationed in Europe. This would relieve significantly the pressure on military manpower costs which now consume some 56 percent of total defense spending.

Despite these encouraging signs, I am convinced, Mr. President, that we must maintain our military strength, not only now but also into the foreseeable future. I am convinced that the ABM treaty and the interim strategic arms agreement reached last year were made possible primarily because of our invincible forces in being. And since both the United States and the Soviets have agreed to limit their ABM defenses, the major emphasis is being concentrated on offense, at least until permanent limitations are established on strategic offensive forces.

Now where does this leave us? Obviously, in a position fraught with imponderables. What balance do we strike between military and nonmilitary needs? How can we tolerate the anomaly of increased defense spending in the face of a return to peace? What value is a strong military establishment if our economy falls apart, and rampant inflation robs large segments of our people of their daily bread and shelter. Still, we dare not weaken our defense.

The committee has searched its soul, made a significant reduction in military manpower levels, and reduced the spending request by $1.5 billion, or 6.9 percent. While this is an impressive and substantial cut, the $20.4 billion which remains will be adequate in providing for the necessary replacement and modernization of our military equipment.

Mr. President, turning now to the research and development portion of the bill, it has been my privilege for the 5th consecutive year to serve as chairman of the Subcommittee on Research and Development of the Armed Services Committee.

Serving with me on the subcommittee have been the senior Senator from Virginia (Mr. BYRD), the senior Senator from Iowa (Mr. HUGHES), the senior senator from Colorado (Mr. DOMINICK), and the junior Senator from Arizona (Mr. GOLDWATER). The work of the subcommittee was greatly enhanced by the collective breadth and depth of knowledge and experience of its members concerning military requirements, equipment, and research and development.

In these 5 years as chairman of the subcommittee, I have been provided with an insight into the genius that has made the United States the greatest industrial and military power in the history of mankind, and which has rewarded our people with a standard of living above that of all other nations.

This genius is multifaceted. On the one hand it has provided the military with the most advanced fighting aircraft in the world. But at the same time it turns out superior commercial transport aircraft which continues to keep us well ahead in the highly competitive international market. It is obvious that our successful efforts in defense in some respects spill over into our civilian economy, but, I must emphasize that this does not justify high levels of defense spending.

I count myself among those who are highly critical of cost overruns and other major inefficiencies that have plagued many weapon systems in recent years. But at the same time I must give credit to the skill and competence of many of the major companies and the hundreds of smaller companies which invent and produce the modern equipment essential to our survival. And we must not overlook the thousands of talented and experienced military and civilian employees of the Department of Defense who manage these programs and make them bear fruit. In research and development, there cannot be success without some failure. Sometimes we are unfair in overemphasizing failure without giving due credit for success.

Having given such credit, however, I must add that vigilance is required to improve the quality of the product at the lowest cost. We in the Congress must keep the pressure on so that inefficiency and waste will be minimized.

Keenly aware of these somewhat conflicting considerations, and also of the important need to maintain a strong technology base from which we could, in time of need, rise to meet a future technical military challenge by any adversary, the subcommittee conducted a detailed examination of the major programs included in the authorization request. This examination was based on the respective merits of each program as measured against the need, the technical feasibility, costs and alternative programs. The recommendations to the full committee reflected this overriding objectivity in arriving at a research and development program adequate to the needs of this Nation.

In the performance of its duties, the subcommittee devoted some 82 hours to hearings of Defense officials, who included the Director of Defense Research and Engineering, the Army, Navy, and Air Force Assistant Secretaries for Research and Development, the military department Deputy Chiefs for Research and Development, and the Director of the Advanced Research Projects Agency.

The subcommittee also cross-examined numerous program managers responsi-

ble for the major weapons systems that account for the largest dollar amounts requested. This was preceded and followed by extensive discussions to satisfy the critical questions required to be answered in order for the members to fulfill their constitutional obligations of overseeing the Defense research and development program. The staff of the committee supplemented these hearings with numerous briefings, discussions, and field trips. In short, the subcommittee applied its total energies to as large and as broad a coverage of the Research and Development program as was possible within the time available.

The Trident submarine launched ballistic missile system consumed more subcommittee attention than any other single program. The review covered the total request for $1.5 billion and included not only the R.D.T. & E. appropriation but all of the procurement appropriations involved in the bill.

Special attention was directed to the review of the Army SAM–D surface-to-air missile system in accordance with an agreement reached during the debate on last year's bill between my good friends, the senior Senator from California, and the chairman of the Armed Services Committee. In fact, members of Senator CRANSTON'S staff visited the contractor's plant, and they, as well as the Senator, participated in the hearings held by the subcommittee.

The Tactical Air Power Subcommittee, under the able chairmanship of my good friend from Navada, Senator CANNON, held separate hearings on those research and development programs involving the tactical air mission. I understand that his statement will include coverage of the major items.

Mr. President, in summary, the fiscal year 1974 authorization request for the research, development, test, and evaluation appropriation totals $8,557,900,000. The committee recommends authorization of $8,059,733,000, which is $498,167,000, or 5.8 percent, less than the amount requested. It is $262,064,000 less than the amount authorized by the House.

The committee did not act on the House bill because it was received too late for committee consideration. It should be noted that while the committee reductions were specifically applied to individual programs, the House reduction of $236.1 million included $36.4 million for the Navy and $21 million for Defense agencies to be taken on the basis of priorities.

The committee Research and Development reduction of $498.2 million reflects decreases of $512.2 million which are partially offset by a single increase of $14 million for development of the F–5F aircraft. The committee recommendation is $456.8 million less than the amount authorized but $100.2 million more than was appropriated for fiscal year 1973.

The reduction of $512.2 million involves 48 separate programs. Within this amount, $88.7 million represents funds determined to be excess to fiscal year 1974 requirements because of program slippage, unrealistic schedules, or required for work to be performed after the end of the fiscal year.

The bill, as recommended by the committee, will provide for support of the following major research and development programs:

To continue accelerated development of the Trident submarine launched ballistic missile system, $654.6 million;

To continue engineering development of the B–1 advanced strategic bomber, $373.5 million;

To continue development of the Air Force F–15A air superiority fighter, $229.5 million;

To support the late stage of development and deployment of the Safeguard ABM system at the Grand Forks site, $199.7 million;

For continued engineering development of the Army SAM–D surface-to-air missile system, $193.8 million; and

For continued engineering development of the Air Force airborne warning and control system, AWACS, $155.8 million.

Senators might try to envision taking a look at $8.5 billion worth of requests in the research and development program. Because of the constraints of time and limited staff, the subcommittee reviewed the entire research and development program but concentrated again on the programs which fell into the following general categories:

New programs proposed for fiscal year 1974;

Programs for which large dollar amounts were requested;

Programs which reflected large dollar increased over 1973; and programs of special interest.

There are 21 programs and subjects which were examined by the subcommittee and selected for special coverage in the committee report. Included are:

Trident, B–1, subsonic cruise armed decoy (SCAD), strategic cruise missile, Safeguard, site defense, light area defense, SAM–D, utility tactical transport aircraft—otherwise known as UTTA—the new helicopter.

Advanced turbofan engine, surface effect ships, Project Sanguine, changes in R.D.T. & E. program structure, independent research and development, chemical and biological warfare, study on use of herbicides in South Vietnam, human resources research and development, incremental programing of R.D.T. & E., major weapons systems developed under competitive cost reimbursement type contracts, Federal contract research centers, use of special termination costs clause.

I would like to focus attention on two problems. One involves the decision when to start major weapons system developments and the other, the technology race with the Soviets.

In the past, Mr. President, the decision to produce a major weapons system marked the dramatic commitment to multi-billion dollar expenditures. In fact, as long as a program was progressing satisfactorily in research and development and the program was otherwise not subject to serious question, it was generally supported by the Congress. But, the cost of developing a major weapons system now has grown so large that we no longer can afford to start new developments even in the interest of technology. We must ask hard questions as to need when a weapon is first proposed for advanced development, and before substantial contractual actions have been taken. Otherwise, these programs become progressively more difficult to turn off, even if they cannot be justified as required.

I am pleased to report that the subcommittee did ask the hard questions and was able to convince the full committee to terminate the light area defense system, which is not needed; to turn down the Air Force subsonic cruise armed decoy (SCAD), the Navy strategic cruise missile (SCM), and the Air Force advanced turbofan engine, because of failure to justify requirements adequately; and to slow the site defense prototype demonstration program because it is primarily a hedge against abrogation of the ABM treaty.

The use of the SALT bargaining chip argument to justify such programs was not convincing. In my view, our Triad of strategic deterrence, which is being markedly improved, provides an ample position of strength from which to bargain as well as to deter. Trident, B–1, Minuteman, and Poseidon with MIRV, B–52 with SRAM, site defense, and mobile ICBM development represent an impressive and costly arsenal of weapons in being or evolving which should satisfy any and all foreseeable threats to our security.

Now the second problem is not new. We have been deluged with warnings about the acceleration of Soviet technology and the danger of being left behind in this vital race. I do not take this lightly, and this has been a matter of serious and specific consideration in our reviews. It also is specifically addressed under title II of the committee report on the bill.

Let us examine this problem in its broadest context. To me it looks as if the right hand does not know what the left hand is doing.

The United States permits industry to export technology to the Soviets, such as approval of licenses to a group of about 30 American companies for the sale of equipment to build a truck assembly plant on the Kama River in Russia. This will permit the Soviets to divert industrial engineers, who would otherwise have been needed to design and construct equipment for such a plant, to work instead on military equipment. Dr. John Foster, former Director of Defense Research and Engineering, hit the nail right on the head when he addressed the American Ordnance Association on May 17, 1973. In his speech, he said:

> Export restrictions could be used to limit the premature flow of technology. In some areas, such as integrated circuits and computers, we contribute inordinately to the success of other countries' selling efforts. The United States is the most technically generous nation in the world by far, and this, in the long run, could hasten the day when other countries will achieve technological parity. It contributes today to unfavorable balances in some finished products. Restrictions on trade can be undesirable, but, used selectively to delay the dissemination of some areas of technology, restrictions could make a reasonable policy.

Dr. Foster's statement is both a warning and a challenge. This problem goes

far beyond the Defense Department and requires positive and forceful action by the administration as well as by the Congress. I would call upon all parties in the Government who have a responsibility in this matter to give it their most urgent and serious attention. It is situations such as this which, if left unchecked, will undermine and weaken our future military defenses. I will do my utmost to keep the spotlight on it until positive, corrective action is taken.

In conclusion, Mr. President, let me state my conviction that the selective reductions recommended by the committee will still provide the level of research and development required to keep us ahead in the timely introduction of advanced weapons and equipment into our operating forces. The ability of the Department of Defense to achieve this goal is less dependent upon the total amount of money provided than it is on sound judgment in the selection of weapons systems to be developed and on the efficient management of programs.

Mr. STENNIS. Mr. President, will the Senator from New Hampshire yield to me quite briefly?

Mr. McINTYRE. I am happy to yield to my chairman.

Mr. STENNIS. Mr. President, I have listened to the Senator's remarks with a great deal of interest. I can say to the American public that they will find in his speech not just an explanation of the subcommittee's work this year, but also a brief summary of some of the things the subcommittee has accomplished relating to the initial steps of weaponry which, in time, if approved, will cost billions and billions of dollars. Really, that represents, too, I think, one of the most outstanding services that our committee renders to the public and to the Senate, which is going into these matters in their early stages.

I think, too, that the subcommittee can work out some system whereby it will require along the way, before there is any authorization for production, some kind of surveillance and the requiring of a full report as to the changes and the add-ons made in the various complicated weapons.

If it gets to the point where there are too many, we will just have to take the position that no more money will be allowed. I am thinking of the old Cheyenne project, which got so complicated and so involved with so much required that we finally had to abandon the project after spending a lot of good money.

That is no reflection on anyone, of course, who was connected with the project at the time, but it was a system that was wrong.

Again I thank and commend the distinguished Senator from New Hampshire for going into these matters. Some actually argue that this $8 billion or $9 billion in research and development is so sacred that the committee should not go into it but just accept whatever is sent in. I believe we could not be more mistaken than to do that. It is more of a duty to go into these matters at that stage than it is to do so later.

I thank the Senator from New Hampshire for yielding me this time.

Mr. McINTYRE. Mr. President, I yield the floor.

Mr. TOWER. Mr. President, I will not make any extensive opening remarks at this time. As the second ranking member of the Armed Services Committee on the minority side, I feel that there is much to be said about the various systems, but that the appropriate time to discuss them will be when amendments are offered seeking to delete funds for authorizations for the various systems which the committee has felt are necessary.

I simply want to say that I believe this is a "bare bones" authorization proposal. I am hopeful that we can successfully resist efforts to make extensive deletions or reductions in expenditures for systems which are vital.

I had the privilege of meeting with the President of the United States last Monday morning, in company with the distinguished Senator from Mississippi (Mr. STENNIS), the distinguished Senator from Washington (Mr. JACKSON), and the distinguished Senator from South Carolina (Mr. THURMOND). The President was very emphatic in his view that we could do no less than what has been proposed by the committee without seriously imperiling our prospects for successful negotiation for a strategic arms limitation and for mutual and balanced force reductions.

A time of détente, a time of leaving the era of confrontation and entering the era of negotiation, makes it incumbent on us to enter that era of negotiation with a strong defense posture.

It is a certainty that the Soviets are not going to trade with us unless we have something to trade. There are some important bargaining chips contained in the bill. Thus, I am hopeful that Senators will be restrained in their efforts to do violence to the legislation, which has been so carefully considered by the committee.

May I say that the Armed Services Committee is a pretty hard-eyed committee. Everything that is in this bill has been amply justified to the committee. So, for the sake of maintaining the strength that we need into the future, as we try to phase down the arms race that goes on between the United States and the Soviet Union, I hope that we will consider the long range effects of what we do.

I am convinced that we can achieve an era of peace. I am convinced that the day will probably come when the Soviet Union will realize that it is in its own best interests to slow down the arms race. I think that day will only come if they are convinced that they cannot beat us in an arms race.

The recent agreements on strategic arms limitations leave us with some quantitative inferiority to the Soviet Union. We must make up for that with qualitative superiority, and I think that is what we seek to do in the context of this bill. We must look ahead to the next decade. We must look ahead to a shorter period of time in which we will be trying to negotiate follow-on treaties to SALT I. If we allow ourselves to fall behind, an initial operational capability variance of 1 or 2 years could be very critical. I think of this specifically in terms of the Trident.

We have to think ahead, think in terms of the direction of American foreign policy, think in terms of the fact that we are negotiating with a tough adversary that spends far more of its gross national product on military matters than we do in the United States. We must remember that they are going to give us nothing; that if we are to get them to reduce their capacity to wage war in a strategic configuration, we will have to have something to trade off with them.

I hope this will be in the minds of the Members of the Senate in the next few days as we proceed with the consideration of this bill.

Mr. CANNON. Mr. President, today I will present a report on the fiscal year 1974 program reviews by the Tactical Air Power Subcommittee and our recommendations as adopted by the full Committee on Armed Services. This report today will be in three sections. First I will give a summary of the scope of the subcommittee's review of the fiscal 1974 budget programs. Second is a synopsis of our authorization recommendations. Third will be a review of some apsects of tactical airpower which should be of general interest.

SCOPE AND SYNOPSIS OF THE SUBCOMMITTEE REVIEW

The subcommittee membership was the same this year as last, with one exception. Again we had Senators SYMINGTON, JACKSON, GOLDWATER, TOWER, and THURMOND to serve along with me, and Senator NUNN joined us for the first time, replacing Senator HUGHES, who moved over to the R. & D. Subcommittee. I want to take this opportunity to thank my fellow members for their attendance at our hearings and for their valuable help as we considered our recommendations on the various programs that we examined.

For the fiscal year 1974, the subcommittee reviewed 20 aircraft programs and 24 missile programs—including two anti-aircrafrt guns. Total budget requests were $1.1 billion in R. & D. and $3.2 billion in procurement, not including spares, modifications, and other below the line costs that can be associated with these programs. The following table shows where the individual services are planning to spend their tactical air funds on programs we reviewed for the coming year:

	R. & D.	Procurement
Aircraft:		
Army	$56.6	$73.6
Navy	122.0	1,422.6
Air Force	606.2	1,123.5
Missiles:		
Army	66.2	104.8
Navy	232.7	289.7
Air Force	26.4	182.6

I must add that the table only includes the programs looked at by us, and is not the entire tactical air or tactical warfare budget of the individual services. As one example, the Army is requesting $194 million in R. & D. in the Sam-D, which was reviewed by the R. & D. Subcommittee and does not show in the above table.

Therefore, I would caution against drawing specific conclusions on overall budget priorities from this table. I do, however, think it is useful as a general indicator of where funds are being spent.

We led off our hearings for the year with a briefing from the Defense Intelligence Agency on the tactical airpower posture of the Communist bloc nations and new aircraft and missile developments in the Soviet Union and Communist China. This briefing was off-the-record, because of its level of security classification and therefore was not printed as testimony.

Following that DIA hearing, the individual services presented their budget programs. Each service started with an update of its 5-year Tac Air Force structure planning. Then, at the subcommittee's request, the services presented their programs this year by giving us an overview of combat experience from Southeast Asia and projected the lessons learned there into their future program planning. Program reviews were divided into functional areas, as follows:

Air Force and Navy: Air-to-air fighter programs, ground attack aircraft programs, air-to-air missiles, air-to-ground missiles, and electronic countermeasures programs.

Army: Attack helicopter programs and air defense programs.

Navy: Shipboard missile programs.

The subcommittee held 15 separate hearings during our reviews, in the time period from March 12 through March 21, covering all of our budget programs except the F–14 in that time period. F–14 hearings were held on March 26, 27, June 19, 25, and 26. In addition, a special subcommittee briefing on April 11 took testimony from the commanders of the A–7D and F–111 wings which deployed into Southeast Asia combat.

SYNOPSIS OF SUBCOMMITTEE RECOMMENDATIONS

To synopsize our recommendations, they fall into three categories. In the first category, there are eight programs which appear overbudgeted in fiscal year 1974 and where the subcommittee believes a reduction in funding is warranted without making any alteration to the basic program plan that was presented to us. The total reduction in this category amounts to $89.6 million. The eight programs are listed in table I, which follows, along with a brief description of the reason for the recommendation. For many of these recommended reductions there is a more detailed explanation in the Armed Services Committee report on the bill, in case more information is desired:

TABLE I.—PROGRAMS OVERBUDGETED

[Dollar amounts in millions]

EA–6B	−$15.0	Apparently excessive estimated budget increase in unit price over last year.
AV–8 Harrier	−6.0	Budget request included cost of avionics systems which have been cancelled from program.
A–7E	−14.8	$9.1 is for procurement of Tram night vision system; R & D. has slipped 1 year. $5.7 is because of added A–7D buy.
Navy aerial targets	−1.9	R. & D. on maneuvering drones which will not start until fiscal year 1975.
AWACS	−42.0	Amount overbudgeted, not needed until fiscal year 1975.
Maverick	−$9.9	$8.9 is unidentified contingency funds, $1 is A–X AGE.
Shrike (USAF)	−2.2	Procurement of the A–10 model, which will not be made until fiscal year 1975.
Advanced attack helicopter.	−3.5	$3.5 available, left over from Cheyenne termination.

In a second category, there are 10 programs where the subcommittee recommends a revision or redirection to the basic program as proposed by the services. These are the programs where we feel a definite change should be made. The total reductions in this category amounts to $149.7 million. The 10 programs are listed in table II, which follows, along with a short synopsis of the reasons for the recommendations. Here, again, the committee's report contains added explanations on why we recommended these actions:

TABLE II.—PROGRAMS WHERE REVISION/REDIRECTION IS NEEDED

[Dollar amounts in millions]

Navy V/STOL	$9.3	$3.9 from augmented wing associated with conventional flight version. $5.4 from "Super" Harrier, since program has not received congressional approval.
Harpoon	4.9	Reduction in long-lead procurement, associated with excessive rate tooling at early production stage.
AEGIS	3.0	Elimination of part of R. & D. request to start building EDM–3 second prototype system, which should be slowed to phase in with DG ship construction program.
Dual mode Redeye	4.5	Deletion of all funds for Navy antimissile version of Redeye. Missile is too small for this purpose.
Vulcan-Phalanx	8.0	Deletion of long-lead procurement funds. R. & D. program has slipped and production long lead should slip too.
Sidewinder-9L	1.5	Deletion of long lead procurement. No production authorization should be given until Sidewinder/Chaparral common missile issue is resolved by OSD.
Laser Maverick	8.0	Deletion of R. & D. request for engineering development of laser seeker. Already developed Bulldog seeker should be adapted to Maverick.
F–5A	41.0	Funds totaling $69.3 are requested for payback to MAP for F–5A loan to South Vietnam. $28.3 is fiscal year 1974 requirement for F–5E's for Taiwan; remaining $41 is already funded or reimbursement is not required.
Army foreign missile (LOFAADS).	19.5	Deletion of funds to start engineering development on all-weather short-range foreign missile (Crotale, Rapier, or Roland). Army has not yet confirmed a requirement for all-weather system.
A–X	50.0	Reduce R. & D. by $20 and 4 nontest airplanes; delete all $30 in procurement. Direct A–X versus A–7D flyoff.

There are four programs in which the subcommittee feels that additional funding is warranted over that requested by the Defense Department. Three of these, the F–111, the A–7D, and the Bulldog missile, were not included in the fiscal year 1974 budget, and the fourth, a development request for the two-place F–5E, was submitted as an amendment by Deputy Secretary Clements in a letter on July 9. These four programs total $255.4 million, and are summarized in table III along with a short description of the reason for the addition of funds:

TABLE III.—PROGRAMS WHERE ADDITION IS WARRANTED

[Dollar amounts in millions]

Bulldog	+$12.5	Addition of Navy (Marine) fisnal year 1974 production program deferred by D.D.R. & E. in lieu of triservice laser seeker. Bulldog has already completed development and its seeker should be used on Laser Maverick (see Laser Maverick reduction).
A–7D	+70.1	Addition of 24 A–7D's to keep line open and provide airplanes for Guard, pending resolution of A–X situation.
F–111	+158.8	Addition of 12 F–111's to keep line open until a replacement enters development.
F–5E	+14.0	R. & D. required to support development of two-place F–5E for U.S. use and foreign sales. (It is anticipated these funds eventually will be recouped from royalties on foreign sales.)

Finally, for 26 programs the subcommittee recommends approval of the budget as requested. These 26 programs total $2.26 billion and are listed below in table IV:

TABLE IV.—PROGRAMS RECOMMENDED FOR APPROVAL AS REQUESTED

Model	Quantity	Procurement	R. & D.
Navy aircraft:			
A–4M	24	$66.3	0
A–6E	15	130.3	$10.0
E–2C	9	141.0	1.4
AH–1J	20	22.3	0
Air Force aircraft:			
F–15	77	801.9	229.5
F–4E	24	98.6	0
F–5E	71	112.0	2.6
EF–111	0	0	15.0
Lightweight fighter	0	0	46.5
F–4 Wild Weasel		[1] 34.2	2.4
Army aircraft: Cobra/TOW	101	[1] 63.8	7.3
Navy missiles:			
Sparrow		38.5	5.5
Shrike		10.6	0
Condor		22.7	8.3
Standard MR		29.1	7.6
Standard ER		9.7	7.7
Standard SSM		7.7	12.0
Agile		0	21.7
Harm		0	8.7
Improved Hawk		30.1	0
Improved point defense		0	18.7
Walleye data link		0	0.7
Air Force missiles:			
Sparrow		51.5	1.9
Targets/RPV's		13.0	14.2
Sidewinder		0	2.3
Army missiles:			
Hellfire		0	11.2
Stinger		0	24.6
Improved Hawk		104.8	1.9
Chaparral		0	2.4
Antiaircraft guns		0	2.6

[1] Aircraft modification account.

Turning now to some topics which should be of general interest, I would like to discuss several items covered by the subcommittee in hearings this year. These include Southeast Asia combat experience and air-to-air combat training, close air support, the Navy's V/STOL program, Sidewinder/Chaparral missile developments, laser-guided missiles, the AWACS program, Army forward area air defense, including antiaircraft guns, and lightweight fighter prototypes.

Also I have another report, to follow separately, on the F–14 program.

SOUTHEAST ASIA COMBAT EXPERIENCE

Southeast Asia combat was an invaluable testing ground for our tactical air forces. The subcommittee heard testimony on the air-to-air war, the air-to-ground war, electronic countermeasures and defense suppression tactics, and on attack helicopter warfare experiences. I want to make the point today that by the end of the shooting in early 1973, our tactical air forces had become a sharply honed, finely tuned combat machine. I believe that some very valuable lessons were learned and that they should not be lost as our services slip into a peacetime operating environment.

In air-to-air combat, our fighter pilots relearned how to dogfight. Both the Navy and Air Force instituted intensive air combat maneuvering training programs after the first phase of the air war, 1965 to 1968 when combat results were not good. When air combat resumed over North Vietnam in 1972, the Navy achieved a 12 to 1 kill ratio over the enemy, with 24 kills to 2 losses, and the Air Force achieved a 2½ to 1 kill ratio, with 49 Mig kills to 22 losses. Both services testified that a new emphasis on dissimilar aircraft training was in large part responsible for the impressive victory ratios. The basic aircraft in the war had not changed. F–4's were still fighting against Mig–17's, –19's, and –21's. But our pilots had stopped doing their own training by flying F–4's against F–4's, and by 1972 they were training against airplanes similar to the Mig's in special dogfight training schools. The Tactical Air Subcommittee believes that these training programs were of the greatest value, and to a large extent were responsible for the 1972 combat results and they should be supported in the future. Noteworthy future improvements include an instrumented air combat maneuvering range which allows a ground site to obtain a continuous record of a practice dogfight so the pilots can be debriefed on their errors after they have finished their flight. This ACMR is completing development and will be requested for procurement in future years. In addition to ACMR, both services expect to purchase a limited number of new aircraft to simulate Mig's for their training programs.

We also learned some highly valuable lessons about our air-to-air missiles. Remember that this air war from 1965 on was the first where U.S. aircraft have used air-to-air missiles. Results in the early phase of the war were, quite frankly, terrible. Kill ratios with missiles in the early phases were running between 9 percent with Sparrow radar-guided missiles up to 20 percent with the Navy's 9D Sidewinder. Two basic problems were that the missiles had not been designed for dogfight combat maneuvering and also the reliability of their electronics and other parts was very low. As a result of these combat experiences special programs were pursued to modify the missiles for greater maneuvering capability and to increase reliability. Also new versions of both the Sparrow and Sidewinder were started designed with solid state circuits instead of vacuum tubes.

In the 1972 air war the Navy's 9G Sidewinder achieved a kill probability approaching 50 percent. Although still a vacuum tube missile, these results attest to the improvement in effectiveness that can be obtained with careful attention to manufacturing reliability and better pilot training. The newer 9H and 9L solid state Sidewinders and the new solid state Sparrow–7F should be even better missiles than their predecessors provided the required emphasis, and also funds, are put into careful quality control in manufacturing.

I do not want to leave you with the impression that all is rosy with the air-to-air missile programs, because they all are very difficult to build properly. I do believe, however, that valuable lessons were learned in Southeast Asia and hopefully they will not be lost in the near future.

Air-to-ground guided missiles came of age in Southeast Asia. Two significant terminal homing guidance systems were developed, the electro-optical or TV system and the laser system. These systems have averaged direct hits on the order of 2:3 to 3:4 of every weapon dropped. Since a direct hit means a target kill, these weapons are extremely cost-effective for use against high value targets. Laser-guided bombs proved their pinpoint precision in strikes in Hanoi and Haiphong during Linebacker bombing operations in 1972, where in some cases buildings were destroyed within a few feet from off-limits targets such as dams. A future use of these weapons will be for standoff firings, with laser and TV guided missiles to be used for close air support and with a new item, a radio data-link, allowing long range standoff launches of the TV-guided glide bombs and missiles. The operational feasibility and value of this class of weapon was proven in Southeast Asia, and there is no doubt that they will be a significant part of our tactical arsenal in the future.

Another area where we learned from actual combat is in the use of electronic jamming and defense suppression tactics. The introduction of the SA–2 SAM missile into North Vietnam required us to develop these countermeasures in order to survive. Our knowledge and state of the art with ECM and with antiradar missiles progressed immeasurably from 1965 to 1973, and the kill effectiveness of enemy SAM's went down from on the order of 15 percent early in the war to about 2 percent by the end of the war. I would point out, however, that while our own attack tactics and equipments have been upgraded by this combat experience, so has the experience of the Soviets with their SAM systems. They continually improved their SA–2 during the war with new modifications, whereas the United States never has fired any of its SAM missiles under combat conditions. I believe it is reasonable to assume that we must be behind in this important area of tactical warfare since we are relatively untested and the Soviets and their allies now have vast experience.

Lastly, in 1972 the Army introduced its helicopter launched TOW missile into combat in South Vietnam during the heavy fighting in the spring offensive. Only two TOW-equipped helicopters were available, but they were used around Kontum when that city was surrounded and under siege. The results were impressive. Of 133 combat firings, 107 hits were scored for an 80 percent success ratio and 27 tanks, 15 vehicles, and 33 other point targets were destroyed. Some tanks were knocked out after they had penetrated into the streets of the cities where tactical air strikes could not get at them. Neither of the TOW-equipped helicopters ever was hit by ground fire.

Another demonstration of the value of the missile-armed helicopter was obtained from a tri-nation operational exercise in Europe last year. A combined United States-German-Canadian Army mock battle pitted Huey Cobra attack helicopters against attacking German Leopard tank columns in the Ansbach area of central Germany. The Leopards were accompanied by mechanized anti-aircraft units simulating the Soviet Quad–23 system, while the Cobras simulated TOW missile firings. The final overall kill ratio showed 18 tanks destroyed for each Cobra knocked out, and gave a dramatic demonstration of the potential of the attack helicopter on European terrain and in a midintensive scenario.

Between the combat results with the TOW missile in Southeast Asia and the war-game results in Europe, the Army obtained in 1972 some highly impressive substantiation of its belief in the value of the attack helicopter. Its place as an essential element of firepower on the battlefield appears well confirmed.

CLOSE AIR SUPPORT ISSUES

To review some background for this discussion of close air support, you may remember that a year ago in June 1972, the report of the Special Subcommittee on Close Air Support was released. I served as chairman of that ad hoc subcommittee which held its hearings in the fall of 1971. That report made three hardware-item proposals as follows:

First, that the Harrier program be limited to 60 aircraft;

Second, that the Army have a flyoff between the Cheyenne, Blackhawk, and King Cobra; and

Third, that the A–X prototypes engage in an operational flyoff with the A–7D and A–4M.

As Senators will recall, the committee adopted the Harrier recommendation last year, but we receded to the House in conference, and the program later received appropriations. This year, the marines have requested a final buy of 20 Harriers to provide a training squadron, including eight two-place trainers, and with the procurement this far along, the Tac Air Subcommittee and the Full Committee recommended approval of this last procurement of Harriers to round out the Marine Corps program.

The Army followed the Close Air Support Subcommittee's prompting for a helicoper flyoff, and partly as a result of the deficiencies found with all three aircraft in that flyoff, the Army terminated the Cheyenne program and has started on a new advanced attack helicopter—

AAH—for the 1980's time frame. They were encouraged in taking this bold step, I am sure, by last year's committee action to delete all Cheyenne funds from the fiscal year 1973 bill. The Tac Air Subcommittee reviewed the AAH program this year, including staff review of the winning Bell and Hughes proposals, and we are recommending approval of the Army's R. & D. request of $49.3 million, subject to a reduction of $3.5 million, because that amount is available left over from the now defunct Cheyenne.

A–X (A–10)

This leaves the third program, the A–X or A–10. Last year the committee adopted the Tac Air Subcommittee recommendation to approve $43.1 million for R. & D., with restrictive language in the bill that the funds were solely for the A–X program, because the Air Force was unable to give a firm commitment that one of the prototypes would be put into engineering development. Last year the committee also adopted the Close Air Support Subcommittee's flyoff recommendation and put the following language in last year's report:

> The existence of the A–X prototype will allow a thorough operational test and evaluation of this approach to close air support before the commitment is made to continue development and production. The Close Air Support Subcommittee recommended that this evaluation include a flyoff, a side-by-side flight comparison, with existing close air support airplanes, and the Committee believes that this should be a part of the Air Force's A–X evaluation program.

As many may be aware, the Air Force to date has rejected the recommendation for a flyoff, and instead signed the contract for engineering development on the winning A–10 prototype built by Fairchild-Hiller. This year's budget request was for $112.4 million in R. & D. and $30 million for long lead procurement funding to continue the A–10 program.

Before I discuss the Tac Air Subcommittee's recommendation this year on the A–X (A–10), I want to go back to the Close Air Support Subcommittee's report and review why we felt a flyoff was necessary with the existing close air support airplanes, the A–7D and A–4M. As that report pointed out, the A–X was being developed under a totally different operational concept than the existing swept-wing jet light attack airplanes. The A–X weighs about the same as the A–7D but it has a much larger unswept wing and a larger overall profile. This big wing gives the A–X more airborne loiter time, more payload, and allows operation off of shorter runways than the A–7D or A–4M. Conversely, the straight wing design drastically limits the speed of the A–10. Top speed of the prototype was only 350 knots—although it is hoped to improve this to 390 knots in the production version—whereas the A–7D and A–4M have a top speed of 610 knots.

Another significant difference is in the avionics systems. The A–7D has the most modern computer-aided navigation and attack avionics system of any light attack airplane in the world, and the A–4M also is going to add a computer-aided system. These systems improve bombing accuracy by a factor of 2.5 to 1 or 3 over the old fixed-sight system to be used in the A–10 and they allow the pilot to use high speed bombing attacks from longer standoff ranges to increase his survivability from ground fire.

The Navy reported excellent combat results with its A–7E, the sister to the A–7D, in Southeast Asia, in both close air support and interdiction, when the Close Air Support Subcommittee held its hearings in the fall of 1971. Their tactics were to use high speed attack runs and standoff range for survivability. It was felt by us on that subcommittee that the A–X operational concept of flying down low for short-range attacks in a heavily armored but slow airplane should be subjected to a thorough evaluation by operational pilots, with a direct flight comparison made with the existing higher speed airplanes. That was the original basis for and genesis of the committee's recommendation last year for an A–X flyoff against the existing close air support airplanes.

Since last year's subcommittee and full committee reports were released, the Air Force deployed the A–7D and the F–111 into combat in Southeast Asia. The Tac Air Subcommittee heard testimony from the wing commanders of both units on April 11, 1973, and I want to give a brief summary of some of the experience with the A–7D as told to us in that hearing.

Between mid-September 1972, and the end of March 1973, the A–7D's in Southeast Asia flew 6,500 combat sorties with only 2 combat losses. They had less than a 1-percent mission abort rate, averaged 60 hours per month per airplane or double the peacetime flying rate, had only 16.5 maintenance man hours per flight hour, demonstrated excellent bombing accuracy with FACs reporting average 10 meters miss distances, and had an extremely high secondary explosion rate because of the accurate bombing on supply points.

The tactics used were to bomb at high speeds, up around 450 knots, with bottom-out altitudes above 3,500 feet. This kept them out of range of small arms fire, and the accurate bombing system meant that only one pass usually was necessary to hit the target. When friendly troops were involved, with close air support missions, the tactic used was to make bomb runs parallel to the troop line because errant bombs fall long or short rather than off to the side. The A–7D wing commanders' overall assessment was that his airplane is the best close air support plane in the world at this time.

SYSTEMS ANALYSIS STUDY OF A–X VERSUS A–7D AND A–4M

The Air Force testified before the Tac Air Subcommittee in March of this year that they had proven that the A–X was superior to the A–7D and A–4M in a cost-effectiveness study done in late 1972, and therefore a flyoff was unnecessary. The study, called Saber Armor Charlie, was briefed to the Tac Air Subcommittee and frankly it raised more questions about the A–X than it answered. The assumptions made in the study were heavily biased to favor the A–X. For example, it was assumed in the study that the A–X and A–7D would make close air support bombing runs while remaining over friendly troops and bombing perpendicular to the troop line, lofting the bombs over the heads of the supported troops and into enemy territory. The effect of making this assumption was that the A–X, because of its better maneuverability at very slow speeds, could stay farther out of range of enemy antiaircraft guns and therefore receive lower losses in the study. Another assumption in the study was that the Strella missile threat was countered equally by all airplanes by dropping strings of decoy flares. Since the A–X is highly vulnerable to the Strella because of its slow attack speeds, about 300 knots, while the A–7D and A–4M are much less so if not invulnerable at their normal attack speeds of 450 knots or higher, the effect of this assumption was to dismiss a major threat to the A–X while assuming the A–7D and A–4M would suffer equal losses to the Strella. This is patently incorrect. Finally, the study assumed that the A–7D pilot could not use his computer-aided bombing avionics on his first bombing pass but could on his second and subsequent bomb runs. This tended to negate the A–7D's 3-to-1 advantage in bombing accuracy and its ability to deliver bombs from longer standoff ranges. As I said at the outset, the study raised more questions about the viability of the A–X concept than it answered. As one example, when the A–7D was given credit for using its avionics system on the second pass, the study showed a 33-percent lower loss rate than the A–X and 20 percent higher tank killing effectiveness per sortie. I also would note that the study did not give the A–7D credit for its excellent interdiction capability, which is an important Air Force mission requirement. The Air Force admits that the A–X basically has no interdiction capability because it is too slow.

When Maj. Gen. Edward Fris, Assistant Chief of Staff for Marine Air testified to the Tactical Air Power Subcommittee on the Marines procurement program this year, he had this to say about the A–X in response to a question on how the Marines feel about the plane:

> Survivability is our biggest complaint with it. We learned in the Korean war, when we had slower aircraft, that we lose an awful lot of them, and we decided at that time that the only answer was to go to a faster turbojet type aircraft. You have to go down and strafe, you have to go in and lay napalm, and you are going to have a rough time surviving with a slower aircraft in that particular role.

COST OF THE A–10 AND A–7D

Air Force testimony of the A–X program cost showed it now is estimated at $2.27 billion, and the average unit price is $3.1 million each for a 729-airplane production program. The Defense Department SAR is reporting an OSD estimate of $3.35 million each for that quantity. Prior year testimony was that the A–X would have a $1.4 million flyaway cost in 1970 dollars. The A–7D costs $2.9 million flyaway this year, and $3.2 million with support. Obviously, there is no cost advantage to either aircraft.

REASON FOR SUBCOMMITTEE A–X RECOMMENDATION

In the Tactical Air Power Subcommittee we discussed all of these matters and considered two alternatives: First,

whether to cancel the A–X program now, or second, whether to reduce the R. & D. funding request for $112.4 million and 10 planes by $20 million and 4 airplanes, and to eliminate the $30 million requested in production funds. In either case, the subcommittee agreed to recommend adding $70.1 million to the bill to buy 24 A–7D's in order to keep the A–7D line open and also to further the modernization of the Air National Guard. After considerable discussion on the two alternatives, the subcommittee decided to recommend the reduced A–10 program plus new direction to the Air Force for an A–X versus A–7D flyoff.

FLYOFF WILL TAKE PLACE

And I may say, Mr. President, I have now been informed, as of yesterday, by the Chief of Staff of the Air Force that the flyoff will be conducted, and they now are in the process of working out the ground rules so that a fair and objective evaluation will be made between these airplanes.

Our reasons for the recommendation were two-fold. First, only 6 of the 10 A–10 R. & D. funded aircraft actually will be used for the flight testing of the plane. The other four are to be used for initial operational test and evaluation, yet they will not be built and delivered until starting in May 1975, or 1 year after scheduled production go-ahead and 6 months before first delivery of production airplanes. This is too late to affect either the production decision or the production airplane configuration, and the committee agreed these four airplanes are superfluous to the A–X R. & D. program. The committee therefore deleted the $20 million in R. & D. funding associated with these four airplanes.

On the second issue, approval of $30 million in production long lead funds, the committee voted to delete these funds and insist instead on the flyoff between the A–7D and the A–10, using operational combat-experienced pilots. There was a motion in the committee's markup meeting to terminate the A–10 program now and instead procure A–7D's to modernize the Air National Guard. The consensus of the committee, however, was that the Air Force should have this flyoff between the two aircraft at the soonest possible time in order to obtain operational pilots' opinion on which airplane is better for close air support and interdiction. I personally believe that we should rely on combat-experienced pilots to make this judgment.

OTHER ITEMS OF INTEREST

There are other items which should be pointed out where the committee believes there are management problems or program problems. These are described in greater detail in the committee report, and I will only highlight them now.

NAVY V/STOL R. & D.

The Navy is putting the largest share of its available V/STOL R. & D. funds into the high risk "augmented wing" VSTOL program instead of pursuing a balanced effort to include the Super Harrier and lift-plus-lift cruise technology. Also the Navy needs to do some hard studies to straighten out its requirements and those of the Marines for future V/STOL applications and then apply future funding toward fulfilling those requirements.

SIDEWINDER/CHAPARRAL MISSILES

Here we have a situation where a single configuration of the missile probably could be used by Army, Navy, and Air Force, but three separate guidance systems are in various stages of development. Defense Research and Engineering should straighten out this situation before new procurement begins.

LASER CLOSE AIR SUPPORT MISSILES

D.D.R. & E. refused to let the Navy start production on its already developed Bulldog laser missile, and instead directed a triservice program to complete two entirely new laser seekers, attempting to achieve commonality between the small helicopter-launched Hellfire missile seeker and an airborne Maverick or Bulldog missile seeker. The Tac Air Subcommittee recommended terminating the new Maverick laser seeker program, adopting the Bulldog seeker to the Maverick, and evaluating the possible use of the Bulldog seeker on Hellfire but only if the Hellfire performance is not compromised.

AWACS

The AWACS development is proceeding well and the committee strongly supports the program. The tactical application has emerged as equal to or more important than the bomber defense requirement; however, a single common configuration is being developed that can perform either missile. A management issue is that the OSD systems analysis office was permitted by the Secretary of Defense to slow the development effort this year by challenging once again the basic concept of the AWACS. The program has met its milestones and is underrunning on cost, and this extraneous interference into the program should not have been permitted. I will have a separate and more comprehensive report on AWACS since it is subject to a floor amendment.

ARMY AIR DEFENSE

The Army finally has let an R. & D. contract to prototype an advanced antiaircraft gun system, and the committee strongly supports this effort. The Army also requested $19.5 million to start engineering development of a LOFAADS all-weather short-range air defense missile that eventually would replace the fair weather Chaparral. Three foreign missiles, the Crotale, Roland, and Rapier are candidates. A 1972 Army study of the need for an all-weather system had concluded that there was no requirement for one, so the Tac Air Subcommittee recommended rejection of this funding request, at least for this year.

LIGHTWEIGHT FIGHTER PROTOTYPES

The Air Force's two lightweight fighter prototypes are progressing well, with first flight of the General Dynamics YF–16 scheduled for this January and the Northrop YF–17 scheduled for April. There is a potential risk area with the new engines for the Northrop airplane which the subcommittee has pointed out. These engines will have only 1,100 total full-scale test hours on them before being flight rated, whereas 4,000 hours is the normal test background. The R. & D. funding level is inadequate on the General Electric YJ–10 engine, and this looks like an area of possible trouble for the YF–17. The YF–16 will use the F–15 engine which has had much publicized durability problems but has done well in the F–15 flight test program.

CONCLUSION

In conclusion, it has been an interesting year for the Tactical Air Power Subcommittee. I want to again thank my fellow members for their support and their help as we have wrestled with some tough questions and some high-visibility programs. Although our recommendations on this budget for fiscal year 1974 have ended up with a net increase of $16.1 million, I believe that we have trimmed the fat where we have seen it and that we have found a number of programs where definite redirection or revisions should be made. I believe that these program recommendations have been carefully considered and are in the best interests of our defense program.

AWACS AIRCRAFT PROGRAM

Mr. CANNON. Mr. President, today I am going to review the Air Force E–3A AWACS program and present the reasons why the Armed Services Committee strongly supports this very vital and effective new system. This program has been made the subject of an amendment by the distinguished Senator from Missouri (Mr. EAGLETON), which would have the effect of drastically slowing down research and development on the AWACS, and during the course of my remarks I hope to show why the amendment, if adopted, would seriously disrupt what has been an extremely successful R. & D. effort and would cause a major cost overrun in the AWACS program. First, though, I will describe what the AWACS is all about, what its status is at this point in time, and where the program is planned to go in the future.

DESCRIPTION OF AWACS

The acronym AWACS is short for airborne warning and control system. The AWACS system, simply stated, is a radar carried aloft in a Boeing 707 airplane, which provides a long range and mobile radar surveillance capability. Connected with this radar is a series of command and control and communications equipments which allows the information picked up on the radar to be analyzed and then passed on to other military units associated with a particular battle scenario. This sounds like rather a simple system conceptually, and indeed it is. In fact, airborne radar warning is not a new military concept, as we always have had both EC–121 and E–2A/B/C airplanes in the Air Force and Navy for many, many years now. There is no question about the operational utility or necessity to have airborne radar warning and control. It long has been demonstrated as essential with these past and existing aircraft systems designed for that purpose.

AWACS A QUANTUM IMPROVEMENT

Why then should we pursue the AWACS program, if it is similar in function to the present airborne radar warning airplanes? The reason is that the

AWACS represents a major technology breakthrough that permits a quantum improvement in capability over the older airplanes. To put it bluntly, the AWACS totally eliminates the major operational deficiencies of the earlier airplanes.

The weaknesses of the existing systems, the EC–121 and the early E–2 airplanes, are their basic inability to spot airplanes flying at low altitudes over land. These low-flyers are hidden by what is called ground clutter, the radar return from land features which essentially blanks out the scope of conventional radars. The AWACS uses the pulse-doppler principle to allow it to look down into this land clutter and pick out all moving targets while eliminating the nonmoving radar return off of the ground. In AWACS for the first time the radar warning airplane will be able to see and track many low flying airplanes over land, which eliminates the primary operational deficiency of the existing airplanes. These current airplanes all work well over water and also can see airplanes flying at high altitudes, above the radar horizon over land, but they essentially are useless against planes flying at an altitude low enough to be in ground clutter. This ground masking altitude can vary from hundreds to many thousands of feet, depending on the altitude of the radar warning plane and the distance to the target airplane, but it is safe to say that because of the lack of the AWACS type of radar capability the current airplanes are useless over land against low flyers.

Another major advance in the AWACS is its use of digital radar processing technology, which has significant advantages in reliability and maintainability and also permits much better airplane tracking and subsequent automated data processing for command and control purposes. Also, AWACS has built-in features which allow it to be invulnerable or nearly immune to enemy ECM radar jamming methods. Both of these advances over the current systems again represent quantum jumps in capability. Finally, the AWACS will use the newest and most improved data displays and communications, which add again to its much higher level of capability over current radar warning aircraft. All in all, AWACS represents a state-of-the-art increase in overland radar warning and command and control capability when compared with the present airplanes performing those functions.

POTENTIAL USES OF AWACS

There have been two primary conceptual military applications for the AWACS airplane, the first being strategic bomber defense, and the second being tactical warfare battlefield management. Let me discuss the similarities and difference of these two missions.

The classical continental U.S. strategic bomber defense mission for AWACS, or for any other radar warning airplane, involves radar detection of incoming enemy bombers and then the vectoring of interceptor aircraft to locate them and shoot them down. When the original concept studies were done for AWACS in the early to mid-1960's, this was considered to be its primary mission, and its capability to operate over land as well as water was its unique new advantage. Nevertheless, the original justifications for the program recognized that it also had a tactical mission capability.

Since those early conceptual studies we have been involved in a conventional war in Southeast Asia, and we have learned some important new lessons on the great need for an AWACS capability in conventional warfare. The Tactical Air Power Subcommittee tasked the Air Force and the Navy this year to report on their air warfare experiences in Southeast Asia, and the testimony by both services clearly showed the need for the overland lookdown capability that would have been provided by an AWACS type of airplane.

The air defense system of North Vietnam employed a system similar to that used by all Soviet-supplied countries, the Warsaw Pact and the Middle East, for example, featuring a tightly woven and overlapping net of ground-based radars for early warning and for GCI vectoring of fighters into position to make hit-and-run attacks from behind our own strike aircraft. In North Vietnam, the Navy provided a degree of counterwarning from Red Crown cruisers stationed out in the Tonkin Gulf. Red Crown gave radar coverage and warning from these ships, but it suffered from the inherent limitations of all surface-based radar systems in that it could not see over the horizon or look down over hills or mountains. This coverage was good near the coast but was poor further inland, and the enemy MIG airplane hit-and-run attacks were most successful well inland where this counterwarning was not available.

The Air Force operated three separate airplanes in order to try to fulfill the AWACS function in Southeast Asia. These were the EC–121 radar warning airplane, the C–130 airborne command post, and the KC–135 communications relay airplane. A total of 23 of these airplanes were deployed over there, 11 EC–121's, 5 KC–135's, and 7 C–130E's, providing 12-hour-a-day radar warning and 24-hour daily command and control coverage. Had AWACS been available, only 5 AWACS could have given 24-hour-a-day operation of all these functions and also would have permitted low altitude coverage of all of North Vietnam's airspace, a coverage which never was provided by the 23 other airplanes attempting to do the same mission as the 5 AWACS. This example, I believe, gives a dramatic comparison of the potential improvement in capability, and the potential to greatly reduce operating costs, which will accrue when the AWACS is introduced into the Air Force.

COMMON CORE CONFIGURATION

Whether AWACS is considered more necessary as a tactical warfare or strategic bomber defense system is not really important or relevant because of the fact that AWACS can do either mission with the same basic airplane. This is because the plane is being developed with a single "common core" configuration of equipments. The radar, the computer, and the displays can do the same fundamental tasks of seeking out and tracking friendly and enemy airplanes and of showing their positions and tracks on display consoles. There are some minor differences in the command and control data processing that would be used for continental air defense from those of tactical air warfare. For instance, the air defense interceptors have different airplane and weapons characteristics from those of tactical strike aircraft, and these characteristics would be programed differently in the AWACS computers. This change to the computer software program is a simple and easy task and can be accomplished in a matter of minutes. Thus, an air defense AWACS can be converted into a tactical AWACS in far less time than it would take the airplane to fly from the United States to Europe. The flexibility of this common core configuration means that the AWACS system can be used for whatever radar warning function is required at the time, and, therefore, the distinction between tactical or strategic uses is not really relevant or pertinent. I might add that the same is true of the present EC–121; it also has been used in either role interchangeably.

AWACS PROGRAM DETAILS

Turning now to a review of the overall AWACS program, first a review of the development history to date is in order. The contract to start the R. & D. was won by Boeing in July 1970. The first phase was a competitive prototype program between two subcontractors to Boeing to build and test prototypes of the radar system. These prototypes, or "brassboard" radars, were installed in two Boeing 707 test airplanes and flown in airborne tests in the summer of 1972. The Westinghouse radar was selected as the winner over the Hughes radar after this flyoff, ending the "brassboard" phase of the R. & D. program in 1972. I might add at this point that the AWACS R. & D. program to date has bettered its technical performance milestones, has run ahead of schedule, and has underrun on costs. This is not often achieved in military weapons programs, or in many civilian R. & D. efforts, either, for that matter.

The primary purpose of putting a brassboard phase and milestone in the development program, aside from achieving competition in selecting the better radar, was to eliminate the major technical risk in the program which was with the overland lookdown radar performance. This overland lookdown capability now has been completely and satisfactorily demonstrated, the specifications have been exceeded, this phase was completed ahead of schedule, and the winning brassboard radar airplane has since been used for initial operational test and evaluation demonstrations in CONUS air defense exercises and in tactical scenarios in Europe, adding further confidence in the operational usefulness of the unique capabilities of the AWACS system.

NEXT DEVELOPMENT PHASE

The next major R. & D. phase is the system integration demonstration phase, which will run on through the middle of 1974. In this phase the brassboard radar will be integrated with the remaining

equipments of the AWACS system, including a "single thread" of the computer software program and the remaining displays and equipments, to demonstrate the compatibility and function of the entire system. Successful completion of this demonstration phase is the milestone required for the full go-ahead on AWACS production airplanes. This go-ahead is scheduled for December 1974.

FINAL DEVELOPMENT PHASE

The remainder of the AWACS R. & D. program will be comprised of routine, but vitally necessary, development efforts. Three R. & D. aircraft will be used for this phase's flight test efforts, which will run from February of 1975 on out into the middle of 1977. The airplane that originally was used for the Hughes brassboard radar, or R. & D. airplane No. 2, will be the first to be used in this test program. It will begin in February 1975 doing air vehicle performance and handbook verification tests. In September 1975, R. & D. airplane No. 3 will start flying and will do the flight loads testing. Then in December 1975, R. & D. airplane No. 4 will start flying and will move directly into avionics systems performance tests using the production configuration of the radar. It will be joined in this avionics systems testing by No. 2 and No. 3 in 1976, after they complete the air vehicle oriented tests I described above.

Several points are noteworthy about this test program. First, it should be pointed out that the winning brassboard airboard airplane, or R. & D. airplane No. 1, will not be available for this final phase of the test program. The reason is that in the system integration demonstration test phase in 1974 it will be using the brassboard configuration of the radar and this prototype radar will have to be entirely removed and replaced with the production configured radar before it could be used in the final testing program. This radar change is going to be done to this airplane anyway as part of the production program, and R. & D. plane No. 1 eventually will be reconfigured into an operational AWACS airplane for the Air Force inventory, but this cannot be done in time to allow reasonable participation in the flight test program.

The other point to note is that the R. & D. airplanes Nos. 3 and 4, which will comprise two of the three final phase test planes, are the ones which the Eagleton amendment has proposed to delete from the program. Deleting these airplanes obviously would have a drastic impact in delaying and stretching out the testing program. There is no way that two-thirds of the planes to be used in this final test phase could be deleted without a serious delay to the development schedule.

Those two test airplanes are scheduled to accomplish some 38 months total of flight testing time between them. If the two airplanes were deleted, the Air Force estimates that the R. & D. program would suffer a 16- to 19-month slip in completion, and the cost would be increased by over $350 million. Either the procurement of production airplanes would have to slip a like amount, or else the production airplanes would have to be delivered concurrently with the R. & D. testing. Neither alternative is very attractive considering that the program right now is proceeding so well and is underrunning on cost, exceeding technical performance, and completing its milestones ahead of schedule.

AWACS PROGRAM QUANTITY AND COST

Planning for the AWACS production program has been based on a goal of 42 operational aircraft. The estimated cost of the AWACS R. & D. is $1,169 million, and the estimated procurement cost is $1,366 million, so the total program cost is $2,535 million. These cost estimates were current as of the submission of the budget in January, 1973.

I would like to point out at this juncture in my remarks that the AWACS program has had a history of declining cost estimates. When the program was begun in 1970, the 42-airplane program was estimated at $2,661 million. In November 1972, upon completion of the brassboard radar phase of R. & D., the technical risk reserve was lowered, and the total program was costed out at $2,575 million. After the program reviews in December 1972 and January of this year, the airplane engine configuration was changed, and the cost was reduced to $2,467 million. Further cost scrubbing efforts again were made by the prime contractor, Boeing, and in March of this year the Air Force program manager testified to the Tac Air Subcommittee that the then current program estimate was $2,385 million for the 42-airplane program. Therefore, the total cost reduction in the AWACS program since July 1970 is at least $276 million, a 10-percent decrease in cost. As I said earlier, this is a rather unique record in military weapons programs and one which deserves a high accolade in my opinion.

The 42-airplane program is based on a force structure with a nominal distribution of 25 AWACS in the Air Defense Command, 10 in the Tactical Air Command, and 7 in the training and repair pipelines. The distinctions between Air Defense Command and Tactical Air Command AWACS are totally arbitrary because the single and identical common core airplane configuration is going to be built for both commands. The Armed Services Committee's report pointed out that the flexibility of the AWACS should allow a lesser number of airplanes to be built since they can be shifted back and forth between CONUS bomber defense and tactical warfare applications as the world situation dictates at the moment.

This question of the total quantity to be bought is one which will have to be considered next year when the fiscal year 1975 budget is reviewed by the committee, because the first AWACS production request will be in that budget. Nevertheless, I want to emphasize now that it is my opinion that the total quantity probably can be decreased somewhat and the total program cost can be further reduced as a result.

SUMMARY ASSESSMENT OF AWACS PROGRAM

As an overall summary of the current program status, the development results to date have confirmed that the AWACS radar warning and command and control system will provide the quantum increase in operational capability over existing systems, which was the original goal of the program. With R. & D. over 50 percent completed, the technical risk has been eliminated from the program, and the operational advantages of AWACS already have been demonstrated in operational testing. The AWACS program is exceeding its technical performance requirements, is completing its development milestones ahead of schedule, and is underrunning on costs.

The effect of the Eagleton amendment, which would delete two R. & D. test airplanes, would be to cause the program to fall at least 19 months behind schedule and to have a large overrun in costs. With the AWACS program doing so well at this time, I would urge that the amendment be rejected and that the AWACS be allowed to proceed according to the present program plan as recommended by the Armed Services Committee.

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

Mr. CANNON. I yield.

Mr. STENNIS. Mr. President, I want to thank the Senator from Nevada for the very fine conduct of his subcommittee work. He has a marvelous knowledge of weaponry and, as far as that is concerned, of policy questions, too. He knows how to go into that and gives it the necessary time and attention. In that way he renders unusually valuable services to all of us. I want to thank him for it.

Mr. CANNON. I thank the distinguished chairman for his comments. I want to say to him that we are delighted to have him back with us now. We have awaited his return with our prayers and our thoughts. We are delighted to have him back and have him looking so well and on the way toward total recovery. We have missed him in our deliberations this year in our work on the entire military procurement program.

Mr. JACKSON. Mr. President, I ask unanimous consent that Mr. Charles Horner, of my committee staff, be granted the privilege of the floor during the consideration of the bill.

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

Mr. RIBICOFF. Mr. President, I ask unanimous consent that Mr. Morris Amitay, of my staff, have the privileges of the floor during the full discussion of H.R. 9286.

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

Mr. JACKSON. First, Mr. President, I would like to commend and join the chairman of the committee in praising the Senator from Nevada (Mr. CANNON) for an excellent presentation. I must say that those of us who serve on the subcommittee are most appreciative of his high sense of professionalism. He always gives each weapon system a thorough review and analysis, backed up with the kind of professionalism that I think is needed in trying to deal with difficult and complicated weapons systems. In my judgment there is no one on the committee who has greater expertise in this area than the distinguished junior Sen-

ator from Nevada. I commend him highly.

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

Mr. JACKSON. I yield.

Mr. TOWER. As a member of the Tactical Airpower Subcommittee on the minority side, I would like to associate myself with the remarks of the distinguished Senator from Washington. It really is a great pleasure to serve under the leadership of the Senator from Nevada. He does exercise a high degree of professionalism and knows what questions to ask the military.

The chairman of the Tactical Airpower Subcommittee has done an expert job of scrutiny and examiantion of all proposals that have come before it. I thing we have no finer example of effective leadership qualities than the Senator from Nevada.

I would also like to pay my respects to my Republican colleague, the Senator from Arizona, an old Air Force member, who has brought to this task a great deal of professionalism and capability and has performed a fine service on the Tactical Airpower Subcommittee.

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

Mr. JACKSON. I yield.

Mr. NUNN. Mr. President, as a member of the Tactical Airpower Subcommittee, I would like to join the Senator from Texas and the Senator from Washington in commending the Senator from Nevada. I appreciate the great understanding required of a member of that subcommittee, because I am a new member of it, and no Senator here, since I have been on the subcommittee, has displayed more detailed knowledge of weapons systems than our chairman has.

I would like to join in congratulating the Senator on a job well done. Many, many hours have been spent in the hearings of the subcommittee. I have sat in on many of them, and I know that the distinguished Senator from Nevada has been in every one of them for every minute.

I have great respect for the job he has done this year and for the great role he has played in analyzing these many detailed analyses and for the specially detailed questions and also for the very substantial effect they have had on the overall program. The Senator has had substantial effect.

I was interested in his statement that there is going to be a flyoff between the A–10 and the A–7. I think that is very significant. The subcommittee made that recommendation last year.

We spent a lot of time in considering this problem. I congratulate the Senator in bringing about this flyoff. It will give us a chance next year to make a rational judgment on which one of the planes we should have.

I congratulate the Senator, and I also congratulate the Senator from Arizona (Mr. GOLDWATER), who has also done a very excellent job on the committee.

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

Mr. JACKSON. Mr. President, I am pleased to yield to the distinguished Senator from Missouri who serves as acting manager of the defense procurement bill.

Before I launch into my remarks in chief I want to take this opportunity to thank the Senator from Missouri and to say to him that no one could have been more fair or just in the handling of a very difficult bill than the distinguished Senator from Missouri.

Sometimes, of course, we did not agree. However, this did not affect the judicial approach that the distinguished Senator from Missouri took as acting chairman of the committee.

I take this opportunity to express to him on behalf of myself and many of our colleagues on the committee our thanks for the outstanding way in which he handled the affairs of the committee during the absence of our distinguished chairman, the Senator from Mississippi (Mr. STENNIS).

Mr. SYMINGTON. Mr. President, I appreciate very much the remarks of our able colleague from the State of Washington. No one has more drive and enthusiasm in these various programs with which we are connected than does the Senator from Washington. He is my leader in the field of energy.

I think it was a fine day for the United States when the distinguished Senator from Washington joined the U.S. Senate. On several of these weapons systems, we do not see eye to eye; however, that in no way detracts from my appreciation for his very fine work on the committee in the interest of our national security.

In a talk made on the floor already, I have expressed my appreciation to the distinguished chairman. I join with my colleagues in welcoming him back to the U.S. Senate. We have missed him very much.

Again I emphasize what a privilege it has been to serve with the distinguished Senator from Nevada on the Tactical Air Subcommittee. I do not believe that there has ever been a more thorough investigation of our Tactical Air than I have seen in recent months as demonstrated by the fine report that he has given to the Senate this afternoon. May I also commend the senior Senator from Arizona, the ranking minority member of the Tactical Airpower Subcommittee, for his contribution to the work of that subcommittee.

Unfortunately, because of an emergency meeting of the Joint Atomic Energy Committee, I was not on the floor at the time the distinguished Senator from New Hampshire gave his report on research and development. However, I have already expressed my appreciation to him in my opening statement. I would like to again congratulate him for the fine report that he has done in this field.

Again, let me emphasize that I think the distinguished chairman should be congratulated for the staff he has built up over the years, because much of the work there represents some of the finest staff work it has been my privilege to see since I came to the Government.

Many of those staff members are here with us this afternoon. We all know how many long hours they have put in, led by Mr. Braswell, the head of the staff, has meant to me personally as the acting chairman, as well as to the other members of the committee. I thank the Senator for his gracious remarks.

Mr. JACKSON. Mr. President, I wish to thank the distinguished Senator from Missouri for his kind remarks. I associate myself with what he and other Senators said regarding the distinguished Senator from Arizona (Mr. GOLDWATER), the ranking minority member. The Senator from Arizona is most helpful, as I think the distinguished Senator from Nevada (Mr. CANNON) would agree, in trying to work out agreements concerning the difficult problems of the Tactical Air Subcommittee.

I concur, too, in what has been said about the Research and Development Subcommittee. The distinguished Senator from New Hampshire (Mr. MCINTYRE) has had a difficult task. It is not an easy one. We have not always agreed, but I respect him completely. No Senator worked harder in the full Committee on Armed Services than did the Senator from New Hampshire.

Mr. CANNON. Mr. President, will the Senator from Washington yield?

Mr. JACKSON. Mr. President, I yield to the Senator from Nevada.

Mr. CANNON. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from Washington regarding the distinguished Senator from Arizona (Mr. GOLDWATER) and his very fine work as the ranking minority member of the subcommittee. I have already thanked him and the other committee members, but I desire to express my appreciation particularly for the fine work of the Senator from Arizona.

Mr. JACKSON. Mr. President, the Senate begins consideration of the defense authorization bill at a time of great hope—and profound uncertainty. The hope arises from the rhetoric of détente; while the uncertainty is rooted in Soviet statements and policies with disturbing implications.

Indeed, one cannot examine the official Soviet interpretation of recent developments in East-West relations without immediately confronting this contradiction. On the one hand, there are official Soviet assertions that the cold war is over; on the other, détente is seen as the way to provide favorable conditions for a revolutionary policy, a policy aimed at a continuation of the political, economic, and ideological struggle to achieve ultimate Soviet objectives.

Moreover, the general thrust of the commentaries suggests growing confidence among Soviet leaders about the outcome of this continuing struggle. The mood appears rooted not so much in Soviet achievements as in American weaknesses and failures.

For example, immediately following President Nixon's visit to Moscow in May of 1972—where he signed a document agreeing to conduct Soviet-American relations "on the basis of peaceful coexistence"—Pravda proclaimed June 4, 1972, that—

> This change (acceptance of peaceful coexistence) is a forced one and that it is precisely the power—the social, economic, and ultimately military power of the Soviet Union and the socialist countries—that is compelling American ruling circles to engage in an agonizing reappraisal of values.

The same note was struck just 2 months ago following Secretary Brezh-

nev's visit to Washington. The important Soviet ideological journal, Kommunist, editorialized in July 1973, No. 10:

U.S. politicians were compelled to become aware of the changed correlation of class forces in the world arena, to display a more realistic approach to understanding their domestic and international problems and to carry out—to use an expression from their own vocabulary—an "agonizing reappraisal" of the dogmas and canons of the cold war . . .

And just this past week, reliable reports have reached the West that Secretary Brezhnev has told Eastern European Communist leaders that improved relations with the West are, in fact, a tactic to permit the Soviet bloc to establish its superiority in the next 12 to 15 years. Tactical flexibility is, of course, a prime component of Leninist political doctrine. Will we find that, in 15 years, the Soviet Union has established a position of superiority which will allow it to disregard détente altogether?

The Soviet explanation of détente—unsettling in itself—becomes even more disturbing in light of concrete Soviet actions since the May 1972 summit. We know of the orchestrated campaign of show trials, harassment, and press denunciations directed against prominent civil rights leaders. We know of the prison psychiatric hospitals—"today's gas chambers," as Alexander Solzhenitsyn calls them. The staged confession, so characteristic a feature of the Stalin era, has reappeared. In every one of these cases, significantly enough, the victims have not been those seeking to overthrow the Soviet Government. Rather, they have been intellectuals and cultural figures, whose only offense has been to announce that they share the view of the American people that genuine détente must be based on a freer movement of people and ideas.

Equally significant, I think, is that détente has produced no evidence of a slackening in Soviet military efforts.

In fact, post-SALT I Soviet strategic programs represent a startling increase in Soviet strategic power. Four new Soviet land-based ICBM's have appeared, three of them larger than the predecessors they may be designed to replace, and one of them may be the prototype of a mobile ICBM. A genuine MIRV capability, utilizing two separate technologies, has now been demonstrated. A seaborne ballistic missile has been tested at a range of 4,300 nautical miles. Later in the discussion of the bill, I shall discuss these and other developments in greater detail. But the central point is this: these huge weapons programs come at a time when the Soviets have invited the West to invest billions of dollars in capital and technology in Soviet Russia, and to participate in vast schemes to develop Soviet natural resources.

Of all the contradictions on détente, this is surely among the most dramatic. And how we respond to it will be a test of our good sense. Are we being invited to stimulate the lagging Soviet economy, an economy made stagnant precisely because the lion's share of its technological resources have been siphoned off into military programs? Are we—as we were in the now famous wheat deal—being called upon to make good the shortfalls in Soviet production, shortfalls that result directly from a needlessly rigid and oppressive central apparatus? Are we going to liberate the Soviet leaders from problems they cannot solve themselves, so that they can concentrate on further repression of their own people and the accumulation of military power for international coercion? As the Soviet physicist Andrei Sakharov warns, what are the long-term implications for world peace of a powerful Soviet bureaucratic apparatus unrestrained either by the countervailing, deterrent, power of the West or by the force of Soviet domestic opinion?

Indeed, Americans must ask: How much confidence can we have in a Soviet regime which professes friendly cooperation with the outside world while, internally, it follows the most repressive of policies?

Given these considerations, it is absolutely essential that we have clear in our mind what "better relations" between East and West really involve.

A "realistic approach" must begin with this fact: Since the end of World War II, the "cold war" between East and West arose from, and was exacerbated by, the "Iron Curtain" which, as Churchhill said in 1946, "descended across Europe." Indeed, nothing has done more to limit the extent to which the world can move toward real peace than this forced isolation of Russians and Eastern Europeans.

Alexander Solzhenitsyn made this point eloquently and compellingly in the famous 1970 Nobel lecture that his government prevented him from delivering:

We are threatened by destruction in the fact that the physically compressed, strained world is not allowed to blend spiritually; the molecules of knowledge and sympathy are not allowed to jump over from one half to the other. This presents a rampant danger: The suppression of infomation between the parts of the planet. Modern science knows that suppression of information is the way to entrophy and general destruction. Suppression of information renders international signatures and agreements illustory; within the isolated zone it costs nothing to reinterpret any agreement—even simpler—to forget it, as though it had never really existed. (Orwell understood this supremely.) An isolated zone is, as it were, populated not by inhabitants of the Earth but by an expeditionary corps from Mars; the people know nothing intelligent about the rest of the Earth and are prepared to go and trample it down in the holy conviction that they come as "liberators."

And just recently, Andrei Sakharov wrote a remarkable open letter to the Congress in which he stressed that—

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 détente . . . the world is only just entering on a new course of détente and it is therefore essential that the proper direction be followed from the outset.

If the Soviet Union continues to insist on isolating itself and the Eastern European nations bound to the Soviet Union, we cannot help but ask ourselves how much confidence we can have in the process of détente.

The European Security Conference, which has just convened in Geneva, will meet this question head on. Central to the position of the Western democracies is a recognition that the freer movement of people and ideas is vital to genuine security in Europe. How the Soviets respond to this Western concern, how willing they are to agree to the reciprocal opening of East and West which mutual accommodation requires, will be a far more realistic measure of Soviet intentions than official Soviet policy statements aimed at the American people and withheld from the Russian public. And how firmly we stand on this principle is a vital signal to the Soviets of our intentions.

Yet the issues to be addressed in Geneva cannot be separated from the question of mutual and balanced force reductions to be negotiated in Vienna. We have to understand that the level of domestic repression in Eastern Europe will determine the degree to which people and ideas can move freely across national frontiers. And the freedom of countries in Eastern Europe to move forward in this area will be directly related both to the amount of political and military pressure the Soviets can mount against them and to our diplomatic efforts in support of the hopes of those countries for freer contacts.

Soviet troops in Eastern Europe, after all, not only play a role in Soviet policy toward the West, they are the concrete manifestations of the Brezhnev doctrine in the East. The Soviets understand this dual mission supremely well, and the strengthening and modernization of Soviet forces east of the Elbe underscore the Soviet determination to try to enforce the isolation of the East as much as they reflect the Soviets' desire to strengthen their bargaining position against the West.

Seen in this light, a continued and firm American commitment to Europe assumes renewed—and immediately relevant—importance. It not only insures the military balance of power in Europe on which peace in the short term depends; it may make possible—through negotiations—at least a partial withdrawal of Soviet troops from Eastern Europe on which long term accommodation depends.

What we in the Senate should insist upon is a genuinely mutual and balanced force reduction in Europe, a reduction which will enhance our security in two ways—the first, by reducing to some degree the immediate political and military threat to the West; and the second, by creating a political climate which may lead, over the longer run, to a reconciliation in Europe. Both these goals can be placed in jeopardy by ill-considered congressional action on the military procurement bill.

SALT is another arena where the prospects both for lessening the chances of direct military conflict and for promoting greater stability will be directly related to our action on this legislation. For Soviet strategic forces, like Soviet conventional forces, have a dual mission.

They are—according to Soviet strategic doctrine—weapons of war to be used to fight and to win any nuclear conflict. But they are also political instruments—visible signs of Soviet strength—whereby the Soviets stiffen their diplomatic posture.

The strategic balance has always defined the limits of Soviet risk-taking in international affairs. The larger and more visibly superior Soviet forces become—and here numbers and throw-weight are all important—the greater the likelihood that Soviet leaders will be more vigorous in the assertion of what they regard as Soviet interests. They will be bolder in trying to advance them, more adamant in seeking to defend them, and more intransigent in bargaining over them.

Clearly, this situation weighs directly on the prospects for international stability and for genuine arms limitation arrangements. The support of the Congress for a prudent and realistic defense posture will weigh at least as much. If, by indecision and vacillation in the Congress, we signal the Soviets that we are willing to give them meaningful numerical disparities in strategic forces—if, in our deliberations, we convey the impression that we are not alert to the political consequences of such discrepancies—then there will be no chance that genuine arms limitation agreements—and the stability that will flow from them—can be achieved.

Last year, in connection with the Senate's consideration of the SALT I accords, we engaged in a thorough debate over the basic principles which ought to govern our strategic policy. That debate resulted in overwhelming congressional support for my amendment to the resolution which authorized approval of the interim agreement on strategic offensive arms. That amendment calls on the President to seek a permanent accord on offensive weapons that would not limit the United States to levels of intercontinental strategic forces inferior to those of the Soviet Union.

The equality principle of the Jackson amendment is best understood as a prescription for scaling down the strategic forces of both nations. Therefore, I am persuaded that our emphasis in the current phase of the SALT talks should be on securing reductions in the strategic force levels on both sides. Rather than negotiating on the basis of proposals which will allow for significant growth potential in strategic power, we should seek agreements in SALT II which obligate both sides to build down rather than build up. Arms reductions of this sort are far more in keeping with the principle of arms limitation than anything concluded to date. They would free resources for pressing domestic needs. And they would provide the additional benefit of reducing the potentially destabilizing role the Soviet strategic arsenal can play in international affairs.

Mr. President, the Senate has always recognized that a sound defense is inseparable from the prospects for peace. Our future success in the international negotiations we have begun require, once again, the Senate's reaffirmation of this position.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Wall Street Journal of September 19, and an article published in the New York Times today with the headline, "Brezhnev Warns West on Putting Strings on Pacts." I think these accounts highlight the problem we face in view of the Soviets perception of detente and the Kremlin's policies of domestic repression.

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

[From the Wall Street Journal, Sept. 19, 1973]

TOMORROW OF MANKIND?

The latest warnings from Alexander Solzhenitsyn, printed elsewhere on this page, are of particular relevance to impending debates in the Senate. The Senate Democrats' liberal wing is assaulting the defense budget even more vigorously than usual, and also wants to cut off all foreign aid funds used for the South Vietnamese police force. How better could one illustrate the folly of which the Soviet Nobel laureate complains?

To take the minor but telling matter first, the question of police funds for Saigon is a perfect example of the double moral standard Solzhenitsyn discusses so disdainfully. We have no doubt that there are valid criticisms to be levied against the South Vietnamese police; no doubt their prisons are abusive, no doubt there are instances of torture. Yet the Senate move is not directed narrowly at abuses, but broadly enough to cripple South Vietnam's struggle to survive against North Vietnam.

The cut-off professes to express moral anger at South Vietnam's abuses. But where is the moral anger at North Vietnam's far greater abuses? Where, Solzhenitsyn asks, is the anger at the Hue massacres? Senator Case, Senator Mathias, Senator Kennedy, Senator McGovern. The National Council of Churches. Where were they on the morality at Hue? Did they give the massacres more than the "momentary attention" of which Solzhenitsyn complains? Do they remember Hue in putting at the center of their view of Southeast Asia—and of their lobbying campaign—the curtailment of abuses by the South Vietnamese police?

Solzhenitsyn contributes just as relevantly to the far more important debate on the Defense Department authorization. For in essence this debate will turn not on judgments about military hardware, but on judgments about the nature of the Soviet regime. The underlying if often upspoken thread in the assault on the Pentagon budget is, since we are now making friends with the Russians, why do we need arms at all?

Yet is "friendship" the proper way to achieve any kind of detente with the kind of regime Solzhenitsyn knows and describes? We hope that he underestimates the resilience of the West in general and the United States in particular when he warns that Soviet-style repression is the "tomorrow of mankind." We will learn something of that resilience, or its lack, in the defense debate that starts this week.

John W. Finney reports in The New York Times that the Soviet government has been telling its Eastern European allies that detente is merely a tactic. Over the next 15 years or so it plans to pursue accords with the West to lull it into complacency while the Soviets build their own military strength. Then in the mid-1980s the Soviets will be in a commanding position, and able to dictate their own terms for detente, able to spread their own influence and social-economic system.

Mr. Finney reports that military leaders are worried, but that civilian analysts tend to excuse the Soviets. These warnings, they say, are merely ways to sell detente to Communist hardliners. Perhaps so, but why then is the Soviet Union investing so much money in a weapons building program entirely consistent with commanding superiority by the mid-1980s? The SALT–I agreement ratified Soviet superiority in numbers and throw-weight of Soviet strategic weapons, offset only temporarily by a U.S. lead in MIRV technology the Soviets have already started to close. This year Jane's Fighting Ships reported for the first time that the Soviet navy has eclipsed the American one, and of course in land forces we never have been their equal.

Given this arms building program, and given the internal rule Solzhenitsyn knows so well, it seems to us the most optimistic possible conclusion about Soviet intentions is that they have not made up their minds about detente. They are clearly keeping open the option of a hard line if the West does relax, but if that course does not seem promising the detente can continue. The way for the West to preserve the detente is to keep its military strong.

This is what is at stake in the defense spending debate. The details of specific programs aside, we need enough weapons to maintain the balance of forces that makes detene work. If anyone thinks instead that it works because of Russian friendship, let him remember Solzhenitsyn and the warning that the Soviet system is the tomorrow of mankind.

[From the New York Times, Sept. 20, 1973]

BREZHNEV WARNS WEST ON PUTTING STRINGS ON PACTS—SPEECH IN SOFIA EVIDENTLY REFERS TO PRESSURE FOR FREE SOVIET SOCIETY—RADIO ACCUSES SENATE—STATEMENTS APPEAR TIMED FOR CONGRESSIONAL DEBATE AND EUROPEAN PARLEY

(By Hedrick Smith)

Moscow, September 19.—Leonid I. Brezhnev told the West today not to try to barter for Soviet concessions because of Moscow's interest in improved relations.

The Soviet party leader's speech was in evident reaction to Western criticism of Soviet handling of dissidents and Western pressures for a freer East-West flow of people and ideas.

Mr. Brezhnev asserted that the series of agreements achieved in the last few years should be adhered to consistently and honestly "without playing games or engaging in ambiguous maneuvers."

MOSCOW ACCUSES SENATE

The Moscow radio, meanwhile, beamed an English-language broadcast to North America accusing the United States Senate of "gross interference" in Soviet internal affairs with the approval of an amendment Monday urging the Kremlin to permit free expression of ideas and free emigration in accordance with the United Nations Declaration of Human Rights.

Mr. Brezhnev, who made his speech in Sofia, Bulgaria, chose vaguer and milder language and avoided making direct accusations. But his was a parallel message.

Taken together, the two moves were intended to get the Soviet Union off the defensive on issues of human rights and to dissuade Western politicians from attaching conditions to new agreements with Moscow. They were obviously timed for impact on American Congressional debate on trade concessions to Moscow and the start of the second phase of preparations for the European security conference.

As if in answer to Western charges about continuing Soviet military developments, Mr. Brezhnev said that there were calls in the West for "fostering the arms race even more and for inflating military budgets." He said that such proposals did not create a favorable atmosphere for the preparatory negotiations in Geneva for the European conference.

And in the first high-level Soviet com-

ment on the Chilean coup d'état, the Soviet leader demanded an end to what he termed repressions and atrocities by the new junta, charging that "imperialist forces abroad" had "aided and abetted" the forces that carried out the coup.

Mr. Brezhnev said that President Salvadore Allende Gossens, who was reported to have taken his own life, had been killed. Soviet spokesmen and the press have previously stopped short of contending that Dr. Allende was murdered and that outside powers backed the coup, though they have conveyed the impression of assassination and American instigation by reprinting the accusations of others.

Nonetheless, Mr. Brezhnev's main theme, in addition to traditional declarations of Soviet-Bulgarian friendship, was to seek to preserve and promote the momentum for détente on Soviet terms and brush aside the dispute over dissidents and freedoms.

In an apparent rebuttal to Andrei D. Sakharov, the dissident physicist, the Soviet leader complained of "ill-conceived propaganda campaigns that are aimed at sowing mistrust in the policies of the U.S.S.R. and other socialist countries."

WARNING BY SAKHAROV

Mr. Sakharov told Western newsmen at a news conference on Aug. 21 that he thought Western accommodation with Moscow on Soviet terms posed a serious threat. He contended that the Soviet Union would obtain technological and economic assistance from the West while, behind a veil of domestic secrecy, suppressing individual rights and becoming "armed to the teeth."

Mr. Brezhnev bypassed the Sakharov charges to deal more pointedly with the position of some Western powers on the proposed European summit conference, which, he reiterated, should be held this year.

Some Western nations have said they will not attend the third and final stage of the conference unless Moscow and its East European allies make some concessions in the Geneva preparatory talks in the area of freer movement of people and ideas. Mr. Brezhnev suggested that this was a "naive, unseemly and mercantile" approach and implied that these questions should be relegated to second priority.

Discussion of cooperation in economics, science, technology and cultural matters, he said, should take "an appropriate place" in the work of the conference, but with the recognition that such problems could be dealt with "only if the threat of war is removed."

NOT A HARSH SPEECH

Although Mr. Brezhnev's tone was firm throughout and he offered no hope for change on the Soviet domestic scene, it was not a harsh or polemical speech. He affirmed what he said was Moscow's desire for "a radical and stable improvement in the international climate" and "a new system of international relations" requiring a "different psychology from the past."

"We believe it would be an unforgivable mistake," he said, "to miss the historic opportunity afforded by the convocation and work of the European conference."

The Moscow radio broadcast, not repeated in Russian for Soviet listeners who have still not been informed of the protest abroad over the dissident issue on the demands that Moscow ease travel and emigration restrictions, was much sharper in tone. It evidently reflected the irritation that the Soviet leadership feels privately over Western criticism on the human rights issue.

Reacting to the Senate action, the radio commentary declared: "The United States Senate has adopted a resolution that grossly interferes in the domestic affairs of the Soviet Union: It proposes taking advantage of the current negotiations with the Soviet Union to pressure it on Soviet domestic issues."

The commentator charged that this was "a cold war course based on meddling in another country's domestic affairs."

[From the New York Times, Sept. 20, 1973]

BREZHNEV EXCERPTS

Moscow, September 19.—Following is an unofficial translation of excerpts from a speech by Leonid I. Brezhnev, the Soviet leader, delivered today in Sofia, Bulgaria, and transmitted to Moscow by Tass, the Soviet press agency:

We and our allies are firmly convinced that there are opportunities for a radical and stable improvement in the international climate. We believe that a new system of international relations can and must be built by honest and consistent observance of the principles of sovereignty and noninterference in internal affairs, and by unswerving implementation of signed treaties and agreements without playing games or engaging in ambiguous maneuvers.

This requires, of course, a totally different approach, different methods and, perhaps, a different psychology from the past.

The second stage of the conference on European security and cooperation has now started in Geneva. It is important that after the pretty good start made in Helsinki by the foreign ministers, there be a business-like and constructive atmosphere in Geneva, too.

The purpose of the work ahead, as we see it, is to prepare, without unnecesasry delay, the drafts of documents for the final stage of the conference, which, in our view, it would be quite possible and desirable to hold this year.

"PEACE IS NEEDED BY ALL"

One occasionally hears in the West remarks to this effect: Since the Soviet Union and other socialist countries express great interest in resolving problems of European security and in developing political and economic cooperation, why not exert pressure and bargain for concessions?

What can one say about this? It is a naive, unseemly and, I would say, a mercantile way of looking at the issue. A relaxation of tension in Europe is the common achievement of all the peoples, peace is needed by all the peoples of the Continent and, therefore, its preservation and consolidation ought to be the common concern of all participants in the conference.

We believe that this should become a matter not for diplomatic bartering, but for joint efforts toward an effective system that would insure the security of all European countries and peoples and mutually advantageous cooperation among them.

We are against narrow, selfish designs and against artificially giving prominence to particular issues to the detriment of the principal aims of the conference. We want questions pertaining to both European security and cooperation in the field of economy, science, technology, culture and the humanitarian field to take an appropriate place in the work of the conference.

ATMOSPHERE IMPORTANT

But we always remember, and believe that others should remember, too, that broad and fruitful development of economic and cultural relations and the effective solution of humanitarian problems are possible only if the threat of war is removed.

The way the discussions will proceed in the Geneva conference is not the only important issue. It is also important that an atmosphere favorable to its work be maintained and enhanced around the conference.

There have been recent calls in a number of major capitalist countries for fostering the arms race even more and for inflating military budgets. Here and there, in Western Europe, some forces have become active lately in questioning these and other aspects of recent treaties and agreements.

Ill-conceived propaganda campaigns are aimed at sowing mistrust in the policy of the U.S.S.R. and other socialist countries. It is difficult to avoid the impression that all of this is being done with only one goal in mind, namely to hinder by every means the success of the great work that is now under way and is so much needed by the peoples.

We believe that it would be an unforgivable mistake to miss the historic opportunity afforded by the convocation and the work of the European conference. The peoples are expecting major and authoritative decisions that will promote a stronger peace. And we hope that such solutions will be found and this will be a great thing not only for the people of Europe, but for all the peoples of the earth as well.

Mr. RIBICOFF. Mr. President, will the Senator from Washington yield for some comments and questions?

Mr. JACKSON. I am pleased to yield to my friend from Connecticut.

Mr. RIBICOFF. First, may I commend the distinguished Senator from Washington for his outstanding statement. The Senator is well known internationally for the depth and breadth of his understanding of defense matters. But the distinguished Senator should know, if he does not know, that the name Jackson, is synonymous and symbolic worldwide of the striving for justice and individual freedom. It is inscribed in the hearts and minds of men and women all over the world. Wherever I travel, in this country or abroad, there is a deep understanding and appreciation of what the Senator from Washington is trying to achieve for all of mankind.

I note that the Senator from Washington has already placed in the RECORD the article about Brezhnev's speech in Bulgaria published in today's New York Times. There is a pretty hard line expressed in the Brezhnev speech. It means that the Soviets are not interested even in discussing basic human rights issues.

Does the Senator feel that this position by the Russians means we should abandon the goal of freer communication and of freer movement of people between East and West?

Mr. JACKSON. First, Mr. President, I want to thank my good friend from Connecticut for his generous comments and remarks. I must say that no one has been more steadfast in support of our effort to try to extend just a little bit of freedom to many people who do not now possess it, especially in connection with our amendment relating to the most-favored-nation clause than my good friend from Connecticut. I am most grateful for all that he has done.

I believe that the last things we should move away from are the sound and sensible goals of freer communication and the freer movement of people.

If one tries to ask the honest question, how can one know whether the world is really becoming a better place for all human beings, he must first ask certain questions; and one that he has to ask is: Have we made progress toward the movment of ideas and people as well as toward freer movement of goods in international commerce?

Without the free movement of ideas,

without the free movement of people, I believe it is fair to say that we are only paying lip service to rhetoric and to policy statements. But when we speak out, in order to find supporting evidence to determine whether those high-sounding policy statements have any real meaning, we have to address ourselves to the basic issue of the free movement of ideas and the free movement of people.

Repression, I will say to my colleague, has increased in the Soviet Union since the summit meetings. That does not mean that I am not for summit meetings—in Peking, in Moscow, or anywhere else. I am for them. But, let us not be deluded by the declarations without going behind them to find out whether there is any real indication that they are being implemented.

This is precisely what two of the greatest men in the Soviet Union are saying to us today. That great man of letters, Alexander Solzhenitsyn, stands at the summit of his profession, and Dr. Andrei Sakharov—the father of the Soviet hydrogen bomb—a great hero of the Soviet Union and one of the Soviet Union's foremost physicists, second only, perhaps, to Peter Kapitza the father of the atomic bomb—these two men are saying that we are not moving in the right direction until there is, indeed, an easing of Soviet isolation and a freer movement of ideas.

Mr. RIBICOFF. In other words, even though Brezhnev would like to stop any discussion of basic human rights, those of us who seek greater freedom and justice for all peoples, wherever it may be suppressed, have the duty to put this issue in the forefront of mankind's conscience. We should point out these problems wherever they exist and in whatever country they exist. Is that not correct?

Mr. JACKSON. The Senator from Connecticut is correct. I believe that to say, as some have said, that this is none of our business, is nonsense.

Again, Mr. Solzhenitsyn and Mr. Sakharov are saying to us—speaking as the voice of conscience in the Soviet Union—that we should not fall for that nonsense, and that freedom is everyone's business.

We must remember those people who, prior to World War II, said that the Nazi concentration camps and the Nazi gas chambers were an "internal matter." In my earlier remarks, I quoted Solzhenitsyn's reference to the psychiatric hospitals in the Soviet Union as "today's gas chambers." That is precisely what they are because they are there to snuff out individual liberty.

Mr. RIBICOFF. If we in this country took the Brezhnev line, we could do no greater disservice to men like Sakharov and Solzhenitsyn, because that is exactly what the Soviet Union would like us to do, that is, to overlook what is happening internally in the Soviet Union.

These men, and others like them, have the courage of their convictions. And the going is tough, where great pressures being exerted against them and their families. If we remain silent, then it would be a victory for worldwide tyranny instead of a blow for freedom.

Mr. JACKSON. I could not agree more with the Senator from Connecticut.

I must say that these two men are brave. Think of it: These two men are, in effect, taking on the whole Soviet regime. They are taking on the KGB. These two men are speaking for the conscience of free men throughout the world.

The worst thing the United States could do, Mr. President, would be to let them down, to betray their trust, to betray all they have done in behalf of freedom—a freedom we seek for all mankind one day.

I thought it could never happen in this administration, but a high Cabinet official has denounced Dr. Handler, the head of the National Academy of Sciences, for speaking out in behalf of his Soviet colleague, Dr. Sakharov, and for supporting Dr. Sakharov's courageous statements in behalf of freedom. I have never been more disturbed. I would have hoped the President would have denounced such a statement.

What is this struggle all about? What are we trying to do with this huge defense bill, except to maintain a posture that will give us the ability to foster and defend freedom? We do not seek to use it in any "hot war," or to oppress anyone. We seek it as a shield, as a means of defense for those who cherish freedom.

I must again say how distressed I was to find that, instead of speaking out in behalf of Dr. Sakharov, HEW Secretary Weinberger was speaking against a man who, in my view, is one of the most courageous individuals on the face of this planet.

Mr. RIBICOFF. The Senator may be interested in this item, which just came over the Associated Press wire a few moments ago:

BOSTON.—Soviet physicist Andrei Sakharov, known as the father of the Russian H-bomb, says he has no hope of obtaining permission to bring his family to the United States to accept a position at Princeton University, the Boston Globe reported today in a copyrighted story.

Sakharov has been offered an appointment for one year as visiting professor at Princeton. Positions for his two stepchildren and a son-in-law have been offered by Princeton and by the Massachusetts Institute of Technology, the Globe said.

In a telephone interview from Moscow with the Globe, Sakharov said the Princeton offer "is very good, but I could not make the decision at this time."

The Globe quoted an unidentified source as saying Sakharov felt a Russian contemplating a departure from the country "rapidly becomes an outlaw, almost outside the law."

A number of months ago, I spoke on the telephone with some 15 Russian scientists in Moscow and Kiev. The tragedy of these conversations is that these men are internationally known scientists; that all of them have contributed much to science, technology, and progress in the Soviet Union. They are being persecuted because they wanted to leave. All have been deprived of their jobs. All have been deprived of the ability to do research. All have been thrown upon the charity of their friends for a crust of bread, unable to get jobs even sweeping the floor. But despite this, all are willing to face persecution, exile in Siberia, and even death. They all pleaded with me to get the message back to the United States Senate that the only hope for men such as themselves is in this body, in the U.S. Senate.

They were completely aware of the Jackson amendment linking free emigration with trade concessions for the Soviet Union. They were completely aware of the details involved. They were completely aware of the Soviet need for American technology, investments, and credit. They were completely aware of the Soviet desire to get whatever they could from the United States while repudiating basic human principles and fundamental justice.

May I say to the distinguished Senator that every single one of them knew the name of Senator JACKSON. Most of them spoke English, some spoke it very well. They recognized that their hope for freedom was riding on support in the U.S. Senate for the efforts of Senator JACKSON.

I came home to the United States, after spending 2 hours on the telephone with these 15 scientists, fully convinced that we in the United States could not desert these noble men, that we must recognize that freedom and justice are really indivisible. Wherever freedom and justice are permitted to go by the board, wherever tyranny exists, the entire world is diminished. We must do all we can within our power to bring hope and sustenance to those people behind the Iron Curtain who are willing to speak out and are suffering persecution because of it. If these men behind the Iron Curtain have the courage to speak out, certainly it ill behooves us, from the safety of the floor of the U.S. Senate, not to raise our own voices as these brave men are raising theirs.

Mr. JACKSON. Mr. President, I could not agree more with what the distinguished Senator from Connecticut said in connection with our obligation.

Since the end of World War II we have never had voices as strong as those of Solzhenitsyn and Sakharov asking America to remain steadfast in the cause of freedom.

These are two giants speaking out in behalf of freedom—speaking out courageously. As Solzhenitsyn mentioned one day, "If I disappear, you will know what has happened." These are, indeed, two courageous men, bolstering the position that the Senator from Connecticut, and many of us, have taken on fundamental issues of foreign policy vis-a-vis the Soviet Union.

Mr. RIBICOFF. As a footnote, I would add that Sakharov and Solzhenitsyn are not of the Jewish faith. Thousands of Jews are being persecuted; that is true. But freedom-loving men, whether Moslem, Catholic, or Protestant, are also being persecuted for speaking up for their rights, irrespective of religion. This is a sad fact that should be made better known.

Mr. JACKSON. The Senator is absolutely correct.

As Sakharov pointed out in his open letter to Congress, many groups are involved. He mentioned the Jews first; then he mentioned the Germans, Latvians, Lithuanians, Estonians, the Greco-Russians, and the Turkic peo-

ples. The list is long. There are 52 different ethnic groups in the Soviet Union.

The universal ethic running through all the three great Western religions—Islam, Christianity, and Judaism—is a respect for the individual, for individual liberty and freedom. It was in that context that Mr. Sakharov was speaking. His desire is to help all people.

Here is a great man asking us to stand firm while he lays his life on the line in the struggle for a better Soviet Union and with it a better life for all people on this Earth.

Mr. RIBICOFF. It is obvious that the Soviet Union is engaged in greatly building up its military power. At the same time they are spending huge sums on their conventional and strategic weapons, they are coming to the United States for the latest technology and billions of dollars in credits and investments.

Does the Senator think we should be giving our technology, our organizational skills, and our credits to the Soviet Union to be used as they see fit, even though their interests, are not in the long-term interest of the United States of America?

Mr. JACKSON. I certainly do not. I must say that probably the most potent weapon in our arsenal is the enormous economic capacity of the United States—made possible by the greatest scientific, technological, and agricultural organizations the world has ever known. Soviet failings in these three areas is why the Soviets so desperately need the United States. They respect our scientific, technological, and agricultural capabilities. In effect, they want us to subsidize their massive military buildup, unprecedented in world history. The United States certainly should not be subsidizing this Soviet military effort.

I am willing to help the Soviet Union economically—or any other country in the world—if it is part of a larger effort to bring about a more peaceful world. "Detente" is a time when the Soviet Union should be reducing its strategic forces, not dramatically building them up. That ought to be the goal and objective on both sides.

Here again, we have an answer to the question of what "detente," really is. The world would know detente was real when it found out that in the next SALT agreement both sides had cut back on strategic forces.

When a country comes to us and seeks economic help, one of the things we should ask for is a chance to look at its balance sheet. We should find how it is spending its money. That is simply good business. One cannot get a loan from a bank unless he shows the bank his balance sheet.

For the Soviet Union to come and ask the United States for subsidies—as they did, in effect, in the grain deal—makes no sense. I notice that Treasury Secretary Shultz, after a year's reflection, now admits that we were "burned" in the grain deal of 1972.

Mr. RIBICOFF. Well, it looks as if we could also get burned in the natural gas deal that is in the planning stage.

Mr. JACKSON. Yes. I follow these matters closely. The Soviets are asking the United States to put up $7 billion or $8 billion in order to develop Siberian energy reserves, and then for the United States to import LNG, that is, liquefied natural gas.

That gas is going to cost at least $2 per 1,000 cubic feet. We will have to pay for all the facilities. Then we will pay more than $2 per 1,000 cubic feet for natural gas that is now being produced for less than $1 in the United States. How stupid can we be?

Mr. RIBICOFF. The natural gas deal that is in the works between the United States and the Soviet Union could make the grain deal pale by comparison. The Soviets are seeking billions of dollars in capital investment by the United States. It would cost $18,000 to produce the equivalent of one barrel of oil per day. But by investing $6,000, one-third, of that amount—in the United States you could develop the equivalent of one barrel of energy. In other words the same investment in the United States could get three times as much energy. Despite these facts the United States is today negotiating with the Soviet Union to invest $6 billion or $7 billion.

Mr. JACKSON. In Russia.

Mr. RIBICOFF. In Russia. While, we could be investing one-third of that sum in the United States for the same payoff. In the meantime, we could be developing alternate sources of energy in our own country.

I hope that if the administration eventually agrees to such a deal that we do not allow ourselves to get burned as we did on the wheat deal, an unfortunate agreement which the distinguished Senator and his subcommittee have been investigating and bringing to the attention of the American people.

Mr. JACKSON. I agree completely. The Senator from Connecticut is a cosponsor on our bill to provide, over the next 10 years, an investment of $20 billion in research and development to provide, alternative sources of energy. I would like to take that $6 to $8 billion proposed for Siberia and work on, for instance, the conversion of coal to natural gas and petroleum. We have huge supplies—a trillion tons of coal, and a potential in oil shale of perhaps 2 trillion barrels.

Just think of the talk about investing $6 to $8 billion in the Soviet Union in new plants and equipment—which will not only cost the American taxpayer an enormous amount of money, but which will also generate an outflow in the balance of payments.

I would also point out that the American consumer would simply be paying through the nose. Think of it: over $2 per 1000 cubic feet for natural gas which today costs less than $1. The consumer would get it both ways. He would be subsidizing the Soviets, and he will end up paying higher prices.

I certainly do not see the Soviets coming over here and investing huge sums in plant and equipment in the United States.

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

Mr. JACKSON. There is something wrong with the Senator's microphone. I cannot hear him.

Mr. NUNN. The Senator has to get used to the fact that the junior Senator from Georgia is on the back row.

Mr. JACKSON. The Senator may be on the back row but he is a "front bencher" and a very able one.

Mr. NUNN. I have been following the dialog between the Senator from Washington and the Senator from Connecticut. I wish to commend both Senators for bringing out what I think are very important facts as we begin to discuss a very important piece of legislation, the military procurement bill.

I judge by the dialog that both Senators agree that what we in this Nation must do is to judge the Soviet Union not on smiles but on hard, realistic military capability, and I judge that the Senator believes that while we welcome détente and while we welcome this kind of friendly spirit which seems to be pervasive now, we must judge them on their acts at home and their respect for the exchange and flow of ideas.

Mr. RIBICOFF. That is absolutely correct, because the problem that we have is not only what people say, but what they actually do. We have to look at the Soviet intentions not only for today, but for the future. Are their words about détente here today and gone tomorrow? Should the Soviet Union build itself up economically and militarily with American assistance and at American expense? If their basic philosophy still permits repression and they still pursue the goal world domination, should we give the Soviet Union the means to do this? Should we solve their economic problems for them? If we do, then the United States will indeed have acted against the long-run interests of the American people.

Mr. NUNN. On that point, I would like to ask either the Senator from Washington or the Senator from Connecticut if in the last 8 or 10 years it is not true that we have really cut back on our production of long-range strategic weapons while at the same time there has been a greatly intensified effort by the Soviet Union.

Mr. JACKSON. May I respond to that?

Mr. RIBICOFF. Yes.

Mr. JACKSON. One must measure it not only in terms of today's dollars, but in constant dollars, and our investment in strategic weapons in the last few years has been going down, not up. During the same period, the Soviet Union has been increasing its strategic forces at a rapid rate.

For example, we have not constructed a land-based ICBM launcher since the last Minuteman launcher, about 1966. During this period the Soviets have had a tremendous increase, because they now have 1,618 land-based ICBM launchers to our 1,054. They have now surpassed us in strategic submarines. By "strategic" I mean long-range missile-firing submarines.

As the Senator knows, one of the critical items in the budget is the Trident. The Soviets have passed us here also. They now have Tridents. They have more than three Tridents. We call them the Delta class submarines, submarines

that can fire ballistic missiles over a range of 4,300 nautical miles.

We are going to be talking later about the Trident, which will not become operational, even under the bill as reported out of the committee, until 1978.

Mr. RIBICOFF. Mr. President, if the Senator will yield at that point. Since the Senator has brought up the Trident, I have some questions concerning the Trident, and I would hope the distinguished Senator from Georgia would join in this colloquy as we develop it. This follows on to what the Senator from Georgia and the Senator from Washington are discussing at the present time. I assume it will be next week before we come to the problem of the Trident. It will be the most controversial issue, in the entire bill.

Critics of the Trident claim that we are not going to gain any added deterrent strength with this new submarine. Is it not true that with the 4,000-mile range missile we will be gaining more than three times as much ocean to hide our submarines in?

Mr. JACKSON. The Senator is correct. The ability to have a survivable weapons system—and we are talking about strategic submarines—is tied directly to the range of the missile. The longer the range, the greater the area of the ocean the submarine can operate in. That added area of the ocean compounds the problem of the adversary in trying to detect, locate, and neutralize such a weapons system. Therefore, the range of the missile is critical.

The Senator put his finger on the heart of the strategic advantage that goes with range. As I pointed out, the Soviets now have Tridents, and our colleagues must understand that. The Soviets have more than three Tridents in the water right now, and we are going to be talking next week about a U.S. Trident—our Trident—that will not be operational until 1978 under the budget proposal.

Mr. RIBICOFF. So those who want to delay deployment of a Trident until 1980 place the United States in the position of being perhaps 10 years behind the Soviets in the development of a similar type of submarine?

Mr. JACKSON. The Senator is right. I would point out that under the interim agreement the Soviets are permitted 62 submarines. We are permitted only 44. And the Soviets are permitted 950 launchers, and we are permitted 710. Our colleagues will have to decide whether they will even allow us to go to 710. That is what this is all about.

Mr. RIBICOFF. So when SALT II negotiations begin, we will be in a bad bargaining position, because the Soviets will know we will not have a Trident in the water until 1980 and they already have more then three in the water?

Mr. JACKSON. We will have one in the water in 1978, but if we cut off the follow-on—that is, the ability to carry on series production—the Senator is right.

Mr. NUNN. Mr. President, if the Senator will yield at that point, I think one of the underlying questions we are going to have to consider in the debate of this bill is the SALT I agreement. I particularly commend the Senator from Washington and also the Senator from Connecticut for pointing that out, because I think the next 2 weeks may very well determine the SALT II outcome by what we do here on the floor of the Senate. It will create the background, the foundation, the psychology for sitting down with the Soviet Union on SALT I. That is what we are doing here. I do not want to overemphasize it, but I think it is very important.

I would like to pose this question to the Senator from Washington: Is it not true that in SALT I, which expires as an interim agreement in 1977, the Soviet Union has a superior number of missiles and also a superior throw-weight? And is it not also true that our main advantage now is our capability and deployment of the so-called MIRV concept, where we have more than one warhead? Also is it not true that the Soviet Union now has demonstrated that it has a MIRV capability, and that one of the fundamental questions we will have in the SALT II agreement is a limitation on their deployment of MIRV, and for that we must have some strong weapon systems ourselves in order to have them be willing to bargain about that capability?

Mr. JACKSON. The Senator is correct. We were told previously that the United States was derelict in not getting an agreement to limit MIRV's. Of course, we did in fact try to get the Soviets involved in a MIRV limitation, but those of us who follow the Soviet negotiations know they never negotiate to limit something that they themselves do not have. That was true of the A-bomb, the hydrogen bomb, right on through. We were told it would be a long time before they would have MIRV's.

Now, of course, we know they have had a series of MIRV tests. Not only that, but, as the Senator pointed out, the throw-weight advantage gives them an enormous potential advantage looking down the road. They do not have the MIRVed weapons in the inventory yet but the potential capability is enormous. We will get into that more later. Now we are talking in terms that unless something is done about rectifying the disparity in the SALT I agreement, the Soviets are going to have more warheads available because of the advantage they have in throw-weight and numbers, than we can have.

Furthermore, they will have megaton-yield warheads in their MIRV systems, while we will be talking about a weapons system in the kiloton range. What does that mean? We are not talking about a nuclear exchange at this time, not at all. God forbid there ever be one. But the advantage that it will give the Soviets in terms of diplomatic maneuverability and international policy and, I must say, the temptation of risking-taking, will be enormous. This will not stabilize, but will destabilize situations around the world. I think that is an important fact.

Mr. RIBICOFF. Mr. President, along that line, I have some statistics here. Perhaps the Senator from Washington might wish to comment on the disparity issue raised by the Senator from Georgia on the number of ballistic missile submarines allowed by the interim agreement on strategic offensive arms.

In modern nuclear submarines, the Soviet Union is allowed 62. The United States is allowed 44.

In modern long range ballistic missile launchers the U.S.S.R. is allowed 950. The United States is allowed 710.

In the older nuclear submarine category, the U.S.S.R. has about 10. The United States has none.

Of 700-mile range ballistic missile launchers, the U.S.S.R. has 30. The United States has one.

Of older diesel submarines, the U.S.S.R. has about 20. The United States has none.

Of 300-mile or 700-mile range ballistic missile launchers, the U.S.S.R. has over 50. The United States has none.

In total ballistic missile submarines, the U.S.S.R. could have 90. The United States could have 44.

In total submarine ballistic missile launchers, the U.S.S.R. could have 950. The United States could have 710.

If we allow the Soviets to go ahead on their equivalent of the Trident and we fall back on our equivalent of the Trident, we are certainly going to be in a most inferior position in submarines and missile launchers, when we add this to the fact that the Soviet Navy is becoming larger and stronger than the U.S. Navy, we face a grave problem affecting the vital national security interests of this country.

Mr. JACKSON. Mr. President, not only is it a problem for our Government, but it is also a problem for China. One of the greatest threats to China is the Soviet Navy. The Chinese remember so well Russia in the latter part of the 19th century using their naval forces against China during that period.

I would point out that the impact, Navy-wise, can be enormous in terms of local situations where the Soviets not only have the advantage in strategic force but also have the advantage in local forces.

The Senator has brought out, I think, a very important point in connection with the naval strategic forces of the Soviets. He has mentioned the additional launchers they have.

I would point out that beyond the ballistic missile firing submarines, the Soviet Union does have over 300 air-breathing types of missiles mounted on Soviet submarines that carry nuclear warheads that can hit coastal areas around the world. They have over 300. And how many does the United States have? None.

So I would add that to the list that the Senator very carefully gave concerning the ballistic missile firing devices. However, I am referring now to what we call an air-breathing type. It is basically a subsonic type of missile which does carry with it a nuclear warhead.

So, that further compounds the problem that the Western world faces.

Mr. RIBICOFF. Mr. President, may I ask another question of the Senator from Washington? Those who oppose full spending on the Trident say that it is too expensive. Was not the Polaris system, a system upon which the Trident is based, one of the most cost-effective, and trou-

ble-free weapons system that the United States ever produced?

Mr. JACKSON. Mr. President, the Senator from Connecticut is correct. I played an active role in the Senate in getting that program initiated with the help of that great American, Admiral Rickover. The point was made that we should not go into series production on a new system, that we ought to wait. Admiral Rickover did not buy that. And if we had bought that, we would not have had that Polaris system until much later.

One of the opposition arguments is that it is a whole new system and that we ought to be on a fly-before-we-buy basis. I do not buy that at all, because we are building on the Polaris system. It is not a new concept. It is a part of the sophistication of an existing system, the Polaris-Poseidon system.

So, it has been a most effective system because of its survivability. Sure, they run into technical problems from time to time. However, I can say to my colleagues that in the technical area, the Soviet Union has had more trouble. They have had more trouble with their nuclear submarines. We know it. However, we cannot for reasons of proper security disclose it in detail. The Soviet Union has run into a series of problems with their nuclear subs. We know about this. Ours have been relatively trouble free. No program in the technological area has been more successful than the nuclear powerplants and the operation of the Polaris and attack-type submarines in our Navy.

Mr. RIBICOFF. Mr. President, from the Senator's vast experience with our military leaders, has anyone in the defense field been more consistently right in his predictions and reasoning than Admiral Rickover?

Mr. JACKSON. I know of no one who has been more prophetic and more accurate in his prophecy of what might happen.

I would point out that, like Solzhenitsyn and Sakharov, Admiral Rickover was born in Russia. I have listened a number of times over the years to him talking on the geopolitical situation. He is not only knowledgeable, but he is also very conservative. He also has an understanding of history.

I must say that it is high time that we listen to some of these people who have their feet on the ground and have been fundamentally right all along in their projections. Admiral Rickover stands high on my list.

Mr. RIBICOFF. What does Admiral Rickover say today about the Trident, and why the Trident should go into production on the basis recommended by the Senator from Washington?

Mr. JACKSON. Mr. President, as I said a moment ago, Admiral Rickover is very conservative in his projections. None of us are infallible. However, I know of no projection he has made where he has not been pretty much 100 percent right.

Admiral Rickover says that we can achieve the goal set forth in the production schedule. Admiral Rickover says that the system will work effectively, that it will have the additional advantages of speed and quiet. And the quiet aspect of a nuclear-powered submarine is absolutely essential.

Admiral Rickover's job is to build a reactor, the engine, that will limit the degree of quietness and provide the speed and many of the other objectives sought.

Mr. NUNN. Mr. President, is that not one of the underlying reasons, that we must have assurance that the potential adversary capability for ASW does not jeopardize the security of our submarines? Is that not one of the main justifications for the Poseidon submarine?

Mr. JACKSON. The Senator is correct.

Mr. NUNN. Mr. President, no one can predict with certainly the ASW capability of the Soviet Union as of 1977 and 1980?

Mr. JACKSON. It certainly cannot be projected that far in advance. We are in an area of science and technology where we are constantly probing the unknown.

New systems can come along that can completely upset the balance, so to speak. This is why research and development is such a critical item in our effort to provide a sensible security posture for our country.

Mr. NUNN. So, since we can use the Trident 1, or could, with an expensive program, use the Trident 1 missile retrofitted into our present submarine, that is one possibility and one alternative that is being argued against the Trident program, but is it not even more important, in addition to the MIRV, to make sure that we have a submarine that will not be detected, to make sure we retain this undersea deterrent without being jeopardized by an ASW threat in the late 1970's?

Mr. JACKSON. The Senator is correct. While you increase speed, you can have a much quieter engine at the higher speeds than you can with Polaris. You are, in effect, hardening that weapons system. This makes it more difficult for the adversary to seek out.

What we are trying to maintain is not a first strike force, because we have geared the whole pattern of our strategic complexes against that. It is a second strike force, and if you are going to have a second strike force, it has to be a survivable force. The key to survivability is the ability to hide and not be detected, when you are talking about nuclear-powered submarines.

So we must have the kind of an engine that Admiral Rickover has designed and says will work. When he says it is going to work, I have confidence that it will work. We all know he is not a sycophant for anyone; he speaks his mind and he takes on the military. He takes on everyone; and thank God for Admiral Rickover, in our times.

Mr. President, I yield to my distinguished friend, the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. RIBICOFF. I thank my colleague. I have one more question at this time.

Mr. JACKSON. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator cannot be heard.

The Senator may proceed.

Mr. RIBICOFF. Mr. President, I understand the estimated useful life of our Polaris submarine fleet is 20 years, and that the first Polaris was commissioned in about 1960. This means that the entire fleet will be obsolete in the 1980's. If we do not move ahead now on the Trident program, are we not going to lose very valuable lead time for the period of the 1980's?

Mr. JACKSON. The Senator is correct. We will lose the momentum that comes from a series production, which was at the heart of the successful effort in the Polaris program. We started the first Polaris in concert with a series production that followed that first Polaris, and by doing that not only did we have the advantage on time, but we had the cost savings; the fact they are geared up to produce on a production basis gives a very substantial advantage.

Mr. RIBICOFF. I thank the distinguished Senator for his very perceptive answers to the questions that I have raised at this time.

Mr. JACKSON. I express my deep appreciation for the excellent questions and comments of my good friend the Senator from Connecticut.

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

Mr. JACKSON. Mr. President, I yield to the Senator from South Dakota.

Mr. ABOUREZK. Mr. President, I wonder if I might be able to ask a couple of questions. There has been a colloquy between the Senator from Georgia and the distinguished chairman, and also the Senator from Connecticut. Has the Navy been able to define any kind of threat to our existing Polaris-Poseidon fleet?

Mr. JACKSON. At the present time, our Polaris-Poseidon fleet, I think, certainly has a high degree of survivability. The Navy cannot say what will happen, of course, down the road, and there can be sudden and early breakthroughs in the ability of the adversary to detect our force.

In order to discuss this matter in any detail I would say that we would have to go into executive session. I am sure my colleagues on the committee would agree. I would not want to go beyond certain general comments. There are certain things that we do not know about what they are doing and what they are capable of doing, and undoubtedly there are things that we can do that they do not know about. Therefore, to get into any bill of particulars I think we would have to go into a closed session.

Mr. ABOUREZK. If we do not know, and I am confident we do not know what they might come up with so far as detection of our existing fleet, would it not be as prudent and wise to wait in order to counter? How can we counter unless we know what it is?

Mr. JACKSON. If we wait until we know what they have it will take us some 7 years to get the first Trident to beat that threat. Meanwhile, the Soviets already have in the water more than three Tridents. They have in the water submarines that can fire over 4,200 nautical miles. They have their Tridents.

Mr. ABOUREZK. Do their Tridents fight against our Tridents?

Mr. JACKSON. No, that is not the mission.

Mr. ABOUREZK. That is what I understand.

Mr. JACKSON. The mission is strategic; that is, they are geared to deter, and to respond in a strategic exchange. I would point out that the ASW submarines would be what we call attack submarines. The first one in the world was the *Nautilus*. It is geared to seek out and attack. But it is tied in with a whole family of systems that are involved in, shall we say, a massive detection system. It is a great detective problem that has to be worked out in concert with a coordinated team of air, surface, and subsurface vehicles. Basically, that is what is involved. It is a very complicated operation known as antisubmarine warfare, or ASW.

Mr. ABOUREZK. Also with regard to some of the earlier colloquy about needing a Trident submarine in 1978 in order to make our Trident quieter, to make our submarine fleet quieter——

Mr. JACKSON. It has two advantages: Speed and quietness.

Mr. ABOUREZK. I understand quiet gear can be fitted in the existing fleet, if that were the real objective.

Mr. JACKSON. I would say to the Senator that it would be pretty expensive to pull out existing reactors and put new reactors in an old hull. We also cannot put in the new types of sonar which we need to defeat quieter adversary submarines.

As the Senator undoubtedly knows, and as the Senator from Connecticut pointed out, our present missile submarines have a life expectancy of about 20 years, and the last thing we want to do is to have submarines that might collapse from structural failures or that require such frequent repair that their overall reliability becomes a questionable factor.

Mr. CANNON. Mr. President, will the Senator yield for an observation at that point?

Mr. JACKSON. I yield.

Mr. CANNON. I wish to correct one point that has been mentioned in the last few minutes. I wish to correct the record. Both the Senator from Connecticut and the Senator from Washington said that the Polaris-Poseidon has a life expectancy of 20 years. That is not correct. The Department of Defense now says that the Polaris-Poseidon has a life expectancy of 25 years. It was designed initially for a life expectancy of 20 years but the Department testified before our committee they believe it now has a life expectancy of 25 years. So we do not think we should get locked into that 20-year figure.

Mr. JACKSON. Mr. President, I appreciate the expertise of my good friend from Nevada in these areas. I can only say that when you start to go beyond 20 years you are going beyond the life expectancy to which the ships' specifications are set. You would be operating on a hunch. When we lose the first submarine due to structural failures, it is like the situation we had with certain aircraft where the predicted life expectancy of one of the larger planes was exaggerated. It later turned out to be one-half of what we were told. I am not sure we can program safe operation beyond a 20-year life expectancy. I do not want to see our submarines collapse with a large loss of life, which could occur if we take too many risks. Also, in these important strategic systems, with the submarines at sea, on their own for weeks at a time, we require the utomost in reliability and cannot accept second-class standards or performance.

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

Mr. JACKSON. I yield.

Mr. SYMINGTON. Unfortunately we were agreeing to a series of time limitations on various amendments, but I support what the able Senator from Nevada said about the 20–25 years life. Actually we have expert testimony that the true life is 30 years.

There has been colloquy about the Polaris, I would get into that briefly. Admiral Burke, Chief of Naval Operations, gave a letter to a man whose accomplishments at times we seem to forget, in this area. I refer to perhaps the greatest expediter in this town, Admiral Rayburn, who expedited the Polaris-Poseidon. The letter said, "Give this man what he needs." On that basis, the Navy was turned upside down to make the Polaris submarine program move fast. If there were problems incident to its production, we heard little about it, because there was no interest in cost comparable to the interest now.

The Soviets have 12 launchers against our 24 on the Trident. I am talking about the Soviet Yankee class. If the concept of Soviet submarines is correct, would we rather have more launchers and fewer submarines, or more submarines and fewer launchers?

I do not want to get too far into this today, but do want to see these questions answered. What worries me is that I know of no good management under sound accounting principles not being violated by rushing this program. I know of no shop rule not being violated. The price will be paid by those people who do the expediting, telescoping of the time in the production of said submarine.

As one who voted for $642 million for the further orderly Trident development, but against $880 million to rush the production which we once rejected but which was reversed to achieve disorderly production of this particular program. In the long run some admirals will retire and some Senators will retire, but the manufacturer will be stuck with the results of this 2-year "rushing," as other manufacturers have been stuck recently on other contracts.

I am sympathetic with the questions my friend raises. The Senator from Washington and I agree on most matters, but we do not agree on this accelrated program. I intend to read today's RECORD carefully, and perhaps ask some questions of my friend, the able Senator from Washington.

Mr. JACKSON. May I suggest that we will have a separate debate on the Trident. We are covering a wide area. The Senator from Missouri observed that it is a question of whether one would rather have more submarines or fewer missiles per submarine. I would only point out that under the interim agreement the Soviets got 62 submarines and 950 missiles, compared to 44 submarines and 710 missiles for us.

Mr. SYMINGTON. That refers to the agreement, not the treaty. If we build 20 submarines of the Trident class, we would have to scrap some Poseidons.

Mr. JACKSON. If we build 20.

Mr. SYMINGTON. If we build 10, that would be 240 of the 710 right there.

Mr. JACKSON. I am talking about the terrible disparity that exists, that ought to cause all of us to want to move forward, at least for awhile, given this disproportionate basis.

I cannot understand why anyone would not want the United States to reach even the lowest level, 710 missiles and 44 submarines. The Soviets get 62 and 950. Is the argument that we do not want to settle even for the lowest number?

Mr. SYMINGTON. I think the argument is that we want more submarines and fewer launchers, instead of more launchers and fewer submarines.

Mr. JACKSON. Is the Senator willing to implement and go to 710 launchers? This expires in 1977. What is the Senator's position?

Mr. SYMINGTON. I will be glad to give the Senator my position. I thought when Dr. Kissinger stated that he was taking 710 for us as against 950 for the Soviet Union, and 1,054 ICBM's as against 1,618 for the Soviets, he had stopped their progress, and also that we should consider our long-range strategic bombers and our forward-based aircraft.

The Senator from Washington knows, when he rejected that original decision, and was successful in the decision, I told him if he took out the word "intercontinental" I would support his amendment; but he did not want to do it, and I was not successful in my request.

I told him then what I tell him now—that when we demand equality not only on ICBM's, but on SLBM's, we are not asking for parity; we are asking for superiority, and unless we change our position, at least to some extent, if I were in the Soviet Union, I would not want to accept that, because the forward-based aircraft can leave with hundreds of kilotons and drop them on Russia. They certainly could not get all the fighters in an attack. Therefore, from the standpoint of the Soviets, although we say, "You would have to put your IRBM's into the Soviet missile count," I do not see how they could accept the Salt II agreement. That is what we are talking about this afternoon.

Mr. JACKSON. I do not think I should have to defend Dr. Kissinger, but, in fairness, I do not think Dr. Kissinger said we ought to include our forward-based systems in Europe in determining the intercontinental strategic balance in arms agreements.

Mr. SYMINGTON. May I say the Senator is wrong, unless I cannot read, because it was an open press conference in Moscow, when this was announced. They said:

"Dr. Kissinger, how can you accept 950 against 710, and 1,054 against 1,618?" His

reply was, "You should take into consideration our strategic bombers and our forward-based aircraft."

Mr. JACKSON. My point is this: I do not think he has ever taken the position that a permanent agreement on intercontinental strategic offensive forces should include our forward-based systems.

Mr. SYMINGTON. All I know is that, in an open news conference, he stated that when they asked him why he accepted the difference. I will put into the RECORD the verbatim report of the press conference, which I studied very carefully.

Mr. JACKSON. That is entirely different. My point is that the Government, through Dr. Kissinger, has never taken the position that a permanent agreement governing intercontinental strategic forces should include our forward-based systems.

The Senator from Missouri has mentioned something about bombing Moscow. The Senator has not said anything about the 700 Soviet IRBM's, with which the Soviet Union can reach all of Europe.

Mr. SYMINGTON. Now we are getting down to the core of this argument. The Soviets say, "We will not make an arrangement whereby strategically you can destroy us and strategically we cannot destroy you, but we can destroy some of your allies."

I am in full sympathy with backing up our allies, but I can see the thinking which runs through their own minds on that.

We can get into it further, because I think this is very, very important as we discuss relative parity in this strategic field.

Mr. JACKSON. Mr. President, I would be glad to discuss these issues later. We are going to get into the strategic systems. We can reserve comment on that until later. I have held the floor for 2 or 2½ hours.

Mr. TOWER. Mr. President, if the Senator will yield, I think that the RECORD should be corrected. In the case of the 8 to 7 vote, the original vote against the Trident was the result of a proxy vote which was cast the wrong way through honest error. It was clarified the next day.

Mr. SYMINGTON. Mr. President, the Senator who changed his vote, before he changed it, told me he was in favor of this position.

Mr. TOWER. But he had told the Senator from Washington before the vote was cast that he would vote with us on the Poseidon. Because of that statement, we got in touch with him and got the matter reversed.

Mr. JACKSON. Mr. President, I yield the floor.

Mr. HUMPHREY. Mr. President, before the Senator yields the floor, I know that the Senator from Wisconsin wants to call up his amendment. However, I want to make two or three comments with regard to the excellent discussion that has taken place. Does the Senator yield for that purpose?

Mr. JACKSON. Certainly.

Mr. HUMPHREY. Mr. President, we are getting into the realm of reason and out of the area of emotion, which is very necessary for a legitimate discussion of an item that is crucial in the area of national security. As the debate progresses, we will all learn more of the detail.

I do have concern over what my colleague has talked about concerning the proper balance needed in our defense forces for national security. I have many concerns and worries about these matters as a Senator, a citizen, and a person who has served in the Government.

There are a few things that I would like to mention today. And I do this with great respect for my colleagues. I do not believe that our Navy is inferior to the Soviet Union. In fact, Admiral Zumwalt has been to my office and has told me to the contrary. He is concerned over weapons systems such as the Trident and the fact that our Navy could in the future become inferior.

I do not want to see our Navy become inferior. But, I believe that whether it is inferior or not depends on more than any one of the weapons systems.

It is fair to say that the Chief of Naval Operations is deeply concerned about the manpower of the U.S. Navy and about the modernization of certain naval craft.

It is important to know that we have, in what we call mothballs, a substantial number of ships that can be made operational and combat effective in a short period of time. They are good ships. That does not mean that we should not pursue a reasonable course of modernization. This, too, is necessary.

The Senator from Washington has served us well by pointing up the issues, as has the distinguished Senator from Connecticut. We can debate these matters and debate them intelligently. However, I make the point, from what I have heard, that as of 1973, 1974, and 1975, at least for the next few years or so, we will not be in an inferior position as far as our Navy is concerned. We have more overseas bases. We have logistic and supply capabilities that are far superior to those of the Soviet Union.

Then, too, the Senator from Missouri brought up a point concerning missilery that we must face. There is no doubt, as the Senator from Washington has said, that in land-based missiles in terms of weight, number, and firepower, we are in a position of less strength than the Soviet Union. But we have more nuclear warheads because of our MIRV program. Also, we have the long-range bombers. We opted for that a long time ago. Maybe it was because of the pressure of the Air Force. Perhaps it was because of the pressure of those who believe in the manned bomber. However, we made the decision long ago to build the powerful B–52 bombers. Now we have a B–1 bomber. What its effectiveness will be, I do not know. That, again, has been strongly urged on us as important to our national security. So, we did not put all of our chips in Polaris or in land-based missiles. Frankly, I think too much emphasis on the land-based missile could put us in a more vulnerable posture.

I am much more interested in the submarines, the Polaris, the Poseidon, and the attack submarines with long-range and medium-range missiles.

When we negotiated with the Soviet Union, we did not send a delegation that was going to sell us out. Whatever may be my criticism of the President of the United States, I have never contended that he would weaken our security.

At SALT I, we made an interim agreement on offensive weaponry. That agreement was and is for limited duration. We now are engaged in negotiations in SALT II—hopefully, to arrive at a long-term agreement to limit offensive weapons.

There is an argument about what we need for bargaining chips. That is a very legitimate argument. I do not want to take a dogmatic attitude on this matter. I want to listen to the debate, as I have done today. However, there are certain observations that need to be stated. We are, today, the foremost military power in the world. We ought not to say that we are in an inferior position. We could become that way if we are careless or foolhardy. But, I will not vote to place us in a position of weakness.

I said a while ago that I was not an expert on weapons systems. I once had a little more opportunity to know more about them than I do now. However, we have to take a look at the overall amount we can afford to spend and the priorities we must establish for our Nation.

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

Mr. HUMPHREY. I yield.

Mr. SYMINGTON. Mr. President, perhaps a year ago this administration put out a most interesting and informative brochure to the American people. It pointed out we had 6,000 nuclear warheads in 1972, and that this would be increased to 10,000 such warheads by 1977.

They also pointed out at that time the Soviets had 2,500 nuclear warheads in 1972, and that would be increased to 4,000 by 1977. In other words, 2,500 against our 6,000 today and 6,000 to our 10,000 within 5 years.

This was put out by the administration. In addition, the brochure had blocks, charts, which showed that four 1-megaton bombs was the equivalent in destructive power of one 16 megaton bomb.

Mr. HUMPHREY. The Senator placed that information in the record in the committee.

Mr. SYMINGTON. The Senator is correct. We know now that the Hiroshima bomb was 14 kilotons, and that all those warheads are many times stronger than this Hiroshima bomb.

As I have said before, and say again, would we be in greater danger if, instead of being so far ahead in warheads, we had only the same number? To put it another way, how many times do we have to be destroyed to be destroyed?

We hear about a weapons system and that we are behind on that particular system.

There is another aspect, however.

Take carriers. How many times does one hear the argument in this body that we should have an additional carrier, which would cost nearly $1 billion? We have 15 carriers, the Soviets have at most one. And we are sure of that one.

We just cannot afford everything, in every line of strategic and conventional weaponry, the economy cannot stand it.

Mr. PROXMIRE. Mr. President, will the Senator yield briefly?

Mr. HUMPHREY. Mr. President, I want to conclude my statement so that the Senator from Wisconsin can offer his amendment.

I have listened to the argument about the Soviet experimentation in MIRVing. One year ago, in April of this year, I stood on the Senate floor and pointed out some of the facts about the Soviet technology and where we were in MIRVing.

Presently, we are so far ahead of the Soviet Union in MIRV's that it is not even a race. No responsible official of this Government says that the Soviet Union can do any appreciable degree of MIRVing of their missiles for at least 3 years.

We are going to be around here. We are not going to give up constitutional government, I hope, and fade out of existence. We are going to be here to review these matters.

We have a technological advantage in MIRVing. That is clear and unmistakable. May I further add that we have some other technological advantages in terms of guidance systems. So it is not as if we stand here weak, and ready to roll over, or that the advance of the Soviet Union is going to be like an avalanche upon us. The real fact of the matter is that the Soviet Union is governed by people who understand power just as we do, and they know that unless they have first strike capability to literally wipe us off the map, there is no victory for them. They do not have now, nor will we permit the Soviets to have first strike capability. They know this, and we know it.

There is no Senator here who predicts that they will get first strike capability within the foreseeable future; and what is more, no Senator here will permit them to get it. The word should go from this body that the Soviet Union will never be permitted by the elected representatives of the people of the United States to have massive military superiority. We are not going to let them do that.

But the word should also go from this place to the people of the United States that we are not going to engage in a crash program when it is not needed.

I have been in this body when we hastily decided we had to put out the BOMARC missile. Thank God we had a President like Eisenhower, who said:

Wait a minute, let's not go berserk.

I was here when we deployed the Nike missile, first Nike-I, and then II. I was here when we put out the first Dewline, when we thought we saw the Russians coming across the North Pole. I was here when we put out Dewline-II. I do not remember how much that cost but it was plenty.

I am not saying these were not good defense systems, but I am saying that we occasionally let our emotions get the better of our judgment.

As the Senator from Missouri has pointed out repeatdly over the years, in international monetary matters involving the dollar's value, we are now at the point where the U.S. Senate, which is supposed to be a deliberative, thoughtful body, is going to have to make some hard determinations and judgments on what we should authorize, and how much we can spend without jeopardizing our financial and economic system.

I think we are capable of making these judgments now as to the Trident submarine—we are not cutting back on the Trident. The Soviets know we have authorized the Trident. And let the Soviet Union know from someone, who wants to see a reduction in this budget, that if they think they are going to surpass us and make us a second-rate power, they are not going to do it. They have been playing catch up with us ever since World War II, and they have never gotten ahead. What is there that would make anyone believe that we are going to fall over and say, "Take us" or that we are going to say, "We Americans will not stand up and maintain our defenses."

Mr. President, there is a difference between standing up and going on a drunk. In fact, quite a difference. And there is a difference between standing up and exercising prudent judgment.

I must say that I am no expert on every single one of these weapons systems, and I do not think that many of my colleagues are, either. We have not seen all the details. But I will tell you what I have seen. I have seen cost overruns that stagger the imagination. I have seen haste in developing weapons systems where we have gone out and spent half a billion dollars on a tank, and then decided the darn thing would not work. And yet we do not have enough money for the kids in the school lunch program.

I have seen us move hastily on airplanes that never flew, and we have had instance after instance, and maybe this record ought to be documented with them, where we have spent billions of dollars on abortive, futile efforts of miscalculation in weapons engineering, technology, and production.

I recall an old friend of mine who served in the Senate some years ago. He was known by his friends as "Big Ed" Johnson, the Senator from Colorado. He was a wise and thoughtful man. He would get up and say, "Just a minute." Yes, he asked his colleagues to stop, look, and listen before acting.

That "just a minute" meant "let's take another look."

Mr. President, I think it is time that we took another look. The Russians who are coming over here asking for billions of dollars cannot be that rich. If I had my way, Mr. President, before they received the billions of dollars they want in credits, at low rates of interest which our own people cannot get, I would say, "How about some arms control? How about it, comrade?"

I think we ought to be tough on arms control, both ways. Let Dr. Shultz, while he is over there, and our other people over there look like they meant business and say, "We want some arms control." We must tell the Soviet leaders that we are not going to finance their country on consumer development programs and then have them go ahead and force us into an arms race. We are not going to do that.

We are entitled to protect the American community and the American economy. Yet we are bent off in two ways today. Here is what we are doing: We have the American business community, that is hell-bent to have a great big go-around with the Russians on business. I remember some of them were willing to do business with Nazi Germany and we were selling scrap iron to Imperial Japan. We got a lot of it back, but it was at Pearl Harbor.

Do not misunderstand me; I want to see us do business with the Soviet Union. I believe in and support commercial exchange with the U.S.S.R. But I want that done prudently, too. I know that when we go to a bank and want to borrow some money, the banker says, "Well, before we lend you that money, you must get rid of some of your costly extravagances."

In other words, the banker says, "Slow down; cut off some of the luxuries, tighten the belt a little." And then they charge us a lot more interest than we charge the Russians.

We have a right to say to the Soviet Union, without arrogance, without being mean, but just as straightforward, practical, business people, "If you need $6 billion worth of credits—we want you to agree to certain terms." Six billion dollars is a lot of money. Every time we take that out of the well of the banks of America, there is that much less for us. Let us remember that credit is not an item that is everlasting. When you take $6 billion out of the American economy for someone else, it is $6 billion less for our urgent needs here at home. There may be good reasons for extending credits to the Soviets. But, Mr. President, when we do it, I do not want us to have to add another $6 billion to our defense bill in order to keep up with the Russians in the arms race. And that is what we are doing.

We are talking about loans of $6 billion to the Soviet Union, most of it guaranteed by the Export-Import Bank, and we are talking about a $5.6 billion increase in our defense budget.

We ought to say to the leaders in Moscow, "Slow down. Wait a minute. Let's take a look." And that will be good for our people and good for their people.

I just summarize by saying I believe in a strong national defense system. I have voted for that in the Senate all my public life. I am the only Member, save the Senator from Missouri here, who has ever served on the National Security Council. I think I know something about the security needs of this country. But I do not think the security of our country is going to be in any way weakened because we decide, for example, that we will build something in 1980 instead of 1978.

That is my judgment. I do not think that the security needs of this country are going to be weakened if we decide we may want to stretch out, for example, a particular weapons system for another 2 or 3 years. We ought to let the Russians know that we do not intend to go to sleep, and that if they start to build up faster

than our present estimates are, we are perfectly capable of coming back here, as we did after sputnik.

What did we do after sputnik? We were so far behind we were flying kites. We did not have any space program worthy of the name.

The Russians launched sputnik, and this Congress, inside of a month, authorized a $4 billion space program. This Congress in less than a year authorized a space program that took us to the Moon. We were 5 years behind, and we got to the Moon before they did. We have Skylab before they have it. We won the space race and they know it. We have demonstrated to them that we can do what we need to do, if we need to do it. We know what we can do, if we have to. They know what we can do.

One other thing, Mr. President. With all their missiles, with all their planes, and with all their fleet, they cannot feed themselves. I repeat: They cannot feed themselves. They have come here to buy food. They still need capital and our technology. They want large credits for their economic development—but they don't want to cut back on their military buildup. It is ironic that our capital, our food, our technology could provide them with the resources to have "guns and butter" and driving us to increase our own military budget to match their military expansion.

That is one man's opinion. I may be wrong. If I am wrong, then I will listen to the debate, and I will look it over with the distinguished Senator from Mississippi (Mr. STENNIS), a man whom I love and admire. I am going to listen to what he has to say.

It is a bit unusual for me to take the floor to ask for reductions in the defense budget. But I believe the time has come for us to look at that budget with meticulous care. I believe the time has come for us to measure every step we take. I believe the time has come, without anger or bitterness toward the Soviet Union, to say two things to them:

One is "slow down, or you may not get the credits." Every Member of this body will be asked to vote for more funds for the Export-Import Bank. It is bad enough for us to have to pay for our own weapons besides paying for theirs. Let them slow down. We are not going to attack them and they know it.

The next thing I want to say is that after we have told them to slow down, we should slow down ourselves. There is no safety in the arms race. We have already proved that. We step up, and they catch up. They step up, and we catch up. All we do is raise the level of danger and consume our limited resources.

Mr. President, I believe that the debate that will take place within the next few days may be one of the most important debates and discussions the Senate has ever engaged in since we debated the NATO agreement.

I am not going to be voting for any reductions in NATO. I disagree with some of my colleagues about that.

I am an independent man on these matters. I want this country to be strong, but I am not going to be frightened into hasty decisions. Too much is at stake.

Mr. President, I yield the floor.

Mr. SYMINGTON. Mr. President, I wish every American could have had the opportunity to hear these superb remarks of the distinguished Senator from Minnesota (Mr. HUMPHREY).

I agree wholeheartedly with what he said. The Senator from Minnesota, as we all know, has had unusual opportunity to note all the details about what was and is planned regarding the security of the United States.

I congratulate the Senator on one of the finest talks it has been my privilege to hear in the years that I have been in the Senate.

(The following colloquy, which occurred during the address by Senator JACKSON, is printed at this point by unanimous consent.)

UNANIMOUS-CONSENT AGREEMENT ON PENDING BILL

Mr. ROBERT C. BYRD. Mr. President, at the direction of the distinguished majority leader, and after having conferred with the distinguished Senator from Missouri (Mr. SYMINGTON), the distinguished Senator from South Carolina (Mr. THURMOND), the distinguished Senator from Texas (Mr. TOWER), the distinguished Senator from Mississippi (Mr. STENNIS), and with the authors of the following amendments to the pending bill, I make the following unanimous-consent requests. All the parties that I have referred to have agreed on the time limitations which will be suggested.

Mr. President, I ask unanimous consent that at such time as the amendment by the Senator from Wisconsin (Mr. PROXMIRE), dealing with military servants, is called up and made the pending question before the Senate, there be a time limitation thereon of 2 hours, to be equally divided in accordance with the usual form, meaning between the author of the amendment and the manager of the bill; or, if the manager of the bill supports the amendment, then the ranking minority member would have control of the time in opposition thereto.

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. Mr. President, reserving the right to object, and I do not intend to object, what about amendments thereto?

Mr. ROBERT C. BYRD. I would suggest, if I may, that in each case——

Mr. TOWER. Half the time on amendments to amendments?

Mr. ROBERT C. BYRD. That in the case of an amendment thereto, there be allotted to that amendment to the amendment half of the time that is allotted to the amendment in the first degree, and that we make that the general understanding as we go along.

Mr. TOWER. Very well.

Mr. THURMOND. Mr. President, that is entirely satisfactory with me.

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

Mr. ROBERT C. BYRD. Let me restate that.

Mr. President, I ask unanimous consent that on the amendment dealing with military servants, there be a time limitation of 2 hours, to be equally divided, and that on any amendment to that amendment, there be a time limitation of 30 minutes.

Mr. THURMOND. What was that?

Mr. ROBERT C. BYRD. Thirty minutes on any amendment to the amendment on military servants.

Mr. THURMOND. That will be satisfactory.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. That on amendment No. 501 by the Senator from Indiana (Mr. HARTKE), there be a time limitation of 2 hours to be equally divided in accordance with the usual form, and that time on any amendment to that amendment be limited to 30 minutes, to be equally divided in accordance with the usual form.

Mr. THURMOND. Mr. President, that is satisfactory.

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

Mr. ROBERT C. BYRD. Mr. President, on amendment No. 494, the recomputation amendment, to be offered by the Senator from Indiana (Mr. HARTKE), I ask unanimous consent that there be a limitation of 2 hours, to be equally divided, the amendment to be in the usual form; and that the time on any amendment to the amendment be limited to 30 minutes, to be equally divided in accordance with the usual form.

Mr. THURMOND. That is satisfactory.

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

Mr. ROBERT C. BYRD. On the amendment by the Senator from Iowa (Mr. CLARK) to eliminate the aircraft carrier funds, I ask unanimous consent that there be a limitation of 4 hours, and that on any amendment to the amendment there be a limitation of 1 hour, all to be divided and controlled in accordance with the usual form.

Mr. STENNIS. Mr. President, reserving the right to object, as I recall from the discussion, it was agreed that that amendment would go over until next week.

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. STENNIS. Mr. President, again reserving the right to object, although I do not expect to object, we have had a very fruitful discussion of all these matters. I am very much pleased that we have reached agreement, or have apparently reached agreement, on certain amendments. But when we get into the weaponry, there is no agreement, as I recall, on Trident. When we get into weaponry, I hope that we can agree to limitations on amendments. I do not believe the Senator wants to bring up Trident this week. I would not think there is any desire to bring it up this week, either.

As I recall, the Senator from New Hampshire (Mr. MCINTYRE) is the author of the Trident amendment. I mention that because it is an important question, and I thought we ought to bring it up now and have some discussion on it.

Mr. ROBERT C. BYRD. The distin-

guished Senator from New Hampshire (Mr. McINTYRE) is agreeable, as I understand, to taking up the Trident amendment next week. He understands that it will be next week.

Mr. STENNIS. Well, is it the purpose of the leadership to keep working so as to get an agreement on Trident and on any other matters in addition to those agreements which the Senator is asking for this afternoon?

Mr. ROBERT C. BYRD. Yes, it is.

Mr. STENNIS. All right. I wanted to make that point now.

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

Mr. ROBERT C. BYRD. I am happy to yield.

Mr. THURMOND. I had expected that Trident would not come up this week. I do not know that there will be any time agreement on Trident, but I think it important that it be determined when the vote will come, because so many Senators are away, and I am sure that every Senator would like to be recorded. I think it is important to every Senator.

Mr. MANSFIELD. The Senator has that assurance.

Mr. TOWER. Mr. President, reserving the right to object—and I shall not object—I am agreeabe to a time agreement on the carrier amendment provided it does not come up this week.

Mr. ROBERT C. BYRD. It will not.

Mr. TOWER. I would like that to be understood.

Mr. HUMPHREY. When will it come up?

Mr. ROBERT C. BYRD. Next week.

Mr. MANSFIELD. We have spent all afternoon trying to work out agreements. We are doing the best we can on the basis of what we are trying to accomplish.

Mr. HUMPHREY. May I understand what is the plan for today and tomorrow? There are other measures in the calendar.

Mr. MANSFIELD. The calendar at the moment is clean.

Mr. HUMPHREY. I am referring, for example, to the Foreign Assistance bill.

Mr. MANSFIELD. Yes; we are trying to get that in next week, if at all possible. But we have to do the best we can, if the Senator will allow us to have a little flexibility. This is a big bill.

Mr. HUMPHREY. I understand that.

Mr. TOWER. I should think there is no prospect of finishing the bill before Wednesday night of next week.

Mr. MANSFIELD. Oh, no.

Mr. TOWER. There is just too much that is involved. There is just too much involved.

Mr. ROBERT C. BYRD. May I say to the able Senator from Minnesota (Mr. HUMPHREY), the time agreement on the Foreign Assistance Act has already been entered into. His inquiry is in connection with the Foreign Assistance Act, is it not?

Mr. HUMPHREY. I thank the Senator——

Mr. ROBERT C. BYRD. I think it will follow action on this bill.

Mr. HUMPHREY. I thank the Senator.

Mr. STENNIS. If the Senator will yield for one observation, I do not object to the carrier or to the agreement with reference to the carrier, but it is a matter of importance to many Senators and they are entitled to some notice. I am sure that the Senator from Minnesota will want to listen to all the agreements that the Senator from West Virginia will make within the next few minutes.

Mr. THURMOND. Mr. President, in further elaboration of the statement by the Senator from Minnesota, I want to say that the Senator from West Virginia has worked out a very fine arrangement. So let him complete that now and we will save time. There are 10 or 12 amendments that we can act on today or tomorrow, which will carry us over to next week or through Saturday, if we wish to work on Saturday. The big ones, like Trident, the carrier, the B–1, would not come up until next week.

We have so many other amendments that we can dispose of the minor ones before that.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). Is there objection to the unanimous-consent request?

Mr. JAVITS. Mr. President, reserving the right to object—and I shall not object—I want to be sure that all of these consent agreements have in them the right to amend an amendment which is before the Senate. I would ask, is that not correct?

Mr. ROBERT C. BYRD. The Senator from New York is correct.

Mr. JAVITS. I thank the Senator from West Virginia.

The PRESIDING OFFICER. Without objection, the last unanimous-consent request is granted.

Mr. ROBERT C. BYRD. Mr. President, may I ask the Chair, I believe that the request with respect to the air carrier funds was agreed to; is that not correct?

The PRESIDING OFFICER. The Chair did not hear the Senator from West Virginia. If the Senate will be in order, the Chair will be able to hear the Senator from West Virginia. Would he please repeat his request.

Mr. ROBERT C. BYRD. I think that the request was agreed to with respect to the aircraft carrier funds amendment; is that not correct?

The PRESIDING OFFICER. Four hours.

Mr. ROBERT C. BYRD. Mr. Presiden, I ask unanimous consent——

Mr. MANSFIELD. Mr. President, has the Chair ruled that that has been agreed to?

The PRESIDING OFFICER. Yes. The Chair has ruled that it has been agreed to.

Mr. MANSFIELD. I thank the Chair.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the amendment by the distinguished Senator from Minnesota (Mr. MONDALE)—which would amount to a sense of the Senate regarding grade-creep—is called up before the Senate and made the pending question, there be a 1-hour time limitation on that amendment with a limitation of 30 minutes on any amendment to the amendment, to be controlled in the usual form.

Mr. JACKSON. Mr. President, would the Senator from West Virginia restate the subject matter there?

Mr. ROBERT C. BYRD. May I say, in response, that these notes were taken by——

The PRESIDING OFFICER. Will the Senate please be in order. The Chair cannot hear.

Mr. ROBERT C. BYRD. Mr. President, these notes were taken in the cloakroom in response to the hot line request put out this morning, and the Senator from Minnesota (Mr. MONDALE) indicated that he had a sense of the Senate amendment regarding a cut in grade-creep. As to what that acronym means, I do not know, in this instance.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. TOWER. Mr. President, reserving the right to object, could the Senator explain that? Could any Senator explain that?

Mr. SYMINGTON. I cannot.

Mr. THURMOND. I believe it is just to distribute cuts over the different grades throughout.

Mr. TOWER. That is right. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as an amendment by the distinguished Senator from Missouri (Mr. EAGLETON), dealing with AWACS, is called up and made the pending question before the Senate, there be a time limitation of 2 hours thereon, with a 30-minute limitation on any amendment to the amendment, with the time to be equally divided and controlled in accordance with the usual form.

Mr. SYMINGTON. Mr. President, could I ask the Senator from West Virginia, if it is at all possible, that we have these amendments printed so that we will know what we are talking about when they come to the floor?

Mr. ROBERT C. BYRD. Yes. That will be done.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President I ask unanimous consent that at such time as the distinguished Senator from Iowa (Mr. HUGHES) calls up his amendments Nos. 490 and 491, there be a time limitation on each amendment of 2 hours, with a time limitation on amendments to the amendments of 30 minutes, to be equally divided in accordance with the usual form.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the distinguished Senator from Indiana (Mr. BAYH) calls up his amendment dealing with the SAM–D missile, there be a 6-hour limitation thereon, with a time limitation on any amendment to the amendment of 1 hour, with the time to be equally divided in accordance with the usual form.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the distinguished Senator from Missouri (Mr. EAGLETON) calls up his amendment dealing with the XM–1 tank, there be a time limitation of 2 hours on the amendment, with 30 minutes on any amendment to the amendment, with the time to be equally divided in accordance with the usual form.

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

Mr. ROBERT C. BYRD. Mr. President, that completes my requests, I think.

Mr. HUMPHREY. Mr. President, will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. I yield.

Mr. HUMPHREY. There may be other amendments. For example, I am not capable of judging every weapons system. I happen to think that we might want to make some kind of reduction in the overall procurement. Therefore, it may be that I should like to offer an overall percentage reduction. I do not desire much time. One hour's time equally divided would be more than adequate, I think. But if I could reserve that time, I should like to do so now because I may very well want to offer that, depending on what happens. I do not think I can make a judgment on each missile setup.

Mr. MANSFIELD. Mr. President, if the Senator from Minnesota will yield, this does not preclude the offering of any other amendment, but in so far as the question of a time limitation is concerned——

Mr. HUMPHREY. I understand.

Mr. MANSFIELD. We have to contact the distinguished chairman of the committee, the distinguished acting chairman, and the ranking Republican Members, so that we can clear it all around. The Senator from Minnesota will get every possible consideration.

Mr. HUMPHREY. I appreciate that. I am willing to reserve a time limitation. I wanted to reserve that right.

Mr. SYMINGTON. Mr. President, I am impressed with what was just said by the distinguished Senator from Minnesota (Mr. HUMPHREY). We have had two reports from independent, objective sources. One, the Brookings Institution, implies we can reduce this defense spending between $10 billion and $25 billion. Another group of outstanding citizens, nearly all of whom are well known and have served in the Department of Defense, put out a detailed report that we could reduce the defense cost $14 billion.

Actually, the committee reduced this military procurement bill $1.5 billion. This puts it within $4 million of the House bill.

It is my understanding, however, that there may be an amendment offered on the floor which would restore $500 million of that $1.5 billion cut. Other amendments have been discussed on the floor this afternoon—I shall not get into them in any detail at this time—some against the way I voted in the committee on certain weapons systems. For example, the Research and Development Subcommittee of the Senate Armed Services Committee spent many months investigating the Trident submarine and reported back unanimously to the full committee against the acceleration of this Trident project.

Under the most unprecedented lobbying I have seen in the years I have been in Government, even though at first the full committee supported the Research and Development Subcommittee, later a change of one vote resulted in the unanimous opinion of the subcommittee being rejected by the full committee. In effect, this is the second time that happened. I am much interested in what the Senator from Minnesota stated. If we end up with a figure far above the figure of the House, if after these increases as we hear a lot of détente talk, as being accurate, which the administration is constantly and properly telling us about, then I support in my own mind the same as one would do in business when you run into serious financial difficulties, which I think everybody on this floor will agree the United States is running into today. Under those circumstances, unless we can make some reasonable reductions—not any $25 billion, not any $14 billion, nor $10 billion—but unless we can effect some reasonable reduction in this bill, I would hope somebody would offer an across-the-board reduction. I think the time has come when we must realize there are ways of losing your security in addition to not having the latest weapons system. One of course is further disintegration in the value of the dollar. That we must do our best to prevent.

Anybody who goes into a store today to make a purchase knows only too well what has happened to the value of that dollar. As stated in testimony before the Senate Appropriations Committee, presented at the request of the distinguished chairman, when people today go to a supermarket, they find actually they have gone to the cleaners.

So I would hope we give real consideration to reasonable reductions in the military budget.

I was in the Pentagon under the first Secretary of Defense, and never knew a Secretary more sympathetic to the military than Secretary Forrestal. I recall however his saying, "If you leave the amount up to the Joint Chiefs, they will end up wanting the entire gross national product."

I am not happy about attempts to justify these gigantic costs in a period of détente, in a period also of financial trouble, in a period now when the war is over, attempts made by taking the trust funds out of the cost of government, and then taking the revised figure in relation to the gross national product.

I will have more to say about this before action on this bill is completed, but want to say now I could not support some of the things being recommended this afternoon.

What the Senator from Minnesota is saying could have merit. It is what happened in the House of Representatives that resulted in nearly a billion-dollar reduction made over there.

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

Mr. JACKSON. I really yielded briefly, and it has been almost 45 minutes.

Senator RIBICOFF has one question that I was trying to finish, and I was going to yield the floor.

Mr. THURMOND. Mr. President, will the Senator yield for a question?

Mr. JACKSON. I had yielded earlier to the assistant majority leader. He has one-half minute.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. I think the Senator for his patience and courtesy in yield. I thank Senator SYMINGTON, Senator STENNIS, Senator TOWER, Senator THURMOND, and the authors of the amendments for their cooperation.

ORDER FOR ADJOURNMENT UNTIL TOMORROW AND SATURDAY

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

Mr. JACKSON. I yield.

Mr. THURMOND. Mr. President, I should like to inquire of the majority leader what the plans are for Saturday. I am sure everyone will be interested.

Mr. MANSFIELD. Mr. President, the Senate will come in tomorrow at 9 a.m.

At this time, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 9 a.m. Saturday next.

Mr. FULBRIGHT. Mr. President, reserving the right to object, does that mean that the nomination of Mr. Kissinger will be taken up tomorrow at 9 o'clock in the morning?

Mr. MANSFIELD. Yes. We have already agreed to that.

Mr. FULBRIGHT. I thought it was 10 o'clock.

Mr. MANSFIELD. No, 9 o'clock.

The PRESIDING OFFICER. Does the Chair correctly understand the distinguished majority leader to say that the Kissinger nomination will be taken up on Friday, or is it Saturday?

Mr. MANSFIELD. Under the agreement, tomorrow, immediately after the two leaders have been recognized.

The PRESIDING OFFICER. The request that the distinguished Senator made a moment ago was for Saturday.

Mr. MANSFIELD. We do not have an order as yet to come in on Saturday. I think we ought to come in at 9 o'clock.

The PRESIDING OFFICER. It is the Chair's understanding that an order has been agreed to for 10 o'clock tomorrow. Is it the majority leader's desire to change that to 9 o'clock?

Mr. MANSFIELD. Yes, indeed.

The PRESIDING OFFICER. Is there objection?

Mr. FULBRIGHT. Mr. President, I do not wish to interfere with the majority leader's program, but many Senators are under the impression that it is 10 o'clock, and I have had some requests for time. I do not know how to get notice to them in time for them to be read at 9 o'clock in the morning. For example, the Senator from California wishes to have something to say on the Kissinger matter. It is not for my accommodation.

I wonder whether we can change it this late at night without bringing some confusion into the situation.

Mr. MANSFIELD. The distinguished Senator from Arkansas was contacted before this request was made, and the

agreement was that we would convene at 9 o'clock and immediately take up the nomination of Dr. Kissinger.

Mr. FULBRIGHT. I am sorry. I misunderstood. I asked at the desk a moment ago and was told that it was 10 o'clock.

Mr. MANSFIELD. Notice has gone out.

Mr. TOWER. That does not mean the vote will occur at 9.

Mr. MANSFIELD. No. It will be 2 hours after. It will be about 11 o'clock.

The PRESIDING OFFICER. It is the understanding of the Chair that the distinguished majority leader has requested that the time for convening tomorrow be changed from the agreed time of 10 o'clock to 9 o'clock.

Mr. MANSFIELD. No.

Mr. ROBERT C. BYRD. Mr. President, that request was made yesterday and was agreed to and was so stated in the whip notice.

The PRESIDING OFFICER. It is the understanding of the Chair that the Journal does not so indicate.

Mr. ROBERT C. BYRD. The majority leader made the request when standing in the well.

The PRESIDING OFFICER. The Chair will entertain any clarification.

Mr. MANSFIELD. Mr. President, to clarify the situation and to reiterate what has been said and what has been granted by the Senate, I ask unanimous consent again that when the Senate completes its business today, it stand in adjournment until 9 o'clock tomorrow morning.

Mr. SYMINGTON. Mr. President, reserving the right to object—and I shall not object—do we know what is coming up on the military bill, so that we can prepare for it tomorrow?

Mr. MANSFIELD. We will notify the Senators on the basis of the agreements reached and ask them to be here to present their amendments.

Mr. SYMINGTON. But do we know which amendment will be taken up first and which second?

Mr. MANSFIELD. Not at this moment.

Mr. SYMINGTON. So the staff could work tonight on the problems in question.

Mr. MANSFIELD. We may know later this afternoon.

The PRESIDING OFFICER. Without objection, the request of the majority leader is agreed to.

Mr. MANSFIELD. It is also the understanding of the Senator from Montana—again reiterating what he thought he said on yesterday—that immediately after the two leaders are recognized for any remarks they may make, we would then turn to the consideration of the nomination of Dr. Kissinger for a period of not to exceed 2 hours.

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. And the time would be equally divided between the Senator from Arkansas (Mr. FULBRIGHT) and the distinguished Senator from Vermont (Mr. AIKEN) or whomever they may designate.

Mr. FULBRIGHT. Mr. President, reserving the right to object—and I shall not object—it is my understanding that there is an additional 30 minutes for the Senator from Virginia.

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. That is within the 2 hours.

The PRESIDING OFFICER. Within the 2 hours are 30 minutes for the senior Senator from Virginia.

Mr. MANSFIELD. Not to exceed 30 minutes.

Mr. FULBRIGHT. I wish the Senator would make that time in addition, because certain Senators wish to have 5 or 10 minutes, and I am afraid that we could not accommodate them.

Mr. MANSFIELD. I would be glad to do it.

Mr. FULBRIGHT. I do not believe it is wise to give the impression that an important nomination such as this is being rushed through. I do not think there is any question about the nomination being confirmed.

Mr. MANSFIELD. Mr. President, I modify my request to 2½ hours.

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

Mr. MANSFIELD. Mr. President, if the Senator from Washington will yield to me for 1 minute, I would like to read from yesterday's RECORD.

The PRESIDING OFFICER. Would the Senator from Montana clarify the situation with respect to Saturday?

Mr. MANSFIELD. Nine o'clock.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Now, Mr. President, I wish to read from yesterday's RECORD:

> Unanimous-Consent Agreement—Kissinger Nomination: By unanimous consent, it was agreed that when the Senate convenes at 9 a.m. on Friday, September 21, it will proceed to consider the nomination of Henry A. Kissinger, of the District of Columbia, to be Secretary of State, with time limitation for debate thereon of 2 hours. The yeas and nays on question of his confirmation have been ordered.

I thank the distinguished Senator from Washington.

(This marks the end of the colloquy which by unanimous consent was printed at this point in the RECORD.)

DEPARTMENT OF DEFENSE APPROPRIATIONS AUTHORIZATION ACT, 1972

Mr. BUCKLEY. Mr. President, I would like to compliment the Senator from Washington on his thoughtful remarks. They place the debate in the proper perspective.

The Congress begins its annual struggle over the defense budget today, and it is a matter of grave concern to me that the sober realities of the world in which we live are apparently being ignored by some Members of the Congress. Before the debate has begun, amendments have been introduced which would cut $9 billion in present or future hardware procurement and military research and development. The cuts proposed do not attack waste or mismanagement—these are present in any Government program, defense or nondefense—they strike at the very heart of the ability of this country's Armed Forces to deal with the forces our potential adversaries have in being or are likely to have in being by the time our advanced weapons are actually placed in the hands of our forces in the field.

Some Members of the Congress are acting upon a view of detente between the United States and the Soviet Union which bears little or no resemblance to the Soviet view. Indeed, the Soviet leadership has not attempted to conceal its view that détente provides an environment for continuation of an ideological struggle with less risk to the Soviet Union than they would face under the possibility of direct confrontation. There is remarkable continuity in Soviet attitudes on the subject of detente and peaceful coexistence since the early 1960's continuing through the present time without a misstep. I believe two responsible statements made since the Nixon-Brezhnev summit meeting in May, 1972, are illustrative:

Dr. G. Arbator, Director of the Institute for the Study of the United States of America, who accompanied Secretary Brezhnev on his June 1973 visit to the United States as the Soviet Government's chief adviser on the United States, stated in March, 1973:

> Relations with the capitalist nations will remain the relations of struggle, however successful normalization and detente may be . . . The essential question is what form that struggle will take.

An article of May 1973 in Pravda, the Soviet Communist Party newspaper, stated:

> Only naive people can expect that recognition of the principles of coexistence by the capitalists can weather the main contradictions of our times between capitalism and socialism, or that the ideological struggle will be weakened.

One need not, however, rely solely on the statements of Soviet leaders—we can look at how they have behaved in the defense sphere since the era of détente was formalized in May 1972, during President Nixon's visit to Moscow.

The Soviets have deployed a new type of submarine known as the Delta class which fires a missile with the range of our proposed Trident I missile—4,500 miles—6 years before we could deploy an equivalent submarine. Yet there is an amendment to delay deployment of the Trident submarine 2 additional years.

The Soviets have had additional test flights of their Backfire supersonic bomber—more than 3 years before we can even have test quantities of the B–1 bomber ready. Yet there is an amendment proposed to scrap the B–1 program that has been 10 years in development and begin study of a new bomber imparting additional years of delay.

The Soviets have deployed improved antiaircraft missiles to their existing inventory of 10,000 launchers and 60,000 missiles. The total U.S. antiaircraft missiles inventory is less than 700 1958 vintage missiles. Yet there is an amendment proposed to kill the SAM–D antiaircraft missile program leaving the continental United States as well as our forces without a system capable of dealing with modern Soviet aircraft.

The Soviets have sent an additional modern T–62 tank to their forces in Europe and have begun testing an even

newer tank. Last year the Congress terminated work on a modern tank capable of meeting the Soviet counterparts and ordered the Army to start over. Yet this year there is an amendment proposed to hobble development of the new tank by imposing stringent cost limitations even before the tank is designed.

The Soviets have had an airborne radar system to detect low flying aircraft known as MOSS for 5 years. A comparable U.S. system is about to complete the development process after 10 years of effort. Yet there is an amendment being offered to terminate research on the program.

This is just a sampling, Mr. President, of the extraordinary military efforts currently being made by the Soviet Union. They illustrate a fact of international life we cannot ignore: The much celebrated spirit of détente has not deterred the Soviets in the slightest degree from their continuing drive to achieve supremacy in every category of arms, nuclear and conventional.

Mr. President, we can debate among ourselves—in fact, we ought to debate—the relative merits of the proposed weapons systems that together will make up our future military strength. What we cannot afford to do is underestimate the level of the strength that will be required.

Mr. President, we have no responsible choice in the matter. Our defense effort must be tailored not to our hopes, but to the sobering realities of the world in which we live.

Mr. GOLDWATER. Mr. President, on September 19 it was my distinct honor to address the members and guests of the Wings Club in New York City. This is one of the most prestigious flying organizations in the world and the membership reads like a roster of Who's Who in Aviation.

The subject of my remarks pertained to air power and the role that it plays in keeping the peace. I can think of nothing more I can add to opening statements on H.R. 9286, so I make them now as a part of my remarks.

This is the time of year when across the Nation a unique American innovation is a matter of considerable concern to millions of our citizens—the game of football. While the intensity of team partisanship sometimes stretches the appropriateness of the definition "game," I think it is still a reasonable term.

Unfortunately, another unique American invention—air power—is today frighteningly lacking in supporters. Just as the forward pass revolutionized the game of football many years ago, the advent of the airplane revolutionized warfare, which is most assuredly not a game. It is a deadly serious matter. The losers cannot go back to their homes with the consoling thought, "Wait until the next time." In the aftermath of modern war, there is no "next Saturday" or "next Sunday." But there are winners and losers.

Today our air arm is aging badly. We need new blood, the fine rookies without which continued power status in the global league is impossible.

The B–52, like George Blanda, is still a proven and effective weapon. But both Blanda and the B–52 have been around a lot of years and they do not have much time left. The seasoned F–4 Phantom is too slow to defend against the speedy new Mig–25 Foxbat.

The sobering realities are that we have not designed and fielded new air superiority fighters in the last 15 years, and we have not added any advanced strategic bombers in the last 22 years. To complete this tragedy, in 1971 Congress killed the development of the American supersonic transport.

My point is clear. Our world leadership in both military and commercial aviation is in dangerous jeopardy. As a well known coach in the city where I work says, "The future is now."

We urgently need the B–1, the F–14, and F–15, and the A–10, a supersonic transport, and the other components of an effective aerial capability. This is no time to deemphasize. We cannot afford further neglect of aviation development in the United States. To borrow from General Eisenhower, "No real security resides in a second-best Air Force."

Since the days of the World War II massive bombing of Germany and Japan, and later the establishment of the Strategic Air Command, this Nation's security has depended upon the strength and dedication of our airmen. That faith and reliance has met the test many times: in Korea; throughout the Berlin airlift; and during the Cuban crisis, when the Soviet Union saw the 24-hour-per-day stream of SAC bombers crowding their radar scopes, waiting just outside the Soviet borders—a sight that made the Soviet blink and back away.

Most importantly, airpower has been the principal deterrent to worldwide nuclear war. But the unfortunate paradox of that magnificent achievement is that airpower's success has been so effective that many people have gradually lost their appreciation of the urgency and need for continuing effective defense.

Strategic nuclear war has not occurred, but that threat has not diminished. Just because our deterrent forces have been successful doesn't mean they can be reduced. One might as well say, "I don't need fire innsurance for my house any longer because it hasn't burned down." We have become even more complacent than we were before World War II.

Why do we need the B–1, the F–14, the F–15? Because, while we have been relying on airplanes designed well over a decade ago, the Soviet Union has been passing us in aircraft design, development, and production.

In the last 10 years they have developed 12 new fighter prototypes, at least three of which are now operational: the Mig–25 Foxbat, the Mig–23 Flogger, and the SU–11 Flagon. The Foxbat is a deadly mach-3 fighter with a service ceiling in excess of 80,000 feet. It is operational and production is continuing.

To challenge the Foxbat for air superiority, our best current operational fighter is the F–4, a mach-2.2 machine at 40,000 feet, introduced in 1957, which cannot touch the Mig–25. Air superiority is absolutely essential for success in military operations by any service. And an aircraft like the F–4, which came up in the early 1960's, can not provide the pass defense we must have.

I have flown fighter planes since the 1930's. I have flown some of the current foreign aircraft. I have flown the F–14 and the F–15, which are fine warplanes. We need these aircraft to contend with the Foxbat and other Soviet fighters.

In the strategic bomber realm, the Soviets have built a new swing-wing giant called the Backfire, which flies at mach–2 and has left us way behind in this aircraft category. The development of this long-range aircraft reinforces the contention that the manned bomber is an integral part of the U.S. defense system. We know what bombers can do. We learned that in World War II and we saw the B–52's reaffirm the knowledge over North Vietnam last year.

Missiles are essential, but they are not battle-tested weapons and they are irrevocable. The manned bomber can do so very much more than a missile. A bomber can be launched on an alert; it can be recalled; it can be used in less-than-all-out war. On the other hand, when you launch an ICBM, the decision is irreversible.

It is essential that we get the B–1 into the Air Force inventory as soon as possible to replace the B–52, which was designed in the late 1940's and built in the 1950's and early 1960's. The B–1 will be a superb aircraft, capable of matching the Soviet Backfire. Compared to the B–52, the B–1 will use half as much runway, fly much faster, carry two and one half times more payload, have greater range and require less fuel consumption. But the problem is that the Backfire is either operational now or sure to be by 1974, while even if we can get the needed funds to continue development of the B–1, the new bomber would not be operational until about 1980.

Not only are the Soviets fielding more advanced operational aircraft, but they have also outstripped us in numbers. Even with an Air Force larger than ours, however, they are building new advanced aircraft much faster than the United States.

Meanwhile, we have been reducing the size of our air arm. In fiscal year 1950, we had 22,818 fixed wing aircraft; today we have approximately 14,000. We had over 1,200 strategic bombers in 1964; there are less than 450 now. The Air Force had a budgeted buy of only 168 aircraft last year, compared to 778 in 1964.

Moreover, the Soviets are equipping their satellites and client nations with significant numbers of modern aircraft. Algeria, Egypt, Iraq, Sudan, and Syria together possessed 1,188 combat aircraft as of last year, mostly Soviet types, including 446 Mig–21's. Israel had only 432 warplanes, including 90 F–4's and 125 A–4's. Egypt alone had 568 combat airplanes, led by 220 Mig-21's. The power balance implications are enormous.

In case you are getting the impression that I am talking strictly of military

matters, I would remind you of the economic impact foreign aircraft development portends. Economic well-being and national defense are inseparable, especially in a modern world dominated by rapid technological advance. Nevertheless, some of my fellow Members of the Congress oppose the sale of modern U.S. aircraft to friendly nations—at the risk of those nations seeking aircraft from other countries whose aeronautical industries are becoming serious competitors of the United States. Even the U.S. Marines are flying British-designed and -built aircraft.

While the proposed American SST was being talked to death, the busy Soviets were building the Tu–144, a supersonic transport capable of flying at twice the speed of sound, 65,000 feet high, and with a range of over 4,500 miles. This machine has flown and will soon be in airline service.

With the British-French Concorde and Soviet supersonic transports already flying, we may see the day when American commercial airlines buy supersonic transports abroad—at $40 million or more per aircraft. Consider the resultant impact on our already strained balance of trade.

The key to rebuilding our airpower is the renewed support of aviation technology and the continuation of development programs like the B–1, F–14, F–15, and A–10. Our overriding need is for more research and development funds because the R. & D. we do now will determine the quality—thus the effectiveness—of our aircraft for the rest of this century.

Because of the enormous leadtimes involved, research and development programs begun now will not bear fruit until the 1980's and beyond. If we live that long. Development of the C–141 required almost 8 years; the B–1 program stretches over a 17-year period.

Critics say we cannot afford these new systems. Well, ladies and gentlemen, Joe "Willie" Namath does not come cheap, but I would remind you that Joe "Willie" took his team to victory in the Super Bowl. Sixteen or fewer C–5's could have replaced the hundreds of C–54's needed to accomplish the Berlin airlift. Great capabilities go along with high costs.

Another integral part of the cost equation is the price of "not doing a thing." President Truman had to decide what the "cost" would be of not dropping the atomic bomb on Japan. General Marshall estimated that the invasion of Japan would cost 500,000 Allied lives. Truman believed that was too high. Seventy-five thousand Japanese died at Hiroshima and 39,000 at Nagasaki, but the war was quickly ended.

Costs are not always clean, monetary totals. What is the cost of a human life? It is high in the minds of Americans. That is why we spend millions of dollars to buy sophisticated weapons to deter war or to substitute for the sacrifice of our fighting men if we must go to war. Sure, a modern airplane is expensive, but airplanes can be used to quickly avert or win a war without sacrificing a generation of young Americans.

We ought to also understand that the development of these systems, like the development of young football players, is not always a smooth, predictable process. Unforeseen problems have always been part of the development of sophisticated systems, especially when we are moving along the leading edge of new technology. So let us not become overly excited when grandstanders magnify the importance of an unexpected technical problem.

The most important budget battle this Nation has ever fought may be just ahead. For a number of months now, the Defense budget request has been labored over in Congress to a background of demands for reductions from special interest groups and the press. The debate is growing more heated as the final decisions are made.

When the clamor about defense spending gets loudest, I ask you to bear in mind that the proposed fiscal year 1974 military budget would represent the smallest relative burden on the U.S. taxpayer in more than two decades, the lowest percentage of total Federal spending since 1950, and a reduction to only 6 percent of the gross national product. Yet dangerously deep cuts are going to be pushed by myoptic critics who ignore the peril this Nation faces.

Bear in mind also, when you hear shouts that the American taxpayer is having to tighten his belt so the Pentagon brass should have to do the same, that my colleagues in the Congress are attempting to gain substantial salary increases for Members of Congress—an action I strongly oppose.

Bear in mind also that today's defense dollar, like everyone's, doesn't buy what it once did. The DC–10–30 price-tag is 207 times greater than the DC–3. Housing, food, and most other essentials are up. Inflation has hit us all. Those who scream about military overruns should be asked about the 160 percent cost overrun for the Washington Metro System, up from a $27 billion estimate to $70 billion— or the $46 million initial estimate for the Kennedy Center, a facility which finally cost $69.5 million.

Critics of the military use the media to urge crippling cuts in our defense establishment—cuts that would seriously endanger national security. Some media representatives seem more interested in sinking the ship of state than in helping its crew save the passengers—contrived attacks make it big on page one; actual rescues get minor coverage on page 25.

The press and congressional critics label every statement of high Department of Defense officials about the threat posed by our potential adversaries as "scare tactics" designed to justify approval of military appropriations. On March 27 of this year, the Chairman of the Joint Chiefs of Staff, Adm. Thomas H. Moorer, told a Senate subcommittee that the Soviet Union would develop and deploy MIRV—multiple, independently-targetable reentry vehicle—payloads for their ballistic missiles.

Later, newly appointed Secretary of Defense James R. Schlesinger, a brilliant, dedicated, hard-working, and candid official, said that the Nation was now into the period of post-war follies when it is fashionable to attempt dismantling U.S. defenses.

These and other warnings were ridiculed by much of the media as more excuses to spend taxpayer money unnecessarily. In the Senate, Schlesinger's statement was met with the now-nauseous retort about the Pentagon's "incessant cry of wolf."

The "wolf"—or maybe I should say the "bear"—soon appeared and bared its fangs. On August 17, Schlesinger announced that the Soviet Union had several weeks before successfully flight-tested MIRV'ed ICBM's, with six or more warheads on the SS–18 missile.

All the furor over cost growth has obscured the very real threat of the Soviet military strength—a powerful force in three obvious respects.

First, it is an enormous military establishment with an Air Force larger than ours. The Soviet Union has more missiles, as the Strategic Arms Limitation Agreement permits them, and their warheads are far more powerful than ours. Their recent demonstration of a MIRV capability indicates how close they are to having a vastly superior strategic missile force.

Second, they have reached qualitative parity with U.S. military forces in general, and lead us in some areas. More chilling is the fact that if present trends continue, they will surpass the United States in overall military strength during this decade.

This enormous momentum of the Soviets is what bothers me most. Why are they moving ahead so strongly? Why did they push ahead with their MIRV testing at the very time that congressional doves appeared to have a chance of slashing the U.S. defense budget as never before?

The Soviets are pouring money and people into technological research and development at an ever-increasing rate—much more than the United States is, I must add. They employ more natural scientists and engineers on military R. and D. and graduate far more of these people each year than we do.

Consider their current strength and then try to remember events since 1945. Knowing how strong the United States military was by comparison, the Soviets still pushed us with their aggressive actions in Hungary, Berlin, Czechoslovakia, and Cuba. If they were that bold in the past when they were militarily inferior, what might they do tomorrow, or in the 1980's? There is ample evidence that the Soviets respect only power, and it is criminally foolhardy to believe they will be less aggressive if capable of fielding superior military forces.

We must continue to seek means of achieving and maintaining peace, but as we do, we must recognize that the world is still not a very safe or peaceful place and we must remember that remaining strong enough to win a war is still the best way to avoid war. The full flush of détente, of interim arms limitation agreements, mutual, and balanced force reductions, Ostpolitik, and all the other attempts to preclude war, do not mean that we can unilaterally disarm.

Treaties do not have a very good history of success.

Secretary of Defense Schlesinger has warned us against harboring enchanting illusions that further cuts in the already austere defense budget can be made without slashing into bone. The fat from military spending is gone. Schlesinger's further comment about the Soviet "mailed fist encased in the velvet glove of détente" is backed up by two prominent Soviet citizens who have risked their lives to warn us of the danger involved in optimistically relaxing our defenses against the huge and rapidly growing Soviet military power.

How many of you recall these words:

I remain convinced that there are no differences, however serious, that cannot be solved without recourse to war, by consultation and negotiation . . .

For those of you who do not remember, I will pick up the quote and finish Prime Minister Neville Chamberlain's words of early 1939:

. . . by consultation and negotiation, as was laid down in the declaration signed by Herr Hitler and myself at Munich.

The United States had better start thinking. Being ready to fight in today's still-unsettled world means having the necessary equipment and people. As we discuss national priorities and the wisdom of changing them, we had better remember that maintaining our freedom is still No. 1—and that the other priorities disappear with the cannon smoke if our liberty is lost.

Our foreign policy is based on partnership and negotiation through strength—and the strength of the United States is its industry and technology. Our allies depend upon our traditional characteristic, technological prowess. That is our contribution to the partnership. And it is the strength that makes negotiation possible.

Furthermore, the cutting edge, the essence, the vanguard, of that strength is the airpower we can bring to bear anywhere on the globe. Airpower is the vital ingredient to United States and world security. The nation without any air arm capable of defeating any challenger is defenseless. The one unalterable lesson of Vietnam is the decisiveness of airpower.

For a decade, U.S. aircraft were the indispensable elements that prevented a North Vietnamese takeover, even though severe restrictions were placed on airpower application—restraints that increased the risks to our aircrew personnel. Airlift, close air support of ground forces, interdiction, and other missions gave South Vietnam the time to prepare to defend itself. The U.S. system of civilian control over the Nation's Armed Forces has never been so dramatically demonstrated as it was by the restraint, patience, discipline, and obedience to orders displayed by our aircrews in Southeast Asia.

In 1972, however, the North Vietnamese learned what modern airpower could do when used in the classic military sense. In the spring, the enemy's massive, armor-led invasion across the demilitarized zone was crushed from the air. On December 18, U.S. aircraft began a 12-day bombing campaign against Hanoi and Haiphong that the enemy could neither stop nor withstand. They had to sue for peace.

Let us not allow the isolationists in this country to gain a controlling hand once again in our Nation's history. Let us not allow the doves, in their unreasoned way, to prevail to the end that our military is destroyed. Let us remember that freedom is our mission and our purpose and let us remember that it has been defended successfully before and if need be, we will defend it again.

IN SUPPORT OF FULL FUNDING FOR THE TRIDENT SUBMARINE PROGRAM

Mr. WEICKER. Mr. President, I urge my distinguished colleagues to consider carefully the significance of this Nation's strategic submarine based missile system. I recognize there are those who would reduce, delay, or eliminate the Trident submarine program by attacking the $654.6 million in research funds and $872.8 million in ship construction and weapons procurement as recommended by the Senate Armed Services Committee.

Certainly I share the concern of my colleagues for domestic priorities, and seek to fulfill our commitment to social and economic programs for the American people. Nevertheless, I must assess the cost of not applying a part of our national resources to the maintenance and upgrading of our essential strategic deterrent force. I must ask myself what the billion and a half dollars will buy, and what the consequences would be if we forgo this investment in national defense?

Our present fleet of Polaris and Poseidon submarines has proved a most effective implement of peace. Magnificent as their contribution has been and continues to be to this very day, we must not lose sight of the fact that they are becoming old ships. Many are over 10 years old today, and, by the time our Trident force can be sent to sea in numbers in the early 1980's, they will be approaching their life expectancy of 20 years. The Navy has testified that the costs of maintaining these ships beyond that point can be expected to escalate rapidly. Beyond my conviction that to provide now for an orderly production of Trident submarines as replacements for these ships will prove to be economical in the long run, there is a much more serious consideration.

Despite their age, Polaris submarines have proved invulnerable to detection. Can we assume they will always be so? We have heard of the rapidly expanding Russian naval force. The majority of their ships are newer than ours. I believe that Trident will provide that vital "one step ahead." I am told the Trident will remain undetectable at speeds up to 2½ times as great as our present submarines. This will allow them to range into ocean areas 14 times that accessible to present-day vessels.

In addition, these modern ships conceived and built with the technology of tomorrow rather than the technology of the 1950's provide the latitude for the qualitative improvements we must make in the years ahead in order to be able to continue to undertake successful new initiatives for peace.

In light of the increasing maintenance problems and decreasing cost effectiveness of our Polaris-Poseidon fleet, the Navy must move forward with long lead development and initial procurement now.

Such other significant factors as obsolescence by age and technology, considerations of option for deployment; and assessments of Soviet strategic action and posture at SALT II, are additional justification for funding for the vital Trident program.

Of course the authorization commits scarce national resources, but the issue is one of this Nation surviving in a world that does not yet take peace for granted.

U.S. ARMY FISCAL YEAR 1974 R. & D. FUNDING FOR BALLISTIC MISSILE DEFENSE

Mr. ALLEN. Mr. President, the Senate Armed Services Committee has recommended as part of the Defense budget, severe reduction in U.S. Army research and development budget requests for ballistic missile defense activities.

These reductions would eliminate R. & D. investigations and prototype developments vital to our Nation's strategic defenses and necessary to our ability to continue an effective arms limitation agreement.

In its budget request, the Army's program to accomplish the ballistic missile defense R. & D. objectives includes:

First, completion of the Safeguard system; second, prototype development of the more cost-effective site defense system; third, advanced technology programs.

Mr. President, the present and proposed R. & D. activities in ballistic missile defense are consistent with the letter and the spirit of our treaty on the limitation of antiballistic missile systems. Failure to vigorously pursue R. & D. investigations and prototype developments would place the United States in a vulnerable position if first, the treaty were abrogated by the U.S.S.R. or mutually modified at some future time or second, the emergence of a third country ballistic missile capability threatens either the United States or the U.S.S.R.

In addition to their importance to ballistic missile defense, these programs are of real significance in the design and evaluation of our strategic offensive missile systems. The interaction between offensive missile design and missile defensive systems has resulted in the improvement of warhead design and employment, and U.S. offensive payloads for the existing ICBM boosters have been improved by the creation of more efficient aids for penetrating enemy defenses. In future operational tests, full scale offensive missile systems will be exercised against ballistic missile defense systems and advanced technology sensors to evaluate the performance of both systems.

These currently approved and ongoing R. & D. programs were proposed under the Army budget request at approxi-

mately the same level as they are currently funded. A summary of the three major programs and the impact of proposed reductions shows the situation of each as follows:

SAFEGUARD R. & D. PROGRAM

The Safeguard R. & D. program is oriented toward complementing the Safeguard deployment. The major R. & D. expenditures are for the computer software development and the system test program at Kwajalein. The Safeguard system has already served a very important role in making it possible to obtain the Strategic Arms Limitation Treaty with the Soviet Union. The U.S. investment in ballistic missile defense R. & D. served this purpose, but improvements are required to maintain a position of strength at future negotiations.

SITE DEFENSE

The site defense system is the Nation's only approach to the defense of our strategic ICBM force. The site defense program is in the design stages leading to a prototype demonstration at Kwajalein. The current development schedule has been matched to the projected threat evolution allowed under the interim agreement on strategic offensive arms.

In recognition of a congressional desire to reduce military expenditures, the Army reduced the site defense program from a planned $247 million for fiscal year 1974 budget level to $170 million. These reductions have already resulted in a stretchout of the program. Since the fiscal year 1973 funding of $80 million was for only the last 6 months' effort the program is currently continuing at a level of approximately $160 million per year. The apparent reason for the additional proposed reduction by the Senate Committee was to main the same level of effort as the previous year. The committee, in proposing the annual figure of $100 million must have overlooked the fact that fiscal year 1973 funding was for only the final 6 months' activities. The fact that the program is already well into the new fiscal year at the annual spending level of about $160 million, as well as the fact that site defense is at the stage of committing funds for major equipment during the fiscal year, would mean that adoption of the proposed budget by the Senate Committee could be nothing less than catastrophic.

Mr. President, from its inception, the site defense program has been planned as a very austere program with maximum deferral of nonessential tasks for demonstration of the system.

Further, the program has used the approach of developing hardware and software which could be deployed in nearly the same configuration as demonstrated if a deployment were needed. This management approach was chosen because it allows early demonstration of critical components at minimum cost and minimizes the likelihood of a costly redesign if Congress determines that a deployment is needed in future years.

Congress has severely criticized the Department of Defense for cost overruns on weapon system developments. However, if the funding is reduced for this already austere site defense project, the impact would be increasing costs due to program stretchouts, disruptions, inefficient phasing, and replanning. Further reduction in the funding of programs planned in accordance with Congress guidance will, in essence, be discouraging the Department of Defense from proposing austere project budgets.

Recent disclosures of successful Soviet tests of multiple warheads for strategic missiles further demonstrate the importance of an effective site defense program. It can logically be argued that if the United States does not pursue R. & D. to counter the Russian MIRV advances, we may very well be accepting the assured vulnerability of our Minuteman force.

The Wall Street Journal in its edition of Friday, August 26, 1973, published an editorial on this subject, and I ask unanimous consent that this article be published in the RECORD at the end of my statement.

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

(See exhibit 1.)

ADVANCED TECHNOLOGY

Mr. ALLEN. Mr. President, I believe it is necessary to clarify the nature and purposes of the Army's fiscal year 1974 advanced technology program in ballistic missile defense, identified in testimony before the Armed Services Committees of both Houses as light area defense—LAD. The Senate Armed Services Committee voted to cut the $42.4 million associated with this program. The House voted authorization of the entire $100 million request.

The light area defense context in which the program was presented tended to obscure its true technology content and led to the conclusion that it may conflict with the spirit of the ABM Treaty. The program actually centers on a class of advanced R. & D. that forms a broad technology base upon which future defense application decisions may be made.

LAD system concepts were used in the testimony to illustrate system relevance. However, the technology involves advanced optical sensors which show great promise for a multiplicity of ballistic missile defense and other defense applications. For example, they have great potential as an adjunct to a conventional terminal defense system such as site defense. In this role, the optical sensors show promise for alleviating some of the more serious technical problems and for providing a complementary defense-in-depth.

Optical sensors are central to the most promising ballistic missile defense concepts to emerge in a decade, and they merit the expenditure of the advanced R. & D. budget requested. These sensors are in the same family as those used in the familiar Sidewinder and Redeye missiles.

However, they are much more complex and are designed to operate above the earth's atmosphere—sensors so sensitive that they can detect invisible heat signals as faint as those that emanate from a human body 1,000 miles away. Because of their inherent guidance accuracy, a relatively small warhead, perhaps even nonnuclear, may be used.

The proposed program is a continuation of effort which has been underway in the Army for the past 3–4 years. Recently, extremely valuable experimental data has been obtained on a number of target objects and penetration aids lofted into the exoatmosphere by Atlas boosters. Although these data, coupled with other laboratory and analytical data, only scratch the surface of the ballistic missile defense optics technology, results to date are encouraging. The evidence so far is that optical ballistic missile defense sensors are feasible.

The proposed program represents a breakthrough opportunity to extend ballistic missile defense from the terminal, or "last ditch," regime to the midcourse regime. This means that the battle would be waged far away from the targets being defended.

Such promising technology may prove beneficial to SALT II by strengthening our bargaining position and providing an opportunity for further bilateral ABM agreements.

Our Strategic Offensive Forces benefit by such pioneering defensive R. & D. The data base established by this program will be invaluable to advanced ballistic reentry systems and other strategic offensive R. & D. programs.

This technology provides protection against technological surprise by a potential enemy.

The midcourse optics technology will be pursued only under the proposed advanced R. & D. program. If the budget is cut, the R. & D. will not get done somewhere else and the most promising new ballistic missile defense technology on the horizon today will be dropped.

It is estimated that $35 million of the $42.4 million originally requested is required to maintain the optics technology program at a minimum level of effort.

Mr. President, on the last day of the recent session of the Alabama legislature, the Alabama House of Representatives passed House Resolution 273 which urges congressional support for America's ballistic missile defense program as described in my statement. I ask unanimous consent that the resolution be printed at this point in the RECORD.

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

URGING CONGRESSIONAL SUPPORT FOR AMERICA'S BALLISTIC MISSILE DEFENSE PROGRAM

Whereas America's security as a nation is based upon maintaining an overall military balance to safeguard against aggressive acts of other nations, and

Whereas other nations are developing rapidly in the field of military technology and the Soviet Union in particular has recently undertaken tests of multiple warheads for strategic missiles and continues other significant development programs, and

Whereas it is essential for the United States to have a technological base superior to that of potential adversaries in the form of Ballistic Missile Defense research and development programs vital to our nation's strategic defenses and necessary to our ability to continue an effective arms limitation agreement, and

Whereas Congressional disenchantment with some U.S. military policies coupled with efforts to reduce military spending wherever

possible have led to proposals within Congress which would reduce or eliminate important BMD investigations and prototype developments which, if not vigorously pursued, would place the U.S. in a vulnerable position if the SALT agreement were abrogated or if the emergence of a third country ballistic missile capability were to threaten either the U.S. or U.S.S.R., and

Whereas Department of Defense budget requests for Safeguard, Site Defense, and the Advanced BMD Technology program represent reasonable requests for continuing R&D activities at levels essential to technological developments necessary for the present and future security of this nation.

Now, therefore be it resolved by the Alabama House of Representatives that Congress be hereby strongly urged to adopt funding levels for these vital BMD research and development programs which will contribute toward maintenance of effective arms limitation agreements in the future and will assure that no nation is permitted to surpass the United States in technological achievement in the critically important field of advanced weapons.

Be it further resolved that copies of this resolution be forwarded to all members of the U.S. House and Senate Armed Services Committees, Appropriation Committees of the two Houses, the Alabama Congressional delegation, the Secretary of Defense, and the Secretary of the Army

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EXHIBIT 1

THE SOVIET MIRV

The Soviet tests of multiple warheads for strategic missiles comes as no surprise, but that is scant reason for comfort. The development was completely predictable when the strategic arms agreements were signed, which made the agreements a most dubious bargain for the United States. The present need is to apply the lessons to the new round of arms talks now in progress.

In the bargain that emerged from SALT–I, the United States relied heavily on its lead in multiple warheads, or MIRV, to offset the numerical and missile-size advantages the arms agreements granted the Soviets. But with MIRV not controlled by the agreements, the Soviets would be allowed to overcome our advantages while we are prohibited from overcoming their advantages during the five-year "interim agreement" on offensive weapons.

The Soviet missile force can lift a total weight about four times as large as the American missile force can. Because we have MIRV already deployed, we presently lead in warhead numbers. But with MIRV on both sides, the throw-weight advantage means that the Soviet force will in effect be four times as large as the American one. The type of weapons the Soviets are developing, moreover, are suited to a first strike wiping out our land-based missiles. The fact that they would want such a force is in itself disturbing.

Now, this does not mean the world will end tomorrow, as Defense Secretary James R. Schlesinger made clear in announcing detection of the Soviet tests. He estimated it will be two years before the Soviets begin deploying MIRV, and that it will be 1979 before they match us in warhead numbers. If SALT–II produces no further agreements by then, the interim agreements limiting offensive weapons will expire.

With the long lead-times in strategic weapons, the American response needs to be planned now, but to many Americans the whole question seems academic. Many analysts believe, though few of them are willing to say so out loud, that it does not matter if the United States falls into a significantly inferior position in strategic weapons. A few of our weapons would always get through, they reason, and nuclear warheads are so destructive even the threat of a few (even one, in one notable presentation) will be sufficient to deter the Soviet leaders from exploiting even a large lead in weapons numbers. And more broadly, the Cold War is over, after all, isn't it?

These arguments are not assertions about the technicalities of nuclear weapons, but assertions about the psychology of present *and future* Soviet leaders. While Stalin's type of Cold War is gone, it is by no means clear that no Soviet leader would be tempted to exploit local military strength under cover of nuclear superiority. A few warheads would deter a Soviet leader from using his nuclear superiority only if he is sufficiently rational and truly in control of events, a description that fits few of the national leaders who started history's many wars.

The best hint of the Soviet leaders' psychology is their current weapons development program. While Mr. Schlesinger said he was not surprised by the MIRV tests, he is surprised by the breadth of their total program. They have four separate new intercontinental missiles under development for example, plus a new submarine-launched missile. If they think nuclear preponderance is irrelevant, why do they need all those new weapons?

The chief American strategic programs, the Trident submarine and B–1 bomber, are favorite targets of those in Congress who want to curb the Pentagon. Yet it's clear that the chief influence on SALT–I was not weapons in place, in which the Americans led, but weapons under development, in which the Soviets held the lead confirmed by the agreement.

It is argued that we should not speed development of our strategic programs merely as a "bargaining chip," but the truly relevant question is what kind of world is assumed in strategic planning, one with SALT agreements or without them. We can always cut back if SALT–II succeeds, but lead times would make it hard to speed up if we do not have programs under way if it fails.

The prudent thing is to prepare for the eventuality that the interim agreements will expire and we will have to deal with the aggressive Soviet development program now under way. If we plan our strategic programs on that basis, they will be bargaining chip enough.

U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATION ACT OF 1973

Mr. FULBRIGHT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1317.

The PRESIDING OFFICER (Mr. SCOTT of Virginia) laid before the Senate the amendment of the House of Representatives to the bill (S. 1317) to authorize appropriations for the United States Information Agency, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "United States Information Agency Appropriations Authorization Act of 1973".

SEC. 2. (a) There are authorized to be appropriated for the United States Information Agency for fiscal year 1974, to carry out international informational activities and programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 8 of 1953, and other purposes authorized by law, the following amounts:

(1) $203,279,000 for "Salaries and expenses" and "Salaries and expenses (special foreign currency program)", except that so much of such amount as may be appropriated for "Salaries and expenses (special foreign currency program)" may be appropriated without fiscal year limitation;

(2) $5,125,000 for "Special international exhibitions" and "Special international exhibitions (special foreign currency program)", of which not to exceed $1,000,000 shall be available solely for the Eighth Series of Traveling Exhibitions in the Union of Soviet Socialist Republics; and

(3) $1,000,000 for "Acquisition and construction of radio facilities".

Amounts appropriated under paragraphs (2) and (3) of this subsection are authorized to remain available until expended.

(b) In addition to amounts authorized by subsection (a) of this section, there are authorized to be appropriated without fiscal year limitation for the United States Information Agency for the fiscal year 1974 the following additional or supplemental amounts:

(1) not to exceed $7,200,000 for increases in salary, pay, retirement, or other employee benefits authorized by law; and

(2) not to exceed $7,450,000 for additional overseas costs resulting from the devaluation of the dollar.

SEC. 3. The United States Information Agency shall, upon request by Little League Baseball, Incorporated, authorize the purchase by such corporation of copies of the film "Summer Fever", produced by such agency in 1972 depicting events in Little League Baseball in the United States. Except as otherwise provided by section 501 of the United States Information and Educational Exchange Act of 1948, Little League Baseball, Incorporated, shall have exclusive rights to distribute such film for viewing within the United States in furtherance of the object and purposes of such corporation as set forth in section 3 of the Act entitled "An Act to incorporate the Little League Baseball, Incorporated" approved July 16, 1964 (78 Stat. 325).

SEC. 4. (a) After the expiration of any thirty-five-day period beginning on the date the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives has delivered to the office of the Director of the United States Information Agency a written request that the committee be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in the custody or control of such agency, and relating to such agency, none of the funds made available to such agency shall be obligated unless and until there has been furnished to the committee making the request the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested. The written request to the agency shall be over the signature of the chairman of the committee acting upon a majority vote of the committee.

(b) The provisions of subsection (a) of this section shall not apply to any communication that is directed by the President to a particular officer or employee of the United States Information Agency or to any communication directed by any such officer or employee to the President.

Mr. FULBRIGHT. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives on S. 1317 and request a conference with the House 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. SCOTT of Virginia) appointed Mr. FULBRIGHT, Mr. MANSFIELD, Mr. MCGOVERN, Mr. AIKEN, and Mr. CASE, conferees on the part of the Senate.

"FAITH IN AMERICAN BUSINESS AWARD" TO SENATOR MAGNUSON

Mr. PASTORE. Mr. President, if there is any Member of this body who understands the problems of the American consumer and a need for basic honesty by American business, it is the distinguished chairman of the Committee on Commerce, WARREN MAGNUSON.

We all know of the illustrious achievements for the American consumers brought about by the consumer protection measures Senator MAGNUSON has sponsored in the Commerce Committee and pushed through the Senate. The marketplace is certainly a much better place today because of his endeavors.

However, Senator MAGNUSON believes, as do most of us, that the vast majority of American businessmen are honest, dedicated citizens who want to sell dependable products and provide good service. It is the few who cause problems for the many.

Because of his understanding of the delicate balance of the American marketplace and the need for mutual trust and understanding, Senator MAGNUSON was presented with the "Faith in American Business Award" in Minneapolis on September 18 by the National Tire Dealers Association.

As you know, Mr. President, Senator MAGNUSON was the author of the auto safety bill, now the law by which the tire industry operates, pointing out that at least in some cases, what is good for the consumer is also considered good for the industry. In receiving the award, Senator MAGNUSON's remarks were to the point and have a message for all of us. Therefore, Mr. President, I ask unanimous consent that the text of those remarks be printed in the RECORD.

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

REMARKS OF SENATOR WARREN G. MAGNUSON, SEPTEMBER 18, 1973

I am especially proud that you have chosen me for this particular award, The Faith In American Business Award. I am especially honored since only two others have received this award—President Eisenhower and Senator Harry Byrd.

I'm proud because your action reflects the truth of something I have always believed:

That what is good for the consumer—really good for the consumer—is good for honest business;

That open competition more than any other economic system in the world rewards consumers with the best possible products at the best possible prices;

That strong, healthy, independent businessmen, especially retailers, are the consumer's first line of defense against muscle bound corporate giants.

I've never liked the term "consumer protection" because that implies that consumers are not smart enough to protect themselves.

I'm sure that every one of you can testify that the American consumer is the toughest and most demanding in the world.

But when it comes to economic muscle then the "big boys" won't compete in price and quality for the consumer's dollar. When business tries to squeeze distributors and consumers by monopolizing the lines of distribution with slippery advertising claims and techniques; and when manufacturers give safe design a backseat to slick styling, then it is time for government to act and to act fast.

But—and this is the crucial "but"—it is every bit as important for government to avoid what I call "regulatory overkill."

If there is a market malfunction that hurts competition and consumers, let's cure it—fast.

But let's not choke off commerce and industry while we cure it.

Get the hazardous product off the market;

Stop the deceptive ad in its tracks;

But don't penalize the honest and efficient businessman by weighing him down with reams of papers and forms, books full of finelined regulation and useless red tape which ends up giving him sleepless nights and costing the consumer more in the end, and with no real benefits.

That is why, although I am proud to have been an author of the Auto Safety Law, that I consider myself one of your strong advocates. I have fought with the Department of Transportation to apply its labeling regulations to your industry in a sane and reasonable way. Yes, the law requires that tires be mandated in such a way as to enable the recall of unsafe tires but this can be done without destroying part of our tire marketing system which has long provided economical and safe tires for millions of Americans.

I still recall quite vividly the Senate's consideration of the 1966 auto and tire safety acts. The various bills before the Senate were complicated and controversial. But everyone was reasonable, particularly the tire industry, in ironing out a compromise and the bill which we ultimately came up with was designed to do the job, but yet, not create "regulatory overkill." Your industry at that time demonstrated, and still demonstrates today, the kind of reasonable and good faith approach to problems which leads to meaningful solutions.

Some of my friends call me a consumer advocate—those not so friendly have other names. But I'm proud to be concerned about consumers and I consider myself every bit as much of a business advocate—

I believe in the free market system;

I believe in competition and profits to reward the best competition and competitors;

I welcome the great abundance, variety and free choice which we enjoy today in this country;

And, I promise you that my work and the work of my Committee is dedicated and will continue to be dedicated to the health and preservation of our economic system.

I am most proud to be here with you today to accept your generous and meaningful award.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the amendments of the House to the bill (S. 1148) to provide for operation of all domestic volunteer service programs by the ACTION Agency, to establish certain new such programs, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8917) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1974, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 5, 8, 12, 34, 35, and 47 to the bill and concurred therein; and that the House receded from its disagreement to the amendments of the Senate numbered 4, 6, 7, 15, 17, 29, 30, 32, 36, 39, 40, 41, 42, and 48 to the bill, and concurred therein severally with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 666) for the relief of Slobodan Babic.

The PRESIDENT pro tempore subsequently signed the enrolled bill.

DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1974

The Senate continued with the consideration of 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.

Mr. PROXMIRE. Mr. President, I call up my amendment now at the desk and ask that it be stated.

The PRESIDING OFFICER (Mr. ALLEN). The amendment will be stated.

The assistant legislative clerk read as follows:

On page 30, between lines 2 and 3, insert a new section as follows:

SEC. 703. (a) Notwithstanding any other provision of law, no enlisted member of the armed forces of the United States may be assigned or otherwise detailed to duty on the personal staff of any officer of the Army, Navy, Marine Corps, Air Force, or Coast Guard (when operating as a service of the Navy) if such member performs duties for such officer, or in the household of such officer, as an enlisted aide, public quarters steward, airman aide, cook specialist, or food service technician, or performs any duties for such officer or in the household of such officer that are the same as or similar to duties performed by any such aide, steward, specialist, or technician.

(b) The provisions of subsection (a) shall become effective on January 1, 1974.

On page 30, line 3, strike out "Sec. 703" and insert in lieu thereof "Sec. 704".

The PRESIDING OFFICER. This amendment will be debated under controlled time of 2 hours, with the time to be equally divided between the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from Missouri (Mr. SYMINGTON).

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, I yield myself such time as I may require.

I ask unanimous consent that Ron Tammen, legislative assistant on my staff, be accorded the privilege of the floor.

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

Mr. ROBERT C. BYRD. Mr. President,

will the distinguished Senator from Wisconsin yield, with the understanding that he will not lose his right to the floor?

Mr. PROXMIRE. I yield to the distinguished Senator from West Virginia, the assistant majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on any debatable motion or appeal in relation to amendments to the pending bill be limited to 20 minutes, to be equally divided and controlled in accordance with the usual form.

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

Mr. PROXMIRE. Mr. President, the amendment I am offering poses the question: Will the Senate provide servants to many of the highest ranking generals and admirals in this counrty?

I say "No." No servants for military officers at public expense. My amendment would put a stop to the existing practice of using Filipino enlisted men as servants for the Navy, black enlisted men as servants for the Marine Corps, and hundreds of others in the other branches.

What are the facts? First, are these men really servants? The answer is an emphatic "Yes."

What do they do? According to scientific interviews conducted by the General Accounting Office, these men prepare food, serve meals, clean quarters, perform gardening on the grounds of the quarters, provide maintenance on the grounds of the quarters, bartend for official and unofficial parties, do the grocery shopping, run errands, chauffeur the generals and admirals and family, maintain uniforms, wash private automobiles, and care for pets.

In the Navy they spend an average of 4 hours a day preparing and serving meals in the homes of the admirals and captains and spend 3.1 hours cleaning the quarters. In the Air Force they spend 2.4 hours preparing and serving meals and 4.0 hours cleaning quarters. The comparable figures for the Army are 2.5 and 4.2.

Mr. President, I ask unanimous consent that the GAO table representing these facts be printed in the RECORD.

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

TABLE 3

Task	Percent responding affirmatively							
	Army		Navy		Air Force		Marine Corps	
	Officers	Aides	Officers	Aides	Officers	Aides	Officers	Aides
Prepare food	94	71	100	97	88	88	100	84
Serve meals	88	86	100	94	81	75	100	58
Clean quarters	100	98	100	91	81	99	100	74
Maintain quarters	66	(1)	46	(1)	78	(1)	14	(1)
Gardening on the grounds of the quarters	38	81	25	47	52	77	0	21
Maintenance of the grounds of the quarters	53	(2)	25	(2)	81	(2)	0	(2)
Bartending [3]	91	81	100	78	71	80	100	74
Grocery shopping	84	74	83	53	81	80	100	68
Running errands	56	90	25	59	74	93	43	63
Chauffeuring [4]	22	24	0	3	38	45	0	5
Maintenance of officers' uniforms	84	58	96	53	86	46	100	53
Washing officers' private automobiles	53	75	25	49	60	88	0	16
Caring for officers' pets	22	53	0	39	12	32	0	26

[1] We did not ask enlisted aides to differentiate between cleaning and maintaining quarters. Most of the affirmative responses of aides included both categories.
[2] We did not ask enlisted aides to differentiate between gardening and grounds maintenance. Most of the affirmative responses of aides included both categories.
[3] Mainly for entertaining.
[4] Most of the responses said chauffeuring was done infrequently.

Differences between the percentages of affirmative responses of officers and aides can be explained in part by one or both of two conditions. First, some of the officers who filled out the questionnaire did not have their aides interviewed and vice versa. Secondly, many of the officers responding to the questionnaire have more than one aide. Therefore, while the officer may assign the task of cleaning the quarters to his aides, one of them may only do cooking and no cleaning. The officer's response would then be affirmative while the aide's response would be negative.

Table 4 presents the average hours per day spent preparing and serving meals and cleaning the quarters, as estimated by enlisted aides.

TABLE 4

	Average hours per day	
	Preparing and serving meals	Cleaning quarters
Army	2.5	4.2
Navy	4.0	3.1
Air Force	2.4	4.0
Marine Corps	3.9	3.4

Mr. PROXMIRE. Twenty-eight percent of the representative sample of servants interviewed said they had to chauffeur the officer's dependents. Twenty-two percent said they were required to do the laundry of the officer's dependents. Twelve percent reported being required to prepare lunch for the officer's dependents even though the officer was not home and did not eat lunch at the same time. And 6 percent stated they had to babysit the officer's children.

The GAO concluded that the tasks performed by aides are those normally associated with domestic servants.

They are servants. They do the duties of servants. They are treated as servants. They are paid to do servant-type work. They work for the entire family rather than just the military officer. They work out of the residence of the officer. They open doors, answer the phones, run errands on request, do the laundry, clean the house and garden. They are servants and there are no two ways about it. They may be called enlisted aides, public quarters aides, airman aides, or some other designation, but they are servants.

As with any servant, they come in handy when entertaining is required. A full 100 percent of the Navy and Marine Corps officers reporting to the GAO said they used their servants for official entertaining—meaning as bartenders, for cleanup and food preparation; 97 percent of the Army generals and 91 percent of the Air Force generals used servants for the same purpose.

But official entertaining is not the only requirement for a personal servant. They must also serve drinks and clean up at unofficial parties put on by the brass.

Consider the following figures for unofficial or private parties by the generals and admirals; 78 percent of the Army generals, 83 percent of Navy admirals and captains, 82 percent of Air Force generals and 57 percent of Marine Corps generals used their servants for unofficial parties. In other words, if they were having a few friends over for a drink or entertaining relatives from out of town, their personal military servants do the work. They purchase the food and drink at commissary prices, serve the beverages and food and clean up afterwards.

The average number of parties of each officer is 4.5 per month or a little over one per week for which their personal military servants are called upon.

Mr. President, I ask unanimous consent that two tables showing the percentage of officers using servants for official and unofficial parties and the frequency of these parties be placed in the RECORD.

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

Table 6 lists, by military service, the percent of officers who used aides at official and unofficial functions:

TABLE 6

	Percent using aides at—	
	Official functions	Unofficial functions
Army	97	78
Navy	100	83
Air Force	91	82
Marine Corps	100	57

Table 7 presents, by military service, the frequency of official and unofficial functions at which enlisted aides are used:

TABLE 7.—PERCENT OF OFFICERS USING AIDES AT FUNCTIONS

Frequency of function	Army		Navy		Air Force		Marine Corps	
	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial
More than once a week	18	0	21	8	5	7	57	14
Once a week	22	6	21	17	17	10	0	0
3 times a month	19	6	12	8	10	10	29	0
2 times a month	34	28	29	8	26	19	14	29
Once a month	0	28	8	25	14	17	0	14
Less than once a month	3	9	8	12	19	19	0	0

Mr. PROXMIRE. Can there be any doubt that these men are servants? Considering the overwhelming facts, there should be no confusion on this point.

But what about the men involved? Who are they and where did they come from?

We have often heard that these men are volunteers and the they know what they are getting into. This simply is not accurate. The GAO interviewed about 25 percent of the military servants in the continental United States. Contrary to the Pentagon argument, it was found that over 12 percent of these men were assigned to their jobs. They did not volunteer but were ordered to perform these servant duties. The 12-percent figure is far too high to be a statistical error. It means that generals and admirals have ordered men to become servants.

When I first began an investigation of the military servant program in November of 1972, there were 1,722 servants in the service of 970 officers, including 100 Navy captains. The Army had 321 officers with 510 servants. The Navy employed 577 servants for 295 of its captains and admirals. The Air Force provided 545 servants to 314 generals and the Marine Corps had 40 generals with 90 servants.

They were distributed throughout the world. Four hundred and sixty-seven servants were based overseas serving 306 officers. Nine hundred and twenty-nine servants were in the continental United States working for 538 officers. But as expected, a high proportion were right here in Washington with the rest of the brass. Washington based generals and admirals required the service of 326 servants for its 126 qualified officers.

A total of 970 senior officers received servants while 457 of their compatriots had to go without.

Mr. President, I ask unanimous consent that a table representing the geographical distribution of officers and aides as of December 1972 be printed in the RECORD.

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

TABLE 1.—GEOGRAPHIC DISTRIBUTION OF OFFICERS AND AIDES AS OF DECEMBER 1972

Service locations	Army		Navy		Air Force		Marine Corps		Total	
	Officers	Aides	Officers	Aides	Officers	Aides	Officers	Aides	Officers	Aides
Washington, D.C., area	54	132	37	100	30	75	5	19	126	326
Continental United States, less Washington	134	220	176	315	196	329	32	65	538	929
Overseas	133	158	82	162	88	141	3	6	306	467
Total	321	510	[1] 295	[2] 577	314	545	40	90	[1] 970	[2] 1,722

[1] Includes 110 Navy captains.

[2] Includes 110 enlisted aides assigned to Navy captains.

Mr. PROXMIRE. The fiscal year 1973 costs of the servant program were established by the GAO. By including personnel and training data, it was found that the Pentagon was spending $21,705,806 a year for military servants.

Mr. President I ask unanimous consent that a breakdown of these costs be printed in the RECORD.

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

	Personnel costs (note a)	Training costs (note a)	Total
Army	$6,035,914	$302,361	$6,338,275
Navy	6,400,548		6,400,548
Air Force	7,686,864		7,686,864
Marine Corps	1,221,881	58,238	1,280,119
Total	21,345,207	360,599	21,705,806

Mr. PROXMIRE. While Congress was looking the other way, the military services even went to the extent of establishing training schools and facilities for military servants. The Army had one special training course and one on-the-job training facility while the Marine Corps had three special training courses. The Air Force used the Army school.

A few words about the Army's training facility at Fort Lee, Va.—the so-called "charm school"—are in order even though this course now has been shut down.

The Fort Lee school ran courses six times a year with 24 students per course. Among the books required for reading by the students were "Service Etiquette," "The Encyclopedia of Etiquette," "The Complete Book of Etiquette," "The Army Wife," "Merck Veterinary Manual"—third edition—"Mastering the Art of French Cooking," "The Gourmet Cookbook," "The Blue Goose Buying Guide," "The Correct Waitress," "Ice Carving Made Easy," "Practical Bar Management," and so on. The titles give a good impression of the content of the course.

The course included 3 hours of instruction in the proper care and feeding of pets such as dogs, cats, fish, and birds. Servants-to-be were given 25 hours in care and cleaning of general officers' quarters; 8 hours in table service for informal functions; 12 hours for formal functions; 16 hours in the preparation of centerpieces, such as floral arrangements in ice carving—these are supposed to be fighting men who enlisted in the service in many cases, because they wanted to serve their country as fighting men; 13 hours in preparation and dispensing of alcoholic and nonalcoholic beverages; 16 hours in cake baking and decorating; 16 hours in Danish puff, pie, pastry, and cookies; 7 hours in the selection and service of appetizers, hors d'oeuvres, and canapes; 34 hours in the preparation of gourmet meat dishes, and 10 hours in the serving of brunch.

While this extensive training was in progress on one part of the base, at another place culinary teams were practicing their special techniques. Throughout the year, the Army sends a team of gourmet cooks to various exhibits and contests. They are proud of their specialties, which include a crown roast stuffed with wild rice dressing, a pink cake with tiers supported by glasses of champagne, and lobster charioteer, which is six lobster horses pulling a chariot carved from a watermelon.

Back at the enlisted aides school, the students were being taught how to carve ice into delicate arrangements for the tables of admirals and generals. Tasty penguins were formed out of hard boiled eggs to go with the carved ice swans.

Mr. President, I ask unanimous consent that several newspaper articles describing these programs be printed in the RECORD. I also ask unanimous consent to have printed in the RECORD the program for instruction for enlisted aides at Fort Lee.

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

"PROXMIRE STEW" ON ARMY MENU?

(By Lou Hiner)

WASHINGTON.—Ever see six big lobsters pulling a chariot carved from a watermelon? No kidding.

Maybe you did if you've attended any big gourmet cooking shows lately.

"Lobster charioteer" is the creation of some

Army chefs who have wowed the cooking show circuit, at the expense of the taxpayers, of course.

Sen. William Proximire, D-Wis., is about to blow his hair transplant over the goings-on at Fort Lee, Va., where the Army trains its chefs and household servants for the military brass.

Listen to Proxmire:

"The Army sends its cooks across the country at taxpayer expense to demonstrate their cooking skills. In the last six months, Fort Lee cooks have been sent to gourmet cooking shows in Richmond, Va., for four days; Detroit for seven days, and Washington (Epicurean Club) for five days.

"This is paid out of training funds and requires a refrigerated van, two drivers and certain exotic equipment. The Army representatives make boeuf Wellington—a crown roast stuffed with wild rice dressing; pink champagne cake supported by champagne glasses, and, as their specialty, lobster chariot-eer."

The cooking school at Fort Lee occasionally tosses an extravagant buffet as a sort of final exam for the students. They invite hundreds of guests. There were 275 at the March 2 affair, 290 Boy Scouts at the one on March 5, and 275 had their palates tickled on March 7. All at taxpayer expense.

Someone has to teach the cooks, so the Army hires retired military "consultants" at $100 a day to instruct in such things as ice carving, watermelon carving, lobster harnessing, and so on.

"The Fort Lee situation cannot be tolerated," Proxmire said. "What is this if not a 'pocket of fat'? In no way does the Fort Lee servant program contribute to national security. It does provide a plush life for our generals and admirals. But it does not make us better prepared to face our adversaries. In fact, it encourages a fat and lazy officer corps."

And fat, lazy old soldiers never fade away, they just chauffeur over to the officers club and watch the cooks play with the lobsters and watermelons.

[From the Lawrence (Mass.) Eagle-Tribune, Feb. 1, 1973)

WHERE SOLDIERS LEARN TO MAKE PENGUIN EGGS

FORT LEE, VA.—Here the Army trains soldiers—to make tasty penguins out of hard-boiled eggs, carve swans out of ice, groom dogs and empty ash trays.

Other lessons range from bartending to flower arranging.

The purpose is to prepare enlisted men, all volunteers for the program, for the job of making Army generals and their families more comfortable. Or, as an Army spokesman explains it, "to put the commanding officer and his family in the forefront of the Army installation and the community."

Some program critics call the personal aides servants. Most generals get one aide for each star on their shoulders.

A General Accounting Office report says that in pay and allowances alone the personal aides program costs the Army $3.6 million yearly. The Navy spends $4.4 million, the Air Force $4.3 million and the Marines $837,000 on similar programs, the report says.

What sort of enlisted man volunteers to be an aide?

"It takes a special boy, one who will take an order from a female, like the general's wife," a spokesman at Ft. Lee replied.

During a visit to Ft. Lee, an officer was asked directions to the training school. "An enlisted aides course?" he said. "Oh, you mean the charm school. Over there."

He pointed to a two-story World War II-era building that has been remodeled to include five apartments. Each resembles a general's quarters and includes a living room, dining room, two bedrooms and a bathroom. Red and white carnations are carefully arranged on many tables.

Such delicacies as chocolate-covered petit fours, the work of aides are stored in freezers.

The Army's enlisted aides course has been located in the building since the program started in January 1969. Courses are given six times a year, and the Army reports a total of 404 graduates. The waiting list of generals requesting aides is now at about 80. Some generals don't ask for aides, according to the spokesman.

He said soldiers spend 70 hours learning the duties and responsibilities of an enlisted aide, 100 hours on management of dining facilities and 137 hours of "the advanced principles of cooking, baking and garnishing."

Duties listed in the course outline include pet care, cleaning a general's quarters, care of officer's uniform and equipment, preparation of center pieces and ice carvings and watering plants.

A section called household duties includes these responsibilities: empty and wash all ash trays; sweep off steps and porch; scour tub, shower, lavatory and all fixtures; empty laundry hamper; insure adequate supply of soap, facial tissues, toilet tissue and tooth paste.

Helping a general's wife includes reminding her of appointments, providing her with transportation and assisting her role as hostess, according to the outline.

Critics, including Sen. William Proxmire, D-Wis., say taxpayers should not have to pay for personal aides to generals and other military brass. The Army says the taxpayers are getting a good deal.

If a general didn't have aides, "they'd need a general and a half to do a general's work," said Maj. Richard Weinz who heads the aides' program.

"He's a leader," said Weinz. "A general doesn't have time to shine a pair of shoes, so he's given an enlisted man to help him."

Weinz said that heads of big corporations can afford to pay for these services, but a general "only makes about $2,700 a month." The GAO lists average pay for Army aides as $7,131 a year. Just imagine that.

"It would cost the U.S. government more money to civilianize the aide field," Weinz said in an interview. "For the number of hours we put in and the kind of job done, I think it would quadruple the cost."

Proxmire, who calls the aides program "one of the last trappings of aristocratic privileges," says he has letters from aides complaining that some generals and their wives exploit them.

Besides their regular duties, aides say they are asked to babysit, walk the dog, cook special meals for children and maintain swimming pools, according to Proxmire.

"Who will say that maintaining a swimming pool is in the national security?" Proxmire asked in a speech on the Senate floor.

Some Army aides don't see their job that way.

"I had to jump out of an airplane with a general and set up his tent," said M.Sgt. Lawrence Hettinger, who has been with the Army for 20 of his 38 years. "I don't see how a civilian could possibly have done that."

Another aide, years younger than Hettinger, had a different view of the aides' course.

"It sure beats Vietnam," he said.

[From the Petersburg (Va.) Progress-Index, Nov. 26, 1972]

CULINARY TEAM COPS AWARDS

FORT LEE.—What does it take for the prize winning Ft. Lee Culinary Arts Team to get ready for a major exhibition? It takes a great deal of careful planning, plus work, work, and more work.

Team members perform much of this work on their off-duty time. This is because they are a group of dedicated professionals who are "sold" on what a first-rate culinary display can do to call attention to the accomplished results of Army food service training.

The Ft. Lee team is made up of instructor personnel of the Cooking and Baking Branches, Subsistence and Food Service Department, Quartermaster School. All but one are soldiers.

These military "food artists" have acquired their expertise through courses formulated by the QM School—basic, mid-level, and advanced training. The artful techniques they use in developing their imaginative "show pieces" are the same ones they teach military students.

In two big shows this year, in Richmond, and Detroit, the culinary arts team has won a total of 43 awards. Right now they are busy with preparation for The Epicurean Club of Washington, D.C.'s Eighth Salon of Culinary Art, to be conducted at the Sheraton-Park Hotel, Dec. 5–6. It will be held in conjunction with the Restaurant Association of Metropolitan Washington's East-South regional restaurant convention.

In discussing Ft. Lee participation in exhibits, Chief Warrant Officer Wright Stanton Jr., who heads the Cooking Branch team, emphasized that it is team effort all the way that counts. A work schedule is established so that each team member has specific exhibits to work on but, according to Mr. Stanton, "There is no single entry that is more important than any other."

[From Army Times, Jan. 24, 1973]

GOURMET COOKS FLAUNT IT

FORT LEE, VA.—Fifty-two awards in three exhibits is an impressive total for any cooking team.

And when the prize winners are members of the Fort Lee Culinary Arts Team it is an indication of the ability of the often maligned Army cook.

Instructors from the cooking and baking schools here, including one civilian, make up the team, the only group of its kind in the Army.

The techniques they use in developing their award winning show pieces are the same ones taught soldiers enrolled in the basic, mid-level and advanced cooking courses here.

In addition in showing off the skills of Army cooks, the exhibits of the culinary arts team are proving to be an effective recruiting tool, drawing inquiries from young men who are interested in entering the Army food service program.

The latest competition entered by the Lee team was the Eighth Salon of Culinary Art sponsored by the Epicurean Club of Washington, D.C.

At this December show, the Army representatives outdistanced 30 other competitors to take four firsts, two seconds and three honorable mentions, worth $1600 in prize money.

One of the winning Army entries was a buffet table which featured three kinds of beef wellington (tenderloin, meat loaf and luncheon loaf), a fancy display of french fries and peas, and a crown roast stuffed with wild rice dressing.

A pink champagne cake with tiers supported by glasses of the bubbly liquid was part of the Army display which topped the "Confectionery and Pastry to Comprise the Whole Table" category.

While the judges determine who receives the trophies and prize money, the competitors view of a work is a good measure of its quality.

At a Culinary Arts Salon Trade Show in Detroit the other 400 entries from the U.S. and Canada voted Fort Lee's team the Exhibitors Award as the best group in the show.

The Army cooks also were awarded 12 prizes by the judges to place second in the competition behind the Inn on the Park Restaurant from Toronto, Canada.

Georges Chaignet, an executive chef with the winning team, rated the Army cooks as equal to his own, saying, "If Army cooks and bakers are capable of doing this well they are chefs."

Much of the work that goes into preparing for an exhibit is done during off-duty time.

Team members work on specific exhibits that fall under their specialty but teamwork is the most important ingredient according to CWO Wright Stanton Jr., who heads the cooking branch team.

One of the team's consistent favorites is a lobster "charioteer" driving a team of six lobster horses pulling a chariot carved from a watermelon.

Other members of the Fort Lee Culinary Arts Team are SFCs Robert Moore, Joseph Cohen, Edward Cimo, James Houp and John Vernon. Sgt. Arturo A. Contreras and Sp5s Kevin Harr and Eric Webster. The lone civilian is Ira C. Eldridge.

The team is under the direction of Col. James T. Moore, director of the Quartermaster School's subsistence and food service department.

Maj. William Price is the coordinator and CWO Zigmunt Sobieski is the project officer. Sp5s Robert Murray and Joseph Moores assist as drivers and equipment men.

LEE'S CULINARIANS WENT TO THE SHOW—AND CAME HOME LOADED WITH AWARDS

(By Will Green)

FORT LEE, VA.—"Thirty-one" seems to have become a magic number for the Lee culinary arts team. For that's the number of awards the Army culinarians garnered for the second year in a row at the third annual Virginia Culinary Arts Exhibition in Richmond. And, for the second time also, the Lee cooks and bakers snared the coveted "Best In Show" trophy for their overall efforts.

The team brought home seven first place prizes, five seconds, five thirds and 13 honorable mention ribbons, in addition to the grand prize at the show. Some 125 exhibitors from all parts of Virginia participated in the show, sponsored by the Virginia Restuarant Association and the more than 500 individual food items represented the handiwork of chefs from hotels, motels, restaurants, clubs, colleges, schools, hospitals, state institutions and the military.

The Lee team exhibited an "occasion cake" to observe the third anniversary of the Virginia show. It featured three pulled sugar roses in three colors—red, yellow and white. The Army group also created decorated pressed-sugar Easter eggs, in pink and blue; and Easter bunnies, doves in flight and letters of the word PEACE—all carved from ice—to carry out a seasonal theme. Other eye-catchers included a "split-rail fence," constructed of four-foot loaves of Army bread; a ballerina sculptured from tallow; and a magnificent gold-framed picture of birds painted in chocolate. The painting—frame and all—was made of foodstuffs.

The Lee baking experts took two first place trophies with their huge centerpiece—a tiered cake paying tribute to the armed forces with service insignia in colors. Tiers were separated by wine glasses containing yellow sugar roses. It was the work of Ira Eldridge, who heads the baking component of the team.

Another elaborate cake, made of marzipan, an almond paste, got another first place nod. Reflecting the artistry of Sgt. Arturo Contreras, the decorations included a playful marzipan kitten and a ring of green frogs in marzipan surrounding the cake.

Lee's cooks captured four of the first place awards. A ham, glazed with chaudfroid sauce and presented with appropriate vegetables, earned one of these, and brought a happy smile to SFC Robert Moore who prepared it. SFC Oliver Greene's colorful gelatin fruit molds brought another first, as did Sp6 Preston Welford's entry in the "Specialty of the House" category. This was a complete formal dinner—leg o' lamb with stuffed tomatoes, salads and potatoes artistically presented—elegantly served from a cart drawn up to a table for two. A bottle of wine added the finishing touch.

When PFC Terrence Bell's hors d'oeuvres turned out to be a first place winner for the cooks, it pointed up the fact that Army food service personnel can exhibit outstanding talent while still training. Bell, a student at the Quartermaster School, is the only team member who is not an instructor. The soldier is a graduate of the Culinary Institute of America (CIA).

CWO Zigmunt Sobieski, team project officer, stated that a number of food service instructors are expected to be certified soon as executive chefs by the CIA and the American Culinary Federation. This is evidence, he said, of the high level of expertise to which soldier-students are exposed. He added he feels that many young men and women interested in a food service career will be convinced more than ever that the Army has much to offer them.

CULINARY TEAM TAKES 15 AWARDS IN CHICAGO

(By Will Green)

Facing the broadest and stiffest competition ever, the Ft. Lee Culinary Arts Team came away big winners at a recent exhibition in Chicago which drew nationwide participation.

The Army's representatives in the field of fancy food preparation won five first place awards, five seconds, and five third place prizes for a total of 15 trophies.

They were entered in the Third Annual Salon of Culinary Arts along with approximately 100 competitors from hotels, restaurants, clubs, schools, and other establishments. The show was presented May 20 through 22 by the Chefs of Cuisine Association of Chicago in conjunction with the American Culinary Federation and the National Restaurant Association.

It was the first time the Army cooks and bakers had tested their abilities in this annual event. All are military or civilian instructors under the supervision of Colonel James T. Moore, director of the Subsistence and Food Service Department of the Quartermaster School here. Their highly successful showing against the craftsmanship of many of America's top professionals, including gold medal winners in the 1972 Culinary Olympics held in Europe, proved beyond any possible doubt that the Army men are capable of teaching military students the finest of food skills.

The five first place trophies were divided between the cooking component and the baking component of the Ft. Lee team.

The cooks captured highest honors in the food category with a ham and a decorated fish. They took another "first" in the sculpturing category with the head of the Indian chief, Black Hawk, done in tallow.

The ham, glazed with chaudfroid sauce, was decorated with brightly colored "spring flowers" made of delicately sliced carrots and radishes within a border of simulated truffles. It rested on a bed of ham slices surrounded with gelatin molds of brussel sprouts and pearl onions, and with glazed whole miniature yams.

The fish, a large salmon and two smaller trout, were likewise embellished with flower designs. Beneath each was lightly tinted "ice" made of riced gelatin. This winning entry also included potato boats filled with green peas, and "roses"—carved from potatoes tinted different colors—in pale yellow aspic.

The bakers scored a bullseye in the pastry category with their seven-foot decorative centerpiece cake, the tiers supported by glasses containing magnificant yellow roses of pulled sugar. The cake bore ornate cocoa paintings, designs, and insignia recognizing the Armed Forces.

The baking component took another first place award, in sculpturing, with a sugar sculpture of the carvings on Mt. Rushmore.

Chief Warrant Officer Zigmunt Sobieski, project officer for the Ft. Lee Culinary Arts Team, voiced the opinion of the team members when he said: "We came to this show knowing we would be up against the toughest kind of competition, and we found it to be just that. We are very proud to have taken this many awards, 15 in all, since we were participating with world-renowned chefs from all over the nation."

Long hours of preparation went into the team's efforts, with the members working far into the night repeatedly and often tumbling into bed bone-weary at a late hour still wearing their work clothes—their "cook's whites." They worked, in the small kitchen area which had been set aside for them, with quiet efficiency.. There was little talk since they were concentrating on preparing the exhibits. It was an all-consuming task, and one that could not be hurried because of the painstaking nature of the work.

On a typical work day in the team's kitchen at the show, one man was seated at a wooden cutting board. He was "laying out" a flower design which he was making from thin slices of vegetables, including "flower stems" cut from a cucumber skin, and which would later be transferred to a glazed ham for decoration. There was a brief discussion on whether the ham needed a further gelatin coating.

Not far away, another team member applied "feathers," one-by-one, to an American eagle he was creating. A second man shaped these from pulled sugar of different colors and handed them over to be hung in overlapping rows on chicken wire which had been formed into the shape of an eagle. More than 100 "feathers" had been attached, with at least twice that many yet to go.

The two men carried out their tedious task at a stainless steel workbench. At the opposite end of the bench was a batch of pastry shells, a container nearly filled with melted butter, and an open can of ripe olives—all of which were supplies needed in the preparation of various items to be displayed.

Across the way was a rack with trays that held still more supplies—five-pound bags of sugar, boxes of gelatin, and canned goods.

Another of the culinary experts worked at preparing a garland of white and purple grapes for a suckling pig exhibit. Another sorted out "bases" for canapes, which had been baked and chilled. Still another man rolled dough into long round strips and then "tied" these into figure-eights, knots, twists, ram's horns, and other configurations to make a wide assortment of rolls.

In time, all of this would fit together. The exhibits would take final shape, would be transported to McCormick Place (the center for the culinary arts show), and would be set up, on the long table provided the Army, to await the decision of the exhibition judges.

The results, as it happened, were personally gratifying to the team members. But even had they not won prizes, all their work would have been well worth the effort because of the opportunity to show thousand of spectators what the Army can do. In addition to exhibiting, the team presented public demonstrations of culinary skills.

The Ft. Lee Culinary Arts Team was established for purposes directly related to the Army troop feeding program. It is used to stimulate recruitment of persons with food service backgrounds or the desire to enter this field; to demonstrate the professionalism of Army food service personnel; and to motivate Army food service trainees toward developing their skills to the highest level. The team is, in itself, ample evidence of the

transformation Army food service has undergone.

Those who make up this group of competive culinarians also belong to the Ft. Lee Chapter of the American Culinary Federation. It is the first such organization to be established in the Army.

Coordinator of the Ft. Lee team is Major William Prince. Major Robin Maddy, of the British Army Catering Corps, is advisor. An exchange officer, he currently heads the Food Service Division of the Subsistence and Food Service Department.

Team members are:

Cooking component: Chief Warrant Officer Wright Stanton Jr., captain of the cooking component and also chief of the Cooking Branch of the Subsistence and Food Service Department; Master Sergeant Oliver Greene; Sergeants First Class Robert Moore, Joseph Cohen, and Edward Cimo; Specialist Six James Wills; and Specialist Four Terrence Bell.

Baking component: Herbert Dotson, chief of the Baking Branch of the Subsistence and Food Service Department; Ira Eldridge, captain of the baking component; Sergeant First Class John Vernon; Sergeant Arturo Contreras; and Private Benjamin Hoover. Supporting members of the baking component are: Master Sergeants Charles Bachmann and William Hoyer; Sergeants First Class Robert Hale, James Houp, and James Moore; Staff Sergeants James Brigance, Natividad Cordero-Cruz, Harry Gordon, James Grier, Samuel Miller, and Johnny Wyatt; and William Rine and Charles Villars.

George Cotton and Olea Jefferson, of the Transportation Division, Directorate of Industrial Operations, assisted the team in transporting the exhibits.

Program of Instruction for Enlisted Aides

Section I—Preface

A. Course: Enlisted Aides.

B. Purpose: To provide formal training in the duties and responsibilities of enlisted personnel assigned to public quarters occupied by General Officers. MOS for which trained: OOH.

C. Prerequisites: Member of the Active Army or of a Reserve Component whose assignment is anticipated in General Officers TD/TOE. Current Food Handler's Certificate required. Graduate of a Basic Food Service Course or equivalent experience. A minimum age of 18 with demonstrated leadership capabilities. Nine months or more of active duty service time remaining after completion of course. Must be a volunteer in accordance with AR 614–16 and be clearly motivated for duty in public quarters. No security clearance required. GT score of 90 or higher; Driver Battery Test score of 95 or higher.

D. Length: Peacetime, 8 weeks; Mobilization, None.

E. Training Location: U.S. Army Quartermaster School, Fort Lee, Virginia.

F. MOS Feeder Patterns: Prerequisite MOS, 94B20; MOS Trained in This Course, OOH; Feeds Following MOS, None.

G. Ammunition Requirements: No ammunition required.

H. Selected Training Recapitulation: Not applicable.

I. Standardization of prefix digit 5 training: Not applicable.

SEC. II.—SUMMARY

[Course—Enlisted aides; Peacetime: 8 weeks, 320 h]

Subject	Hours peace	Annex	Page
A. Academic subjects:			
Functions of the personal staff	11	A	7
Care of equipment and facilities	60	B	11
Management of dining facilities	56	C	17
Pastry baking and specialty items	39	D	21
Principles of cooking, food planning, control, preparation, and serving	122	E	22
Subtotal	288		
B. Nonacademic subjects:			
Inprocessing	6		
Physical conditioning	8		
Commandant's time	6		
Open time	6		
Outprocessing	6		
Subtotal	32		
Total	320		

Subject	Hours peace	Annex	Page
C. Recapitulation:			
1. Security classification: Unclassified (total)	320		
2. Types of instruction:			
Lecture	37.1		
Conference	17.6		
Demonstration	32.5		
Film	.5		
Television	1.8		
Practical exercise hardware	173.5		
Practical exercise classroom	3.5		
Performance examination	21.5		
Nonacademic	32.0		
Total	320.0		

SEC. III.—BODY

[Course—Enlisted aides; academic subjects—Peacetime: 288 h]

Annex title and subjects	Hours Peace	Annex	Page
Functions of the personal staff		A	7
Introduction	1		7
Methods of study	1		7
Personal code of conduct	1		8
Attitudes, promotion incentives, honor in position	1		8
Conduct in general officers' quarters	1		8
Daily work schedules	1		9
Personal hygiene	1		9
Proper dress and service for formal and informal functions	1		10
Pet care	3		10
Total	11		
Care of equipment and facilities		B	
Sources and availability of equipment	1		11
Care of officers' uniforms and equipment	13		11
Care and cleaning of general officer's quarters	25		11
Care and use of domestic-style appliances	1		12
Food storage and preservation	1		12
Insect and rodent control	1		12
Use of a commissary	1		13
Food poisoning and contamination	1		13
Standard procedures, terms and recipes	1		13
Nutritional principles of menu planning	1		14
Menu preparation	1		14
Gourmet menus and recipes	1		14
Portion control	1		15
Selection and purchase of fresh and processed fruits, and vegetables.	2		15
Selection and purchase of meats, poultry, and seafood items.	7		15
Examination	2		16
Total	60		
Management of dining facilities		C	17
Military and civilian protocol	3		17
Placement of flags	1		17
Selection of table service for informal functions	8		18

Annex title and subjects	Hours Peace	Annex	Page
Selection of table service for formal functions	12		18
Principles of buffet type service (sit down)	1		19
Principles of finger type buffet service	1		19
Preparation of centerpieces (floral arrangements, ice carvings).	16		19
Preparation and dispensing of beverages	13		20
Military, civilian protocol, and flag arrangement	1		20
Total	56		
Pastry baking and specialty items		D	21
Cake baking and decorating	16		21
Danish puff and pie pastry and cookies	16		21
Dinner rolls and quick bread	7		21
Total	39		
Principles of cooking, food planning, control, preparation, and serving.		E	22
Soups, sauces, and gravies	4		22
Convenience foods	1		22
Eggs and egg cookery	3		22
Desserts, other than pastry, preparation and serving	6		23
Preparation of hot and cold appetizers, hors d'oeuvres and canapes.	7		23
Garnishing, cold meats, and cheese trays	4		24
Salads and salad dressing	4		24
Fruits and fruit preparations	2		24
Preparation and serving of vegetables	6		25
Milk and milk products	2		25
Preparation of gourmet meat dishes	34		25
Quiz	2		26
Preparation and serving of a brunch	10		26
Preparation and serving of standup buffet	10		27
Preparation and serving of informal meal	11		28
Preparation and serving of formal meal	16		28
Total	122		

Mr. PROXMIRE. Now, what about the men themselves? Who are they?

A quick look at the racial composition of military servants tells a story itself. It turns out that 98 percent of the servants in the Navy are Filipinos, 65 percent of Marine Corps servants are black. The racial breakdown for the Air Force is 36 percent black and 62 percent Caucasian, while the Army is more closely representative of the total U.S. population, with 83 percent Caucasian and 17 percent black.

Only in 1960 did the Marine Corps decide to integrate its servant program. Before then, all servants were members of minority groups. The Air Force has no racial provisions one way or the other for its program. The Navy, on the other hand, has continued a World Wars I and II tradition of hiring Asians for menial duties on board ship and at shore installations. During World War I, it was Chinese. Now it is Filipinos. It should be borne in mind that many Filipino enlisted men clearly actively seek such employment in order to improve their income compared to Philippine standards.

Once in the service as a servant, promotions come slower than for the average nonservant enlisted man. In the Navy, for example, the average number of years in service from E–6 to E–7 is 9 for all enlisted men. Military servants in the same grade must wait exactly twice as long for an average promotion of 18 years. The Navy says this is due to the high number of career Filipinos in the service but it is also the consequence of the Navy's longstanding preference for having their military servants be Filipinos.

Mr. President, I ask unanimous consent that tables representing the racial composition of enlisted aides and years in service to promotion be printed in the RECORD.

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

TABLE 9.—RACIAL COMPOSITION OF ENLISTED AIDES

	Army		Navy		Air Force		Marine Corps	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Caucasian	[1] 422	[1] 83	4	1	339	62	31	34
Black	88	17	5	1	196	36	58	65
Malaysian			568	98			1	1
Other					10	2		
Total	510	100	577	100	545	100	90	100

[1] May include some non-Caucasians who are not black.

It should be noted that military servants do not rotate their jobs as do other military men. They are assigned to a particular general or admiral and go with him as long as the officer wants him around.

RECENT DEVELOPMENTS

As a result of congressional interest in military servants, former Secretary of Defense, Elliot Richardson, undertook a review of the program and issued orders to cutback the number of military servants by 28 percent from 1,722 to 1,245, over a 9-month period. He also indicated that all training facilities were being disbanded and that the services had issued new instructions to its generals and admirals about the proper use of military servants.

Mr. President, I ask unanimous consent that Secretary Richardson's letter to the Comptroller General of the United States be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, D.C., May 23, 1973.

HON. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. STAATS: Your report of the enlisted aide program of the military services has been reviewed within the Department of Defense and has resulted in certain actions by the Military Services and by my office.

First, the Services have issued instructions to ensure strict compliance with Department of Defense policy which prohibits assignment of enlisted aides to duties which contribute only to the personal benefit of officers and have no reasonable connection with the officers' official responsibilities. These instructions specified "do's and don'ts" as was suggested by GAO.

Second, both the Army and Marine Corps are disestablishing their training courses for enlisted aides. The Navy and Air Force, as noted in your report, do not have such courses.

Third, authorizations for enlisted aides have been reviewed by each Service. The result of these reviews will reduce the number of enlisted aides to 1,245. This is a 28% reduction from the 1,722 assigned at the time of your report. It is estimated that a phase-out period of approximately nine months will be required to implement the reduced authorizations, so as to enable the Services to reassign involved enlisted aide personnel with a minimum of hardship and inconvenience to them and their families.

Fourth, the Services have taken action to ensure rigid compliance with their policy that only those who volunteer to be enlisted aides will be so assigned.

Finally, my office and the Services will conduct future studies of the aide program with the objective of finding possible means of further reducing the number of aides, to include a review of senior officer housing. The latter effort will be to determine requirements for the phase-out, modernization, or replacement of some larger, more deteriorated public quarters.

In summary, your report has been most useful to me and the Military Services.

With best regards,

Sincerely,

ELLIOT RICHARDSON.

Mr. PROXMIRE. Mr. President, unfortunately, the new guidelines issued by Secretary Richardson and Deputy Secretary of Defense William P. Clements allow many of the old abuses to continue to take place. For example, generals and admirals can still require their own servants to be the butlers, clean house, do laundry for the officer, cook all meals, do all the shopping for the entire family, chauffeur the officer about, do the gardening—except for the Marine Corps which prohibits garden work—run errands, be the bartender.

In addition, the servant is required to perform any duty the officer says is required for a military purpose. Therefore, the officer can simply say there is a military requirement for you to drive my wife on an errand and the servant must obey. Of course, he is not going to complain about a general or an admiral giving him the order or justification. The authority to judge whether or not the service provided serves a military purpose is delegated to the officer in charge. You can easily see how this authority is abused.

LEGAL ISSUES

Mr. President, existing legislation does not establish the practice of providing military servants to our generals and admirals. It is a custom that has grown out of hand. It is an administrative practice sanctified by time and acceptance, not by legal direction.

According to the regulations, these men are supposed to relieve the officer of minor details which, if performed by the officer, would be at the expense of the primary duties of that officer. The propriety of the duties involved is governed by the purpose they serve rather than the nature of the duties.

Mr. President, this regulation means that an officer can claim that any order serves a military purpose and then order his servant to perform that duty regardless of the nature of that duty.

During the Civil War—just think of it, more than 100 years ago, when the servant-type society was far more prevalent—there was a law which aptly states my position on this issue. Chapter 200, 12 statute 594, provided:

That whenever an officer of the Army shall employ a soldier as his servant he shall for each and every month during which said soldier shall be so employed deduct from his own monthly pay the full amount paid to or expended by the Government per month on account of said soldier.

In other words, during the Civil War the officers were required to pay for the servants out of their own pockets.

Now this law made sense. Unfortunately it was replaced by weaker regulations in 1870.

Now, Mr. President, I do not object to enlisted men cooking or providing other common duties for officers in officer

messes or dining halls or any other duties in common for all officers. Much of this is necessary and efficient. I do object though to the practice of providing enlisted men to the personal staffs of these officers to use as they see fit. It simply is not right.

The Pentagon makes the argument that military servants are necessary because generals and admirals have duties affecting the welfare of millions of men and women. They are said to be responsible for billions of dollars in materials and Government funds. Therefore, these men should not be required to take care of their personal laundry, cars, food, and homes.

Mr. President, for those who would defend the use of military servants under these justifications I would ask, do not Senators and Congressmen have similar responsibilities? Do not the civilian service Secretaries have responsibilities as great? What about the Supreme Court?

Do mayors of this Nation's cities have large responsibilities? Do they not look after the welfare of millions and handle billions of dollars?

And do they have servants provided them at the expense of the taxpayers of this land? Perhaps the supporters of the military servant program would be willing to introduce legislation to authorize military servants for all taxpayers who have great responsibilities and handle large sums of money.

Let me provide some of the other reasons that generals and admirals want servants to attend them. According to a questionnaire sent out by the GAO, the generals and admirals need military servants because their work schedule does not permit them to take care of their personal needs.

Now I ask you. Are generals and admirals the only people in this land that work long hours? Do other citizens have to come home from a long day's work and have to do their own chores? Of course they do. And so do Senators.

So much for that argument.

The second point they make is that they are required to host official functions and need the catering and bartending provided by the military servants.

Personally I think that there is entirely too much partying going on in military circles. You do not need parties to keep this nation strong. Do parties really contribute to the national security? I think not.

Mr. President, I have been a Member of the Senate for 16 years and I have never been at a party at which anything constructive was accomplished. We all enjoy parties, it is human, and it is part of our life. We enjoy them and our families enjoy them. But we kid ourselves if we think this is the way business is done. Business is not done by having cocktails and dinner, although all of us do it and it is nothing to be ashamed of. We can hardly say, however, it is the way the Nation's business is done.

The third justification is that the wife has to attend social and military functions and take part in official civic duties and charity work and therefore cannot do the housework.

Now I ask what about the other housewives of America?

Military wives are not the only women in this country that have social and business obligations and take part in civic and charity work. And yet they also have to do their own housework or pay for it being done by professionals. What makes military wives so unique that they alone cannot do their housework? If other homemakers in this country manage—so can the military wives.

Although the Pentagon is making a big thing about the old homes the generals and admirals are forced to live in, a trip to the local admirals or generals row at military bases will quickly dispel this argument. And it should be noted that only 8 percent of the generals and admirals responding to the GAO cited this as a justification for military servants.

Other justifications given by the brass include having to host receptions, meetings of women's groups, and this one I really like—being a bachelor—in other words the admiral or the general had to have a servant because he did not have a wife. Others include attendance at social functions, frequent travel, and so on. None of these hold water.

In sum, the military family is not so much different than American families throughout the country. They all have obligations. They all have responsibilities. But they all do not have personal servants provided out of tax dollars.

Mr. President, the GAO has found that the average wage for one personal servant is between $7,000 and $8,000 a year. Since these servants have been provided on the basis of one servant per star, this means that a 3-star general or admiral would have the services of 3 servants at a cost of between $21,000 and $24,000 a year.

That means that if a typical family pays $3,000 in income taxes to the Federal Government, which is about what a family making $15,000 a year would pay, they provide only one-eighth of the support for one 3-star general or one 3-star admiral. Mr. President, if you talk to any taxpayer and ask if he thinks that is where his tax money should go, you know what the answer would be.

And the taxpayers foot the bill.

Mr. President, the military brass can well afford to pay for their own servants if they need them. The rest of America hires domestic assistants for parties or goes without. The rest of the country must pay for these special services that enlisted men are now called upon to perform for the brass.

According to a breakdown of pay allowances and perquisites given to me by the Pentagon, a full general or admiral makes the equivalent of over $51,000 a year. A lieutenant general or vice admiral also makes the equivalent of over $51,000. A major general or rear admiral pulls in the equivalent of over $46,000. Brigadier generals and lower case rear admirals receive the equivalent of nearly $41,000.

These are ample wages for military men. They are comparable to civilian employment and may be even a bit higher according to a recent analysis of the Library of Congress.

The point is that generals and admirals can afford to pay for their own servants. Why should the taxpayers continue to foot the bill? Why should the Senate sanction this expenditure?

I say we should not. We should put an end to this military servants business. Release these enlisted men to do productive military work.

We have a serious personnel problem. Fifty-six percent of our budget dollar for defense is eaten up by personnel costs. The money is important but it is not just the money; it is the symbolism: it is the clear and obvious example of sheer waste that is involved. Train them to be efficient military personnel. Let us improve the quality of our training and the spirit of our new volunteer Army. Let us end the military servant program.

Mr. President, last week one of the most respected military men in the country sat in my office to talk of other matters. But in the course of the conversation, Admiral Rickover observed that he did not have a staff. He said he did not want a staff. He could do more work by himself than a whole staff following him around. And he would not hear of having military servants. He would not hear of it.

I commend his attitude to the rest of the U.S. military establishment.

Undoubtedly today we will hear that the services have instituted corrective practices and that the committee has cut back on the program by 36 percent—so why should we be concerned?

We all know the answer. As long as there are military servants, there will be abuses in the program. The Pentagon has not been able to stop them in the past. They will not in the future. After all it was the Pentagon that developed this system in the first place. Asking them to police it is placing the fox right in with the chickens. You know the result.

Halfhearted measures are not enough. We have an opportunity to put a halt to one of the most despicable practices afflicting the U.S. military. We should not pass up the chance to do so.

This will be a clear vote. We are either for military servants or we are against military servants. We are either for using tax dollars to provide bartenders, cooks, butlers, and chauffeurs, or we are against this practice.

My amendment would cut off this program. It would stop enlisted men being assigned to the personal staffs of generals and flag rank officers to serve as personal servants.

I would point out that generals and admirals could still call on enlisted men in an emergency to handle details and military duties but they could not be assigned to their own personal staff.

At the present time these enlisted men travel the world with their admiral or general. They go where their boss goes. They are household indentured servants. Under my amendment, this would no longer be possible. They could obtain assistance for parties and such on a time-by-time basis perhaps from a pool arrangement. But no longer could they order enlisted men to be on their personal staffs. That would be prohibited.

I recognize that no program can be changed overnight. Even though I am adamantly opposed to the military serv-

ant program, it may be prudent to give the military time to disband the program. Therefore, my amendment makes the military servant prohibition go into effect beginning January 1, 1974. This will allow a significant period of time to reorient the careers of these men and send them to new positions. It would not be a disruptive overnight operation.

Mr. President, it is a clear proposition before us. The facts have been obtained by the General Accounting Office. I hope that we can reach the right conclusion.

Mr. President, I ask unanimous consent that editorials and articles supporting my position from the Philadelphia Bulletin, Detroit News, St. Louis Post Dispatch, Christian Science Monitor, University of Utah Daily Chronicle, Daily-Times Advocate Escondido, California, Indianapolis News, Los Angeles Times, San Diego Union, Oakland Tribune, The Nation, Houston Post, Washington Star-News, Green Bay Press Gazette, Louisville Courier Journal and Boston Globe be printed in the RECORD.

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

[From the Christian Science Monitor, April 24, 1973]

POLISHING THE TOP BRASS—DEMEANING FOR AIDES?

(By Dana Adams Schmidt)

WASHINGTON.—In George Washington's day they were called "strikers," because one of their main duties was to "strike" officers' tents, putting them up and taking them down.

Nowadays in the Army they're called "enlisted aides." In the Navy they are "stewards," in the Air Force, "airman aides," in the Marine Corps, "specialists."

But they all do very much the same sort of duty—serving general officers, admirals, and in some cases (Navy) captains as butlers, drivers, cooks, and "maids-of-all-work."

Their duties may include cleaning, washing dishes, taking care of the dog, dusting, vacuuming, polishing, waxing, answering telephones, picking up groceries, shining shoes, arranging flowers, and wrapping the general's gold braid in tarnish-proof paper, or driving the general and his wife and picking up the kids from school, or bartending, or baby-sitting.

Although they are enlisted in the armed services, they wear "cook's whites," or black trousers with gray stripes and double-breasted waistcoat and black swallowtail coat with satin on the reverse, or just a plain sacksuit, depending on what they're doing.

But Sen. William Proxmire, the Wisconsin Democrat, wants to abolish the jobs altogether. He is indignant that men in uniform should perform such services, which he considers demeaning.

Furthermore, he says there is no place in the U.S. armed forces for "this kind of pampering of generals and admirals." He says it's a waste of taxpayers' money and "the American people won't stand for it."

He demands the immediate closing of the Army's Ft. Lee school and any similar training in the other services.

At last count, according to the General Accounting Office, there were 1,722 of these "aides" in the various armed services looking after 970 high-ranking officers and drawing a total of $13,231,259 a year in pay.

One-fifth of all the aides were on duty in the Washington area and 467 overseas.

Army chief of staff, Gen. Creighton W. Abrams, and the chief of naval operations, Adm. Elmo R. Zumwalt Jr. each have eight, the highest numbers, or one more than the chairman of the Joint Chiefs of Staff, Adm. Thomas H. Moorer. Generally generals are entitled to one "aide" for every star on their shoulders.

The Army, which maintains a school for the enlisted aides at Ft. Lee, Va., maintains a racial balance among its aides, 17 percent of whom are black. But in the Navy 98 percent are Filipinos and in the Air Force and Marines more than half are blacks. All the services assert it now is policy to bring about racial balance in this kind of service.

Although Senator Proxmire's eloquence produced snickers in the Senate, the armed services nonetheless have come back with a defense of the time-honored practice. The core of their argument is that generals and admirals are busy people, and, in many cases, their wives are, too, and they don't have time to attend to these domestic chores themselves. They would find it difficult to hire their domestic help from the civilian market because they are so much on the move.

SECURITY REASONS CITED

In some cases it is desirable to have servicemen working in a general's home for security reasons. Finally, it is useful for such high-ranking officers to have men in their service who are also prepared to look after them "in the field" when necessary.

At Ft. Lee, where 14 instructors put 24 students at a time through the eight-weeks "enlisted aides" course, the subject looks different through the eyes of men who have spent a lifetime in such service or who have volunteered to be trained for it.

Warrant Officer George C. Yount, who spent 20 years in the personal service of Gen. Douglas MacArthur and has been instructing food advisers and club managers for the Army for the past eight years, calls work as an "enlisted aide" a "pretty good life."

"You get to be part of the household," he said. "The kids get to like you, and the pets like you."

Nick Taddeo of Reading, Pa., who already had been through an Army cooking school of 13 weeks, volunteered for "enlisted aides" to learn "gourmet cooking—things like hors d'oeuvres and canapes."

Sp. 5c George Southerland of Montrose, Colo., said he had been in the Army five years and planned to be a 20-year serviceman. "I've been working in mess halls for five years," he said, "and I just felt if I knew more I could please people better."

[From the CONGRESSIONAL RECORD, Apr. 3, 1973]

DAILY CHRONICLE EDITORIAL ON MILITARY SERVANTS

Mr. OWENS. Mr. Speaker, the attached editorial from the Daily Chronicle of March 26, 1973, published by the students at the University of Utah, echoes my own strong feeling about the military abuse of using enlisted men as personal servants for general officers. I think other Members may be interested in reading it:

HEY BOY! UNCLE SAM NEEDS YOU

It was another one of those news items which somehow escaped proper detailing in the pages of our local newspapers. The networks failed to allot time for it. But in a Senate subcommittee hearing Sen. William Proxmire of Wisconsin discovered that the U.S. Army maintains a special school at Fort Lee, Virginia, where it trains enlisted men to be servants for the generals.

According to the General Accounting Office the cost of equipping these 1,722 men per year with their special military skills comes to $13 million per year. Some of the classes taught are bar-tending, gourmet cooking, ice-carving, dog walking, ashtray-emptying, and bathroom cleaning.

The graduates are assigned to 970 generals and admirals. One defect in the program is that brigadier generals and rear admirals must struggle along with only one "enlisted aide." Members of the Joint Chiefs of Staff, on the other hand, have six to eight servants. The Pentagon explained to Proxmire that the servants are necessary to induce admirals and generals, who may earn nearly $43,000 per year, to remain on active duty. The aides "relieve officers of minor tasks and details which, if performed by the officer himself, would be at the expense of his primary and official duties." Which presumably means we would need more generals to get the job done. It is, the Pentagon said, "A good deal for the taxpayers."

And to prove that the Pentagon is an equal opportunity employer, why it turns out that 98 percent of the Navy's military servants are Filipinos and 65 percent of the Marine Corps' servants are Black. Hey boy . . . Uncle Sam needs you!

Several weeks ago while cutting social and educational programs all to hell, the White House mentioned that there were many beneficial programs emanating from the intact new budget (which favors business and the military). We guess this school for servants must be one of them; why as soon as you are done shining shoes in the military you can move right into private enterprise. Shining shoes.

[From the Escondido (Calif.) Daily Times Advocate, Mar. 15, 1973]

MILITARY SERVANTS

Sen. William Proxmire, D-Wis., is well known for his avid search for fat in military budgets. Where he can find it, he attempts to root it out. He is applauded by some, jeered by others and ignored by many.

But we question Proxmire's latest efforts. Trying to save a small part of a mere $13 million a year, Proxmire wants general military officers to stop using enlisted men as house servants.

As it is now, each general and admiral—and some Navy captains—are due an enlisted aide for the express purpose of "relieving the officer of those minor tasks and details which, if performed by the officer himself, would be at the expense of his primary and official duties."

Presumably because increasing rank and responsibility makes for additional "minor tasks and details," each new star warrants the addition of an aide. And movement up the hierarchy warrants more—the chief of naval operations, at the pinnacle, gets eight enlisted aides.

That seems reasonable. It would be the peak of penny wisdom and pound foolishness to require a man directing the operations of the entire Navy to stop and make his bed each morning or to require the commander of thousands of men on an Army base to shine his shoes before hitting the sack each night. Some privileges with rank are justified.

At present, 1,722 soldiers, sailors and marines are assigned to do such mundane tasks for general officers at an annual estimated cost of $13 million. In the Army, 510 aides serve 321 officers; in the Navy, 577 aides serve 295 officers; 545 aides serve 314 officers in the Air Force, and 90 aides serve 40 officers in the Marine Corps.

Each of the services has a rule which states explicitly that no aide will be required to perform duties that are not militarily justified.

Proxmire bases his complaint on the course of instruction taught at the Quartermaster School at Ft. Lee for "formal training in the duties and responsibilities of enlisted personnel assigned to public quarters occupied by general officers." The training schedule is 320 hours.

Of those hours, time is dedicated to such subjects as "domestic responsibilities in an officer's quarters," "pet care including instruction in care of such family pets as dogs, cats, fish and birds; selection of table service

for formal functions"; preparation and dispensing of beverages "both alcoholic and nonalcoholic served either formally or informally in general officers' quarters"; cake baking and decorating; preparation of hot and cold appetizers, hors d'oeuvres and canapes; bread baking; preparing and serving informal meals and so on.

Proxmire asks: "What public official will come to the defense of this program? Let us hear in a public forum just how this program is justified. Let the American public be told by a Defense Department spokesman that taking care of a general's birds, cats and fish is in the national interest. . . . It is past time when good sense should have prevailed. This program must be stopped immediately."

Is Proxmire right? Still, we wonder if domestic tranquillity in the homes of the 970 men who run the military establishment isn't worth a few million bucks.

ARMY TRAINS "SERVANTS" FOR THE TOP BRASS

(By Lou Hiner, Jr.)

"Fort Lee is the facility where the Army teaches volunteer enlisted men in the fine arts of general pampering," says Sen. William Proxmire, D-Wis.

And by "general" he means the variety with stars on their shoulders.

He wants the military to stop using the taxpayers' money to provide household servants and lackeys for high-ranking officers. It constitutes a "gross misuse" of public funds, Proxmire adds.

He obtained the curriculum proposed by the Quartermaster School at Fort Lee near Petersburg, Va. The "students," or enlisted men, receive 320 hours of instruction before they are graduated with diplomas in how to be good servants.

Among the courses for the enlisted men are the following: one hour in personal conduct including evaluation of moral standing, sobriety, personal appearance and financial responsibility; one hour in conduct including courtesy to family and guests and telephone courtesy; one hour in daily work schedule including domestic responsibilities in an officer's quarters.

The "Students" are provided a copy of the book, "The Army Wife," for their guidance. There's a course in care of pets of the Army brass that covers dogs, cats, fish and birds. A 13-hour course instructs in the proper care and cleaning of an officer's uniforms and equipment, and a 25-hour class instructs in care and cleaning of a general's quarters, including the cars in his garage, appliances and serving apparatus.

It might seem to some officers that the school could extend a one hour course in "insect and rodent control," or perhaps the one-hour offering in "gourmet menus and recipes." But there's a seven hour course in selection and purchase of meats, poultry and sea-food items. Only one hour is devoted to the subject "placement of flags" and eight hours for "selection of table service for informal functions."

One of the major courses involves 16 hours of instruction in preparation of table centerpieces, such as floral arrangements and ice carvings. Each "student" is given a copy of the manual, "Ice Carving Made Easy."

Here are some other training courses on Proxmire's list:

"Thirteen hours in preparation and dispensing of beverages both alcoholic and nonalcoholic served either formally or informally in general officers quarters; 16 hours in cake baking and decorating; examination [after] 16 hours in danish puff and pie pastry and cookies; seven hours in dinner rolls and quick bread.

"Examination after seven hours in preparation of hot and cold appetizers, hors d'oeuvres and canapes; four hours in garnishing, cold meats and cheese trays; 34 hours in preparation of gourmet meat dishes for formal and informal occasions in officers' quarters. . . ."

Sen. Proxmire asks an appropriate question: "Does this contribute to the national defense and will the nation be stronger because of this program at Fort Lee?"

And he wonders why the enlisted men eat hamburger while learning how to prepare gourmet meals for generals and admirals. Kill the program immediately, he says. We agree.

[From the Los Angeles Times, May 7, 1973]

SERVANTS FOR THE TOP BRASS: ANACHRONISMS IN THE MILITARY OF AMERICA TODAY

(By J. A. Donovan)

The American taxpayer provides 1,300 top generals and admirals with a life-style that for most Americans, including the privileged rich, is obsolete and unobtainable. At a cost of $21.3 million a year, according to a recent report by the General Accounting Office, the public provides personal servants, aides and chauffeurs—representing a $16,000 annual extra benefit—for these officers.

The military denies that these practices are unusual. "Rank has its privileges," the top brass says, uniting in a defense of its special benefits. It maintains that such servants are traditional and compensate, to some degree, for years of "hazardous duty" and "low pay."

But the financial justification for these subsidized servants is hard to understand. Military pay has been doubled in recent years, and generals and admirals now receive respectable pay and allowances that make their total annual income comparable with that of big business executives.

A major general now receives $36,963 in annual income. A four-star admiral receives $40,563. About $4,560 of this is tax free each year.

These senior officers can actually afford to pay for domestic servants and personal aides out of their own pockets—if they find such service desirable.

In the British armed forces, from which many of our military traditions and aristocratic customs and practices are derived, the soldier-servant is a time-honored fringe benefit of the commissioned officer. In past generations, when the king's commission in the armed services was largely restricted to the sons of the noblemen and the privileged aristocracy, servants both personal and domestic were part of the way of life. The practice, naturally, carried over to the young nobleman's military career.

Actually, the personal service is not without some justification—when in the field with troops or at sea on active service. A primary responsibility of the military commander, second only to the accomplishment of his mission, is the care, welfare and leadership of his men. If his energies are devoted to his personal care and comfort, he cannot properly devote his efforts to his command.

Therefore, in certain types of "hardship" commands in the field or in combat, it is still necessary for commanders to have assistance and service in tending their daily personal needs. On the other hand, there are many senior officers in routine staff and command jobs at peacetime bases and headquarters who need little or no assistance from personal aides or servants.

At present, every general officer, and every admiral who is assigned to a station or base where he is provided with government quarters is also furnished enlisted aides or stewards in the ratio of one per star of rank that he wears.

Until recent years these "official" household servants were mostly volunteer, specially trained Negroes. In the Navy many were Filipinos. Now many white youths are attracted to the duty because it is comfortable and safe, and the food is good.

Aides' and stewards' duties are largely confined to inside the quarters (post gardeners tend the yards), with frequent shopping forays to the commissary where food is purchased at about 15% under civilian prices. Preparing meals, setting tables, serving and cleaning up are major functions. Mixing and serving cocktails and after-dinner drinks are another important chore.

During the day, while the general is away, the aides do housemaid duties: make beds, dust, clean, tend plants, walk dogs, polish shoes, press shirts and, depending on milady's inclinations, serve the madam of the house. Aides sometimes care for the generals' teenage children. In fact, it's a rather pleasant setup for all concerned—there's really nothing quite like it in the costly "outside" civilian world.

Most unit commanders in the armed forces have official government vehicles with drivers available for business purposes during working hours. In Army and Marine tactical units in the field, the tables of organization and equipment provide unit commanders with tactical vehicles (Jeeps) and full-time assigned drivers.

Until recent years, generals and admirals (flag officers) had official cars and enlisted drivers available at all hours. These high-ranking officers, if living on a military installation, were transported to and from their quarters and offices and usually chauffeured to official events, ceremonies and social activities. Wives frequently made use of the available vehicles for shopping and personal chores.

Although government vehicles have had "For Official Government Use Only" stenciled on their doors for about 20 years, it has only been recently that the government sedans have been truly restricted for generals and admirals to use for "business" only. In the Marine Corps, generals (except the commandant) now drive themselves to the office, but they have government vehicles assigned for working hours.

Each general or admiral also has the services of a young officer aide-de-camp. A one-star or brigadier general usually rates a lieutenant, and a two-star major general rates a captain. Admirals fare about the same.

Back in Napoleon's day, aides-de-camp were young gentlemen assistants to their generals. Frequently friends of the family or noblemen of promise and attractive appearance, they were in constant attendance and available to gallop around the battlefield with messages, to tend the general's baggage and tents or to share his evening mess.

The duties haven't changed much in 200 years. Aides-de-camp now supervise the general's car and driver, accompany him when he is lonely, introduce guests in the receiving line of an official party, play tennis with the boss, salute regularly and properly and frequently bolster the general's ego. They do countless menial chores and are professional "Yes, sir" men. Their government pay amounts to $13,260 annually for a first lieutenant and $16,059 for a captain.

Many aides-de-camp who have served distinguished officers or Department of Defense officials have met the right people and eventually also reached star ranks. Being an aide to the right general is often as worthwhile as a combat command.

One inconsistency of the present system in the armed services is that only senior officers who are living in government quarters on military bases are supplied with servants and drivers.

In the Washington, D.C., area and elsewhere, dozens of generals and admirals live on "the outside" in civilian housing communities. They rate no stewards, no aides and no vehicles with drivers. For them life is perhaps less elegant and more in step with the real world but, even though many don't relish the hardships, it does them no harm, and by no means does it reduce their status or the respect due their rank.

The whole bag of aides-de-camp, enlisted aides, orderlies, mess stewards, wardroom messmen and officer driver-chauffeurs constitutes an unnecessary fringe benefit. If these amenities are considered personally desirable, the officers should pay for them; if they are official necessities, the officer concerned should be provided an extra allowance so he can pay for his servants and official drivers and officers aides-de-camp should have their duties limited to strictly official business.

[From the San Diego Union, Apr. 24, 1973]

SIXTY ENLISTED MEN HERE SERVE AS OFFICERS' AIDES

(By Jim Russell)

Sixty enlisted men in San Diego are among the 1,722 men the General Accounting Office has identified as acting as aides to high-ranking military officers throughout the services.

The GAO report indicated the assignment of enlisted men to the duties in the four services cost $21.7 million a year, approximately $750,000 in the San Diego area.

The GAO report said 850 admirals and generals and 110 Navy captains have enlisted aides.

A Navy spokesman here said all admirals in government quarters and 10 captains who command major shore commands have enlisted aides.

The Army, Navy, Air Force and Marine Corps told the General Accounting Office, an investigative arm of Congress, that high-ranking officers need help so they can devote full time to military duties and committee activities.

The Navy said the enlisted stewards it assigns to admirals and some captains relieve the officer "of a multitude of administrative and personal detail," and help with "receptions, formal and informal, teas, parties and dinners."

A Marine Corps spokesman said a good example of duties performed by Marine aides, was a luncheon for President Nguyen Van Thieu and about 30 other dignitaries.

He said the cook-specialists assigned to the three flag officers at Camp Pendleton perform all the duties of a chef and maitre d'.

A Navy spokesman said all of the Navy stewards here are Filipinos.

"They seem happy in their work and their re-enlistment rate is fantastic," he said. "They joined the Navy under an agreement instituted by President Teddy Roosevelt."

He said the steward school at the Naval Training Center has been combined with the commissaryman school.

"Students learn to cook and serve the food," he said. "Most of them are white. After graduation they are assigned to an enlisted galley, or an officer's mess. Some will become aides to flag officers."

[From the Oakland Tribune, Feb. 4, 1973]

MILITARY'S PERSONAL AIDES PROGRAM BLASTED

(By Ann Blackman)

FORT LEE, VA.—Here the Army trains soldiers—to make tasty penguines out of hard-boiled eggs, carve swans out of ice, groom dogs and empty ash trays.

Other lessons range from bartending to flower arranging.

The purpose is to prepare enlisted men, all volunteers for the program, for the job of making Army generals and their families more comfortable. Or, as an Army spokesman explains it, "to put the commanding officer and his family in the forefront of the Army installation and the community."

Some program critics call the personal aides servants. Most generals get one aide for each star on their shoulders.

A General Accounting Office report says that in pay and allowances alone the personal aides program costs the Army $3.6 million yearly. The Navy spends $4.4 million, the Air Force $4.3 million and the Marines $837,000 on similar programs, the report says.

What sort of enlisted man volunteers to be an aide?

"It takes a special boy, one who will take an order from a female, like the general's wife," a spokesman at Ft. Lee replied.

During a visit to Ft. Lee, an officer was asked directions to the training school. "An enlisted aides course?" he said. "Oh, you mean the charm school over there."

He pointed to a two-story, World War II-er has-been remodeled to include five apartments. Each resembles a general's quarters and includes a living room, dining room, two bedrooms and a bathroom. Red and white carnations are carefully arranged on many tables.

Such delicacies as chocolate-covered petit fours, the work of aides, are stored in freezers.

The Army's enlisted aides course has been located in the building since the program started in January 1969. Courses are given six times a year, and the Army reports a total of 404 graduates. The waiting list of generals requesting aides is now at about 70. Some generals don't ask for aides, according to the spokesman.

He said soldiers spend 70 hours learning the duties and responsibilities of an enlisted aide, 109 hours on management of dining facilities and 137 hours on "the advanced principles of cooking, baking and garnishing."

Duties listed in the course outline include pet care, cleaning a general's quarters, care of officer's uniform and equipment, preparation of center pieces and ice carvings and watering plants.

A section called household duties includes these responsibilities: empty and wash all ash trays; sweep off steps and porch; scour tub, shower, lavatory and all fixtures; empty laundry hamper; insure an adequate supply of soap, facial tissues, toilet tissue and tooth paste.

Helping a general's wife includes reminding her of appointments, providing her with transportation and assisting her role as hostess, according to the outline.

Critics, including Sen. William Proxmire, D-Wis., say taxpayers should not have to pay for personal aides to generals and other military brass. The Army says the taxpayers are getting a good deal.

If a general didn't have aides, "they'd need a general and a half to do a general's work," said Maj. Richard Weinz who heads the aides program.

"He's a leader," said Weinz. "A general doesn't have time to shine a pair of shoes, so he's given an enlisted man to help him."

Weinz said that heads of big corporations can afford to pay for these services, but a general "only makes about $2,700 a month." The GAO lists average pay for Army aides as $7,131 a year.

"It would cost the U.S. government more money to civilianize the aide field," Weinz said in an interview. "For the number of hours we put in and the kind of job done, I think it would quadruple the cost."

Proxmire, who calls the aide program "one of the last trappings of aristocratic privileges," says he has letters from aides complaining that some generals and their wives exploit them.

Besides their regular duties, aides say they are asked to babysit, walk the dog, cook special meals for children and maintain swimming pools, according to Proxmire.

"Who will say that maintaining a swimming pool is in the national security?" Proxmire asked in a speech on the Senate floor.

Some Army aides don't see their job that way.

"I had to jump out of an airplane with a general and set up his tent," said M. Sgt. Lawrence Hettinger, who has been with the Army for 20 of his 38 years. "I don't see how a civilian could possibly have done that."

[From the Nation, April 2, 1973]

SOLDIERS AS SERVANTS

In the February 15th *Congressional Record*, p. S. 2517, Sen. William Proxmire, gadfly of the armed services, takes aim at an outstanding abuse—the employment of enlisted personnel as servants of general and flag officers. Preliminary investigation by the General Accounting Office discloses that 1,722 soldiers and sailors are officially designated as personal aides to generals and admirals, at a cost to the taxpayers of more than $13 million a year for pay allowances alone. The figure does not include personnel assigned as aides to commanding officers on base; enlisted men in that category may have at least some military duties. Most of the 1,722 are simply house servants, provided according to the "rank-has-its-privileges" tradition.

The 860 officers who are provided with this domestic help are all supposed to be in command positions. Generals and admirals are the main beneficiaries, but 110 Navy captains have attendants. In some cases there may be justification for the practice—the captain of an aircraft carrier on a training or combat mission may be on the bridge for extended periods and may have his meals there—but for the most part, especially on shore duty, assigning enlisted "orderlies," as they used to be called, is simply an abuse of privilege.

Proxmire reveals that of the 1,722 personal aides about one-fifth serve in the Washington, D.C. area, and that the ratio there—2.6 aides per qualified officer—is much higher than in other parts of the United States and abroad. This reflects the plethora of brass in the capital and the overblown sense of importance of some of the officers stationed there. The rule of thumb is one aide per star, so that a brigadier general would normally have to get along with one Army-provided servant, but the highest ranking officers are not so confined. The chairman and chiefs of the Joint Chiefs of Staff are cared for by six to eight aides apiece, as are certain vice chiefs.

Among the duties of an enlisted man who serves a general or admiral may be grooming not only the officer's car but the cars of all the members of the family. He may do the gardening, cook and launder, run errands for wives, tend bar at private parties, baby-sit, walk the dog, maintain the swimming pool, etc. When the general's wife goes shopping (assuming she shoulders that burden) she may take the aide along to push the cart down the aisles of the supermarket, and of course he drives her there and back.

The GAO data cited by Mr. Proxmire shows distinct racial overtones. The Navy has always been partial to Filipinos and 98 percent of its aides are of that origin. In the Marine Corps blacks predominate to the extent of 65 percent. In the Air Force, 36 percent are black; in the Army, only 17 percent.

Some enlisted servants like their jobs. A soldier cannot be forced to accept such work, though pressure may be exerted on him to do so. The practice of using soldiers as servants is so well established that the Army runs an enlisted aides' school at Fort Lee, Va. Senator Proxmire has pending a bill, S. 850, which would abolish such schools and end the practice of using military personnel as servants. There is no reason why the taxpayers should solve the servant problem for the families of these well-paid officers, nor does it comport with the dignity of men in uniform to be so employed.

[From the Houston Post, May 4, 1973]

RANK PRIVILEGE

At last the Department of Defense has taken note of one of the oldest abuses of privileges of rank within the armed serv-

ices—use of enlisted men as personal servants for high ranking officers and their families.

The practice of assigning military men to "enlisted aide" duties as cooks, chauffers, gardeners, babysitters, butlers and bartenders has been going on so long it has become a tradition. But it should be relegated to the past with such other traditions as flogging.

The issue has been raised before in this transition period to all-volunteer forces. But no one paid much attention to complaints until they were raised in the context of cost. When the General Accounting Office told Congress that 1,799 enlisted men in the Army, Navy, Marine Corps and Air Force were assigned as personal servants to senior officers at an annual cost of nearly $22 million, ears perked up in Congress and the Defense Department. Secretary of Defense Elliot L. Richardson said that he had been in office only three months and did not know the practice was so widespread. He said he would look into it. Sen. William Proxmire of Wisconsin aptly termed this misuse of fighting men as "absurd" and said he will press for legislation to end it.

The whole principle is wrong and has flourished too long. The joint argument of the military that top officers and their wives are obligated to entertain on a regular basis and need the extra help sounds like an echo from the 19th century. The necessity of all that entertaining at public expense, by using personnel for purposes far removed from military duties, is questionable. The larger military installations are communities in themselves and some amenities in maintaining social contact and conducting official functions are in order. But with general rank officers drawing the equivalent of $50,000 a year and up in salaries and benefits, they should hire civilian household help at their own expense. Considering what the government spends annually on salary, equipment, training, housing and subsistence of an Army private, he can be an expensive servant.

Military leaders at domestic installations do not deserve to have their household operations subsidized by the public any more than do civil service officials. Traditionally, rank has its privilege in the military, but that privilege should not extend to appropriating the services of soldiers, seamen and airmen for the personal comforts of generals, admirals and their families.

[From the Washington Star and News, May 26, 1973]

GI's As Houseboys

So far as we know, no one ever proposed that Alexander the Great should saddle his own horse, although we suspect he probably could have done a better job of it than any of his subalterns, and when Army Secretary Robert Froehlke told a committee of Congress not long ago that General Creighton Abrams, Army chief of staff, should not have to "hurry home at 5 p.m. and mow his lawn and spade his garden," our first reaction was, "Of course he shouldn't."

And then we thought, "Why not?"

Nobody wants to see our military leaders growing fat on the job, or taking all their paperwork home with them while developing ulcers. There's no better way to unwind than working in a garden, and some of modern man's best thinking has been done in the ritual back and forth of mowing the lawn.

This, of course, was not what Froehlke had in mind. The question before the House Appropriations defense subcommittee was whether enlisted men should continue to be detailed to perform menial jobs like car washing, gardening, babysitting, bartendering and mopping up for highranking officers at a price to the taxpayers of something like $21.7 million a year on the basis of what it costs to maintain an enlisted man. Froehlke's contention was that officers don't make enough to pay for hired help.

No? General Abrams, whose four stars entitle him to four enlisted aides, makes about $45,000 a year in pay and allowances, *plus* a fine, old and possibly inconvenient house at Ft. Myer and the other advantages enjoyed by officers, such as free medical care and fantastic bargains at the commissary.

Without hurting too much, it seems to us, he could hire some colonel's restless adolescent son to mow the lawn.

Well, on the last day of his brief engagement as Secretary of Defense, Elliot Richardson has fudged the central issue by ordering a 28 percent cutback in the use of enlisted men as servants to officers. That will leave something like 1245 men, most of them blacks and Filipinos as far as the Navy and Marines are concerned, cleaning and fixing up officers' quarters and checking coats, tending bar and waiting on tables at their parties—mostly willingly enough, this being pleasanter duty, on the whole, than close order drill or picking up butts.

Babysitting, walking dogs, doing the family laundry and washing the family car are out.

We've always thought that pulling KP, as wretched as that duty was, did nobody any permanent harm and may even have helped build character. An enlisted ma" serving as an officer's butler or maid is quite another thing. It demeans them both.

[From the Green Bay Press Gazette, June 3, 1973]

One-Fourth Right

Because of the way things happen in Washington, it should come as no surprise that a compromise has been struck on something Sen. William Proxmire has been raising a fuss about—use of enlisted men for family servants for high-ranking officers.

One of the things that Elliot Richardson decided in his brief stay as defense secretary before moving on to direct the cleanup of Watergate as attorney general was that there would be a 28 percent reduction of these assignments to officers' households. That means that about one-fourth of the $21 million a year being shelled out for this fringe benefit may be saved.

But 1,245 enlisted men still will get such assignments, though babysitting, walking the dog, doing the family laundry or washing the family car—some of the things Proxmire complained about—now are out of bounds. Tending bar or waiting on tables at parties still will be all right, however.

The Pentagon still doesn't get the point. These assignments are hardly in keeping with what is now supposed to be a professional military nor can they be justified as an addition to pay scales of admirals and generals. Proxmire has not won even half a loaf of political compromise. He should keep at it.

[From the Louisville Courier Journal, June 22, 1973]

Getting Rid of Military Servants

Pity the poor general! He and other high-ranking officers are threatened with the loss of their enlisted aides who have been taking care of such pesky chores as cutting the grass, walking the dog and washing the car, chores that the rest of us have to do ourselves or pay someone else to do for us. And pity the general's lady! Like other wives of top military officers, she's stuck with a huge, but antiquated, house on the base and now risks losing the services of the enlisted soldiers who have been helping her by cleaning, fixing the meals and doing the laundry.

At least that's what would happen if Senator Proxmire gets the practice abolished. Most Americans, we think, will be behind the Senator on this one.

It's not as if the top military brass was all that poorly paid. $40,000 for a lieutenant-general, for instance, doesn't sound bad by itself, and when it's realized that free living quarters, free medical care and other assorted benefits are part of the bargain, the general's income begins to look handsome. The Defense Department argues that, because these top officers have to do some entertaining and make a contribution to the community, they need this domestic help. Yet the same demands are made on top corporation executives, who don't take home employes, hired to do other jobs, in order to put them to work on household chores. Activities that are genuinely connected with their work are paid for with expense allowances; the rest must be financed from family income.

There's no reason why top military men shouldn't cope in the same way as their civilian counterparts. If the Pentagon thinks there's a good case for giving the generals and admirals domestic help, why not just give them another allowance? It would be cheaper to the taxpayer. At last count, 1,772 men were assigned as enlisted aides in all the armed services at an average annual pay of nearly $7,500 each, to which must be added the cost of maintaining the man on the base. That's a fancy price for domestic help.

Then there's the school at Ft. Lee, Virginia, where aides are trained at a rate of over 100 a year. The major part of the course seems to be gourmet cooking. How many parties are the armed forces holding? Wouldn't it be more economical to use outside caterers?

Already the Defense Department has agreed to cut back a little, reducing the number of men assigned as aides by 28 per cent and limiting the kind of tasks they may be given. But in no time at all the number could creep up again and the men once more would be pushed into doing personal chores. Senator Proxmire is therefore right to press on for abolition of this anachronistic practice. Most Americans who cut their own grass, walk their dogs or wash their cars will be urging him on.

[From the St. Louis Post-Dispatch, Feb. 4, 1973]

Sneaky Attack

Rank, as the saying goes, has its privileges. But if Senator William Proxmire has his way, the privilege of having a "military aide" who is actually a little more than a domestic servant will not be one of them.

According to a recent study by the General Accounting Office, there are 1722 enlisted men (annual expense of about $13,000,000) assigned to aide duty. Many of them, according to Senator Proxmire, spend their time walking dogs, tending bar at private parties, cooking meals, gardening, doing the family laundry and cleaning out the swimming pool.

In a recent Senate speech, Mr. Proxmire attacked this regal system as "one of the last trappings of aristocratic privilege" and argued that the time had come for the military to stop doling out domestic help at the rate of one per star.

Although the Pentagon has come to expect criticism from the Senator from Wisconsin, this assault hits the military brass where it hurts—on the home front. Almost any general would be willing to stand eyeball to eyeball with the Russians. But few, we suspect, want to be forced to tell the little lady that she will have to drive the kids to school herself.

[From the Detroit News, Apr. 20, 1973]

GI "Servants"

The General Accounting Office, as befits its function, is concerned that use of enlisted

men to cook, tend bar, care for pets, babysit and wash and polish automobiles for our top military brass is costing taxpayers $22 million a year.

The GAO surveys showed a high percentage of aides to generals, admirals and Navy captains were ordered to do such menial work in lieu of military duty and that a good proportion of the enlisted aides also were ordered to do house cleaning, grocery shopping and gardening for officers' wives.

We hope the Pentagon takes notice of the GAO report, since U.S. military regulations prohibit use of enlisted men as servants and require all aides to officers to perform "an essential military purpose."

Also, because the Pentagon wants to build a strong volunteer military force, does the Pentagon expect recruits to volunteer as servants?

[From the Philadelphia Bulletin, Apr. 30, 1973]

THE GI AS SERVANT

Rank hath its privileges—that's a time-honored tradition in the armed forces.

But the privileges of rank are way out of line when enlisted men perform household chores for generals and admirals. It costs the taxpayer about $21.7 million annually, the General Accounting Office has estimated, for soldiers and sailors to shop for officers' groceries, sit with officers' children, tend officers' bars and wash officers' automobiles.

Wisconsin's Senator William A. Proxmire, promising to press for legislation ending such practices, said top officers' incomes are "the equivalent of" more than $50,000, taking into consideration such benefits as commissary privileges and cut-rate medical care, along with salary. If they need servants, he suggests, let them hire servants like anyone else does.

All branches of the armed forces have defended the practice, however, using the same argument. High-ranking officers and their wives have responsibilities other than directly military—community activities, entertaining, other "social contact with community leaders, dignitaries and junior officers" and "wide-ranging, never-ending, demanding and sensitive functions essential to leadership."

True enough, but how about the "wide-ranging, etc., functions essential to" service on lower echelons? Are we recruiting young men and women to serve their country with dignity or to serve their superiors as diaper-changers, window washers and bartenders?

Command is a two-way street—that's fundamental military philosophy—and America deserves to be protected by soldiers, not flunkies.

[From the Globe magazine, Sept. 9, 1973]

SERVANTS IN MILITARY UNIFORM

(Enlisted 'aides' of generals and admirals have a lot of duties—ultra-fancy cooking, bartending, walking dogs, washing cars, scrubbing bathrooms—which are pretty far removed from what they signed up for. A Globe Spotlight Team report.)

The narrator, in the same kind of breathless baritone that tells about Elvis's upcoming movie at the drive-in and OK used cars, is resonating about today's Army and its gourmet cooks.

The television commercial, which displayed culinary award "winners" on 300 stations around the country last Christmas, starts on a nostalgic note:

"Remember how in World War II meat was prepared in mess kits? Well, it just isn't true in today's Army . . . Confectionery specialists make life-like fruit and flowers out of sugar. Artistic cooks . . . can decorate a salmon with delicate petals, create a humorous figure out of the ordinary baked chicken and make a lobster the central figure in a gourmet setting . . . While Wellington roasts and squab may not appear on the daily menu, these are prepared by today's Army cooks who win top prizes.

"World War II veterans: Eat Your Hearts Out."

At ease, veterans. Stand by for new instructions regarding commissary items known as Beef Wellington and squab.

Not only do they not appear on daily menus, they are served exclusively to generals and their families by "artistic cooks" who may also be called upon to wash cars, walk dogs, pick up groceries, shine shoes, pin on medals, polish pewter, vacuum rugs, wash out bathtubs, fetch ice cubes, water plants, arrange floral pieces, mix drinks, pack lunches, babysit.

Instead of green khaki, some men in today's Army are seldom out of cook's whites and butler's waistcoats.

They are soldier-servants whose sole function is the regal care and feeding of military brass.

The practice is a U.S. military tradition dating back to the Revolutionary War when so-called "strikers" set up General Washington's tent like circus laborers, hauling it up and down as they moved from camp to camp. Washington also had some family-owned slaves on his personal staff.

It appears that the striker is a carry-over from the caste conscious British military where the "batman" is a traditional fringe benefit for commissioned officers. It all started in days of yore when young noblemen brought along domestic servants with them when they embarked on military careers.

Today's "strikers" are known by various euphemisms: enlisted aides in the Army, stewards in the Navy, airman aides in the Air Force and specialists in the Marine Corps.

The Marines and Army have formal training schools for aides, now being phased out under the glare of adverse publicity, while the Navy and Air Force prefer on-the-job training.

At a time when the Pentagon's budget is higher in peace-time than it was during the Vietnam War, there are 1722 officially designated aides tending to 970 high ranking officers in all the services at an annual cost of about $22 million. Most of the aides are stationed in the United States.

The training and personnel costs to the American taxpayer for military servants is enough to transport milk to 11 billion impoverished children in developing countries or inoculate 2.2 billion children for tuberculosis or provide 150 billion vitamin capsules for mothers and chidren.

Instead, the funds are used in part to train men how to make cute little hor d'oeuvres, like hard-boiled eggs fashioned into miniature penguins, or to prepare formal dinners, fit for a Versailles banquet table, with centerpieces such as a chariot carved out of watermelon pulled by four large lobsters.

The staff sergeant seldom saw "his" general. Rather, when he arrived at Gen. Donald Werbeck's home each morning on the Richards-Gebaur air force base near Kansas City, Missouri, he would find terse notes on the kitchen table outlining his duties for the day.

The memos got right to the point: Sgt.— 1. Mow lawn; 2. Shine shoes; 3. Fill wood bucket; 4. Commissary (food shopping); 5. Pickup cleaning; 6. (Prepare) salad dressing.

The Sergeant had a variety of tasks done on a weekly basis and there is nothing, short of picking cotton, he was not asked to do, from bringing ice cubes to the upstairs bedroom to digging a trench alongside the carport.

Every week he washed the general's VW or Ford LTD, manicured the lawn, dusted and vacuumed all rooms. He regularly had to empty the trash; wax floors, appliances, furniture; empty ashes from the barbecue; scrub kitchen tile with an S.O.S. pad on his hands and knees and work nights as a bartender for guests with no notice.

"In short," he recalled, "I was cook, bartender, chauffeur, gardener, painter, doorman, maid, janitor, secretary, and even night-watchman when the general and his wife were on vacation."

The sergeant put in a year before asking for a transfer and was immediately threatened, he says, with a bad report—something that would virtually eliminate further promotions.

"I told the general I had enough," he said, "and wanted out. All of a sudden, after busting my butt around there for months and doing a 'fine job,' I was going to get a bad report and his wife told me I was unsuitable for that kind of work.

"But I've got too many years in and there was no way the general was going to use me and then shaft me. I knew too much and had some friends. The report never got on my record."

Gen. Werbeck confirmed he viewed airman aides as personal servants and was critical of new restrictions that limit what he calls "gainful use of their time. . . ."

He implied the aide system has been vitiated by recent "vague" guidelines put out by the Pentagon following attacks by Sen. William Proxmire (D-Wis.): "Before, they did just about everything . . . maintain the house, inside and out . . . you know, the kind of things that I, as a homeowner when I lived off base, basically did for myself. . . ."

Ironically, Werbeck, who has utilized aides to the hilt during the two years he's been a general, admitted that, with his grown children away at school, "the house sort of takes care of itself."

Using enlisted men as servants has been against military regulations since the Civil War. In 1862, it was decreed that officers had to pay soldiers acting as servants out of their own pockets or run the risk of being "cashiered." But the law became a toothless ambiguity in 1870 when the practice was merely prohibited without sanctions.

Various military court decisions over the years have ruled that aides may do servant-like duties only if it frees high ranking officers to do "essential" military functions.

The service position, reduced to basics, is that a general's or admiral's every waking moment is spent on essential military matters.

A survey by the US General Accounting Office (GAO) of scores of general officers can be condensed into a composite answer: "We are busy men who work long hours and have to attend a lot of functions. As a result, we do not have time to do these things ourselves, nor do our wives."

Frequently cited was "the need to free the officers' wives to provide leadership to women's organizations and voluntary community services."

Several aides in Globe interviews termed this, ah, baloney, and contend their jobs, in most cases, simply freed the wives to go to the beauty shop and play bridge.

A recurrent theme in interviews with past and present aides is that the generals were usually fair and reasonable but the wives were likened to Parris Island drill instructors.

One former aide from California, who has a masters degree in management, served two generals for whom he had high regard. "But their wives were impossible. My job was to be their maid.

"The idea that the generals' wives are too involved with post or community activities to handle their families is a fallacy.

"Neither of the wives I worked for were more—in fact, less—involved than at least 50 million other wives in this country.

"The wives tried whatever means possible to get out of post activities. The work was done by lesser ranking wives in an attempt to boost their husbands' careers."

The first public hint of wide-scale use of soldiers as lackeys occurred last November when the GAO confirmed charges by Sen. Proxmire that a luxurious health club and hotel was being operated in Alaska by 24 aides exclusively for Air Force brass. It cost taxpayers $174,000 a year.

At Proxmire's request, government investigators questioned generals and aides about other possible abuses.

They found that although the enlisted aide "billet" is supposed to be strictly voluntary, one out of eight surveyed were assigned to the job.

In the Army and Air Force, aides are a time honored custom while the Navy and Marines are allotted them by military law through the Secretary of the Navy. The rule of thumb is one aide for each star on a general officer's collar. Members of the Joints Chiefs of Staff at the Pentagon have seven or eight aides apiece.

When it came time to talk to the aides, investigators found "military observers" present, who assured the enlisted men reprisals would not follow candor. They then sat silently in a corner.

One of the most notable findings of the interviews was the marked discrepancy between what the officers claimed they asked aides to do and what the aides said they actually did.

For example, only 38 percent of the Army generals said aides did gardening for them while 81 percent of the enlistees said they did such work; 56 percent of the generals admitted aides ran errands for them while 90 percent of the men said this was a regular duty; and 25 percent of the admirals said they had stewards wash their private automobiles while 49 percent of the stewards surveyed found themselves scouring cars.

A substantial number of aides confirmed they did tasks clearly out of bounds, such as chauffeuring officers children, fixing their lunches, doing their laundry and babysitting.

Investigators also determined general officers used aides to cater informal functions on a regular basis. Throughout the four services, aides were used at private affairs on an average of 75 percent of the time.

One pat answer to justify enlisted houseboys by the military is that generals and admirals could not afford to hire outside domestic help.

Retired Marine Col. J. A. Donovan, who is now an author, takes sharp issue with this, noting upper echelon military pay has doubled in recent years to make it commensurate with business executives with similar responsibilities.

Donovan reports that a major general now receives $36,963 a year and a four-star admiral $40,563. About $4560 of the salary is tax-free. Furthermore, officers have few of the normal household expenses, especially the ubiquitous mortgage.

As a concession to critics, outgoing Secretary of Defense Elliot Richardson cut back the enlisted aide program by 28 percent and limited the use of limousines by Pentagon officials. The only concrete result to date has been the termination of Marine and Army training schools. But the status of the rollback is uncertain.

Col. James T. Moore stood in his small plywood panelled office with a pointer in his hand and lectured beside a slide projector about the 17 food service schools he commands at Ft. Lee, Va.

The slide show lasts over an hour and is conducted, according to a female civilian public relations assistant, "because the colonel likes to bring out that the enlisted aide school is just a teensy-weensy bit of the overall program." Col. Moore says it shows the "big picture."

The teensy-weensy part, however, is overshadowing the "big picture" because an enlisted aide, in many cases, is a family servant and Congress has been asking pointed questions.

So, Col. Moore walks a thin line, gingerly defending his program while making sure he says nothing controversial to anger congressional critics or nettle generals on high.

Since Sen. Proxmire started lampooning the program as a "charm" school this year, it has been demoted from prodigal to orphan. It's an Army brat that's being mustered out.

Asked how he feels about having the five-year-old school "disestablished," Moore laughed wistfully and said, "I have no feelings. DOD (Department of Defense) instructed DA (Department of the Army) to terminate. I do what I'm told."

But Moore perked right up again and said he was "hopeful that we can get you to do a story on all the schools we got here . . . why don't you surprise the heck out of everybody and write a positive story about the enlisted aides?"

Col. Moore has been in the Army 28 years and plays his cards close to the vest. He talked at length about the 16 other schools he supervises and deemphasizes the one being cut loose while keeping his opinions to himself.

There's a sign in his office showing an abject caricature with the inscription "Why Worry About Tomorrow? We May Not Make It Through Today."

In his office, Moore runs through a monotonous practiced presentation of the schools' organization. While he's a sincere, affable man, the long monologue is turgid and technical. ". . . interfacing with civilian food service industry has been enhanced . . . The subsistence and commissary division is made up of two branches . . ."

The enlisted aide school comes last and it consists of a dazzling display of prize-winning gourmet cookery sprinkled with a dash of statistics.

At the end of the eight-week course the students stage a graduating buffet where they prepare the menu, food, seat guests according to protocol, serve the meal and clean up.

"We put them in a real live world situation," says Moore, "like at a country club. It gives them the feel of being chef, waiter and bartender."

One of the slides, he said, "sums up our philosophy." Onto the screen flashes a man and woman embracing on a porch swing under a full moon. The caption: "We learn best and retain it longer when we DO it."

Moore was asked why the military's higher-ups entertained so much. Is it all really necessary?

The colonel guardedly conceded it was part of the services high-powered public relations program, but added "if a VIP, like say, Sen. Proxmire, came here for a visit, why, we'd have to give him some dinner . . . I don't think generals make enough money to hire private staff for parties and official affairs. In addition, an officer's wife gets involved in all kinds of civic affairs like the American Red Cross, the Girl Scouts, Campfire Girls and so on. She can't do it all alone."

The fort's aide school is evenly divided between teaching the methods of caring for and feeding generals' families.

The reference library includes such books as "The Army Wife," "The Blue Goose Buying Guide," "The Correct Waitress," "Ice Carving Made Easy," and "Army Social Customs."

But the aide's bible is his 101-page guideline booklet, which is formally presented upon graduation. It covers a multitude of duties, ranging from preparing a lavish banquet to cleaning the water closet. It stresses deportment, protocol, cleaning techniques and elaborate cooking.

The aide is given guidelines on being courteous to the general's family. For example, "the aide must stand and pay attention when members of the family speak to him, except when he must answer the telephone and then he should excuse himself to answer it. After he answers the telephone, the aide should return to complete the conversation . . ."

The aides' uniforms are varied to suit the occasion. The basic wardrobe includes "butler's coats, mess jackets (white), black cummerbund, tuxedo trousers, white shirts, black bow ties and white gloves."

A lengthy section is devoted to setting up a daily work schedule, which focuses on the need for consulting with the general's wife "concerning menus for lunch and dinner, the commissary list and instructions for any special assignments." Among five routine things to be done in bathroom cleaning is to "wash and sanitize with the appropriate cleaning agent, the bathtub, lavatory, water closet and shower area."

After lunch, the aide can "perform errands," such as delivering and picking up laundry and shopping for food and drink. The aide is expected to escort the general's wife or her friends, from banquet hall to supermarket.

The booklet also provides sample menus. Recommended for "a light lunch for the ladies" is a breast of chicken Kiev, avocado stuffed with crab meat, salmon mousse en Bellevue. A typical formal dinner might be chilled vichyssoise, fish fillet poached in wine with mushroom bercy sauce; a half cornish hen with wild rice; baby carrots in sherry sauce; broccoli buttered; molded cranberry salad, crepes suzette, parkerhouse rolls and just plain old coffee.

Whenever questions arose about aides being abused or overworked, Col. Moore never answered directly. At one point he said "in a way, we're all servants, aren't we? You're a servant to your editor and publisher and I'm a servant to the US taxpayer.

"But I'm not in a decision-making position," he continued. "My job is to train. Whether a general has too many aides or what the aides do is not under my authority . . . we certainly don't teach baby-sitting or car washing. We teach the hospitality trade, a vocation these men can use in civilian life."

Q. Do you have follow-up data on how many aides go on to well-paying, skilled civilian jobs as a result of the training?

A. No.

Col. Moore coughed. Silence. Back to the slide show of culinary prize winners. Click: a lobster conductor leads a crab orchestra; Click: an oriental figure made from chicken wings and an egg "fishes" out of a bowl of onion soup; Click: the watermelon chariot; Click: a turkey practically dressed in uniform.

After the military briefing, Col. Moore leads a party to the aides schools where men are working in facsimile quarters for generals on fruit centerpieces. The afternoon training followed a morning lecture on how to make honeydew baskets, the bird of paradise centerpiece, and a grapefruit treasure chest.

The students work in medical whites making surgical cuts into watermelons, honeydews and pineapples.

PFC Donald Jacobson was working on a pineapple boat. He was asked what he'd do if, after all his training, he was told by a general to walk the dog. He didn't like the question that apparently has been asked before.

"I'm a man," Jacobson said. "And I'm willing to do a man's work. I'll take any suggestions. I'd say 'sir, I'm here to assist you in certain ways that I've received training for.'

Spec 5 John Miranda, asked the same question, shrugged and looked at the floor. "I wouldn't like it," he said softly. "The general I worked for was a good guy. He wouldn't ask me to do that. Most generals are good guys."

The following morning, the 14 students were lectured on the delicate art of gourmet meat dishes. Cordon Bleu was under discus-

sion. Sgt. Guy Morris was working on a piece of veal near a sign that states "service is the cheerful giving of attention."

Mallet in hand, Morris showed how to use the flat side to spread out and thin out the veal before dipping it in flour, salt and pepper, egg whites, bread crumbs. "Remember, in that order. Now, any questions before you go to the apartments?"

One soldier asked a question that might have come from any housewife in America: "Where do I find the veal, sir?"

Premium quality veal now sells for more than $5 a pound.

The Navy, which spends $6.4 million caring for its high level commanders, appears to have the most rigid caste system of all the services.

Washington Monthly magazine once compared it to a "floating plantation" and it's anchored off the Philippines.

According to the GAO, 98 percent of all Navy stewards are Filipino. Along with the Coast Guard, the Navy has found them anxious to serve, docile, cheap.

Historically, the Navy steward evolved from the "ship's boys" and "cabin boys" who served on the larger vessels of the early Continental Navy.

Today's Navy has an unlimited, exclusive supply of servile stewards through a unique arrangement with the government of the Philippines.

Filipino citizens served in the US Navy prior to World War II under an informal arrangement that was incorporated into an agreement in 1947. By 1954, 2000 Filipinos were enlisting, a ceiling quota still in effect. Since the second world war, 26,619 Filipinos have signed on, the vast majority as stewards. They all must give up their rights as citizens in the Philippines without any guarantee of citizenship in this country.

They come aboard with a smile, glad to be out of Manila's debilitating poverty. One former officer said "it's just like the British in India. If there are 75 officers on a ship, they have 15–20 stewards to wait on you hand and foot. They are always black or Filipino. The high ranking officers have about the same number just for themselves."

Aboard ship, the stewards are houseboys who act as cook, waiter, cabin boy and dishwasher. Shore duty is no different and may be even more demanding what with lawn pruning, gardening and cocktail parties.

An officer's steward, like his stripes, increases with promotions. An admiral is usually a three-steward man while a captain is a one-steward man.

The competition to become a Navy lackey is fierce. As many as 100,000 applications are processed each year at Sangley Point Naval Base in the Philippines. Only 1000–2000 are selected.

Cmdr. J. L. Cleveland, public information officer for Navy recruiting, is uncertain just how Filipinos came to be the only foreign nationals to serve in American uniforms. "Now this is speculation on my part but it probably goes way back to when the Philippines were under our guardianship at the turn of the century. They were a territory of ours or something and their boys liked the work. We always got on. Hell, (Gen. Douglas) MacArthur was there in the 1920s."

Until recently, about the only job a Filipino qualified for because of a dubious "security" rating was picking up after officers.

Cmdr. Cleveland said Flipinos now qualify for 20–25 job categories (the Navy claimed 63 classifications are available in a report to Congress).

Asked what type of position would be closed to Filipinos because of national security, he paused for a moment and said, "Well, I'd guess, for example, fire control technician."

Q—What's so sensitive about fire control?

A—The problem is they would have access to classified manuals aboard ship. All those manuals are classified. They state where radar controls are and so on.

A former naval officer, who served on a large communication vessel, said he and some other junior officers once tried to get a Filipino who had attended medical school transferred to the hospital unit.

"We thought it would be better than having him washing our socks but the word came back 'nothing doing' because of the 'security risk.' Which was bull———, of course."

Cmdr. Cleveland, asked if a Filipino could serve in a medical capacity, checked his list and said, "Sure, no problem."

While stressing the expanding opportunities for Filipinos, Cleveland acknowledged some de facto segregation exists.

"These fellas kind of stick together. They don't speak English that well and prefer to be with each other. But the standards are getting higher. I've got the recruiting manual here and it says the boys have to have a high school education or the eqivalent thereof."

As in the other services, stewards do not advance in rank and pay as quickly as counterparts in other job categories. Many are, in effect, frozen into demanding, demeaning positions with little future—and retire with lower pensions.

The steward's pinnacle, perhaps, is being assigned to "Admiral's Row" in Norfolk, Va., or to serve at the White House.

At the mammoth Norfolk base, 50 stewards work for 18 admirals, most of whom live in stately plantation-like homes on a tree-lined street that runs along a golf course. (The sumptuous houses, built in 1907 for the tercentennial celebration of the English settlement at Jamestown, were purchased by the government in 1917 after the developers went bankrupt.)

The plantation milieu is reflected in the stewards' duties. One source gave this account of life in Admiral's Country:

"They are very big houses, so some admirals would use bells to call the stewards. One admiral's wife would ring just to ask the steward to close a curtain or get a pencil.

"At that time, the lady's whims set the work day. Now there are schedules because Sen. Proxmire agitated some people. But other than giving advance notice to the three stewards about weekend functions, it's pretty much the same. They work for the families . . . if the admiral goes to Washington or Europe, the wife will have house guests for parties and all three stewards have to be there to wait on them.

"During the holidays, like Thanksgiving, the admiral's children and grandchildren come to Norfolk, and get around the clock service. The steward's day starts at 4 a.m., when he has to put the turkey in the oven, and gets over late in the evening. . . ."

A Navy lieutenant commander first stated that the "vast majority" of the "row's" stewards were Filipino. Asked for a precise breakdown, a different officer later said they are "eight caucasians, four blacks and 38 others." Others? "O, the others include Guamanians, American Indians, Hawaiians, Filipinos, etc."

The White House gets an even more generous supply of help, according to information provided by the Pentagon after weeks of delay.

The President has 53 Filipinos serving his family at his various residences at a cost, for salaries and allowances alone, of $418,700 a year.

The President has more servants than 18 admirals. The stewards are shuffled from the White House to Key Biscayne to Camp David to San Clemente, depending on the President's activities.

The data was supplied after queries were bounced from the White House press office to the Pentagon and from civilians in the military public information department to the Navy. The buck stopped there.

The formal answer was: "The US Navy does not have enlisted military aides. However, 52 Steward-mates are assigned to the Navy Administration Unit, Washintgon, D.C. to support the President. The 53 are employed at different presidential support activities in an effort to meet the changing requirements. In short, there is no breakdown by location . . . all (stewards) are US citizens and of Filipino extraction. The actual make-up varies from time to time."

The black tech sergeant walked slowly from the general's home to one under construction next door and sheepishly asked for scraps of wood so he could make flowers window boxes for his commander's wife.

He was embarrassed but had his orders.

After a few days, the sergeant and two carpenters, working on the $200,000 house, got to talking about his "duty station"—the luxurious private home of Lt. Gen. Kenneth W. Schultz in a posh section of Los Angeles.

The sergeant spoke bitterly about the things he was expected to do: build fences, clean the pool, plant trees and flowers, mow the lawn and work weekends as bartender for guests that have included former Los Angeles Mayor Sam Yorty.

The sergeant said he was staying on just until he could finish out his 20 years, which is not far away. He told the laborers that he knew what he was doing was against military regulations and "if I know, the general sure does . . ."

Surveillance found that Gen. Schultz, who's commander of a space and missile center near the city, has three aides and a chauffeur.

Each morning at 7, a car arrives in the neighborhood a few blocks from the general's home and the driver gets out and dusts the blue military sedan for a while. He pulls up to the house at 7:15 and waits for the general with the motor running. They usually leave about 7:30.

At 8, two or three aides arrive, one of them a woman. They do gardening, housework and general maintenance.

Frequently, the woman, in a starched uniform, walks a poodle about the Bel Air Casino Estates, with its "spectacular view." The female aide also goes shopping with the wife in a powder blue Lincoln Continental with Florida license plates.

A request to interview Gen. Schultz took a circuitous and unproductive route. A colonel attached to his staff sought unsuccessfully to screen questions because the general "likes to have a clue about what he is going to be asked."

The following day, John O'Brien, a civilian public information employee at Hanscom Field in Bedford, Mass., relayed a message from L.A.

"The general will not be able to talk about the aide matter with you. The Air Force has very strict guidelines about what commanding officers can say about aides, like the number of men they have and what regulations say about the duties they perform."

Informed that another Air Force general talked at length about the program, O'Brien said "Well, not everybody gets the word, I guess."

The Marine base in North Carolina looks like a neat housing project, with stark white barracks lining dusty roads. It's a place where you can see the simmering heat hugging the ground. Even its public information officer calls it "the need of the world."

You get to Camp Lejeune on a propeller-driven plane that takes off late, the stewardess reports cheerfully, because the captain saw something he didn't like in one of the motors.

The Marine are waiting at the airport and drive you to the base through the forlorn city of Jacksonville, with its inevitable honky-tonk strip leading up to the camp's gate.

The beginning of the briefing is subliminal strategy. The two colonels and two majors are perplexed as to why anybody would be interested in a small school tucked away in the backwoods of North Carolina.

One of the colonels, a reticent pipe smoker who offered nothing and said little, was there as the eyes and ears of the camp's general. The public information major had obviously been ordered to stay with the reporter and photographer and not let them out of sight for a second.

At the end of the day, a boyish-looking colonel asked, as an ostensible afterthought, "How you gonna splash us up so I can tell my boss?"

One of the reasons for the visit was because the school's very existence was initially denied by a Marine information officer, who was gradually forced to retreat and admit there were in fact two programs at the camp.

Q. I'm trying to get in touch with the ranking officer in charge of training enlisted aides at Camp Lejeune.

Maj. JACK MCNAMARA. There is no such person.

Q. Is there any such program, then?

A. No.

William E. Tisdale is commander of several food training schools at Lejeune, including the elusive one for "specialists," who learn to wait on generals. He did most of the talking at the briefing.

Tisdale is a "mustang" officer who joined the corps off the streets of Brooklyn when he was 16 years old. Now he's a 40-year-old major who came up the hard way—through the ranks.

"I was kind of a rebellious kid," he said. "The corps has been mother and father to me. I'm a 'lifer.' "

Incongruously, this lean, steely eyed Post-office poster Marine is sort of head cook at the camp in charge of all food service training.

Tisdale was asked if the pampering of generals by underlings wearing chef's caps is compatible with the rugged chest-out, stomach-in image of the Marines.

"Look," he said, leaning forward in his chair. "I'm a cook and proud of it. You'll still find that Marines are at the rail-side of the bar and are not party-boys. We just take cooks and make them better cooks."

Tisdale is a paradoxical man who chews out a subordinate for opening the car door and gives straight blunt answers to questions while staring you squarely in the eye. Yet one of his favorite pastimes is carving dining table centerpieces out of ice. Over lunch, he explained how once, to a general's delight, he repaired an ice swan's broken wing with wire and salt at a party.

But on the touchy matter of enlisted aides' schools, Tisdale, like his counterpart in the Army, refused to discuss his personal reaction to the phase-out. "I have no feelings. I do what I'm told."

The day before the interview, the school's facsimile quarters for generals was disbanded. Mannequins used for practicing "uniform care"—proper placement of medals and ribbons—were already in storage someplace.

The "last class" was in the woods learning to set up field mess, a standard lesson for all Marine cooks. Tisdale, leading the tour, was greeted at the foot of a pathway by the supervising sergeant who informed him, with some apprehension, that the men had killed three copperhead snakes earlier in the day. "Just keep 'em the hell out of our way, then, sergeant," were the instructions.

One of the school's instructors, a black master gunnery sergeant with 29 years in the Marines, talked in the school's barren "living room." (Some 65 percent of corps "specialists" are black).

Tisdale calls him "Top," a familiar name for a high ranking sergeant. ("No, I don't know his first name. I'll bet he's forgot it too.")

"Top, come 'er," Tisdale says, "you ever told to wash a general's car?"

"Well, not exactly," Top replied. "A general might say 'my car is dirty' but he'd never order me to wash it. But I've done it if that's what I know he wanted."

A reporter asked if he took orders from the general or the general's wife. "O, the wife," he said. "She runs the household. Some are demanding. Some aren't."

Q. Ever clash with a general's wife?

A. Noooo, sir. I was very lucky. (laughter)

After he was dismissed, Maj. Tisdale said that "Top" was a "good fella'. He isn't any uncle tom either. He'll tell it to you straight."

Tisdale, along with the Pentagon's public information officer, Maj. McNamara, portrayed the specialist school as a place used simply to improve cooking skills.

McNamara, who starting out denying there was a formal program, was finally asked if the men were trained only as cooks or to do other household chores.

"I'm not sure. I'm not going to answer (Sen.) Proxmire's charge and come back and say none of them ever walked a dog. We will come back and say what the school trains them to do."

Near the end of the interview, McNamara said "wait a minute. Let me get your name and horsepower and all that. Now, you're who from where?"

During the visit to Camp Lejeune Maj. Tisdale downplayed cleaning and primping duties of aides and indicated that the cooks were instructed mostly in meat and potato stuff. He spoke about one general who preferred regular hamburger to ground round. "Why, he used to send the aide back to get it exchanged," he said.

Asked about training for "social activities" such as bartending referred to in the GAO report. Tisdale said tartly, "we don't teach bartending. We teach beverage preparation . . . like tea for the wives, things like that."

Riding along in a military car, he was asked why Marine generals need gourmet cooks. "You know," he said, "I hate that damn word gourmet. We're talking about prime rib of beef here, not pheasant under glass."

However, for years, generals with a taste for haute cuisine have arranged for a handful of select aides to attend the Culinary Institute of America in New York, which charges $375 for a two-week course in gourmet classical cooking.

According to its brochure it concentrates on the "major jewels of gastronomy—truffles, foie gras, caviar, morels, filet mignon, game, cheese and classical desserts." There are no current plans, according to the Pentagon, to enroll Marines there this year.

After the briefing and tour, Tisdale was asked if, after all was said and done, the specialists were really just servants.

"That is a flat negative " he said. "There is a father-son relationship in the Marines and we take it seriously."

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I am happy to yield.

Mr. TOWER. Just for clarification, is the Senator suggesting that an admiral—for example, the Chief of Naval Operations—must foot the bill if he is entertaining his counterpart from the United Kingdom or some other country whom he customarily entertains when he is visiting this country?

Mr. PROXMIRE. I have suggested that aides could be used in a pool arrangement. Under the amendment, he would not be authorized to use a permanent enlisted man, but whenever there would be that kind of situation—and I agree that such a situation would be difficult and would be expensive—he could use a pool arrangement. That arrangement could be used by the Navy, and it would not prohibit the use of such an enlisted man.

I also understand he gets a special out-of-pocket money up to $5,000 for such purposes.

Mr. TOWER. The amendment says, "performs duties for such officer, or in the household of such officer." Would that mean that an admiral directing a task force from the bridge of a carrier would have to cook his own lunch?

Mr. PROXMIRE. No. I said, in the course of my speech, that it is perfectly proper, desirable, and efficient for an enlisted man to prepare the common mess for the officers, including, of course, admirals, generals, and what have you. That is done. It has to continue to be done. It is perfectly proper to train and have enlisted men to be used for that purpose.

Mr. TOWER. I wanted to make certain of the Senator's amendment, because there are certain instances where this is required.

Mr. PROXMIRE. Of course. What I am saying is that my amendment prohibits a general or admiral from using an enlisted man as his personal servant. The General Accounting Office, which has documented a study for this amendment, has found that these enlisted men were used as personal servants, not only for the general but for his wife and children and others.

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

Mr. PROXMIRE. I yield.

Mr. THURMOND. I want to ask the Senator about a situation where, on a battlefield, a lieutenant is leading his men, and an enlisted man digs a foxhole for him because the lieutenant is busy encouraging his men everywhere to do the fighting. I would assume the Senator would concede that to be an official duty.

Mr. PROXMIRE. Oh, yes. They would not be on his personal staff, anyway.

Mr. THURMOND. And it is not contemplated that that would be in conflict with the amendment?

Mr. PROXMIRE. No. I think the Senator recognizes there is never a situation where a lieutenant or Army captain has had servants.

Mr. THURMOND. I was wondering whether the word "personal" should not come after the word "performs" on line 6 of the amendment. As I understand what he is attempting to do, it is to prevent the use of enlisted personnel for personal duties, cooking in the home, and things that are purely personal duties, such as meeting people at the door, serving drinks, and so on. The amendment now reads:

. . . if such member performs duties for officer . . .

I presume the Senator would have no objection if the amendment were to read "personal duties."

Mr. PROXMIRE. I call the Senator's attention to the following language in which different categories are cited. It would not apply to military service,

which, of course, the enlisted man must and should perform, but it would not permit him to work personally, for example, as a cook specialist, or food service technician, or other duties which are identifiable as those of a servant.

Mr. THURMOND. I know what the Senator has in mind, but I think to make sure, would there be any objection to adding the word "personal" before the word "duties" on line 6, because then it says "or in the household of such officer"? So if we say "personal duties for such officer, or in the household of such officer," then I think it carries out the Senator's intent. Otherwise, if the Senator leaves it wide open to performing duties for such officer, the duties might include official duties.

Mr. PROXMIRE. I see the thrust of the Senator's point, and it is a good point. The point the Senator and I are working on is exactly the same. I have tried to do it by being as specific and definite as I could, by writing our language to define what I would consider personal services. Of course, generals and admirals would administer it. I think there would be a tendency to permit this to be abused. When we can be definite and specific in what he can do or cannot do, that is what I tried to do in the remainder of the language. I think we meet the heart of the Senator's objection, but we do it without having an escape clause.

Mr. THURMOND. The Senator is not attempting to prevent the enlisted man from working with an officer, regardless of grade, whether general or less than flag officer, in official duties? For example, an enlisted man might be driving an officer and working with him, whether on the battlefield or other place. Would the Senator mean that he could not use the man for his own personal use such as how an ordinary civilian would use a servant?

Mr. PROXMIRE. Yes. The personal staff distinction is the important difference. I would not want to be put in the position of saying generals and admirals can have enlisted men to use as an exclusive service. That is the way these abuses develop. If a man is assigned to driving an officer——

Mr. THURMOND. It is while a man is performing official duties and uses another man working with him. When he is off duty, that is a different story.

Mr. PROXMIRE. The Senator is correct.

Mr. THURMOND. I am sure the Senator is acquainted with the fact that it is now against the law to use enlisted men as servants. Is he not?

Mr. PROXMIRE. I hesitate because I do not want to make a charge that the law is being violated in a wholesale way. The law seems to state that, but the GAO study which I used to document the need for my amendment has shown that certainly, on any commonsense construction, it is badly abused, that hundreds of enlisted men are being used, in fact, as personal servants of admirals and generals—an abuse which we should correct.

Mr. THURMOND. Mr. President, title 10 of the United States Code, section 3639 and 8639, now prohibit the use of enlisted aides as servants in the Army or the Air Force and through Department of Defense directive, their utilization as enlisted aides is in prohibition as I understand it, of the Army, Navy, and Marine Corps.

Mr. PROXMIRE. The Senator is correct. However, the term servant has never been adequately defined. Second, we have the fact, which we all well know, that there are servants in the military. That may be in the law. However, unless we have this kind of specific prohibition indicating the kinds of things that these men cannot do, the law, which has good intentions, will be breached and violated.

Mr. THURMOND. Mr. President, I wanted to bring out the different facets toward which the Senator was working.

Mr. PROXMIRE. Yes.

Mr. THURMOND. Those statutes to which I have just referred have been interpreted as not preventing enlisted men from performing duties for officers in furtherance of their official responsibility. I think that is where the Senator's amendment, as I interpret the purpose here, comes into play.

Mr. PROXMIRE. The Senator is correct.

Mr. THURMOND. So that some military officers are using other military people to do things that are not within their official responsibilities.

Mr. PROXMIRE. The difficulty is that the so-called official responsibility is left to the discretion of a general or an admiral. And, as we know, an enlisted man will not question that and will not complain about that. If he does, he will not be very happy over the consequcnces.

The GAO study showed that it was being violated and that the violations are widespread.

Mr. THURMOND. Mr. President, since it is a violation of the law now for enlisted aides to be used as servants, the violation of the law is a matter of interpretation of the law. And that is what the Senator is trying to improve upon.

Mr. PROXMIRE. The Senator is correct. It is a violation that is costing the taxpayers over $20 million a year.

Mr. THURMOND. Mr. President, as the Senator brought out, there were recently 1,722 aides in a total military force of 2.2 million.

The DOD study decided on a cut to 1,245.

The House Armed Services Committee set a ceiling at 1,105. The Senate committee concerned.

There is a study looking to further reductions underway that is to report to Congress prior to the fiscal year 1975 bill.

I think the Senator is to be commended in trying to prevent the use of enlisted men who have been trained to fight just for the purpose of purely personal duties.

Sometimes a duty that might be considered personal by one person may not be considered personal by another. As I understand it, that is what the Senator is trying to do. The Senator does not desire to prevent any personnel from performing those duties which are official duties.

I understand that the distinguished Senator from Missouri has an amendment he has suggested.

Mr. PROXMIRE. Mr. President, I have an amendment that I have discussed with the Senator from Missouri and the Senator from Nevada. They are willing, as I understand it—and correct me if I am wrong—to accept it. I will send to the desk an amendment as a substitute. Perhaps the Senator from South Carolina might support the amendment after he hears its reading.

Mr. President, I send an amendment to the desk as a substitute and ask that it be stated.

The PRESIDING OFFICER (Mr. CLARK). Until the time on the original amendment has been yielded back, the amendment will not be in order.

Mr. PROXMIRE. Mr. President, I am willing to yield back my time for that purpose.

Mr. SYMINGTON. Mr. President, the Senator and I agree with the compromise amendment. I will yield back my time.

Mr. PROXMIRE. Mr. President, I yield back my time.

Mr. THURMOND. Mr. President, I can yield back my time, unless the Senator from Wisconsin would desire me to reserve it until after the amendment.

Mr. PROXMIRE. No. I yield my time.

Mr. THURMOND. Mr. President, I yield back my time.

The PRESIDING OFFICER. The clerk will report the substitute amendment.

The second assistant legislative clerk read as follows:

The Senator from Wisconsin offers on behalf of himself and the Senator from Missouri (Mr. SYMINGTON) and the Senator from Nevada (Mr. CANNON) the following amendment:

Strike out all after "viz" and insert in lieu thereof the following:

On page 30, between lines 2 and 3, insert a new section as follows:

SEC. 703. Notwithstanding any other provision of law, no enlisted member of the armed forces of the United States may be assigned to duty or otherwise detailed to duty as an enlisted aide, public quarters steward, airman aide, cook specialist, or food service technician on the staff of any officer of the Army, Navy, Marine Corps, Air Force, or Coast Guard (when operating as a service of the Navy) except as follows:

General (including a General of the Army), not more than 2.

Admiral (including a Fleet Admiral), not more than 2.

Lieutenant General, not more than 1.

Vice Admiral, not more than 1.

In addition to the number authorized above, the Chairman of the Joint Chiefs of Staff, each of the chiefs of staff of the armed forces, and the Commandant of the Marine Corps are authorized 3 such aides, stewards, specialists, or technicians.

On page 30, line 3, strike out "Sec. 703" and insert in lieu thereof "Sec. 704".

The PRESIDING OFFICER. There are 30 minutes to the amendment, 15 minutes to the side.

Mr. PROXMIRE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PROXMIRE. Mr. President, would the yeas and nays apply to the substitute?

The PRESIDING OFFICER. No; they will not.

Mr. PROXMIRE. Mr. President, I ask for yeas and nays on the substitute amendment.

The PRESIDING OFFICER. Is there a sufficient second? (Putting the question).

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the yeas and nays which were ordered on the original amendment be transferred to the substitute amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PROXMIRE. Mr. President, I yield 1 minute to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I want to say that this is a new matter to me. Although I had some feeling that this matter ought to be given some attention, I did not know about the Senator's amendment until today, I do not believe.

I would not have voted to cut it all out. However, it certainly could be reduced. The Senator has now amended his amendment. I am glad that he did this. Some of these men do work primarily in official entertainment as part of the protocol and entertaining of people.

Mr. PROXMIRE. Mr. President, I thank the Senator from Mississippi very much.

Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 2 minutes.

Mr. PROXMIRE. Mr. President, let me point out that what this amendment does is to sharply reduce the number of men that can be used as servants by the military. It reduces it from the committee figure of 1,105 down to 218. This cuts the committee figures by more than 80 percent. Furthermore, what this amendment does is to confine it as follows:

One servant to each 3-star general and admiral; two servants to each 4-star general and admiral.

Gen. Omar Bradley will have two.

The Joint Chiefs of Staff will each have three.

This would be a savings of $18.4 million under the original number to 722 aides, or $10 million under the committee number.

So, we would save a substantial sum. The breakdown, as I calculate it roughly, is the Army 75, the Navy 69, the Air Force 70, the Marine Corps 14.

I would prefer my first amendment. I think that we ought to eliminate it all. The principle is wrong. It is unnecessary and wasteful.

But this is a reasonable compromise. We have made some progress and will be in a position to look at it and perhaps make further progress next year.

I thank the Senator from Mississippi, the Senator from Missouri, the Senator from Nevada, and the Senator from South Carolina for being extraordinarily accommodating and helpful in recognizing that this is a serious problem and in supporting a very, very sharp reduction.

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

Mr. PROXMIRE. I yield.

Mr. SYMINGTON. Mr. President, I thank the able Senator for what he has to say. There are circumstances under which it looked to us as though there should be a compromise. A compromise has been made. I commend the Senator for his reasonableness in putting it through on this basis.

This specifies the specific ranks which would be entitled to the assignment of enlisted men for these duties, and it relates to the specific grade. For example, general—including a general of the Army—admiral—including a fleet admiral—lieutenant general and vice admiral.

It covers those ranks. But frequently we have a situation occur in the services where a man may be filling a particular slot calling for the higher rank, but may not in fact be promoted to that rank. For example, we may have a commander filling a 4-star position or an admiral position who has never been confirmed to that job, and is in the next lower rank, and yet, because he was promoted, even though he were filling a specific job assignment, he would not be entitled to the assignment of personnel as is outlined in the amendment.

I do not know whether we could amend it on the floor to include "or persons holding a position calling for that rank," whether that would be a proper way to handle it, or whether we could perhaps work this out in conference.

Let me ask the Senator if he would not agree with me that a person holding a particular spot calling for these grades should be entitled to that same consideration, even though he might not actually have been promoted to the grade in the meantime.

Mr. PROXMIRE. I think the Senator makes an excellent point. Frankly, I had not had a chance to think of that fact, that a person might not have the precise grade but might be performing all of the functions of the grade.

As I understand it, the present allocation of grades does not recognize these acting positions, that it is necessary for the people in the Armed Forces to actually occupy and have the title of vice admiral or full general, or whatever, in order to get the equivalent servants allotted to them.

Mr. CANNON. I frankly do not know.

Mr. PROXMIRE. That is my understanding. But I think the Senator makes a good point, because this amendment is quite a change, and I think the Senator suggests a good solution, that conference might be the place to do it, after we have had a chance to examine more carefully the consequences.

Mr. CANNON. For example, in the grade of lieutenant general, frequently we have an officer occupying, training command, or one of the various commands, not necessarily holding the next higher rank. It may be a position which calls for a lieutenant general, and in some instances it is filled by a major general who has never yet been promoted.

Mr. PROXMIRE. I am sure the Senator is correct. Would the Senator be amicable to having this discussed with the Pentagon, so that when we go to conference we would be in a better position to work it out?

Mr. CANNON. Yes, I would be willing to take it up with the Pentagon.

Mr. PROXMIRE. I think it is a good point, and I would say, as author of the amendment, that I think it has to be considered and adjustments made.

Mr. CANNON. Based on that assurance, then, I support the amendment, and I am prepared to vote on it.

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

Mr. PROXMIRE. Mr. President, before I yield to the Senator from South Carolina, I ask unanimous consent to modify my amendment, because we sent an amendment to the desk which was not the same as had been agreed on. It is a small modification, and I ask the Senator from South Carolina to wait until it can be read by the clerk.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, it is so ordered. The clerk will state the amendment as modified.

The second assistant legislative clerk read as follows:

On page 30, between lines 2 and 3, insert a new section as follows:

Sec. 703. Notwithstanding any other provision of law, no enlisted member of the armed forces of the United States may be assigned to duty or otherwise detailed to duty as an enlisted aide, public quarters steward, airman aide, cook specialist, or food service technician on the staff of any officer of the Army, Navy, Marine Corps, Air Force, or Coast Guard (when operating as a service of the Navy) except as follows:

General (including a General of the Army), not more than 2.

Admiral (including a Fleet Admiral), not more than 2.

Lieutenant General, not more than 1.

Vice Admiral, not more than 1.

In addition to the number authorized above, the Chairman of the Joint Chiefs of Staff, each of the chiefs of staff of the armed forces, and the Commandant of the Marine Corps are authorized 1 such aide, steward, specialist, or technician.

On page 30, line 3, strike out "Sec. 703" and insert in lieu thereof "Sec. 704".

Mr. PROXMIRE. The reason for the modification, of course, is to provide three for the Joint Chiefs of Staff instead of five. That was the original intention, and that is what the modification does.

Mr. THURMOND. Mr. President, the point raised by the Senator from Nevada, in my judgment, can be corrected in conference, and since it is a rather technical point, and to try to do it here on the floor would take a lot of time, I would suggest that it be deferred until then.

Considering the compromise amendment as now offered, I would go along with it.

Mr. PROXMIRE. Mr. President, I thank the Senator from South Carolina. As always, he has not only shown courtesy and graciousness, but a real understanding of the principles involved and of the great importance of keeping our military as strong as possible.

Mr. President, I am ready to yield back the remainder of my time, if the other side is.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. PROXMIRE. The Senator from South Carolina or the Senator from Missouri, I do not know which, controls the time in opposition.

Mr. THURMOND. Mr. President, I yield back the remainder of my time.

Mr. SYMINGTON. Whatever time I have, I yield back.

The PRESIDING OFFICER (Mr. CLARK). All remaining time having been yielded back, the question is on agreeing to the amendment in the nature of a substitute of the Senator from Wisconsin (Mr. PROXMIRE). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Illinois (Mr. STEVENSON), and the Senator from Georgia (Mr. TALMADGE), are necessarily absent.

I further anounce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Ohio (Mr. TAFT), are absent on official business.

I also announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Kansas (Mr. PEARSON), are absent because of illness.

I further announce that the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from Nebraska (Mr. CURTIS), the Senator from Kansas (Mr. DOLE), the Senator from Oregon (Mr. HATFIELD), the Senator from Illinois (Mr. PERCY), the Senator from Delaware (Mr. ROTH), the Senator from Ohio (Mr. SAXBE), and the Senator from North Dakota (Mr. YOUNG), are necessarily absent.

If present and voting, the Senator from Oregon (Mr. HATFIELD), and the Senator from Illinois (Mr. PERCY), would each vote "yea."

The result was announced—yeas 73, nays 9, as follows:

[No. 402 Leg.]

YEAS—73

Abourezk	Fulbright	Montoya
Aiken	Gravel	Moss
Allen	Griffin	Muskie
Baker	Gurney	Nelson
Bartlett	Hart	Nunn
Bayh	Hartke	Packwood
Beall	Haskell	Pastore
Bentsen	Hathaway	Proxmire
Bible	Helms	Randolph
Biden	Hollings	Ribicoff
Brock	Hruska	Schweiker
Brooke	Humphrey	Scott, Pa.
Burdick	Inouye	Scott, Va.
Byrd, Robert C.	Jackson	Sparkman
Cannon	Javits	Stafford
Case	Johnston	Stennis
Chiles	Magnuson	Stevens
Church	Mansfield	Symington
Clark	Mathias	Thurmond
Cranston	McClellan	Tower
Domenici	McGee	Tunney
Eagleton	McGovern	Weicker
Eastland	McIntyre	Williams
Ervin	Metcalf	
Fong	Mondale	

NAYS—9

Cotton	Goldwater	Long
Dominick	Hansen	McClure
Fannin	Hughes	Pell

NOT VOTING—18

Bellmon	Dole	Saxbe
Bennett	Hatfield	Stevenson
Buckley	Huddleston	Taft
Byrd, Harry F., Jr.	Kennedy	Talmadge
Cook	Pearson	Young
Curtis	Percy	
	Roth	

So Mr. PROXMIRE's amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin (Mr. PROXMIRE), as amended.

The amendment, as amended, was agreed to.

Mr. PROXMIRE. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAYH. Mr. President, I ask unanimous consent that a member of my staff have the privilege of the floor during the debate on this measure.

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

AMENDMENT NO. 511

Mr. BEALL. Mr. President, I call up my amendment No. 511.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BEALL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 30, between lines 2 and 3, insert a new section as follows:

SEC. 703. Section 3(b) of Public Law 92-425 (86 Stat. 711) is amended by—

(1) striking out in the first sentence "before the first anniversary of that date" and inserting in lieu thereof "at any time within eighteen months after such date", and

(2) striking out in the second sentence "before the first anniversary of" and inserting in lieu thereof "at any time within eighteen months after".

On page 30, line 3, strike out "SEC. 703" and insert in lieu thereof "SEC. 704".

Mr. BEALL. Mr. President, I ask unanimous consent that the names of Senators DOMINICK, DOLE, THURMOND, GOLDWATER, and GURNEY be added as cosponsors of the amendment.

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

Mr. BEALL. Mr. President, this amendment would provide for a 6-month extension of the initial enrollment period for the survivor benefits program.

I had the pleasure of being the principal author of the survivor benefits program. This legislation was cosponsored by approximately one-half of the Senate. My colleagues will recall that the survivor benefits program was enacted last year as Public Law 92-425. This measure, which was truly landmark legislation, enables military personnel to provide up to 55 percent of their retirement benefits to their survivors following their death.

Under Public Law 92-425 persons entitled to retired or retainer pay on the effective date of the act had to enroll prior to the first anniversary date of the act. Since the anniversary date will be September 21, tomorrow, individuals must sign up for this program today in order to take advantage of these benefits.

As the hearing record on this legislation revealed, it often came as a shock to the wives and families of career military men to learn following the death of their spouse that they would not receive a single cent of their spouse's retirement pay.

Prior to Public Law 92-425, the only exception would be if the career military spouse had enrolled in the RSFPP program. Since only about 15 percent enrolled in the RSFPP program, that meant 85 percent of the military families lacked a survivor benefits program. This, of course, was the reason Congress moved and enacted the survivor benefits program. In July of this year I wrote all Senators urging them to join the Fleet Reserve Association in their "Project Pass the Word" effort. This was a nationwide effort to inform the retired military community of the rapidly approaching enrollment deadline. I am pleased that many Senators through their newsletters, press releases and other means that they use to communicate with their constituents, joined in this effort. Notwithstanding this effort, and the effort of the Department of Defense, the military news media and the various military associations to publicize the survivor benefits program, only about one-third of the 900,000 military personnel who retired prior to the laws enactment were participating as of August 31.

The specific figure for the services are: 31 percent Navy, 13 percent Marine Corps, 42 percent Coast Guard, 26 percent for the Air Force, and 34 percent for the Army. The total figure for all the services is 30.7 percent. Members will recall that when we enacted medicare, a similar situation existed and the Congress in 1966 enacted Public Law 89-384 extending the enrollment period of medicare. As a result, an additional 400,000 senior citizens subsequently enrolled in the medicare program. I am hopeful that the extension provided by this amendment will be adopted by the Senate and will enable thousands of military retirees, who have not enrolled, to do so.

I strongly urge the adoption of this relatively minor amendment which is so vitally important to so many retired military men and women of this country.

The amendment is a very simple amendment that has been agreed to by the majority and the minority managers of the bill. Last year in the Senate we passed a survivors' benefit program to provide more substantial opportunities for widows of servicemen to participate in the retirement benefits of their husbands after the husband has died. We allowed a period of 12 months for enrollment in the new survival benefit program. We find that in the 12 months since we passed the bill, with all the paperwork that is involved in establishing a new program and the public relations job that is necessary to inform all those who might be eligible for this program, there has not been sufficient time for everyone to enroll. This amendment extends the enrollment period for another 6 months. As I stated, it has been agreed to by both sides. I urge the adoption of the amendment.

Mr. THURMOND. Mr. President, I was pleased to join the distinguished Senator from Maryland on this amend-

ment. I think it has merit. I hope the amendment will be adopted promptly. On behalf of the distinguished Senator from Missouri (Mr. SYMINGTON), acting chairman of the Committee on Armed Services, and myself as the ranking member on this side of the aisle on the Armed Services Committee, we accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business wtih statements limited therein to 3 minutes.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

ESTIMATE OF COST OF CONDUCTING A 1974 CENSUS OF AGRICULTURE

A letter from the Secretary of Commerce, transmitting, pursuant to law, an estimate of the cost of conducting a 1974 census of agriculture (with an accompanying paper). Referred to the Committee on Agriculture and Forestry.

REPORT ON FEDERAL CONTRIBUTIONS—PERSONNEL AND ADMINISTRATIVE

A letter from the Director, Defense Civil Preparedness Agency, transmitting, pursuant to law, a report on Federal Contributions—Personnel and Administrative, for the fiscal year ending June 30, 1973 (with an accompanying report). Referred to the Committee on Armed Services.

CORRECTED REPORT OF EXPORT-IMPORT BANK OF THE UNITED STATES

A letter from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a corrected report of that Bank, for the fiscal year 1973 (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Status, Progress, and Problems in Federal Agency Accounting During 18 Months Ended June 30, 1973", dated September 19, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of Financial Statements of the National Credit Union Administration for the period ended June 30, 1971 and 1972 Limited by Restriction on Access to Credit Union Examination Records", dated September 18, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

PROPOSED LEGISLATION FROM DEPARTMENT OF AGRICULTURE

A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to provide for the addition of certain eastern national forest lands to the National Wilderness Preservation System, to amend Section 3(b) of the Wilderness Act, and for other purposes (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION FROM THE ATTORNEY GENERAL

A letter from the Attorney General, transmitting a draft of proposed legislation to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 and other laws to discharge obligations under the Convention and Control Act of 1970 and other to regulatory controls on the manufacture, distribution, importation, and exportation of psychotropic substances (with an accompanying paper). Referred to the Committee on the Judiciary.

PLANS FOR WORKS OF IMPROVEMENT IN VARIOUS STATES

A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement in the States of Pennsylvania, Texas and New Mexico, Texas, and Illinois (with accompanying papers). Referred to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A resolution adopted by the City Council of Philadelphia, Pennsylvania, relating to members of the Armed Forces still either prisoners of war or missing in action. Referred to the Committee on Foreign Relations.

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. 2446. A bill for the relief of Charles William Thomas, deceased. Referred to the Committee on Foreign Relations, by unanimous consent.

By Mr. CHILES:

S. 2447. A bill to require the Secretary of the Army, acting through the Chief of Engineers, to engage in public works for the prevention and control of water pollution. Referred to the Committee on Public Works.

By Mr. GOLDWATER:

S. 2448. A bill to amend the National Labor Relations Act to further secure and protect the constitutional guarantee of free speech belonging to employers and employees. Referred to the Committee on Labor and Public Welfare.

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

S. 2449. A bill to amend the Federal Home Loan Mortgage Corporation Act and the Federal National Mortgage Association Charter Act, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. COOK:

S. 2450. A bill to amend the Railroad Retirement Act of 1937 so as to increase the amount of the annuities payable thereunder to widows and widowers. Referred to the Committee on Labor and Public Welfare.

By Mr. HATHAWAY:

S. 2451. A bill to amend section 552 of title 5 of the United States Code to clarify certain exemptions from its disclosure requirements, to provide guidelines and limitations for the classification of information, and for other purposes. Referred to the Committee on Government Operations.

By Mr. GRAVEL (for Mr. STEVENS):

S. 2452. A bill for the relief of Skojo Drazan Banic. Referred to the Committee on the Judiciary.

By Mr. STEVENSON (for himself, Mr. MCINTYRE, Mr. CRANSTON, Mr. NUNN, Mr. EASTLAND, Mr. ABOUREZK, Mr. YOUNG, Mr. MUSKIE, Mr. DOMENICI, Mr. HATFIELD, and Mr. KENNEDY):

S. 2453. A bill to amend section 203 of the Economic Stabilization Act in regard to the authority conferred by that section with respect to petroleum products. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HUMPHREY (for himself, Mr. MCGEE, Mr. MONTOYA, Mr. MOSS, Mr. ALLEN, Mr. MONDALE, and Mr. GRAVEL):

S. 2454. A bill to assure an adequate flow of consumer savings into the home finance market by establishing rate ceilings on time deposits of less than $100,000. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TUNNEY:

S. 2455. A bill to amend title 28, United States Code, to change the age and service requirements with respect to the retirement of justice and judges of the United States. Referred to the Committee on the Judiciary.

By Mr. STEVENS:

S. 2456. A bill to permit all compensation paid at regular rates to certain employees of the Alaska Railroad to be included in the computation of their civil service retirement annuities. Referred to the Committee on Post Office and Civil Service.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2457. A bill to amend the Communications Act of 1934, as amended, to permit the Federal Communications Commission to grant radio station licenses in the safety and special and experimental radio services directly to aliens, representatives of aliens, foreign corporations, or domestic corporations with alien officers, directors, or stockholders; and to permit aliens holding such radio station licenses to be licensed as operators. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2458. A bill to amend the Interstate Commerce Act and related statutes, and for other purposes. Referred to the Committee on Commerce.

S. 2459. A bill to amend section 20(5) of the Interstate Commerce Act and for other purposes. Referred to the Committee on Commerce.

S. 2460. A bill to amend the Interstate Commerce Act, to grant additional authority to the Interstate Commerce Commission regarding conglomerate holding companies involving carriers subject to the jurisdiction of the Commission and non-carriers, and for other purposes. Referred to the Committee on Commerce.

S. 2461. A bill to amend section 409 of part IV of the Interstate Commerce Act, as amended, to authorize contracts between freight forwarders and railroads. Referred to the Committee on Commerce.

By Mr. MONDALE (for himself, Mr. MAGNUSON, and Mr. JACKSON):

S. 2462. A bill to regulate commerce and improve the efficiency of energy utilization by consumers by establishing the Energy Conservation Research and Development Corporation, authorizing the establishment by States of energy conservation councils, and for other purposes. Referred, by unanimous consent, jointly and simultaneously to the Committees on Commerce and Interior and Insular Affairs with the proviso that when one committee reports the bill, the other will have 45 days to report or the other committee will be deemed discharged from said bill.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PASTORE:

S. 2446. A bill for the relief of Charles William Thomas, deceased. Referred to the Committee on Foreign Relations, by unanimous consent.

Mr. PASTORE. Mr. President, today I introduce a private bill for the relief of Charles W. Thomas, a former Foreign Service Officer, who is now deceased. Mrs. Charles W. Thomas, the former Cynthia Robinson, was born in Providence, R.I., and members of her family still reside in that State.

The principal purpose of the proposed legislation is to provide for Charles W. Thomas, career Foreign Service Officer, deceased, posthumously to be held and considered to have been promoted retroactively as a Foreign Service officer of class 3, effective April 23, 1967, and continuing at that grade until the time of his death, April 12, 1971. This bill authorizes appropriate payment and adjustment for back salary, unused annual leave, annuities, and appropriate insurance benefit and premium payments.

Specifically, the bill provides for promotion of Mr. Thomas from FSO–4 to FSO–3 effective April 23, 1967, the date on which recommendations of the Promotion Panel of 1966 became effective; recomputation of back salary differences between FSO–3 and FSO–4, including annual within-grade increases from April 23, 1967, and salary payment at the FSO–3 rate from that date until his death April 12, 1971; recomputation of the lump sum settlement for accumulated annual leave at the FSO–3 rate; recomputation of family annuities based on the adjusted 3-year average service; and reinstatement of the Government group life policy, adjustment of premiums, and payment to his family of the benefits under such policy. The total net adjustments and amounts involved, including life insurance benefits, will have to be calculated by the State Department finance office.

Fundamentally, this bill would provide no extra benefits or recompense to either Mr. Thomas or his family for his untimely and tragic death beyond that which he or they would have received in the normal course of events had there not been the fundamental errors, inequities, and absence of due process in the personnel administration of the Department of State, which are now a basic matter of record, and had Mr. Thomas died of natural causes. While Mr. Thomas' death is irreversible and he cannot be restored to his wife and two daughters, ages 5 and 17 at the time of his death, this legislation will at least provide some overdue redress and help avoid further compounding of the inequities and injustice visited upon this family.

Mr. President, I ask unanimous consent, out of order, to introduce this bill, and I ask unanimous consent that it be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER (Mr. HUDDLESTON). The bill will be received and, without objection, the bill will be so referred.

By Mr. CHILES:

S. 2447. A bill to require the Secretary of the Army, acting through the Chief of Engineers, to engage in public works for the prevention and control of water pollution. Referred to the Committee on Public Works.

Mr. CHILES. Mr. President, this morning I am reintroducing a bill authorizing the Secretary of the Army to undertake in the civil works program projects for research, development, demonstration, and construction—including dredging—of works for the collection, purification, storage, and reuse of storm waters, sewage, and waterborne waste, for the purpose of preventing, abating, and controlling water pollution. The specific purpose of the bill is to assign to the Corps of Engineers a role to play in regard to environmental work and, specifically, in controlling water pollution.

I first introduced this measure in the 92d Congress as S. 1009. Although hearings were held on it by the Senate Public Works Committee on June 23, 1972, no further action was taken, and S. 1009 automatically expired when the 92d Congress adjourned.

The need for this legislation was brought to my attention when a request was made to have the corps dredge sludge from the Miami River. We were informed that unless this would benefit navigation, it would not be within the authority of the corps, even though the sludge is contributing greatly to pollution of the river, as well as to the bay. It has been brought out many times that the primary role of the Corps of Engineers has been to dredge, to channelize, to dig up the land, and that their primary role has not been to conserve, preserve, or protect.

The Army Corps of Engineers, the world's largest engineering organization has the untapped potential which, if properly directed, could be invaluable in protecting our land and water resources. The bill I am introducing today would permit the corps to engage in a whole new area of projects—regional sewage and waste treatment systems, industrial waste water control, pilot projects for underground water storage, and others.

I feel that enactment of the bill I am introducing today will serve a great need, and I hope that as hearings on it were held last year, early congressional action can be taken this session on this bill.

By Mr. GOLDWATER:

S. 2448. A bill to amend the National Labor Relations Act to further secure and protect the constitutional guarantee of free speech belonging to employers and employees. Referred to the Committee on Labor and Public Welfare.

FREE SPEECH IN LABOR DISPUTES

Mr. GOLDWATER. Mr. President, I introduce today a bill designed to correct a flagrant example of bureaucratic lawmaking in the field of labor disputes. By virtue of past decisions, mixed with a large dose of pro-union bias, the National Labor Relations Board has succeeded in rendering a line of cases which seriously threaten the constitutionally guaranteed right of free speech held by employers. In my opinion, not only do these cases deny and abridge the protection afforded by the first amendment, but they are gross distortions of the will of Congress as laid down in section 8(c) of the Taft-Hartley Act.

Mr. President, the Supreme Court long ago announced that the first amendment protects the right of each employer to express his full and unfettered opinions on labor matters to his employees. The genesis for this principle can be found in the broad declaration made by the Supreme Court in Thornhill against State of Alabama that—

> The dissemination of information concerning facts of a labor dispute must be regarded as within that area of free discussion that is guaranteed by the Constitution. (310 U.S. 88 (1940).)

This ruling was promptly construed by the sixth circuit as securing for employers the same unmuzzled right of free speech guaranteed to all other citizens. In Midland Steel Products Co. against NLRB, that court upheld the right of an employer to notify his employees by letter of his views on labor matters to the same extent normally granted to any citizen. The court reasoned employers are no less citizens than any other person saying:

> Unless the right of free speech is enjoyed by employers as well as by employees, the guaranty of the First Amendment is futile, for it is fundamental that the basic rights guaranteed by the Constitution belong equally to every person. (113 F. 2d 800, 804 (6th Cir. 1940).)

Shortly thereafter, the same court confirmed the right of a manufacturer to express his labor views by giving pamphlets to workingmen at the factory gate. In holding that the employer is entitled to distribute literature conveying his views to his employees, the court explained:

> The right to form opinion is of little value if such opinion may not be expressed, and the right to express it is of little value if it may not be communicated to those immediately concerned. *N.L.R.B. v. Ford Motor Co.*, 114 F. 2d 905, 913 (6th Cir. 1940).

This decision was subsequently cited with approval by the Supreme Court.

One year later the Supreme Court again took up the issue by squarely ruling that Federal labor law does not and cannot forbid or penalize expression by an employer to his employees of his views of labor policies and problems. Speaking of an employer's action in mailing a bulletin and authorizing speeches to its employees opposing a union's effort to organize the company, the Court held—

> The employer in this case is as free now as ever to take any side it may choose on this controversial issue. *Labor Board v. Virginia Power Co.*, 314 U.S. 469, 477 (1941).

Significantly the Court made a direct determination that expressions by an employer which are critical of unions or which advocate the formation of unaffiliated unions are not automatically to be considered as intimidating or pressuring employees. The Court stated:

> If the utterances are thus to be separated from their background, we find it difficult to sustain a finding of coercion with respect to them alone. (314 U.S. 479.)

Thus, the rule is clearly established that the simple fact a view is expressed by an employer does not, ipso facto, make

it coercive. The fallacious view that every communication from an employer inherently is compulsion has been soundly rejected by the Nation's highest court.

This ruling was applied soon afterward by the second circuit in a noteworthy case sustaining the practice of a company which sent a letter to its employees signed by its president and whose president has addressed the employees on the premises. Though the employer did not conceal a preference for no union whatsoever and warned that the continued prosperity of the company depended on going on as they had, the court found the Board had erred in objecting to these expressions because they in no way amounted to coercion or conveyed a hint of reprisal against those who thought otherwise. *N.L.R.B.* v. *American Tube Bending Co.*, 134 F.2d 993 (2d Cir. 1943).

Then in 1945, the Supreme Court reaffirmed its position of the right held by employers by holding that—

> Decision here has recognized that employers' attempts to persuade to action with respect to joining or not joining unions are within the First Amendment's guaranty. *Thomas* v. *Collins*, 323 U.S. 516, 537 (1945).

Taking note of this uniform line of judicial rulings which were overturning the persistent efforts of the NLRB to stifle employers' free speech rights, Congress added an express statutory provision securing this constitutional guaranty in the Taft-Hartley Act of 1947. In short, this provision, section 8(c), provides that an employer can express his views about union matters so long as these views contain no threat of reprisal or force and no promise of benefit. Also, the provision states that no such protected views could be used as evidence of an unfair labor practice.

Mr. President, with such a clear judicial and legislative history, the matter should have been settled beyond any doubt. The ability to exercise the free expression of his views unhampered by the Board would seem to be a firmly cemented right of each employer, in the absence of coercion.

Nevertheless, the Board continued to twist and deform congressional intent and the Constitution as to seriously abridge this fundamental right. Through a succession of prejudiced decisions founded on tortured reasoning and a blind obliviousness of the true congressional mandate expressed in section 8(c), the Board chopped, whittled, and butchered the free speech provision beyond recognition.

Arguing that Congress had referred only to unfair labor practice matters and not to setting aside the results of an election, the Board subsequently used the latter method to reverse an election that a union lost, on the ground the employer's speech was excessive. That the speech was admittedly noncoercive did not matter. The Board had found a legal technicality through which it could resume its statutory redrafting habits and it dove through the gap with abandon. *General Shoe Corporation*, 77 N.L.R.B. 124 (1948).

Then in utter contradiction to the plain rule decided in the Virginia Power Co. decision, the Board thumbed its nose at both the Supreme Court and Congress by holding that if an employer had the audacity to say that union representation would not benefit employees, a representation election would be set aside. *H. W. Trane*, 137 N.L.R.B. 1506 (1962); and *Thomas Products Co.*, 167 N.L.R.B. 106 (1967). For an employer to infer that employees might be better off by refraining from joining a union was nigh well blasphemy to the NLRB and it lost no time in holding that no one under its jurisdiction can say such a thing, regardless of principles like free speech and the will of Congress.

A second means by which the Board has run roughshod over the intent of Congress is by issuing orders requiring that whenever an employer makes a speech or distributes literature disclosing his views on labor issues, he must grant the union equal time during working hours and on his own facilities to make a reply. In other words, if the employer chooses to exercise his recognized right to communicate with his employees, he will be impeded from doing so by the knowledge that he must make his own facilities and his own paid time available to the union. Thus, what the Board cannot stop by direct action it might halt by shackling the employer's right of free speech with unreasonable burdens.

As an example of what I mean, in 1956, the Supreme Court overturned an effort by the NLRB to force an employer to permit distributors of union literature onto company-owned parking lots. The Court made the common sense observation that there were many alternative channels of communication open to the union and that the Board had overstepped itself by adding the company premises to these channels. *N.L.R.B.* v. *Babcock & Wilcox Co.*, 351 U.S. 105 (1956).

Not restrained in the least, the Board found itself overruled by the Supreme Court in a similar situation just 2 years later. Here the employer had solicited employees while they were on company premises not to join the union, but refused to allow the union access for solicitation by it. The Court solidly reaffirmed the right of an employer to express his personal views and questioned why the Board had not pressed the union to make use of the many usual routes of communications available to it. Thus, once again the Board's end run around the statute was rejected by the high Court. *Labor Board* v. *Steelworkers*, 357 U.S. 357 (1958).

Still not convinced, the Board sought to resurrect the same policy in the early 1960's. And once more, the judiciary repudiated the Board's effort. In the May Department Stores case, the Board moved to upset an election which had resulted in an emphatic rejection of union representation. In the election, 891 employees had balloted for the union and 1,959 had voted against it. Not ready to accept such a democratically achieved mandate at its face value, the Board circumvented the election results by finding the company had improperly influenced the balloting.

The employer's error was alleged to have occurred in having addressed employees on company time and on company premises. Even though the meetings were held strictly on a voluntary basis and were conducted in a manner which the Board conceded to be noncoercive, the Board held the employer was guilty of an unfair labor practice because he refused to grant the union equal time for making a reply.

In these circumstances, the sixth circuit swiftly bounced the matter back to the Board, reminding it that the union has no overriding authority giving it access to company premises and facilities against the wishes of the employer. *May Department Stores Co.* v. *N.L.R.B.*, 316 F.2d 797 (6th Cir. 1963).

But it seems no matter how many times the Board is rebuked by the courts, it will persist in invading the lawmaking prerogatives of Congress. To require as the Board does that as a condition of expressing his views, the employer must grant equal access to his premises, bulletin boards, and paid time to the union, clearly constitutes an unreasonable burden on the exercise of the employer's first amendment right of free speech. Accordingly, it is to better preserve and protect this right by the clearest statutory language that I am introducing legislation today.

Mr. President, I will describe the provisions of the bill in a moment, but for now let me emphasize that nothing in my bill will deny the union access to its normal channels of communication. It may use telephone contacts, off premises handbilling, meetings at the union hall, home visits, and the usual media of publicizing messages such as television and radio time and newspaper space. But to compel the employer to make his personal facilities open and available for use by the union is an unmitigated injustice. No one is clamoring to make the union halls open to employers and the sensibility that argues for the sanctity of the union's facilities should argue against the invasion of the employer's property.

Mr. President, there is a third way in which the Board has conducted its campaign against the guarantee of free speech. The Board uses as evidence of a failure to bargain in good faith the noncoercive statements of employers which publicize or explain their offers to employees.

Perhaps the most notorious incident of this technique is the Board's decision against the General Electric Co. in 1964. Even though the Board concluded the employer's publicity of its arguments was not coercive, the Board found the expression was objectionable. The Board ruled the company had refused to bargain in good faith simply because it publicized its own position, and on this ground, the company was found to be guilty of an unfair labor practice. *General Electric Co.*, 150 N.L.R.B. 192 (1964), enf'd. 418 F. 2d 736 (2d Cir. 1969), *cert. denied* 397 U.S. 965 (1970).

Mr. President, I might add, in the same case, the Board ignored the scandalous and highly inflammatory propaganda of the union aimed at discrediting the company's arguments.

In the General Electric case, the Board argued the employer had mounted a "campaign" to explain its position, for whatever difference there may be in the Board's collective mind between the guaranty of much free speech—a campaign—and a little free speech—isolated utterances. But to indicate the extent to which the Board is prepared to go in directly attacking the right of free speech, I should mention the Board had earlier made an unfair labor case out of an employer's action in merely posting on its bulletin boards summaries of its wage offers. *Fitzgerald Mills Corporation* 133 N.L.R.B. 877 (1961), enf'd. 313 F. 2d 260 (2nd Cir. 1963), *cert. denied* 375 U.S. 834 (1963).

Mr. President, with the present law so clearly specifying that the expression of views shall not constitute or be evidence of an unfair labor practice, it requires quite an exercise in legal gymnastics to contravene the statute's intent. But it is obvious from these two cases that this is what the Board is doing; and it is equally obvious Congress must tighten up the protection avowedly secured by the law.

Finally, the Board has instituted a new rule directing that in nearly all representation elections, the employer must file with the regional director a list of the names and addresses of each employee who is eligible to vote in that election. Thereupon the Board makes the list available to all unions interested in the election. If the employer fails to do so and a union loses the election, the Board will set aside the election and conduct a new one. *Excelsior Underwear, Inc.*, 156 N.L.R.B. 1236 (1966); *Wyman-Gordon Co.* v. *N.L.R.B.*, 394 U.S. 759 (1969).

Mr. President, there are at least three things wrong with this approach. First, it invades the very important personal right of privacy held by both the employer and his employees. The Board may not comprehend this, but there are many employees who do not like harassment by unions any more than they do badgering from any other source. There are many people who simply do not want to become a target for solicitations from labor union representatives calling by telephone, ringing their doorbells, and stuffing their mailboxes, any more than they want other saleshawkers at their homes.

In other words, each individual has a right to be let alone. And just because a union wants to gain a giant advantage in its representation campaign by getting hold of the employer's list does not justify invading that privacy. If any employee wants the union to have his name and home address, let him volunteer it. But let us stop this outrageous disregard of individual rights simply to promote the preconceived notions of the Board as to what is good for each employee.

Second, the Board's ruling may well put the employer in the position of being forced to aid the cause of the union in its campaign at the same time his beliefs may differ from the union. It requires him to communicate to the union, when he may wish to remain silent. To be forced to speak when one wishes to remain silent is, in my opinion, equally bad as not being allowed to speak at all.

Since there is no compelling reason why the freedoms of speech and privacy must be invaded. I fail to see how the Board can trample on these rights. Needless to say, the mere aim of increasing the chances for a union victory in the election is not, to my mind, a surpassing, necessary purpose which excuses the encroachment on these twin fundamental rights.

Third, it offends my sense of elementary justice to compel one party to an election to aid the other side by providing access to its own facilities, whether the facilities are one's own premises or information. To demand that an employer serve as a voting registrar for the union just does not seem like additional American fair play to me.

Mr. President, with this background, I believe it is necessary to reassert and reestablish the original meaning intended by Congress when it enacted section 8(c) of the Labor-Management Relations Act. To this end, I am offering a bill which will nail down the specific breadth of protection of free speech secured by that provision.

First, the bill will expand the right protected by section 8(c) by expressly declaring that non-coercive views shall not "constitute grounds for, or evidence justifying, setting aside the results of any election conducted under" the act. This will prevent the Board from bypassing the statute by the gambit of saying the protection applies only to unfair labor practice charges.

Second, my bill will amend section 8(c) so that it specifically tells the Board to stop requiring employers, as a condition of expressing their views, to furnish, provide access or make available to the union, information, time, meeting places, premises, bulletin boards, or other of its facilities. This should stop the Board from diluting the fundamental right of free speech by encumbering it with so many conditions that it cannot be exercised without penalizing its user.

Third, the bill will specifically expand the coverage of the free speech provision to noncoercive views and statements which may influence the outcome of any organizing campaign, bargaining controversy, strike, lockout, or other labor dispute. This additional language should prevent the Board from arbitrarily evading the intent of the statute by labeling the employer's properly expressed, noncoercive speech as a failure to bargain in good faith.

Mr. President, I should like to remind Senators that my bill will only protect speech which is not coercive. The bill specifically excludes speech, arguments, pamphlets, and statements of any kind if they contain a threat of reprisal, a threat of force, or a promise of benefit. No truly coercive or intimidating speech will receive any immunity under my bill.

In summary, the legislation secures the important constitutional guaranty of free speech in labor matters. It will implement the first amendment in areas where its pledges have been abused or trampled upon by an agency of the Federal Government.

Mr. President, I have an abiding faith in the good sense and good judgment of America's workingmen and women. I am confident if we allow them to have the full facts they will make the proper and wise decisions. I see no excuse for denying them the opportunity to hear the views of their employer, as well as those of the union, during a labor dispute. It is utterly and wholly counter to all principles of American decency to deny our workingmen and women access to information they need in making decisions which have a profound impact upon their economic well-being.

Regrettably, this violation of American ethics is exactly what will happen, unless we restate the labor law and restate it in clearer terms than ever before. Mr. President, the essence of my proposal is simple—it merely seeks to let employees hear both sides on equal terms. What could be more fair than that?

Mr. President, I ask unanimous consent that the bill I am introducing be printed in the RECORD.

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

S. 2448

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 "Labor-Management Relations Freedom of Speech Act."

SEC. 2. Section 8(c) of the National Labor Relations Act (29 U.S.C. 158(c)) is amended to read as follows:

"(c) The expressing of any views, argument, opinion, or the making of any statement (including, but not limited to, any expression intended to influence the outcome of an organizing campaign, a bargaining controversy, a strike, lockout, or other labor dispute), or the dissemination thereof, whether in written, printed, graphic, visual, or auditory form, if such expression or statement contains no threat of reprisal or force or promise of benefit, shall not (A) constitute or be evidence of an unfair labor practice under any of the provisions of this Act, or (B) constitute grounds for, or evidence justifying, setting aside the results of any election conducted under any of the provisions of this Act.

"No labor organization or employer shall be required to furnish, provide access, or make available, directly or indirectly, to the employer, in the case of a labor organization, or to the labor organization, in the case of an employer, materials, information (including but not limited to names and addresses of employees), time, premises, meeting places, bulletin boards or other facilities to enable such other party to communicate with or reply to any communication with employees of the employer, members of the labor organization, its supporters or adherents."

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

S. 2449. A bill to amend the Federal Home Loan Mortgage Corporation Act and the Federal National Mortgage Association Charter Act, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, on behalf of Mr. TOWER and myself, I introduce a bill to amend the Federal Home Loan Mortgage Corporation Act and the Federal National Mortgage Association Charter Act, and for other purposes. I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

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

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short title.

Sec. 2. (a) (1) Would allow purchase of a conventional mortgage with the outstanding balance exceeding 80 percent of value when the excess over 80 percent is insured by a qualified private insurer. Under existing law, such mortgages may be purchased only where the outstanding balance exceeding 75 percent of value is insured by a qualified private insurer.

(2) Would remove limitation now in the law limiting the purchase of conventional mortgages over one year old at time of purchase to 10% of conventional portfolio.

(3) Provides that the limitations governing the maximum amount of a conventional mortgage purchased by FHLMC be comparable to the limitations contained in the first sentence of section 5(c) of the Home Owner's Loan Act of 1933 ($45,000 in the case of single-family dwellings and the dollar amounts contained in section 207 of the National Housing Act for multi-family housing), except that such limitations may be increased by 25 percent with respect to mortgages on property located in Alaska, Guam, and Hawaii.

(b)-(f) These subsections make clear that national banks, state-chartered banks which are members of the Federal Reserve System, Federal Home Loan Banks, federal savings and loan associations, and federal credit unions have statutory power to purchase mortgages from the Corporation without regard to limitations which might be otherwise applicable to purchase of such mortgages.

Sec. 3. (a) Amends section 302 of the FNMA Charter Act to specify that September 1, 1968 was the effective date on which the original Federal National Mortgage Association was divided into two entities, the Federal National Mortgage Association and the Government National Mortgage Association.

(b) Amends such section 302 to provide that the principal office of FNMA may be located anywhere in the District of Columbia metropolitan area, though for jurisdiction and venue purposes FNMA is to be considered a District of Columbia corporation.

(c) and (d) Amend such section 302 to allow purchase of a conventional mortgage with the outstanding balance exceeding 80 percent of value when the excess over 80 percent is insured by a qualified insurer. Under existing law such mortgages may be purchased only where the outstanding balance exceeding 75 percent of value is insured by a qualified "private" insurer.

(e) Would remove the 10% limitation on purchase of conventional mortgages over one year old.

(f) Amends such section 302 to provide that the maximum amounts of conventional mortgages purchased by FNMA shall be comparable to the limitations contained in the first sentence of section 5(c) of the Home Owners' Loan Act of 1933 ($45,000 in the case of single-family dwellings and the dollar amounts contained in section 207 of the National Housing Act for multi-family housing), except that such limitations may be increased by 25 percent with respect to mortgages on property located in Alaska, Guam, and Hawaii.

(g)-(i) Amend section 304 of the FNMA Charter Act to correct an erroneous citation to section 243 of that Act.

(k) Amends section 309 of the FNMA Charter Act to provide that employees subject to the Civil Service retirement law who became employed by FNMA prior to January 31, 1972 may continue under such law.

(l) Repeals certain provisions of law relating to FNMA's transitional period, now completed.

By Mr. STEVENSON (for himself, Mr. MCINTYRE, Mr. CRANSTON, Mr. NUNN, Mr. EASTLAND, Mr. ABOUREZK, Mr. YOUNG, Mr. MUSKIE, Mr. DOMINICI, Mr. HATFIELD, and Mr. KENNEDY):

S. 2453. A bill to amend section 203 of the Economic Stabilization Act in regard to the authority conferred by that section with respect to petroleum products. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. STEVENSON. Mr. President, I am introducing today with Senator MCINTYRE and other Senators a bill to amend the Economic Stabilization Act to remedy the extraordinary problems which have arisen in the petroleum industry under the Cost of Living Council's Phase IV regulations. Yesterday, I joined with Senator MCINTYRE in introducing S. 2442, a bill to prohibit exports of petroleum products. Both bills are necessary to help insure a continued supply of petroleum at reasonable prices.

Although the Cost of Living Council's regulations affect all levels of the oil industry, they are having their most profound and disturbing effects at the marketing level, that is, on jobbers and retailers. Every retailer is deeply affected, but the problems are most aggravated among independents. Unless the regulations are changed, the preferential treatment which is accorded major oil companies will permit them to eliminate the little remaining competition in the petroleum industry.

Evidence continues to mount that the major oil companies are using the gasoline shortage they help create to drive their competition out of business, and the administration's phase IV controls are only serving to hasten this process. The controls for the petroleum industry are doing for the major oil companies what they have not been able to do legally for themselves. And the principal victim is going to be the American consumer.

The problems are being caused by the phase IV regulations of the Cost of Living Council. In July the Council issued proposed regulations which were scheduled to go into effect on August 12. As drafted, the regulations set May 15 as the date for determining ceiling prices for domestic petroleum producers, refiners, and refiner-retailers. By that date a great part of the recent price increases for crude oil had already occurred and was reflected in the retail pump price. In addition, however, there was to be no ceiling for producers and refiners on the price of imported crude or on the price of increased domestic production and an equal amount of old production. Thus producers could pass such increases on to refiners, refiners in turn to their jobbers, and jobbers to their retailers.

But the buck stopped there, literally, and the regulations provided for an entirely different scheme to control prices at the retail level. At this level the ceiling price was to be permanently pegged to the cost of product to the retailer on August 11 plus the markup or margin per gallon as of last January 10. In addition, those on the retail level could not automatically pass through any increased product cost. Special application was to be made to the Council if there was "a hardship," and the Council would then have to grant its permission to pass on costs on a case-by-case basis.

Needless to say, for the small businessman this procedure would involve at the least red tape, probably lawyers' fees, and delay. At the most, if the price rise were denied or unduly delayed, it might mean the loss of his business.

The May 15 ceiling price date was fairly reasonable for most producers and refiners, that is, most major oil companies. The choice of January 10 as a markup date for the retail level, however, portended disaster for many retailers, especially independents but also many major branded retailers, for January 10 happened to be a time of "price wars" in the retail gasoline business.

I can illustrate by pointing to the St. Louis and Chicago retail markets. The normal operating margins for independent price marketers in those two markets ranges from 8 to 11 cents per gallon, compared to approximately 11 to 13 cents per gallon for major branded marketers. On January 10, however, the operating margins for independents in those two cities ranged from 1.5 cents to 4 cents per gallon, and the margins were also down for many major branded retailers.

The proposed regulations met with a storm of protest. Many retailers threatened to close in protest. Consequently, the Council moved to delay the effective date of the regulations and to revise them. The Council did revise them in mid-August, but only to allow a minimum markup or margin of 7 cents per gallon.

The revisions fell far short of fairness. The basic inequities remained, and now that the regulations have been put into effect, they threaten the imminent extinction of many of the Nation's gasoline retailers. The disparity in dates—January 10, May 15, and August 1—continues, and retailers still cannot have an automatic passthrough, not even with any kind of prenotification procedure.

To illustrate the plight of many retailers, I would point to the Ware Oil Co., a jobber-retailer based in Jacksonville, Ill. with about 50 stations located in Illinois and Iowa. I ask unanimous consent that a chart showing the pump prices for regular gasoline at 10 Ware locations be printed in the RECORD at this point.

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

WARE OIL CO.'S RETAIL PUMP PRICES—REGULAR GASOLINE

[In cents]

	Pump prices		Increase or decrease in pump price	Increase in purchase price interim period	Total loss in gross profit margin
	Sept. 11, 1972	Sept. 11, 1973			
Springfield, Ill.	38 9/10	36 7/10	−2 2/10	+2	−4.2
Jacksonville, Ill.	38 9/10	35 2/10	−3 7/10	+2	−5.7
Champaign, Ill.	37 9/10	35 2/10	−2 7/10	+2	−4.7
Bloomington, Ill.	37 9/10	36 2/10	−1 7/10	+2	−3.7
Galesburg, Ill.	37 9/10	36 7/10	−1 2/10	+2	−3.2
Danville, Ill.	38 9/10	35 2/10	−3 7/10	+2	−5.7
Marshalltown, Iowa	35 9/10	34 2/10	−1 7/10	+2½	−4.2
Clinton, Iowa	34 9/10	35 2/10	+3/10	+2½	−2.2
Waterloo, Iowa	35 9/10	35 2/10	−7/10	+2½	−3.2
Ottumwa, Iowa	36 9/10	34 2/10	−2 7/10	+2½	−5.2

Mr. STEVENSON. As can be seen, the first column shows the pump price as of September 11, 1972. The second shows the regulated price—based on an August 1 cost and a depressed January 10 margin—as of September 11, 1973. The third column, then, is the difference between the two prices—in 9 of 10 instances lower and in 2 instances a full 3.7 cents per gallon lower.

In addition to this difference, however, in the 1-year time period there were also price increases in the cost to the Ware Co. from its major supplier. The fourth column, therefore, shows the 2 cents per gallon increase at the Illinois stations and the 2½ cents per gallon cost increase at the Iowa stations. The last column, then, shows the total loss in the gross profit margin per gallon at the stations in the 10 cities. These losses range from 2.2 cents per gallon in Clinton, Iowa, to 5.7 cents per gallon in Jacksonville and Danville, Ill. To say the least, the effect of the phase IV regulations on the Ware Co. is devastating.

The protests have therefore continued, so far to little avail. Last week several hundred retailers from New England came to Washington to protest the COLC policy and to ask the administration to change it, and to seek help of their legislators. I met with 25 retailers from Illinois last week and have received scores of letters on this subject. This morning's news featured a story that 60 retailers here in the Washington, D.C., area are threatening a 5-day closedown in protest over the COLC policies.

I wrote Dr. Dunlop last July 25 to ask for revision of the regulations and joined 41 other Senators last Monday in a further letter urging him to revise the regulations.

I hope that these efforts directed at the Council will be successful. Should the Council continue to refuse to act, however, legislative action to correct the inequities will be needed. That is why we are introducing an amendment to the Economic Stabilization Act today.

Very simply, this bill proposes to amend the Economic Stabilization Act to mandate the President, acting through the Council, to:

First, permit all classes of marketers of petroleum products at all levels a dollar-for-dollar passthrough for increases in the cost of petroleum products; and

Second, apply the same base period for the establishment of any limitation on the markup, margin, or posted price on petroleum marketers at all levels of distribution.

The legislation would focus on the petroleum industry only and on the particular inequities in the Council's regulations. The bill would not dictate to the Council what basic kind of price control structure it should establish.

All this bill would require is a fundamental equity for all levels in the petroleum chain. Congress has taken such even-handedness for granted in the past. Apparently it has taken too much for granted.

Earlier this year, there were about 20,000 independent gasoline marketers in this country. The predatory practices of the majors with the administration's acquiescence have reduced their numbers by thousands. The administration refused to lift the oil import quotas until April. There has also been ample evidence to suggest possible antitrust violations by the majors; yet the administration has refused to act to enforce the antitrust laws. The administration has refused to promulgate a needed and promised mandatory allocation program for all petroleum products, except propane.

And now the administration has decreed phase IV. I hope the Council will move to revise its ill-conceived regulations. If it does not, Congress must act.

Congress must also act to prevent circumvention of the price stabilization program. The problem of reduced competition is aggravated when oil companies turn to exports to take advantage of higher prices abroad and avoid price restraints at home. Recent imports indicate that oil companies are beginning to ship heating oil overseas. Since there are no restrictions on the prices U.S. sellers can charge foreign buyers, the U.S. oil companies undoubtedly find it to their advantage to sell abroad.

Such action is intolerable. It makes a mockery of our attempts to increase oil resources and assure adequate supplies at reasonable prices. Shortages in this country will increase as long as oil companies can continue to enjoy expanded profits by selling abroad. We must not stand silent while that happens.

In part, the problem is attributable to the unreasonable price regulations I have described. Faced with frozen domestic selling prices and increased costs of production, oil producers seek higher profits in whatever way they can. Higher foreign prices are an attractive source of relief.

That is why both problems must be dealt with together. Regulations must be reasonable, but while they are in effect price restraint must be enforced. It makes no sense to erect a price stabilization program and then permit oil companies to evade it by shipping their products abroad to take advantage of higher prices. Aggravated shortages at home would put increasingly intolerable pressures on prices.

The bill which I introduced with Senator McINTYRE yesterday addresses this problem. Prohibiting the export of petroleum products while price controls under the Economic Stabilization Act are in effect will strengthen the price stabilization effort. Action on this front, as well as on the bill introduced today, is thus essential.

I ask unanimous consent that the text of the bill introduced today 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. 2453

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) In exercising the authority conferred by this section with respect to petroleum products, the President shall—

"(1) permit all classes of marketers of petroleum products at all levels of distribution a dollar-for-dollar passthrough for increases in the cost of such products; and

"(2) apply the same base period for the establishment of any limitation on the markup, margin, or posted price for all classes of petroleum marketers at all levels distribution."

By Mr. HUMPHREY (for himself, Mr. McGEE, Mr. MONTOYA, Mr. MOSS, Mr. ALLEN, Mr. MONDALE, and Mr. GRAVEL):

S. 2454. A bill to assure an adequate flow of consumer savings into the home finance market by establishing rate ceilings on time deposits of less than $100,000. Referred to the Committee on Banking, Housing and Urban Affairs.

EMERGENCY HOME FINANCE ACT

Mr. HUMPHREY. Mr. President, today I am introducing legislation to assure the continuation of an adequate flow of consumer savings into the home finance market by imposing an interest rate ceiling on certificates of deposit.

This bill would require the Federal banking agencies to impose a rate ceiling on all consumer savings deposits or certificates of deposit at banks, savings, and loans and mutual savings banks, not to exceed 6¾ percent. It would also require that a reasonable differential be established between the savings rates permitted for thrift institutions whose investments are devoted to long-term housing loans, and the commercial banks which have much broader and more flexible investment powers.

Prior to July 5, rate ceilings were imposed on certificates for all categories of consumer savings. However, on that date

the Federal banking agencies created a new, ceiling-free certificate category with 4-year maturities and requiring just $1,000 minimum deposits. The result of this ill-conceived action has been a disastrous interest rate war—precisely the danger our rate control policies were designed to prevent—that has thrown our home financing system into chaos and worked a serious hardship on many Americans who find themselves locked out of the housing market.

There is an urgent need for Congress to reimpose a rate limit and restore order in the consumer saving market. Savings and loans will have approximately $10 billion in savings certificates maturing in the fourth quarter of this year—with a large portion of this massive figure falling due in the traditional quarterly reinvestment period beginning October 1. As these certificates mature, commercial banks' advertising of consumer savings certificates at 8 and 9 percent will pose a serious threat to the continued vitality of the savings and loan business—the principal source of mortgage credit in this Nation. We know this because of the experience in cities such as New Orleans where banks promoting 8½ percent consumer CD's gained $30 million in these certificates in approximately 2 weeks in late July while S. & L.'s lost an identical amount in savings.

While the Federal Reserve and other agencies restricted super-rate, ceiling-free CD's at commercial banks to 5 percent of their time and savings deposits on July 26, in a much ballyhooed move, this 5 percent potential is a very significant amount.

Commercial banks hold over $350 billion in time and savings deposits. Technically, this means they could attract over $17.5 billion in consumer CD's—most of which would come from savings and loan accounts. For example, one of the largest banks in Chicago is blanketing the Chicago savings market with 9 percent consumer CD's advertising. The large Chicago banks alone have over $15 billion in time and savings deposits. When the reinvestment period begins, the savings and loan CD's will be converted to commercial banks CD's. Thus, in just a matter of days, the large commercial banks could attract $750 million from savings and loans in Chicago alone—and still comply with the 5 percent limit. And, this does not take into consideration the time deposit growth potential of smaller banks in that metropolitan area.

Figures recently released by the Federal Reserve Board and the Federal Home Loan Bank Board show that the Nation's savings and loan associations lost $313 million in July, their first net outflow since January 1970. At the same time, the country's 328 largest commercial banks gained $510 million in consumer sized savings deposits in the 8-week period ending August 22.

If Congress does not act on this immediate threat to housing and home finance, there are still more severe problems on the horizon. High interest rates have not yet "peaked," and the prime rate may go to 10 percent soon. With the quarter beginning January 1, savings and loan associations will have an additional $20 billion in certificates maturing. Savings and loans, with gross earnings from mortgage holdings at about 7.2 percent of assets and operating expenses of about 1.1 percent, obviously cannot match the 8 percent and 9 percent interest being advertised by commercial banks. And, if you want to pay the savings customer 9 percent for his certificates, then you should face up to the fact that the home borrower then must pay 10 percent for his mortgage.

It may be argued that without these high rate CD's, many savers will abandon thrift institutions to invest in Government obligations. That may well be—but two things should be pointed out. First of all, commercial banks are the main competitors with savings and loans for consumer savings. Second, those sophisticated investors wanting to "play" the Government securities markets will do so anyway—since the Treasury and Federal agency rates are much more attractive and available for not only short-term but long-term securities as well. To the extent that consumer savings go into Government securities, it may help to reduce those rates. In the meantime, the Congress should—and must—cool off the cutthroat rate competition now going on between financial institutions.

The barrage of superrate advertising and promotion for the consumer saver by commercial banks endangers our home financing system and creates financial chaos—to the detriment of American consumers. It must be stopped before literally billions of dollars are withdrawn from savings and loans and other thrift institutions and from investment in long-term home mortgages.

The average home owner cannot afford to pay 9 percent or 10 percent interest on his mortgage. Interest rate costs are passed on to the Federal Government or the consumer in one way or another. The elimination of any ceiling on consumer certificates of deposit has proved to be disastrous and I can tell you, without qualification, that if we do not do something very soon we may experience a major financial crisis in this country. Home financing will be virtually halted and interest rates will skyrocket even higher than they are today.

The facts are here for everyone to see. We are on notice of an impending crisis and we must act promptly.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board shall, in exercising the authority given to each under the Act of September 21, 1966 (Public Law 89-597), as amended, to prescribe rules governing the payment of interest or dividends on deposits, shares or withdrawable accounts that may be paid by any depositary institution as defined in Section 2(b) of the Act of August 16, 1973 (Public Law 93-100), limit the rates of interest or dividends which may be paid by such institutions on time deposits in amounts of less than $100,000 so that (i) the rate of interest or dividends payable on such deposits may not exceed 6¾% per annum and (ii) the rate of interest payable on such deposits held by an insured bank or any State bank (each as defined in Section 3 of the Federal Deposit Insurance Act) shall be limited by an appropriate differential below 6¾% for each class or category of deposit comparable to those issued and held by any depositary institution other than an insured bank or State bank.

By Mr. TUNNEY:

S. 2455. A bill to amend title 28, United States Code, to change the age and service requirements with respect to the retirement of justices and judges of the United States. Referred to the Committee on the Judiciary.

Mr. TUNNEY. Mr. President, I send to the desk for appropriate reference a companion bill to H.R. 3324—introduced by Congressman CHARLES WIGGINS of California—to change the age and service requirements with respect to the retirement of justices and judges of the United States. On April 6, 1973, H.R. 3324 was approved by the Judicial Conference of the United States which was set up by statute to administer the court system.

At the present time, judges can only retire if they reach 65 years of age and have served 15 years or have reached the age of 70 and have served 10 years. There is no provision for retirement between the ages of 65 and 70.

My bill would retain the age 65/15 years' service and the age 70/10 years' service retirement provisions, but would add provisions to allow retirement at age 66 with 14 years' service, age 67 with 13 years' service, age 68 with 12 years' service and age 69 with 11 years' service. Thus, a judge who would have 1 year less than the required 15 years' service at age 65 need not wait until he is 70 to retire but could retire within a year.

The reasons for introducing this legislation are three-fold:

First, it should prove an incentive for judges in the 65–70 age bracket to retire and make room for younger, more energetic individuals who may bring new life into the Federal judiciary;

Second, it should help to reduce backlogs by increasing the number of senior judges available to contribute part or full time. Such judges would not use courtroom space and would be less in need of supporting personnel; and

Third, it should help to lure well qualified individuals in their middle or late 50's into the Federal judiciary by enabling them, in many cases, to retire before age 70.

At this point, I ask unanimous consent to have the text of the bill placed in the RECORD.

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

S. 2455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 371(b) of title 28, United States Code, is amended to read as follows: "Any justice or judge of the United States appointed to hold office during good be-

havior may retain his office but retire from the regular active service—

"(1) after attaining the age of seventy years and after serving at least ten years continuously or otherwise;

"(2) after attaining the age of sixty-nine years and after serving at least eleven years continuously or otherwise;

"(3) after attaining the age of sixty-eight years and after serving at least twelve years continuously or otherwise;

"(4) after attaining the age of sixty-seven years and after serving at least thirteen years continuously or otherwise;

"(5) after attaining the age of sixty-six years and after serving at least fourteen years continuously or otherwise; or

"(6) after attaining the age of sixty-five years and after serving at least fifteen years continuously or otherwise."

By Mr. STEVENS:

S. 2456. A bill to permit all compensation paid at regular rates to certain employees of the Alaska Railroad to be included in the computation of their civil service retirement annuities. Referred to the Committee on Post Office and Civil Service.

Mr. STEVENS. Mr. President, today I am introducing a bill that will allow all compensation at regular rates to be used in figuring civil service retirement annuities for train and enginemen of the Alaska Railroad.

Under the present method of civil service compensation, hours worked in excess of 40 hours per week are not subject pay for retirement purposes. However, the train and enginemen of the Alaska Railroad are paid under the mileage system in which a 12½-mile run equals 1 hour of pay.

Because of the system, the train and enginemen make comparable salary but in many cases must work more than 40 hours a week to do so. By using the 40 hours to figure subject pay, for retirement purposes, these men are being deprived of their right to a proper retirement annuity.

Mr. President, my bill will rectify this situation and allow the train and enginemen to receive proper credit of their wages toward retirement benefits.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2456

Be it enacted by the Senate and House of Representatives of the United States of America is Congress assembled, That paragraph (3) of section 8331 of title 5, United States Code, is amended—

(1) by striking out the word "and" at the end of subparagraph (B) (ii);

(2) by inserting the word "and" at the end of subparagraph (C);

(3) by inserting immediately after subparagraph (C) the following new subparagraph:

"(D) all compensation paid at straight time, regular rates and received by an employee of the Alaska Railroad who is paid under a dual system based on both hours and mileage;" and

(4) by striking out the phrase "subparagraphs (B) and (C)" and inserting in lieu thereof the following: "subparagraphs (B), (C), and (D)".

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2457. A bill to amend the Communications Act of 1934, as amended, to permit the Federal Communications Commission to grant radio station licenses in the safety and special and experimental radio services directly to aliens, representatives of aliens, foreign corporations, or domestic corporations with alien officers, directors, or stockholders; and to permit aliens holding such radio station licenses to be licensed as operators. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Communications Act of 1934, as amended, to permit the Federal Communications Commission to grant radio station licenses in the safety and special and experimental radio services directly to aliens, representativs of aliens, foreign corporations or domestic corporations with alien officers, directors or stockholders; and to permit aliens holding such radio station licenses to be licensed as operators, and ask unanimous consent that the letter of transmittal and explanation of bill be printed in the RECORD with the text of the bill.

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

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., July 26, 1973.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed are copies of the Commission's draft bill to amend sections 310(a) and 303(l) of the Communications Act of 1934, as amended, with an explanation.

The bill as drafted would permit the Federal Communications Commission to grant radio station licenses in the safety and special and experimental radio services directly to aliens; representatives of aliens; foreign corporations; and domestic corporations with alien officers, directors, or stockholders; and would permit aliens holding such radio station licenses to be licensed as operators. Specifically, the draft bill would

(i) retain the prohibition against any licensing of foreign governments or their representatives now contained in 310(a)(2);

(ii) retain the prohibitions now contained in 310(a)(1), (3)–(5) but make them applicable only to broadcast and common carrier radio services, rather than to all radio services;

(iii) otherwise allow the Commission to issue station licenses in the safety and special and experimental radio services;

(iv) delete the first two unnumbered paragraphs following 310(a)(5) because they will be unnecessary;

(v) delete the provision for security checks for alien amateur station authorizations in the third unnumbered paragraph following numbered paragraph (5); and

(vi) make corresponding changes in section 303(l) so that the Commission will be permitted to license aliens to operate the stations for which they have been granted a license under 310(a).

The Commission is now generally prohibited from granting licenses to aliens in any of the radio services. The legislative history at the time of enactment of this prohibition in 1934 does not appear to have contemplated denying aliens licenses in the later developed Safety and Special Radio Services, but reflects concern with those radio services such as broadcasting and common carrier which are part of the nation's communication system. We believe that authority to grant licenses to aliens in the safety and special and experimental services is consistent with the legislative history of the Act and is in the public interest. The grant of a license would, of course, be subject to the Commission's finding that the public interest, convenience and necessity would be served.

The Commission's draft bill to accomplish the foregoing objective was submitted to the Office of Management and Budget for its views. We have now been advised by that Office that from the standpoint of the Administration's program there would be no objection to the presentation of the draft bill to the Congress for its consideration.

The consideration by the Senate of the proposed amendment to the Communications Act of 1934 would be greatly appreciated. The Commission would be most happy to furnish any additional information that may be desired by the Senate or by the Committee to which this proposal is referred.

Sincerely,

DEAN BURCH,
Chairman.

EXPLANATION OF PROPOSED AMENDMENT TO SUBSECTIONS 310(A) AND 303(1) OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED

Section 310(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(a), is a general prohibition on the grant of radio station licenses to aliens or entities with alien interests. Specifically, 310(a) prohibits the Commission from granting licenses to individual aliens or representatives of aliens, foreign governments or their representatives, corporations organized under the laws of a foreign government, or domestic corporations of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or its representative, or any corporation organized under the laws of a foreign country.

Nevertheless, paragraph (5) of 310(a) provides in effect for indirect licensing of a corporation with alien interests. That paragraph provides that the Commission may grant a license to any corporation which is directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens or of which more than one-fourth of the capital stock is owned of record by aliens or their representatives, or by a foreign government or its representatives, or by any corporation organized under the laws of a foreign government, unless the Commission finds that the public interest would be served by refusing a license.

Thus, under paragraph (5) of 310(a) those corporations barred from holding licenses in their own names may obtain the benefits of a radio station by forming a subsidiary corporation in which all officers and directors are United States citizens. This subsidiary corporation may then be granted a license to provide the communication service needed by the parent corporation.

We are proposing that section 310(a) be amended to permit the Commission to grant radio station licenses in the safety and special and experimental services to aliens or entities with alien interests. Additionally, the proposal would amend subsection 303(1) to enable an alien holding a radio station license to be licensed as the operator of the station for which he holds a license.

We believe that this proposal is consistent with the historical reasons for prohibiting

alien licenses and is consistent with the overall public interest. The legislative history of section 310(a) shows clearly that the purpose of the section and its forerunner in the Radio Act of 1927 was to prevent foreign influence in the "commercial communications system" of the United States. The reasons were that the security and other interests of the United States might be adversely affected if aliens were permitted to gain control of our communication system. The entire thrust of the proponents of section 310 (a) was against alien influence in "radio companies," "communication companies," and "communication organizations." Specifically named in the hearings as "communications organizations" were American Telephone and Telegraph Company, Western Union, International Telephone and Telegraph Corporation, and Radio Corporation of America. The targets of section 310(a) were the radio, wire, or cable companies engaged in the business of communications. Hearings on S. 2910 Before the Senate Committee on Interstate Commerce, 73d Cong., 2d Sess., pp. 160, 161, 166, 167, 170 (1934); Hearings on H.R. 8301 Before the House Committee on Interstate and Foreign Commerce, 73d Cong., 2d Sess., pp. 23, 26, 32–34, 41–44, 60, 64 (1934).

Despite the general prohibition on alien licenses, Congress itself has several times recognized the need of aliens for certain radio uses outside the broadcast and common carrier fields. In 1934 when it enacted the Communications Act, Congress included an exception which permitted the Commission to license "radio apparatus on board any vessel, aircraft, or other mobile station of the United States when the installation and use of such apparatus is required by Act of Congress or any treaty to which the United States is a party."

In 1958 Congress amended the Act to add another exception to the prohibition on alien licenses. Concern with air safety prompted the Congress to permit the Commission to license aircraft stations to aliens who hold United States pilot certificates or a foreign pilot certificate which is valid in the United States by reciprocal agreement.

And, in 1971, the Congress amended the Act to permit licensing in the amateur radio service of aliens who have filed a declaration of intention to become a citizen of the United States.

Meanwhile, since the 1934 enactment of the general prohibition on aliens holding licenses, many additional uses of radio have developed and have been found by the Commission to be in the public interest. In many instances, a radio license is a necessary or desirable adjunct to other endeavors. These accessory or incidental uses of radio can properly be considered an integral part of the conduct of much industry and commerce in the United States. For example, railroads, taxicabs, manufacturers, oil producers and distributors, utility companies, pipe lines, truckers, construction companies, the mining industry, the forestry industry, consumer service companies, retailers, farmers, ranchers, and the marine industry find that radio is necessary for efficient and safe operation of the primary business.

These businesses are not "communication organizations" and are not part of the "commercial communications system" of the United States which section 310 was intended to protect, and the private use of radio incidental to these businesses does not threaten control of the communications system of the United States. Nevertheless, the general prohibition on licensing alien interests prevents the Commission from licensing aliens for these uses although these aliens meet the standards for admission into the United States and are lawfully employed in noncommunication businesses.

We believe that where aliens are admitted to this country and are permitted to carry on business activities in this country, it is consistent with the public interest that they also have available the same protection of life and property and increased efficiency that radio provides citizens engaged in the same kinds of enterprise.

We recognize that section 310(a)(5) mitigates the absolute ban prescribed in paragraphs (1)–(4) of 310(a) with respect to otherwise ineligible corporations that have the resources to establish a subsidiary corporation that meets the requirements of the law. In fact, use of this device is not uncommon. Competitive necessity for the use of radio in various business activities has led ineligible corporations to set up subsidiary corporations solely for the purpose of obtaining a radio station license and then providing communications service to the parent corporation.

These subsidiary corporations providing communications services to an ineligible corporation are now operating under licenses issued by the Commission because the Commission under the terms of 310(a)(5) determined that the public interest would not be served by a refusal of the license.

The Commission believes this limited permission in 310(a)(5) is inherently unfair to the small corporation without the resources or know-how to avail itself of this procedure and to the partnership or individual entrepreneur to whom this procedure is not available. The need for the license is independent of the size or the form of an organization. In addition, there is a needless expense and burden upon the corporations which are able to avail themselves of the provisions of paragraph (5) of section 310(a). The direct licensing of aliens in these safety, special and experimental services seems far preferable to the existing statutory scheme.

We think also that there are substantial reasons for permitting aliens to have licenses to use radios in all of the safety and special services established by the Commission and not just in those which are industry-oriented. In both the aviation and marine radio services, the underlying need for radio for safety purposes is present without regard to citizenship. Citizens radio may be used not only for business purposes, but also in motor vehicles and aboard pleasure boats for substantial messages. The Commission, effective July 1970, reserved citizens radio Channel 9 exclusively for emergency communications or communications necessary to assist a motorist. The availability of a citizens radio license to an alien can benefit not only the alien but also the general public because the licensed alien would then be able to summon aid in an emergency situation. In addition, radio is a safety factor as well as a convenience in such activities as hunting, fishing, camping and hiking.

Similar considerations apply to the amateur service as a voluntary noncommercial communication service that fosters technical contributions to the advancement of the radio art and international goodwill and has often proved invaluable during emergencies.

Since 1964 alien amateurs have been permitted under section 310(a) to operate their amateur radio stations in this country under reciprocal agreements. Under this procedure, alien amateurs licensed by countries with whom we have reciprocal licensing agreements, may obtain authority to operate in the United States, usually without the necessity of passing our amateur examination. Our proposal would retain the reciprocal authorization arrangement now provided for in the penultimate paragraph of current section 310(a).

If our proposal to permit licensing aliens in the safety and special and experimental services is adopted, and if we deleted the reciprocal authorization arrangement from section 310, those alien amateurs would be required to take examinations prior to obtaining authority to operate here. Language difficulties and other problems might make the examination an insurmountable barrier to many aliens. Their inability to obtain authorizations here might result in reciprocal action against United States amateurs seeking authority to operate their stations in those foreign countries. Since the exception also benefits United States amateurs in foreign countries, we believe it is desirable to retain this reciprocal arrangement. In this way an alien amateur could seek authorization here either under the reciprocal authorization provision or as a regular applicant. On the other hand, alien amateurs from countries with whom we do not have a reciprocal agreement would have to apply in the regular manner and would, for the first time, be eligible and not barred by virtue of their alien status.

Our experience in issuing licenses to corporations and to pilots and in issuing authorizations to alien amateurs on a reciprocal basis under 310(a) and our knowledge of the kinds of service for which we are proposing that aliens be eligible indicate that the use of radio in the safety, special and experimental services will not raise security problems. We are unaware of any security problem which has resulted from the alien operations which the Commission has permitted under the existing exceptions to 310(a). The radio facilities authorized in the safety and special services, with the exception of ship, certain coast, amateur and certain aeronautical land stations, are generally limited to relatively short-range communications. In addition, almost all frequencies used by these stations are shared with others and are monitored by other licensees who wait for their turn to use them. There is thus little, if any, secrecy afforded transmissions. It seems doubtful that anyone would attempt to use such shared frequencies to breach the national security or indeed that anyone intent upon such a use would be inhibited by the lack of a license.

Moreover, aliens permitted to enter the United States are screened for security before they are granted visas. Accordingly, our proposal does not include any procedures for security checks on alien applicants. For the same reasons, we propose deletion of the current requirement that this Commission notify appropriate other agencies of the Government of the receipt of an application for an alien amateur authorization and afford them the opportunity of furnishing us with any information bearing on the national security. After seven years of experience operating under these procedures, we have found that they are cumbersome and time-consuming, as well as unnecessary. We believe that the general permission we are proposing will present no problems since, under the public interest mandate of the Communications Act, the Commission would retain the flexibility to deny any license application if the public interest so required.

Most of the safety and special radio services require only a station license and not a separate operator license. However, for several categories of stations, such as ship stations and aircraft stations, the station must be licensed and the operator also must have an operator license. Our purpose in proposing authority to grant station licenses would be substantially thwarted if an alien could obtain a station license but then was barred from obtaining a license to operate it solely because he was an alien. Under our proposal, aliens who are authorized to have radio station licenses would be eligible to have the operator license required to operate the station. Aliens who are not station licensees would not be eligible for operator licenses.

It should be noted that although the proposal revises section 310(a) in toto, it effects

substantive changes only in the respects discussed above and does not affect the prohibition on grants of licenses to aliens in the broadcast or common carrier services. The exceptions which permit licenses (the first, second and fourth unnumbered paragraphs immediately following numbered paragraph (5) in existing section 310(a)) no longer need to be stated because they do not fall within the prohibitions in the proposed language and will therefore be permitted.

In sum, the Commission believes that the public interest would be served by adoption of the proposed amendment. We believe further that this can be done consistent with existing Congressional policy in this area and with the needs of national security.

S. 2457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That subsection (1) of section 303 of the Communications Act of 1934, as amended (47 U.S.C. 303(1)), is amended by deleting paragraphs (2) and (3) and inserting the following:

"(2) Notwithstanding paragraph (1) of this subsection, an individual to whom a radio station is licensed under the provisions of this Act may be issued an operator's license to operate that station.

"(3) In addition to amateur operator licenses which the Commission may issue to aliens pursuant to paragraph (2) of this subsection, and notwithstanding section 301 of this Act and paragraph (1) of this subsection, the Commission may issue authorizations, under such conditions and terms as it may prescribe, to permit an alien licensed by his government as an amateur radio operator to operate his amateur radio station licensed by his government in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation on a reciprocal basis by United States amateur radio operators. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such authorization."

SEC. 2. Section 310 of the Communications Act of 1934, as amended (41 U.S.C. 310), is amended by deleting subsection (a), redesignating subsection (b) as subsection (d) and inserting the following new subsections (a), (b), and (c):

"(a) The station license required under this Act shall not be granted to or held by any foreign government or the representative thereof.

"(b) No broadcast or common carrier radio station license shall be granted to or held by—

"(1) any alien or the representative of any alien;

"(2) any corporation organized under the laws of any foreign government;

"(3) any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country;

"(4) any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, or of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representatives thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusals or revocation of such license."

(c) In addition to amateur station licenses which the Commission may issue to aliens pursuant to this Act, the Commission may issue authorizations, under such conditions and terms as it may prescribe, to permit an alien licensed by this government as an amateur radio operator to operate his amateur radio station licensed by this government in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation on a reciprocal basis by United States amateur radio operators. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such authorization.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2458. A bill to amend the Interstate Commerce Act and related statutes, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Interstate Commerce Act and related statutes and for other purposes, and ask unanimous consent that the letter of transmittal be printed in the RECORD with the text of the bill.

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

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., August 9, 1973.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

GENTLEMEN: Attached for your consideration and introduction is a draft bill which would amend sections 12(1), 204(a)(6), 304(a) and 403(a) of the Interstate Commerce Act, so as to enable the Commission to exempt certain transportation from regulation upon a finding that the regulation is not necessary in order to effectuate the National Transportation Policy and regulation would serve little or no public purpose.

We disapprove of regulation for the sake of regulation and believe that the transportation modes under our jurisdiction should be subject to the restraints of the Interstate Commerce Act only to the extent that regulation furthers the National Transportation Policy. The statute, however, does not provide the Commission with a means of exempting specific services or transportation from the Act's requirements. Consequently, we are forced to exact compliance with franchise, rate and other regulatory provisions from all carriers. This unnecessary regulation places a burden upon the Commission, the carriers, and, in some instances, the public.

For example, the interstate motor movement of such commodities as homing pigeons would appear to be of such a nature, character, or quantity that its exemption from certain regulatory requirements would not hinder the effectuation of the National Transportation Policy or affect the welfare of regulated transportation. Likewise, the exclusion from interstate regulation of local mass transit motor bus operations conducted within precisely defined territorial limits would in certain circumstances appear to have little or no effect upon uniform regulation of that segment of the for-hire industry.

While individual and specific legislative recommendations could be submitted from time to time with respect to each commodity or transportation service found by this Commission to be susceptible of statutory exemption, we believe that enactment of the proposed general exempting power is in the best interests of all concerned. Not only would such authority relieve the Commission and the affected carriers of what seems to be an undue regulatory burden but also would tend to free the Congress of much of the legislative workload that would be encountered by a piecemeal approach. As an example, such authority probably would have eliminated the need for the recently enacted law partially exempting from regulation the emergency transportation of accidentally wrecked or disabled motor vehicles. Additionally, the recommended authority would result in increased flexibility, since any exemption created thereunder would be subject to continuous administrative review and to repeal or modifications upon a finding of changed circumstances. Accordingly, we propose that sections 12(1), 204(a)(6), 304(a), and 403(a) of the Act be amended so as to enable us, after notice and opportunity for hearing, to establish exemption from its requirements.

We would be grateful for the prompt introduction and enactment of the enclosed legislation.

Sincerely yours,
GEORGE M. STAFFORD, *Chairman.*

S. 2458

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

SEC. 1. Section 12 of the Interstate Commerce Act (49 U.S.C. 12(1)) is amended by adding a subparagraph "(a)" thereto to read as follows:

"12(1)(a) Whenever the Commission, upon its own motion or upon application of any interested party, determines that the requirements of this Part, in whole or in part, to any person or class of persons or to any services or transportation performed under this Part is not necessary in order to effectuate the National Transportation Policy declared in this Act or to effective regulations by the Commission thereunder, and would serve little or no useful public purpose, it shall by order exempt such person or class of persons or such services or transportation from the provisions of this Part for such period of time as may be specified in such order. The Commission may by order revoke any such exemption whenever it shall find that the subjugation of the requirements of this Part, in whole or in part, to the exempted person or class of persons or exempted services or transportation is necessary to effectuate the National Transportation Policy and to achieve effective regulation by the Commission and would serve a useful public purpose. No such exemption shall be denied or revoked except after notice and reasonable opportunity for hearing."

SEC. 2. Section 204(a)(6) of the Interstate Commerce Act (49 U.S.C. 304(a)(6)) is amended by adding subparagraph "(1)" to read as follows:

"204(a)(6)(1) Whenever the Commission, upon its own motion or upon application of any interested party, determines that the requirements of this Part, in whole or in part, to any person or class of persons or to any services or transportation performed under this Part is not necessary in order to effectuate the National Transportation Policy declared in this Act or to effective regulation by the Commission thereunder, and would serve little or no useful purpose, it shall by order exempt such person or class of persons or such services or transportation from the provisions of this Part for such period of time as may be specified in such order. The Commission may by order revoke any such exemption whenever it shall find that the subjugation of the requirements of

this Part, in whole or in part, to the exempted person or class of persons or exempted services or transportation is necessary to effectuate the National Transportation Policy and to achieve effective regulation by the Commission and would serve a useful public purpose. No such exemption shall be denied or revoked except after notice and reasonable opportunity for hearing."

SEC. 3. Section 304(a) of the Interstate Commerce Act (49 U.S.C. 904(a)) is amended by adding subparagraph "(1)" thereto to read as follows:

"304(a)(1) Whenever the Commission, upon its own motion or upon application of any interested party, determines that the requirements of this Part, in whole or in part, to any person or class of persons or to any services or transportation performed under this Part is not necessary in order to effectuate the National Transportation Policy declared in this Act or to achieve effective regulation by the Commission thereunder, and would serve little or no useful public purpose, it shall by order exempt such person or class of persons or such services or transportation from the provisions of this Part for such period of time as may be specified in such order. The Commission may by order revoke any such exemption whenever it shall find that the subjugation of the requirements of this Part, in whole or in part, to the exempted person or class of persons or exempted services or transportation is necessary to effectuate the National Transportation Policy and to achieve effective regulation by the Commission and would serve a useful public purpose. No such exemption shall be denied or revoked except after notice and reasonable opportunity for hearing."

SEC. 4. Section 403(a) of the Interstate Commerce Act (49 U.S.C. 1003(a)) is amended by adding a subparagraph "(1)" thereto to read as follows:

"403(a)(1) Whenever the Commission, upon its own motion or upon application of any interested party, determines that the requirements of this part, in whole or in part, to any person or class of persons or to any services or transportation performed under this part is not necessary in order to effectuate the national transportation policy declared in this Act or to effective regulation by the Commission thereunder, and would serve little or no useful public purpose, it shall by order exempt such person or class of persons or such services of transportation from the provisions of this part for such period of time as may be specified in such order. The Commission may by order revoke any such exemption whenever it shall find that the subjugation of the requirements of this part, in whole or in part, to the exempted person or class of persons or exempted services or transportation is necessary to effectuate the national transportation policy and to achieve effective regulation by the Commission and would serve a useful public purpose. No such exemption shall be denied or revoked except after notice and reasonable opportunity for hearing."

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2459. A bill to amend section 20(5) of the Interstate Commerce Act and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend section 20(5) of the Interstate Commerce Act and for other purposes, and ask unanimous consent that the letter of transmittal be printed in the RECORD with the text of the bill.

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

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., August 9, 1973.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

GENTLEMEN: Submitted for your consideration is a draft bill which would amend section 20(5) of the Interstate Commerce Act, 49 U.S.C. 20(5), to clarify the power of the Interstate Commerce Commission to inspect and copy all books and records of carriers regulated by it, including such items as the carriers' financial forecasts. Because the amendment is of some urgency, we request that the Congress consider this matter separately from the other legislative proposals we have submitted.

Our recent efforts to obtain rail revenue forecasts commenced three years ago in response to a request from Senator Hartke to supply his Subcommittee with a list of marginal railroads based on our analysis of the carriers' anticipated earnings. On September 4, 1970, we wrote to the Burlington Northern's chief accountant questioning the apparent practice of that carrier in declaring dividends in excess of earnings. In order to determine Burlington Northern's financial condition, we repeatedly requested the carrier's income and cash flow forecasts for 1970 and 1971. Lengthy litigation subsequently resulted when the Burlington Northern declined to comply with the Commission's request.

On December 22, 1970, in *Burlington Northern, Inc.* v. *Interstate Commerce Commission*, 323 F. Supp. 273, the District Court ruled in favor of the railroad's position that section 20(5), as presently worded, does not authorize the Commission to inspect income and cash flow forecasts of the carriers. On January 31, 1972, the United States Court of Appeals upheld the lower court's decision (462 F. 2d 280(1972)). A writ of certiorari to the Supreme Court was denied (409 U.S. 891(1972)), thereby creating the need for the attached legislation.

The draft bill would clarify the Commission's jurisdiction and have the effect of overturning the decisions of the courts by making an addition to the second sentence of section 20(5), so that the sentence would read (the added language underlined):

The Commission or any duly authorized special agent, accountant, or examiner thereof shall at all times have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents, of such carriers, lessors, and associations, *whether or not related to their prescribed or authorized accounting and corporate records*, and such accounts, books, records, memoranda, correspondence, and other documents, of any person controlling, controlled by, or under common control with any such carrier, as the Commission deems relevant to such person's relation to or transactions with such carrier.

It is our belief that free access to carrier budgeting and forecasting information is essential in order for us to perform our regulatory obligations under the Interstate Commerce Act and related statutes. For example, one of our present responsibilities is to keep the Congress informed of the financial condition of the major railroads and other carriers subject to regulation, particularly those in financial difficulty. Without any knowledge of future plans affecting the carrier, a proper determination of its continued viability is next to impossible. As was stated by the House Appropriations Committee on page 30 of their Report on *Department of Transportation and Related Agencies Appropriations Bill, 1973*, "The Committee is concerned with the financial conditions of the railroads, especially those controlled by the so-called conglomerates. Reports indicate that a few of these holding companies have depleted carrier assets to the point that the carrier is incapable of providing essential transportation services. The budget included an increase of six positions for the financial oversight program. In order to provide the Commission with the staffing necessary to maintain an adequate examination program of these companies, the Committee recommends that 18 of the additional positions be devoted to this activity."

The following is a list of other specific requirements and problem areas that further demonstrate our needs for obtaining access to such information:

To support the basis of equalization of maintenance expenses by the carrier. Since equalization accounting is based on budgetary considerations, we need to know what the annual projections show to determine the propriety of the accounting performed. Such projections are actually the basis for the equalization of such maintenance costs.

To determine long-range plans regarding the use of carrier funds.

To determine proposed uses of carrier assets in non-carrier activities that might adversely affect a carrier's financial status.

To compare long-range dividend plans and related cash needs.

To provide advance notice of possible reorganization proposals that would tend to weaken the carrier.

To analyze long-range financing needs, and a carrier's ability to meet long-term debt obligations when due.

To determine the propriety of charges to be assessed against a carrier by its parent or affiliates in the future.

To provide insight into management's outlook toward a carrier, such as, whether resources are to be used to improve the carrier's ability to seve the public, or to finance diversified activities.

To determine the effect of expansion or retrenchment programs, such as possible deferral of maintenance.

To gauge the effect of income projections on present accounting practice, which is important in understanding current accounting decisions and in detecting possible manipulation of income.

To determine the effect on a carrier of proposed inter-company transactions, including the transfer of assets to other members of a conglomerate group.

The foregoing listing is not intended to be all-inclusive; however, it does indicate some of the more important reasons for us to have access to such information.

Congress also is aware of our need for such information and in the Senate Commerce Committee's Staff Study, "The Penn Central and Other Railroads," it was recommended that such disclosures be made in the future. That report stated, "The Commission should require annual reporting of forecasted sources and uses of funds, for example, for a future one year period. Such information would aid the Commission in spotting problems before a crisis develops and before hurried poorly reasoned temporary expedients are forced by events.[1]" We wholeheartedly agree.

Enactment of the enclosed legislation will, in our belief, give us authority commensurate with our responsibilities and, therefore, we urge that the draft bill be favorably considered.

Sincerely yours,
GEORGE M. STAFFORD, *Chairman.*

S. 2459

Be it enacted by the Senate and House of Representatives of the United States of

[1] "The Penn Central and Other Railroads," A Report to the Senate Committee on Commerce (December, 1972)—p. 190.

America in Congress assembled, That section 20(5) of the Interstate Commerce Act (49 U.S.C. 20(5)) is amended by striking out the entire paragraph and inserting in lieu thereof

"(5) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers and their lessors, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of moneys, and it shall be unlawful for such carriers or lessors to keep any accounts, records, and memoranda contrary to any rules, regulations, or orders of the Commission with respect thereto. The Commission or any duly authorized special agent, accountant, or examiner thereof shall at all times have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents, of such carriers, lessors, and associations, whether or not related to their prescribed or authorized accounting and corporate records, and such accounts, books, records, memoranda, correspondence, and other documents, of any person controlling, controlled by, or under common control with any such carrier, as the Commission deems relevant to such person's relation to or transactions with such carrier. The Commission or its duly authorized special agents, accountants, or examiners shall at all times have access to all lands, buildings, or equipment of such carriers or lessors, and shall have authority under its order to inspect and examine any and all such lands, buildings, and equipment. Such carriers, lessors, and other persons shall submit their accounts, books, records, memoranda, correspondence, and other documents for the inspection and copying authorized by this paragraph, and such carriers and lessors shall submit their lands, buildings, and equipment to inspection and examination, to any duly authorized special agent, accountant, or examiner of the Commission, upon demand and the display of proper credentials.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2460. A bill to amend the Interstate Commerce Act, to grant additional authority to the Interstate Commerce Commission regarding conglomerate holding companies involving carriers subject to the jurisdiction of the Commission and noncarriers, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Interstate Commerce Act, to grant additional authority to the Interstate Commerce Commission regarding conglomerate holding companies involving carriers subject to the jurisdiction of the Commission and noncarriers, and for other purposes, and ask unanimous consent that the letter of transmittal be printed in the RECORD with the text of the bill.

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

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., August 9, 1973.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

GENTLEMEN: For a number of years it has been apparent that there is a trend for conglomerate holding companies and other noncarriers to assume control of carriers subject to this Commission's jurisdiction and for the carriers thmselves to enter other fields. The possibility that this trend might ultimately result in a weakened common carrier system incapable of responding to the needs of the public has caused great concern in both the governmental and private sectors.

The entire question of conglomerates achieved national prominence following the bankruptcy of the Penn Central Transportation Company and this Commission's Testimony at Oversight Hearings held before the Subcommittee on Surface Transportation of the Senate Committee on Commerce on June 23, 1970. The conglomerate question was also raised during hearings on Railroad Loan Guarantee Legislation held before the House Interstate and Foreign Commerce Committee on June 25, 1970, and the Senate Committee on Commerce on July 8, 1970.

The Commission is increasingly concerned that the indiscriminate acquisition of transportation enterprises by holding companies having little or no interest in the performance of needed services for the shipping or traveling public may be inimical to the public interest. Similarly, the employment by carriers of the device of establishing a parent company to escape Commission jurisdiction also causes concern since it may serve to impair their ability to render efficient and economical services. We are also aware, however, of the potential benefits that corporate diversification can provide.

The Commission has, therefore, undertaken to draft a bill which we believe would provide us with the needed additional authority, and which, at the same time, would not prevent carriers from participating in profitable ventures unrelated to transportation.

The draft legislation has been written in terms that will enable the Commission to deal with major problem areas without, however, imposing undue burdens of administration upon the carriers regulated by us or our staff. This has been accomplished by limiting most of the provisions of the draft bill to railroads having operating revenues in excess of $5 million annually or to other carriers having operating revenues in excess of $1 million annually.

THE CONGLOMERATE TREND

Tables 1 through 5 show statistics for conglomerates in the railroad industry. The recent trend toward conglomerates of Class I railroads is reflected in Table 2. During 1962, two Class I railroads, the Missouri Pacific and Kansas City Southern, were acquired by parent holding companies. At that time, the two carriers' share of total Class I railroad operating revenues and ton-miles was 3.6 and 4.0 percent, respectively. By the end of 1972, fourteen roads were under the control of conglomerate companies, the affected carriers accounting for 50.2 percent of total Class I operating revenues and 50.9 percent of total ton-miles. As may be seen in the tables, the extent of "conglomeratization" was only slightly greater in 1972 than in 1969, the banner year for conglomerate formation. However, with the formation of the Chessie System, Inc., on June 15 of this year, railroads controlled by conglomerate holding companies now account for approximately two-thirds of total industry revenues and ton-miles.

The intercity bus business is dominated by two systems, Greyhound and Trailways, both controlled by firms involved in conglomerate activities—The Greyhound Corporation and Holiday Inns, Inc. Approximately 85 percent of total Class I operating revenues in the bus industry were accounted for by conglomerates in 1972. This information is reflected in Table 6.

Table 7 indicates the extent of conglomerate involvement in the trucking industry. Although acquisition activity has slowed appreciably in this area recently, it is our belief that, if an economic upturn accompanied by easier financial market conditions occurs, there will be a resulting acceleration in the conglomerate trend in the trucking industry.

QUESTIONABLE AND IMPROPER PRACTICES OF CONGLOMERATES

In recognition of this growing trend towards conglomerates, the Commission initiated a review of carriers controlled by diversified holding companies. The complexity of transactions involving intercompany relationships made these reviews exceedingly difficult. However, the Commission developed special audit procedures which were instrumental in bringing to light many intricate transactions. Among the practices uncovered by the Commission were the following:

Carrier's assets were removed through questionable dividend practices.

Spin off of carrier's valuable nontransportation assets.

Carriers required to pay special dividends to liquidate holding company loans.

Carriers required to pay dividends with highly appreciated assets.

Carriers required to obtain loan from holding company in order to finance payment of dividends back to holding company resulting in depletion of carrier's retained income and contributing to future cash problems.

Carriers' assets were removed at less than fair market value resulting in holding company profiting from appreciated value.

Carriers' assets were removed through payment of management fees, in excess of fair market values, for nonexistent or negligible services.

Carriers were denied short term investment opportunities because of holding company restrictions on its use of cash.

Carriers required to maintain excessive bank balances for holding company credit.

Carriers required to advance cash to holding company at no interest or at below market interest rates.

Carriers' costs were increased because of arbitrary billing by holding company of intercompany transactions, such as leases, rental agreements and improper allocation of expenses.

Carriers' costs were increased and their cash position weakened because of being required to pay higher Federal income taxes by holding company tax allocation methods, such as:

Carriers were not given credit for losses of their subsidiaries.

Carriers did not receive any benefits from tax losses contributed to a consolidated return; and

Carrier investment tax credits which produce a lower tax payment for the holding company were not passed down from the holding company.

Carrier management talent was diverted to non-carrier activities without compensation.

Specific examples of the above practices, some of which have been previously reported to Congress, are set forth in Appendix B.

PROPOSED LEGISLATION

In order to control these questionable practices, the Commission requests that the attached draft bill, which is reviewed below, be enacted.

Section 1 of the draft bill would confer jurisdiction upon the Commission to authorize single carrier acquisitions, limited, however, to the requirement that authorization be obtained for railroads having operating revenues in excess of $5 million annually and all other carriers having operating revenues in excess of $1 million annually.

Section 2 of the draft bill would authorize the Commission to designate a person not a carrier to be a carrier for purposes of reporting, maintaining accounts and issuing securities, as the Commission may deem appropriate, at such time as the acquisition of control is authorized by the Commission or subsequently in the cases of railroads having operating revenues in excess of $5 million annually or other carriers having operating revenues in excess of $1 million annually.

Section 3 of the draft bill would enable the Commission in its discretion to promulgate rules and regulations relating to transactions between affiliated companies and railroads having operating revenues in excess of $5 million annually and other carriers having operating revenues in excess of $1 million annually.

Section 4 of the draft bill would establish a presumption of control where any person owns 10 percent or more of the voting securities of the carrier.

Section 5 of the draft bill would enable the Commission to enter such orders as may be required, including divestiture, whenever it finds that the continued maintenance of control will impair the ability of the affected carrier to render its services.

Section 6 of the draft bill would require the recording, in the manner prescribed by the Commission, of the beneficial or record ownership by those who hold more than 1 percent of any class of stock of a railroad having operating revenues in excess of $5 million annually, or 5 percent of any other carrier having operating revenues in excess of $1 million annually.

Section 10 of the draft bill adds a proviso to section 20a(3) of the Act so that it will conform to change made in section 2 of the draft bill.

Sections 7 through 9 and 11 through 21, inclusive, of the draft bill would authorize the Commission to prescribe the accounts and reports to be rendered by persons controlling, controlled by and under common control with carriers, as well as those of the carriers themselves, and would permit the inspection of the records of such persons, as well as those of the carriers themselves.

Under separate cover, the Commission is sending a recommendation to Congress that section 20(5) of the Act be amended to allow the Commission to obtain financial forecasts from carriers. The proposal here is to be considered independently of that recommendation. If, however, Congress enacts both recommendations, a re-draft of the amendment to section 20(5) of the Act will be necessary.

Section 22 of the draft bill would make it a crime to misappropriate funds by the officials of carriers and, additionally, persons controlling, controlled by or under common control with such carriers.

Finally, section 23 of the draft bill would establish an effective date 90 days from the date of approval of the legislation.

As previously stated, the draft bill does not attempt to prevent carriers from availing themselves of profitable opportunities unrelated to transportation but rather seeks to control the flow of assets out of carriers connected with conglomerates. With such safeguards it can be noted incidentally that the carriers' position with regard to the original versus replacement cost issue in ratemaking becomes less offensive to the Commission.

These relatively new forms of corporate structure make new authority for the Commission necessary if it is to continue to perform its public duties. We, therefore, urge Congress to give this recommendation prompt and favorable consideration.

Sincerely yours,

GEORGE M. STAFFORD, *Chairman.*

Attachments.

TABLE 1.—*Major railroads controlled by holding companies and date of involvement*

Railroad—Effective Date

Kansas City Southern Ry. Co., Jan. 29, 1962.

Missouri Pacific R.R. Co., Dec. 31, 1962.

Illinois Central Gulf R.R. Co., Mar. 26, 1963.

Boston & Maine Corp., May 1, 1964.

Bangor & Aroostook R.R. Co., Oct. 13, 1964.

Missouri-Kansas-Texas R.R. Co., Aug. 24, 1967.

Atchison, Topeka, & Santa Fe Ry. Co., Aug. 19, 1968.

Seaboard Coast Line R.R. Co., Jan. 21, 1969.

Union Pacific R.R. Co., Feb. 17, 1969.

Denver & Rio Grande Western R.R. Co., Apr. 25, 1969.

Penn Central Transportation Co., Oct. 1, 1969.

Southern Pacific Transportation Co., Nov. 26, 1969.

Western Pacific R.R. Co., June 17, 1971.

Chicago, Milwaukee, St. Paul & Pacific R.R. Co., Mar. 23, 1972.

Chesapeake & Ohio R.R. Co., June 15, 1973.

Baltimore & Ohio R.R. Co., June 15, 1973.

(NOTE.—Prior to 1972 Illinois Central Gulf R.R. Co. was Illinois Central R.R. Co.; new name adopted August 10, 1972, when Illinois Central merged with Gulf, Mobile & Ohio R.R. Co. Chicago & North Western Ry. was included prior to 1972 when it was controlled by Northwest Industries, Inc.)

TABLE 2.—SELECTED STATISTICS FOR MAJOR CLASS I RAILROADS IN THE UNITED STATES DIRECTLY CONTROLLED BY CONGLOMERATE HOLDING COMPANIES, YEARS 1967-72

	1967	1968	1969	1970	1971	1972
Operating revenues (thousands):						
Total class I railroads	$10,366,041	$10,854,678	$11,450,325	$11,984,994	$12,790,311	$13,585,893
Railroads under conglomerate control	$1,037,520	$1,778,588	$5,702,267	$5,922,820	$6,370,481	$6,824,997
Percent of total under conglomerate control	10.0	16.4	49.8	49.4	49.8	50.2
Freight revenues (thousands):						
Total class I railroads	$9,130,233	$9,749,788	$10,346,258	$10,915,771	$11,786,431	$12,571,707
Railroads under conglomerate control	$917,357	$1,599,030	$5,079,086	$5,323,494	$5,892,685	$6,406,739
Percent of total under conglomerate control	10.0	16.4	49.1	48.8	50.0	51.0
Ton miles (millions):						
Total class I railroads	719,498	744,023	767,841	762,544	739,746	777,851
Railroads under conglomerate control	73,531	124,159	370,891	368,899	367,733	395,969
Percent of total under conglomerate control	10.2	16.7	48.3	48.4	49.7	50.9

Source: "Transport Statistics in the United States," annual reports form A, 4th quarter R.E. & I. and OS-B, and statement No. 100.

TABLE 3.—SELECTED STATISTICS FOR CLASS I RAILROADS IN THE UNITED STATES DIRECTLY CONTROLLED BY CONGLOMERATE HOLDING COMPANIES, YEARS 1971-72

	Total operating revenues (thousands)		Freight revenues (thousands)		Ton miles (millions)	
	1971	1972	1971	1972	1971	1972
Bangor & Aroostook	$12,730	$13,752	$12,164	$13,060	464	475
Boston & Maine	76,632	77,298	64,648	64,271	2,609	2,647
Penn Central	1,775,190	1,825,456	1,534,451	1,606,541	79,086	83,211
Illinois Central Gulf	352,377	474,104	324,927	446,297	21,991	32,302
Seaboard Coast Line	530,254	563,137	506,361	546,633	31,182	32,390
Santa Fe	779,366	831,695	733,509	794,005	48,280	51,685
Rio Grande	109,541	112,671	106,732	109,974	8,020	7,654
Kansas City Southern	101,465	106,415	95,729	101,377	6,861	7,064
Missouri-Kansas-Texas	74,208	78,968	71,509	76,265	4,733	4,829
Missouri Pacific	421,855	451,081	403,528	434,617	28,341	29,475
Southern Pacific	1,028,705	1,119,930	1,001,350	1,092,276	66,770	70,251
Union Pacific	691,571	769,623	662,918	743,755	45,576	50,968
Western Pacific	78,194	88,035	74,583	85,498	4,974	5,329
Milwaukee		312,832		292,170		17,689
Chicago & North Western	338,393		300,276		18,846	
Total	6,370,481	6,824,997	5,892,685	6,406,739	367,733	395,969
U.S. total	12,790,311	13,585,893	11,786,431	12,571,707	739,746	777,851
Percent of U.S. total	49.8	50.2	50.0	51.0	49.7	50.9

Note: Data are not shown for Milwaukee in year 1971 since the holding company was not formed until 1972. Chicago & North Western was not included in data for year 1972 since it was no longer under the control of a holding company.

Source: See table 2.

TABLE 4.—SELECTED STATISTICS FOR CLASS I RAILROADS IN THE UNITED STATES INDIRECTLY CONTROLLED BY CONGLOMERATE HOLDING COMPANIES, YEARS 1971–72

	Controlled by	Total operating revenues (thousands)		Freight revenues (thousands)		Ton miles (millions)	
		1971	1972	1971	1972	1971	1972
Detriot, Toledo & Ironton	Pa. C	$37,151	$41,724	$35,535	$40,587	1,295	1,420
Ann Arbor	D.T. & I.	10,860	11,003	10,362	10,588	683	671
Lehigh Valley	P.C.	45,459	51,129	44,177	49,161	2,475	2,653
Monongahela	P.C.	6,263	8,379	6,174	8,334	374	446
Pennsylvania—Reading SSL	P.C.	8,909	9,044	7,882	7,852	119	112
Pittsburgh & Lake Erie	P.C.	36,615	37,532	33,703	35,545	1,175	1,291
Toledo, Peoria & Western	P.C.-ATSF	10,925	11,433	10,476	10,960	494	485
Northwestern Pacific	SP	12,170	14,080	12,080	14,040	525	586
St. Louis Southwestern	SP	143,891	152,272	142,115	150,451	9,137	9,879
Texas & Pacific	MP	103,492	108,433	98,419	104,712	6,037	6,340
Chicago & Eastern Illinois	MP	35,275	39,578	34,753	38,968	2,463	2,632
Missouri-Illinois	MP	7,277	7,667	7,193	7,564	314	326
Georgia, Lessee Corp	SCL	12,575	11,189	12,094	10,812	939	686
Louisville & Nashville	SCL	428,561	458,478	418,050	447,506	31,231	33,358
Clinchfield	SCL	37,877	40,215	37,460	39,819	3,876	3,949
Total		937,300	1,002,156	910,473	976,899	61,137	64,834

Source: "Transport Statistics in the United States" and annual report forms A.

TABLE 5.—SELECTED STATISTICS FOR CLASS I RAILROADS IN THE UNITED STATES CONTROLLED BY CONGLOMERATE HOLDING COMPANIES, 1971–72

	Total operating revenues (thousands)		Freight revenues (thousands)		Ton-miles (millions)	
	1971	1972	1971	1972	1971	1972
Total of directly controlled railroads	$6,370,481	$6,824,997	$5,892,685	$6,406,739	$367,733	$395,969
Total of indirectly controlled railroads	$937,300	$1,002,156	$910,473	$976,899	$61,137	$64,834
Total	$7,307,781	$7,827,153	$6,803,158	$7,383,638	$428,870	$460,803
U.S. total	$12,790,311	$13,585,893	$11,786,431	$12,571,707	$739,746	$777,851
Percent of U.S. total	57.1	57.6	57.7	58.7	58.0	59.2

Source: Tables 3 and 4.

TABLE 6.—A COMPARISON OF SELECTED STATISTICS OF CLASS I MOTOR CARRIERS OF PASSENGERS OWNED BY NONTRANSPORTATION FIRMS INVOLVED IN CONGLOMERATE ACTIVITIES, 1970 AND 1972

	1970			1972		
	Total (thousands)	Aggregate U.S. total [1] (thousands)	Percent of U.S. total	Total (thousands)	Aggregate U.S. total [1] (thousands)	Percent of U.S. total
Total operating revenues	$713,639	$881,848	80.9	$757,762	$892,022	84.9
Passenger revenue:						
Intercity service, regular route	459,637	523,358	87.8	490,869	544,934	90.1
Local service	77,723	123,947	62.7	66,142	87,412	75.7
Charter, sightseeing and other special services	64,564	114,510	56.4	80,896	128,055	63.2
Total number of revenue passengers carried	312,458	500,681	62.4	250,344	326,234	76.7
Revenue passengers carried:						
Intercity service, regular route	111,084	146,144	76.0	104,747	129,309	81.0
Local (excluding transfer)	184,062	309,184	59.5	131,144	159,511	82.2
Charter, sightseeing and other revenue passengers	17,312	45,353	38.2	14,453	37,414	38.6

[1] Preliminary figures, all class I motor carriers of passengers.

Source: Individual carrier reports.

TABLE 7.—SELECTED STATISTICS OF CLASS I MOTOR CARRIERS OF PROPERTY OWNED BY NONTRANSPORTATION/CONGLOMERATE FIRMS, 1970 AND 1972

[Dollar amounts in thousands]

	1970 [1]		1972 [1]	
	Total	Percentage of class I total [2]	Total	Percentage of class I total [2]
Operating revenue	$1,454,579	12.2	$1,720,410	12.3
Intercity freight revenue	1,367,275	12.5	1,649,774	12.1
Tons of revenue freight carried intercity	54,827	9.9	55,477	(3)

[1] Based on preliminary review of annual reports of carriers.
[2] Total for all class I motor carriers of property.
[3] Not available.

Source: Individual carrier reports.

RAILROADS

Southern Pacific Transportation Co.

Southern Pacific Transportation Company transferred at book value to its parent holding company, Southern Pacific Company, the following properties:

Carrier's investment in its subsidiaries with a book value of $6 million, and an estimated market value of more than $120 million.

Carrier owned nonoperating lands of about 1.9 million acres, mostly land grants, in the States of California, Nevada and Utah with a book value of about $6 million, and an undetermined market value.

Union Pacific Railroad

Several questionable practices which our staff uncovered are:

Several thousand acres of land grants were transferred at no cost to the holding company. That is, the carrier gave away its resources, and since they did not initially pay for these lands, there were no dollar amounts assigned as a dividend.

Substantial cash transactions were made by the carrier, prior to reorganization such as a $175 million advance to Union Pacific Development Company, a subsidiary prior to reorganization, to enable Union Pacific Development Company to acquire Champlin Petroleum and to provide it with operating funds.

An agreement between the carrier and Amoco Production Company covering exploratory rights with respect to 6.8 million acres of land that was given to Champlin Petroleum after reorganization.

The agreement was a three-year option for $9 million. The carrier, by giving this to Champlin (now a subsidiary of the holding company), will not receive the balance of the option payment which is about $4.5 million. In addition, all royalty payments that would have been received will now be lost to the carrier.

MOTOR CARRIERS OF PROPERTY

Commercial Motor Freight, Inc.

Carrier obtained a loan of $14,990,000 from General Acceptance Corporation (a financial institution), which it subsequently lent to Banner Industries, Inc., in order for Banner to acquire the carrier's outstanding stock.

Akers Motor Lines, Inc.

On December 15, 1971, Transportation Systems, Inc., purchased Akers Motor Lines, Inc., through acquisition of all of the carrier's outstanding capital stock. Total consideration was $14 million, of which $11 million was borrowed from the carrier. In order to finance its acquisition, carrier has encumbered its entire fleet of revenue equipment.

MOTOR CARRIERS OF PASSENGERS

Greyhound Corp.

Preliminary review by our staff of questionable practices disclosed the following:

Similar problems encountered at other holding companies, such as dividend practices, interest policies, income tax allocations and use of carrier resources for the benefit of the holding company.

Carrier's bus fleet has been encumbered to support a $75 million loan obtained by the holding company for its acquisition of Armour and Company.

Carrier subsidiaries are required to pay dividends whether or not the cash is available. Where sufficient funds are not available, interest is charged on the unpaid dividends. This appears to be a device to increase the carrier's income and increase its dividend payment to the holding company.

Carrier pays out a higher percentage of its earnings in dividends to the holding company than other members of the group.

Carrier assets were transferred to the holding company as an advance. The carrier not only does not receive any interest but has lost the earning power of these assets which is in excess of about $17 million since the transfer.

In recent years, over 32 percent of the carrier's assets have been passed to the holding company depleting its working capital.

S. 2460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(2)(a) of the Interstate Commerce Act (49 U.S.C. 5(2)(a)) is amended by striking out the period at the end of subparagraph (ii) and inserting in lieu thereof "; or" and by adding at the end thereof the following new subparagraph:

"(iii) for any person which is not a carrier, or two or more such persons jointly, to acquire control through ownership of its stock or otherwise of a carrier by railroad, the operating revenues of which exceeded $5,000,000 or of a carrier other than a carrier by railroad, the operating revenues of which exceeded $1,000,000 for a period of twelve consecutive months preceding the date of the agreement of the parties covering the transaction."

SEC. 2. The first and second sentences of section 5(3) of the Interstate Commerce Act (49 U.S.C. 5(3)) are amended to read as follows:

"Whenever a person which is not a carrier is authorized by an order entered under paragraph (2), to acquire control, or whenever a person which is not a carrier is found by the Commission to be in control of any carrier by railroad, the operating revenues of which exceed $5,000,000 or of a carrier other than a carrier by railroad, the operating revenues of which exceed $1,000,000 annually, or of two or more carriers, such person thereafter shall, to the extent provided by order of the Commission be considered as a carrier subject to such of the following provisions as are applicable to any carrier involved in such acquisition of control: section 20 (1) to (10), inclusive, of this Part, sections 204(a) (1) and (2) and 220 of Part II, and section 313 of Part III (which relate to reports, accounts, and so forth, of carriers), and section 20a (2) to (11), inclusive, of this Part, and section 214 of Part II (which relate to issues of securities and assumptions of liability of carriers), including in each case the penalties applicable in the case of violations of such provisions.

"To the extent, if any, and at such time as the Commission orders the application of such provisions of section 20a of this part or section 214 of Part II, in the case of any such person, the Commission shall authorize the issue or assumption applied for (a) if it finds that such issue or assumption is for a purpose unrelated to the activities of any carrier under the control of such person, subject, however, to concurrent jurisdiction to be exercised by the Securities and Exchange Commission, or (b) if it finds that such issue or assumption is (i) for a purpose related to the activities of any carrier under the control of such person, (ii) is consistent with the proper performance of service to the public by each carrier under the control of such person and (iii) will not impair the ability of any such carrier to perform such service."

SEC. 3. Section 5(3) of the Interstate Commerce Act (49 U.S.C. 5(3)) is amended by inserting "(a)" immediately after "(3)" and by adding at the end thereof the following new subparagraph:

"(b) Whenever in the performance of its duties under section 12, section 20 and section 204(a)(7) of this Act to inquire into the management of the business of any carrier by railroad, the operating revenues of which exceed $5,000,000 annually, or a carrier other than a carrier by railroad the operating revenues of which exceed $1,000,000 annually, the Commission determines as a result of such inquiry that there is reason to believe that dealings or transactions involving the receipt and expenditures of moneys, transfers of land and buildings, or equipment, or other dealings (other than those involving issuances of securities as provided in section 20a of Part I or section 214 of Part II) between any such carrier and any person controlling, controlled by, or under common control with such carrier, or any affiliate of such person, may result in impairment of the operations of the carrier or its ability to respond to the needs of the public, the Commission may issue an order to any such carrier to show cause why all such dealings and transactions should not be submitted to the Commission for approval or disapproval. The Commission may, after hearing, require by order any such carrier to file an application for approval of any dealings or transactions aforesaid until further order by the Commission, or require by order such other action, including divestiture of control, as contemplated by section 5(17) of this Act."

SEC. 4. Section 5(4) of the Interstate Commerce Act (49 U.S.C. 5(4)) is amended to read as follows:

"(4) It shall be unlawful for any person, except as provided in paragraph (2), to enter into any transactions within the scope of subparagraph (a) thereof, or to accomplish or effectuate, or to participate in accomplishing or effectuating, the control or management of a carrier or of two or more carriers, however such result is attained, whether directly or indirectly, by use of common directors, officers, or stockholders, a holding or investment company or companies, a voting trust or trusts, or in any other manner whatsoever. It shall be unlawful to continue to maintain control or management accomplished or effectuated after the enactment of this amendatory paragraph and in violation of its provisions. As used in this paragraph and paragraph (5), the words "control or management" shall be construed to include the power to exercise control or management. For the purpose of this section, any person owning beneficially 10 per centum or more of the voting securities of a carrier shall be presumed to be in control of such carrier unless the Commission finds otherwise."

SEC. 5. Section 5 of the Interstate Commerce Act (49 U.S.C. 5) is amended by adding at the end thereof the following new paragraph:

"(17) Whenever the Commission, after notice and hearing, determines that control—of a carrier by another carrier or two or more carriers, or by a person which is not a carrier, or two or more persons—is being used in a manner which is impairing or threatens to impair the ability of the affected carrier properly to perform its service to the public, it shall by order direct cessation of any actions or practices of the controlling party or parties and direct such affirmative conduct as in its judgment will enable any such carrier properly to perform its service to the public, or, where warranted by the facts and circumstances, the Commission shall require such further action as in its opinion is necessary or appropriate, including, among other things, the divestiture of control of the carrier whose service to the public has been impaired or threatened."

SEC. 6. Section 20(5) of the Interstate Commerce Act (49 U.S.C. 20(5)) is amended by inserting "(a)" immediately after "(5)" and by adding at the end thereof the following new subparagraph:

"(b) Any person having legal or beneficial ownership, as trustee or otherwise, of more than 1 per centum of any class of the capital stock or capital, as the case may be, of any carrier by railroad, the operating revenues of which exceed $5,000,000 annually or 5 per centum of any class of the capital stock or capital, as the case may be, of any carrier other than a carrier by railroad the operating revenues of which exceed $1,000,000 annually, shall submit at such times and in such form as the Commission may require, a description of the shares of stock or other interest owned by such person, and the amount thereof."

SEC. 7. Section 20(1) of the Interstate Commerce Act (49 U.S.C. 20(1) is amended to read as follows:

"(1) The Commission is hereby authorized to require annual, periodical or special reports from carriers, persons controlling, controlled by or under a common control with such carriers, lessors and associations (as defined in this section), to prescribe the manner and form in which such reports shall be made, and to require from such carriers, persons controlling, controlled by or under a common control with such carriers, lessors and associations specific and full, true and correct answers to all questions upon which the Commission may deem information to be necessary, classifying such carriers, persons controlling, controlled by, or under a common control with such carriers, lessors and associations as it may deem proper for any of these purposes. Such annual reports shall give an account of the affairs of the carrier, persons controlling, controlled by, or under common control with such carrier,

lessor or association in such form and details as may be prescribed by the Commission."

SEC. 8. Section 20(3) of the Interstate Commerce Act (49 U.S.C. 20(3)) is amended to read as follows:

"(3) The Commission may, in its discretion, for the purpose of enabling it the better to carry out the purposes of this Part, prescribe a uniform system of accounts applicable to any class of carriers subject thereto, persons controlling, controlled by or under common control with such carriers, and a period of time within which such class shall have such uniform system of accounts, and the manner in which such accounts shall be kept."

SEC. 9. Section 20(5)(a) of the Interstate Commerce Act (49 U.S.C. 20(5)(a)) as so redesignated by section 6 of this Act, is amended to read as follows:

"(5)(a) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers, persons controlling, controlled by, or under common control with such carriers, and their lessors, including the accounts, records, and memoranda of the movement of traffic, as well as the receipts and expenditures of moneys, and it shall be unlawful for such carriers, persons controlling, controlled by, or under common control with such carriers, or lessors to keep any accounts, records, and memoranda contrary to any rules, regulations, or orders of the Commission with respect thereto. The Commission or any duly authorized special agent, accountant, or examiner thereof shall at all times have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of such carriers, persons controlling, controlled by, or under common control with any such carriers, lessors, and associations. The Commission or its duly authorized special agents, accountants, or examiners shall at all times have access to all lands, buildings, or equipment of such carriers, persons controlling, controlled by, or under common control with such carriers, or lessors, and shall have authority under its order to inspect and examine any and all such lands, buildings, and equipment. Such carriers, persons controlling, controlled by, or under common control with such carriers, lessors, and other persons shall submit their accounts, books, records, memoranda, correspondence, and other documents for the inspection and copying authorized by this paragraph, and such carriers, persons controlling, controlled by, or under common control with such carriers, and lessors shall submit their lands, buildings, and equipment to inspection and examination, to any duly authorized special agent, accountant, or examiner of the Commission, upon demand and the display of proper credentials."

SEC. 10. Section 20a(3) of the Interstate Commerce Act (49 U.S.C. 20a(3)) is amended by striking out the period at the end thereof and inserting the following:

"; *Provided, however,* That in the case of a person considered a carrier pursuant to section 5(3) of this part, modifications, terms or conditions may be specified only after a finding by the Commission that, otherwise, the proposed issue or assumption of securities would not be consistent with the proper performance of service to the public by each carrier which is under the control of such person and would impair the ability of any such carrier to perform such service in the absence of such modification, terms or conditions."

SEC. 11. Section 204(a)(1) of the Interstate Commerce Act (49 U.S.C. 304(a)(1)) is amended to read as follows:

"(1) To regulate common carriers by motor vehicles, persons controlling, controlled by, or under common control with such common carriers, as provided in this part, and to that end the Commission may establish reasonable requirements with respect to continuous and adequate service, transportation of baggage and express, uniform systems of accounts, records, and reports, and preservation of records."

SEC. 12. Section 204(a)(2) of the Interstate Commerce Act (49 U.S.C. 304(a)(2)) is amended to read as follows:

"To regulate contract carriers by motor vehicles, persons controlling, controlled by, or under common control with such contract carriers, as provided in this part, and to that end the Commission may establish reasonable requirements with respect to uniform systems of accounts, records, and reports, and preservation of records."

SEC. 13. Section 220(a) of the Interstate Commerce Act (49 U.S.C. 320(a)) is amended to read as follows:

"220(a) The Commission is hereby authorized to require annual, periodical, or special reports from all motor carriers, persons controlling, controlled by, or under common control with such carriers, brokers, lessors, and associations (as defined in this section); to prescribe the manner and form in which such reports shall be made; and to require from such carriers, persons controlling, controlled by, or under common control with such carriers, brokers, lessors, and associations specific and full, true, and correct answers to all questions upon which the Commission may deem information to be necessary. Such annual reports shall give an account of the affairs of the carrier, persons controlling, controlled by, or under common control with such carrier, broker, lessor, or association in such form and detail as may be prescribed by the Commission. The Commission may also require any motor carrier or broker to file with it a true copy of any contract, agreement, or arrangement between such carrier and any other carrier or person in relation to any traffic affected by the provisions of this Part. The Commission shall not, however, make public any contract, agreement, or arrangement between a contract carrier by motor vehicle and a shipper, or any of the terms or conditions thereof, except as a part of the record in a formal proceeding where it considers such action consistent with the public interest: *Provided,* That if it appears from an examination of any such contract that it fails to conform to the published schedule of the contract carrier by motor vehicle as required by section 218(a), the Commission may, in its discretion, make public such provisions of the contract as the Commission considers necessary to disclose such failure and the extent thereof."

SEC. 14. Section 220(d) of the Interstate Commerce Act (49 U.S.C. 320(d)) is amended to read as follows:

"(d) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by motor carriers, persons controlling, controlled by, or under common control with such carriers, brokers, and lessors including the accounts, records, memoranda of the movement of traffic, as well as of the receipts and expenditures of moneys, and it shall be unlawful for such carriers, persons controlling, controlled by, or under common control with such carriers, brokers, and lessors to keep any accounts, records, and memoranda contrary to any rules, regulations, or orders of the Commission with respect thereto. The Commission may issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents of motor carriers, persons controlling, controlled by, or under common control with such carriers, brokers, or lessors as may after a reasonable time be destroyed, and prescribing the length of time the same shall be preserved. The Commission or its duly authorized special agents, accountants, or examiners shall at all times have access to and authority, under its order, to inspect and examine any and all lands, buildings, or equipment of motor carriers, persons controlling, controlled by, or under common control with such carriers, brokers, and lessors; and shall have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of such carriers, persons controlling, controlled by, or under common control with such carriers, brokers, lessors, and associations (as defined in this section). Motor carriers, persons controlling, controlled by, or under common control with any such carriers, brokers, lessors, and persons shall submit their accounts, books, records, memoranda, correspondence, and other documents for the inspection and copying authorized by this paragraph, and motor carriers, persons controlling, controlled by, or under common control with such carriers, brokers, and lessors shall submit their lands, buildings, and equipment for examination and inspection to any duly authorized special agent, accountant, or examiner of the Commission upon demand and the display of proper credentials."

SEC. 15. Section 313(a) of the Interstate Commerce Act (49 U.S.C. 913(a)) is amended to read as follows:

"SEC. 313(a) The Commission is hereby authorized to require annual, periodical, or special reports from water carriers, persons controlling, controlled by, or under common control with such carriers, lessors, and associations (as defined in this section), and to prescribe the manner and form in which such reports shall be made, and to require from such carriers, persons controlling, controlled by, or under common control with such carriers, lessors, and associations specific and full, true, and correct answers to all questions upon which the Commission may deem information to be necessary. Such annual reports shall give an account of the affairs of the carrier, any person controlling, controlled by, or under common control with such carrier, lessor, or association in such form and detail as may be prescribed by the Commission. Said annual reports shall contain all the required information for the period of twelve months ending on the thirty-first day of December in each year, unless the Commission shall specify a different date, and shall be made out under oath and filed with the Commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the Commission. Such periodical or special reports as may be required by the Commission under this paragraph shall also be under oath whenever the Commission so requires."

SEC. 16. Section 313(c) of the Interstate Commerce Act (49 U.S.C. 913(c)) is amended to read as follows:

"(c) The Commission may in its discretion, for the purpose of enabling it the better to carry out the purposes of this Part, prescribe a uniform system of accounts applicable to any class of water carriers, persons controlling, controlled by, or under common control with such carriers, and a period of time within which such class shall have such uniform system of accounts, and the manner in which such accounts shall be kept."

SEC. 17. Section 313(e) of the Interstate Commerce Act (49 U.S.C. 913(e)) is amended to read as follows:

"(e) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by water carriers, persons controlling controlled by, or under common control with such carriers and lessors, including the ac-

counts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of money, and it shall be unlawful for such carriers, persons controlling controlled by, or under common control with such carriers, or lessors to keep any accounts, records, and memoranda contrary to any rules, regulations, of orders of the Commission with respect thereto."

SEC. 18. Section 313(f) of the Interstate Commerce Act (49 U.S.C. 913(f)) is amended to read as follows:

"(f) The Commission or its duly authorized special agents, accountants, or examiners shall have authority to inspect and copy any and all acounts, books, records, memoranda, correspondence, and other documents, of such water carriers, persons controlling, controlled by, or under common control with such carriers, and lessors, and of associations (as defined in this section). The Commission or its duly authorized special agents, accountants, or examiners shall at all times have access to all lands, buildings, or equipment of such carriers, persons controlling, controlled by, or under common control with any such carriers, or lessors, and shall have authority under its order to inspect and examine any and all such lands, buildings, and equipment. All such carriers, lessors, and persons shall submit their accounts, books, records, memoranda, correspondence, and other documents for the inspection and for copying authorized by this paragraph, and such carriers, persons controlling, controlled by, or under common control with such carriers and lessors shall submit their lands, buildings, and equipment for inspection and examination, to any duly authorized special agent, accountant, or examiner of the Commission, upon demand and the display of proper credentials."

SEC. 19. Section 412(a) of the Interstate Commerce Act (49 U.S.C. 1012(a)) is amended to read as follows:

"SEC. 412(a). For purposes of administration of the provisions of this Part, the Commission is hereby authorized to require annual, periodical, or special reports from freight forwarders, persons controlling, controlled by, or under common control with such freight forwarders, and associations (as defined in this section), and to prescribe the manner and form in which such reports shall be made, and to require from such forwarders, persons controlling, controlled by, or under common control with such forwarders, and associations specific, full, true, and correct answers to all questions upon which the Commission may deem information to be necessary. Such annual report shall give an account of the affairs of the freight forwarder, persons controlling, controlled by, or under common control with such forwarder or association in such form and detail as may be prescribed by the Commission. The Commission may, in its discretion, for purposes of administration of the provisions of this Part, prescribe a uniform system of accounts applicable to freight forwarders and persons controlling, controlled by, or under common control with such forwarders, and the period of time within which they shall have such uniform system of accounts, and the manner in which such accounts shall be kept. The Commission may also require any such forwarder to file with it a true copy of any contract or agreement between such forwarder and any person in relation to transportation facilities, service, or traffic affected by the provisions of this Part.

SEC. 20. Section 412(c) of the Interstate Commerce Act (49 U.S.C. 1012(c)) is amended to read as follows:

"(c) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by freight forwarders and persons controlling, controlled by, or under common control with such forwarders, with respect to service subject to this Part, and the length of time such accounts, records, and memoranda shall be preserved, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of money, and it shall be unlawful for freight forwarders and persons controlling, controlled by, or under common control with such forwarders to keep any accounts, books, records, and memoranda contrary to any rule, regulation, or order of the Commission with respect thereto."

SEC. 21. Section 412(d) of the Interstate Commerce Act (49 U.S.C. 1012(d)) is amended to read as follows:

"(d) The Commission or its duly authorized special agents, accountants, or examiners shall at all times have access to and authority, under its order, to inspect and examine any and all lands, buildings, or equipment of freight forwarders and persons controlling, controlled by, or under common control with such forwarders; and shall have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of freight forwarders and persons controlling, controlled by, or under common control with such forwarders and of associations (as defined in this section). Freight forwarders and persons controlling, controlled by, or under common control with such forwarders shall submit their accounts, books, records, memoranda, correspondence, and other documents for the inspection and copying authorized by this subsection, and freight forwarders, persons controlling, controlled by, or under common control with such forwarders shall submit their lands, buildings, and equipment for examination and inspection, to any duly authorized special agent, accountant, or examiner of the Commission upon demand and the display of proper credentials."

SEC. 22. Section 660 of title 18, United States Code, is amended to read as follows:

"§ 660. Carrier's Fund Derived From Commerce; State Prosecutions.

"Whoever, being a president, director, officer, or manager of any firm, association, or corporation engaged in commerce as a common or contract carrier, person controlling, controlled by, or under common control with such carrier, or whoever being an employee of such common or contract carrier riding in or upon any railroad car, motortruck, steamboat, vessel, aircraft, or other vehicle of such carrier moving in interstate commerce, embezzles, steals, abstracts, or willfully misapplies or willfully permits to be misapplied, any of the moneys, funds, credits, securities, properties, or assets of such firm, association, or corporation arising or accruing from, or used in, such commerce, in whole or in part, or willfully or knowingly converts the same to his own use or to the use of another, shall be fined not more than $5,000 or imprisoned not more than ten years, or both. The offense shall be deemed to have been committed not only in the district where the violation first occurred but also in any district in which the defendant may have taken or had possession of such moneys, funds, credits, securities, properties or assets.

"The offense shall be deemed to have been committed not only in the district where the violation first occurred but also in any district in which the defendant may have taken or had possession of such moneys, funds, credits, securities, properties or assets.

"A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution under this section for the same act or acts."

SEC. 23. The amendments made by the foregoing provisions of this bill shall become effective ninety days from the date of their enactment.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2461. A bill to amend section 409 of part IV of the Interstate Commerce Act, as amended, to authorize contracts between freight forwarders and railroads. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend section 409 of part IV of the Interstate Commerce Act, as amended, to authorize contracts between freight forwarders and railroads, and ask unanimous consent that the letter of transmittal be printed in the RECORD with the text of the bill.

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

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., August 9, 1973.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Repersentatives, Washington, D.C.

GENTLEMEN: Submitted for your consideration and introduction is a draft bill which would amend section 409(a) of the Interstate Commerce Act so as to authorize freight forwarders subject to part IV of the Act to negotiate special contracts with railroads. Also enclosed is a legislative analysis of the draft bill.

In 1970, a bill that would amend part I of the Act was heard,[1] and also during the 90th Congress, hearings were held on proposals similar to this recommendation.[2] As a result of commitments given to the House Interstate and Foreign Commerce Committee during those hearings, we commenced a study into the status of freight forwarders subject to our jurisdiction.[3] We initiated that proceeding on June 23, 1970, and in January of 1971, our report was released. We then appeared before the House Subcommittee on Transportation and Aeronautics on March 14, 1972, and supported the legislation recommended in that report which is identical to that enclosed.

As you know, freight forwarders are common carriers performing transportation services in their own name and under their own responsibility. The traffic they handle consists primarily of less-than-carload or less-than-truckload shipments which they consolidate and tender in volume to other carriers for actual movement. Because the forwarder's shipments are tendered to the underlying carriers in carload, truckload, or volume quantities, they can move, in the aggregate, at a lower rate than would the individual, unconsolidated shipments. The forwarder's profit is the difference between the rate it charges its customers for the movement of their small shipments and the volume rate it pays to the common carriers for performance of the underlying transpor-

[1] Surface Freight Rates, Hearings before the Subcommittee on Transportation and Aeronautics of the Committee on Interstate and Foreign Commerce, House of Representatives, on H.R. 10293, 91st Cong., 2nd Sess., Serial No. 91–42 (1970).

[2] Freight Forwarders—TOFC Contracts, Hearings before the Subcommittee on Transportation and Aeronautics of the Committee on Interstate and Foreign Commerce, House of Representatives, on H.R. 10831, 90th Cong., 2nd Sess., Serial No. 90–26 (1968).

[3] Ex Parte No. 266, *Investigation Into The Status of Freight Forwarders*, 339 I.C.C. 711 (1971).

tation service. With one exception concerning service within their terminal areas, forwarders may not use their own vehicles to perform the underlying transportation.

Traditionally, forwarders have been treated as common carriers with regard to the shippers whose traffic they undertake to transport, and as shippers with regard to the common carriers to whom they tender the traffic for actual movement. As shippers, the forwarders must pay the published rates applicable to all shippers. They cannot enter into joint-line or negotiated rate arrangements with other common carriers. This bar allegedly prejudices their position as common carriers and renders it more difficult for them to realize a profit. In 1950, this problem was partially alleviated when the Congress modified part IV of the Act[4] to authorize forwarders to negotiate contracts with motor common carriers for the transportation of certain traffic moving not more than 450 miles.

As to the current status of the freight forwarder industry, at page 792 of our report in Ex Parte No. 266, we stated:

"If any one thing is clear from the evidence assembled in the course of the present investigation it is that forwarding is at best a static industry. Despite the Nation's economic growth over the past two decades, the forwarder's tonnage has remained virtually unchanged. And even though the industry as a whole has returned a profit, the picture is dominated by one large group of successful companies—those under the control of USF (United States Freight Company). The margin of profit for the industry has been declining steadily, and the first 6 months of 1970 saw it operating at a loss."

We further reasoned that the Nation's shippers need the small shipment type service the freight forwarders offer and that some action must be taken to change the *status quo*. Because of the manner in which they function, employing rail carload service for the long haul, forwarders make it possible for the shipper of small lots to obtain the benefits flowing from rail service. The small shipper often has no other means of obtaining the benefits of such rail service. Although the industry has shown some improvement in 1972, the economic plight of many freight forwarders remained the same. It is our belief that such a change in regulatory treatment is necessary—at least on an experimental basis—if forwarders are to remain viable and to perform an even greater role in the transportation of small shipments.

We would be grateful for the prompt introduction and favorable consideration of this legislation by the Congress.

Sincerely yours,

GEORGE M. STAFFORD, *Chairman*.

LEGISLATIVE ANALYSIS

As indicated in the foregoing letter, section 409(a) under existing law permits regulated freight forwarders to enter into contracts with common carriers by motor vehicle subject to part II of the Act, subject to the requirement that (1) the parties of these contracts establish them on just, reasonable and equitable terms which shall not unduly prefer or prejudice either party to the contract or any other freight forwarder and which shall be consistent with the National Transportation Policy; (2) in the case of contracts involving the linehaul transportation of truckload lots of forwarder traffic between concentration points and break-bulk points where the distance is 450 highway miles or more, such contracts cannot provide for a lesser compensation to the motor carrier than that which such carrier would receive pursuant to its regularly established rates or charges under part II of the Act.

The draft bill would amend section 409 of the Act to provide that nothing in the Act shall be construed to prevent similar contracts between forwarders and railroads, subject to part I. The proviso that such contracts be just, fair and equitable, non-prejudicial to participants or any other freight forwarder, and consistent with the National Transportation Policy would apply to all contracts entered into pursuant to this section of the Act. A second proviso would retain the 450-mile limitation in connection with line-haul transportation by motor common carriers.

The last proviso includes the contracts between freight forwarders and railroads within section 5a of the Act, which exempts them from the antitrust laws. It also requires that the contracts be made pursuant to procedures filed with and approved by us, and that all rail carriers can participate in them.

In the past, we have asked that certain amendments be included in this type of bill.[1] We are not renewing that request today because in accordance with the conclusions reached at page 792 of our report in Ex Parte No. 266, we urge that any changes enacted be limited to a three-year tenure. Our reason for this is we cannot now predict the precise effect of this legislation on the freight forwarders or other segments of the surface transportation industry. During the prescribed interval, we will measure the effects of this legislation.

Prior to the end of the three-year period, we intend to issue a report and make appropriate recommendations as to whether the changes should remain in effect, terminate, or be amended.

S. 2461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 409 of the Interstate Commerce Act (49 U.S.C. 1009), as amended, is amended to read as follows:

"SEC. 409. (a) Nothing in this Act shall be construed to prevent freight forwarders subject to this part from entering into or operating under contracts with common carriers by railroad subject to part I of this Act, or from entering into or continuing to operate under contracts with common carriers by motor vehicle subject to part II of this Act, governing the utilization by such freight forwarders of the services and instrumentalities of such common carriers by railroad or motor vehicle and the compensation to be paid therefor: *Provided,* That in the case of such contracts it shall be the duty of the parties thereto to establish just, reasonable, and equitable terms, conditions, and compensation which shall not unduly prefer or prejudice any of such participants or any other freight forwarder and shall be consistent with the national transportation policy declared in this Act: *And, provided further,* That in the case of line-haul transportation by common carriers by motor vehicle between concentration points and break-bulk points in truckload lots where such line-haul transportation is for a total distance of four hundred and fifty highway miles or more, such contracts shall not permit payment to such common carriers by motor vehicle of compensation which is lower than would be received under rates or charges established under part II of this Act: *And, provided further,* That contracts between common carriers by railroad and freight forwarders shall not be deemed to be in conformity with the provisions of this section unless the terms, conditions, and compensation thereof are arrived at under procedures which have been filed with and approved by the Commission and which afford all interested railroads an opportunity to participate in the establishment of and to become parties to such contracts. The agreements establishing the procedures referred to herein shall be deemed to be agreements within the meaning of section 5a of this Act.

"(b) Contracts entered into or continued pursuant to subsection (a) of this section shall be filed with the Commission in accordance with such reasonable rules and regulations as the Commission shall prescribe. Whenever, after hearing, upon complaint or upon its own initiative, the Commission is of the opinion that any such contract, or its terms, conditions, or compensation is or will be inconsistent with the provisions and standards set forth in subsection (a) of this section, the Commission shall by order prescribe the terms, conditions, and compensation of such contracts which are consistent therewith."

SEC. 2. The heading of section 409 is changed to read as follows: "UTILIZATION BY FREIGHT FORWARDERS OF SERVICES OF COMMON CARRIERS BY RAILROAD AND BY MOTOR VEHICLE".

SEC. 3. The amendment made by the first section of this Act shall expire at the end of the three-year period beginning on the date of its enactment. The Commission shall report to the Congress six months prior to the end of said three-year period as to the effect of this Act upon freight forwarders or other segments of the surface transportation industry and include therein appropriate recommendations as to whether the changes herein should remain in effect, terminate, or be amended.

By Mr. MONDALE (for himself, Mr. MAGNUSON, and Mr. JACKSON):

S. 2462. A bill to regulate commerce and improve the efficiency of energy utilization by consumers by establishing the Energy Conservation Research and Development Corporation, authorizing the establishment by States of energy conservation councils, and for other purposes. Referred, by unanimous consent, jointly and simultaneously to the Committees on Commerce and Interior and Insular Affairs with the proviso that when one committee reports the bill, the other will have 45 days to report or the other committee will be deemed discharged from said bill.

Mr. MONDALE. Mr. President, I am today introducing a measure to aid in the long-term effort to promote energy conservation in the United States.

The bill I am submitting should be referred jointly to the Committee on Commerce and the Committee on Interior and Insular Affairs. I have talked to the chairmen of both committees and the ranking members of both committees, and they agree to the following unanimous-consent request.

I ask unanimous consent that the bill I introduce be referred jointly and simultaneously to the Committee on Commerce and Interior and Insular Affairs with the proviso that when one committee reports the bill, the other will have 45 days to report or the other committee will be deemed discharged from said bill.

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

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[4] Section 409(a) (49 U.S.C. § 1009).

[1] See Hearings on Surface Freight Rates, *supra*, at pages 5–7.

Mr. MONDALE. Mr. President, today I am introducing legislation to aid in the long-term effort to promote energy conservation in the United States. I am pleased to be joined in this effort by both distinguished Senators from Washington (Mr. MAGNUSON and Mr. JACKSON).

Only recently have we recognized the dimension of the long-range energy problems our Nation faces. Only recently have we focused on the fact that the United States, with 6 percent of the world's population, is consuming almost 40 percent of the world's energy. And as a part of this realization has come the recognition that both the supply and demand sides of the energy problem must be confronted. As the President stated in his energy message of June 29:

> The conservation of existing energy resources is not a proposal; it is a necessity. It is a requirement that will remain with us indefinitely, and it is for this reason that I believe that the American people must develop an energy conservation ethic.

We all now know that energy conservation is indeed a real necessity. However, what is needed along with an ethic of energy conservation is a vastly expanded conservation research and development effort to make energy conservation a full-fledged partner in the energy research and development field.

Unfortunately, while the President has given us a good deal of rhetoric on the need for energy conservation, he has given us little else. His recent message to the Congress dealt heavily with energy matters, but barely mentioned energy conservation. And, the thrust of all his recent energy messages has emphasized supply side problems to the virtual exclusion of conservation.

It is my view that unless we create a body whose sole task is to focus attention on research and development in the energy conservation field, we stand in danger of the vast bulk of Federal and industry funds being spent solely on the supply side of our energy problems, without adequately meeting the crucial need to use our energy resources more efficiently.

POTENTIAL FOR ENERGY CONSERVATION

The potential for savings of energy resources through energy conservation is vast. A recent staff study undertaken by the Office of Emergency Preparedness stated that—

> Energy conservation measures can reduce U.S. energy demand by 1980 by as much as the equivalent of 7.3 million barrels per day of oil (equal to about two-thirds of projected oil imports for that year).

Prominently mentioned in the OEP study as offering the greatest potential in this area were improved insulation in homes; adoption of more efficient air-conditioning systems; a shift of less energy-consumptive methods of transporting both people and goods; and introduction of more efficient industrial processes and equipment.

The need for conservation in each of these areas is great and increasing daily.

Household and commercial. This sector of the American economy, according to "Conservation of Energy," a study prepared in 1972 for the national fuels and energy policy study, consumed over 35 percent of all energy demand in 1970. This sector covers a wide range of uses including heating and cooling of homes, offices, and factories; heating of hot water; and the electricity needed for the wide range of uses found in homes and office buildings. Indeed, a recent study by the Stanford Research Institute indicated that 29 percent of all energy consumed in the United States went for the needs of residential and commercial buildings.

This massive use of energy in the residential and commercial sector points up the need for intensive research and development to develop means of conserving energy in this area. Among the most promising potential areas for savings in this sector are:

First, improvement in materials for and the design of buildings, to bring about reduction in energy consumption;

Second, improvement in the design of urban living areas to reduce the energy needs in urban communities; and

Third, improvement in the energy-utilization efficiency of electrical appliances, with particular emphasis on the fast-growing consumption of electricity by air-conditioning systems throughout the country.

The potential for energy savings in these areas is most significant. A recent study done by the Rand Corp. for the California State Legislature estimated that better insulation in new housing could cut heating and cooling requirements by 40 to 50 percent, which would amount to a very considerable saving in total energy consumed in the United States.

Industrial. The industrial sector, in 1968, was the largest single user of energy in this country, consuming just over 40 percent of the total energy demand. As Conservation of Energy illustrates, there is a high degree of concentration of energy-intensive industrial processes within a relatively small number of industries. These are primary metals—21.5 percent of total energy demand; chemicals and allied products, 15.4 percent; food and kindred products, 8.5 percent; stone, clay, and glass processing, 8.3 percent; and paper and allied products, 7.4 percent.

Together, these 5 industry groups use 61.1 percent of the total energy demand in the industrial sector. It therefore is of utmost importance to focus research and development work on improving the energy-utilization efficiency of industrial processes, giving particular emphasis to those industries which are heavily dependent on the use of energy resources.

Transportation. Transportation in the United States consumed 24 percent of the total amount of energy used in 1968. This figure, large in itself, does not totally reveal the importance of cutting back demand in this sector, because the transportation sector of the economy is unique in its almost total reliance on petroleum. In 1970, automobiles consumed 66 billion gallons of gasoline, which represented 54 percent of the fuel used in all forms of transportation and 13 percent of the total energy consumption in the Nation.

The place of the passenger automobile thus occupies a central position of concern in our efforts to conserve energy resources. Consumer Reports recently gave us some indication of the extent of the savings that even a limited improvement in gasoline mileage for automobiles would bring about:

> If only the automobiles used in urban driving (two-thirds of total usage) had gotten 20 miles to the gallon instead of the 1970 average of 11.4 mpg, and if those cars had hauled an average of 2 passengers rather than 1.4 they did, about 26 billion gallons of gasoline would have been saved in 1970. That would have reduced urban automobile gasoline consumption 60 percent for that year.

Savings of billions of gallons a year of oil can be realized if we can increase the efficiency of automobiles on American roads. To do this, we need research and development for new designs in transportation vehicles and more efficient engine designs.

Emphasis should be placed on the improvement in the design of transportation vehicles and power systems for these vehicles—with particular emphasis on small cars and alternatives to the internal combustion engine, as well as improvement in the design of total transportation systems. By improving the energy consumption patterns of the automobile and by improving the mass transit alternatives available to the automobile driver, we can make a major contribution toward reducing the need to import large quantities of petroleum and petroleum products.

LEGISLATION IS NEEDED

These are some of the goals which an energy conservation strategy must pursue. We must recognize, however, that in the past, energy conservation research and development has often been regarded as the poor stepchild in the general area of energy research and development. The temptation is too great to focus attention on the development of alternative energy sources and supplies—an area where work is urgently needed—to the exclusion of energy conservation activities.

Without a separate entity whose sole focus would be to concentrate on efficient use of our natural resources we may never realize the great potential of the full use of the broad spectrum of energy conservation strategies.

This effort cannot be a Federal effort alone, of course. It must involve a partnership between the Federal Government and the States which places maximum emphasis on development of an energy conservation mentality, of new technology to foster energy conservation, and which helps educate the American people on the need for care in the use of resources which through much of our history we have thought to be limitless.

Therefore I am introducing today the Energy Conservation Research and Development Act of 1973. This legislation would set up an independent corporation to carry out research and development into particularly promising areas

of energy conservation technology, and attempt to bring about implementation of those strategies. It would also provide for the funding of State energy conservation councils, whose task will be to perform a wide variety of informational and consulting services for State and local governments and industry, to aid in energy conservation at the State and local levels.

The Energy Conservation Research and Development Corporation which would be established under this act would be governed by a Board subject to Senatorial advice and consent. It would have authority to conduct research and development in areas which offer substantial potential for the conservation of energy resources, including:

First, improvement in materials for, and design of, buildings to conserve energy resources;

Second, urban area design which serves to reduce community energy needs;

Third, improvement in design of transportation vehicles, and the power systems therefor, with emphasis on small cars and alternatives to the internal combustion engine;

Fourth, improvement in design of transportation systems so as to minimize transportation energy demands, consistent with goals of clean air and convenience in transportation services;

Fifth, improvement in the energy-utilization efficiency of industrial processes, with particular emphasis on those industries heavily dependent on use of energy resources for processing;

Sixth, research into decentralized energy systems for residential, commercial and industrial uses, such as fuel cells, total energy systems, district heating systems, fuel from organic waste, and solar space conditioning;

Seventh, research on regulatory and taxation policies that would have the effect of curbing energy demand; and

Eighth, research on increasing the efficiency of electrical appliances, with particular emphasis on air conditioning systems.

The Corporation would also be empowered to cooperate with and make recommendations to Federal agencies for the maximum possible utilization of the results of the research and development undertaken by the Corporation, including experimental and demonstration projects.

The activities of the National Corporation must be augmented at the State level, and the legislation I am introducing seeks to do that.

The bill would provide funding to State energy conservation councils to complement the activity of the National Corporation at the State level. These State councils, which must meet guidelines established by the National Corporation, could be either new or existing agencies. They would be empowered to coordinate energy conservation efforts on a State level; to disseminate the results of energy conservation activities carried out by the National Corporation; to provide advice to State and local governmental units and private industry on energy research and development, including consulting and technical services; and to advise the Corporation with respect to areas the State deems to be of high priority for research by the Corporation.

Funding would be provided by the National Corporation at a level of 50 cents per capita in each State per year.

FUNDING

The Corporation, and through it, the State energy conservation councils, would be funded up to a level of $200 million for fiscal 1974, $300 million for fiscal 1975, and $500 million per year for each of the next 8 fiscal years. The initial life span of the Corporation would be for 10 years, with Congress retaining the authority either to extend funding beyond that date, or at some earlier date to terminate the Corporation or transfer it to an existing agency.

Funding for the Corporation would be derived from revenues under the Outer Continental Shelf Lands Act. These revenues are derived from bonuses, rents, and royalties from Federal lands leased to private corporations on the Outer Continental Shelf—OCS. Payments to the Corporation would be through a trust fund, and payments to the trust fund from OCS revenues would be made only after payments had first been made to the land and water conservation fund, which now is the prime recipient of OCS funds.

Mr. President, I ask unanimous consent that a chart showing the past and projected income from the Outer Continental Shelf fund be inserted in the RECORD at this point.

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

BUREAU OF LAND MANAGEMENT

SOURCE AND DISTRIBUTION OF OUTER CONTINENTAL SHELF RECEIPTS

[In thousand of dollars]

	Source				Distribution		
	Bonuses and rents [1]	Royalties [2]	Release from escrow [3]	Total	General fund [4]	Land and water funds [5]	Total
Fiscal year:							
1971 actual	890,634	159,915	----------	1,050,549	842,966	207,583	1,505,549
1972 actual	28,030	251,323	----------	279,353	55,676	223,677	279,353
1973 estimated	2,752,000	300,000	1,123,000	4,175,000	4,007,501	167,459	4,175,000
1974 estimated [6]	1,800,000	300,000	----------	2,100,000	1,879,000	221,000	2,100,000
1975 projected [6]	4,200,000	350,000	----------	4,550,000	4,325,000	225,000	4,550,000
1976 projected [6]	4,200,000	400,000	----------	4,600,000	4,375,000	225,000	4,600,000

[1] Bonuses are amounts paid by successful high bidders at lease sales to secure leases; charged at $3 per acre are a relatively insignificant amount of the totals shown. Both bonuses and rents vary substantially from year to year based on many factors including number of sales, acres leased, old leases abandoned, known or expected potential of areas leased, general economic conditions, litigation, etc.

[2] Royalties are charged at the rate of 16⅔ percent of the value of production and are increasing at a relatively predictable rate of about $50,000,000 per year.

[3] Amount of receipts formerly in dispute between the United States and the State of Louisiana and released from escrow as a result of Supreme Court decree.

[4] Amount deposited to general fund receipts of U.S. Treasury.

[5] Amount of receipts utilized to make up deficit in land and water conservation fund. Projections for 1975 and 1976 assume continuation of $300,000,000 total LWCF authorization level.

[6] Projected receipts are based on an accelerated leasing schedule including 3 general sales per year. Estimates are subject to revision due to changes in leasing schedule and other factors.

Mr. MONDALE. As this chart shows, the OCS fund should be more than sufficient to provide the funding required by the Corporation. Funding is provided from the OCS fund both because it utilizes an existing source of revenue which currently is reverting to general Treasury revenues, and, more importantly, as a means of expressing concern that income from the depletable resources of the Outer Continental Shelf be put to a purpose which will help all of us enjoy the benefits of these resources for a longer period of time. By employing these funds derived from use of our energy resources, to help conserve those same resources, we will insure that our dependence on foreign nations as sources for energy supplies will be reduced to the maximum extent possible.

Over 60 years ago, the great conservationist Gifford Pinchot stated that:

When the natural resources of any nation become exhausted, disaster and decay in every department of national life follow as a matter of course. Therefore the conservation of natural resources is the basis, and the only permanent basis, of national success.

Today, these words have a new and more urgent ring. We must not delay in finding new means of conserving our existing energy sources, to insure that the national welfare will not be imperiled by waste of resources we now know to be our most precious national asset.

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

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

S. 2462

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 "Energy Conservation Research and Development Act of 1973."

SECTION 2. (a) There is hereby established the Energy Conservation Research and Development Corporation (hereinafter in this Act referred to as the "Corporation"). The Corporation shall have a Board of five Directors consisting of individuals who are citizens of the United States, of whom one shall be elected annually by the Board to serve as Chairman. Members of the Board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall serve for terms of four years. Three members of the Board shall constitute a quorum for the purpose of conducting the business of the Board. The President of the United States shall call the first meeting of the Board of Directors. Each Director of the Board not employed by the Federal Government shall receive compensation at the rate of $300 for each meeting of the Board he attends. In addition, each Director shall be reimbursed for necessary travel and subsistence expenses incurred in attending the meetings of the Board.

(b) The Board of Directors is empowered to adopt and amend bylaws, consistent with the provisions of this Act, governing the operation of the Corporation.

(c) The Corporation shall appoint an executive director who shall be the chief administrative officer of the Corporation, and such other officers and employees as may be named and appointed by the Board. The rates of compensation of all officers and employees shall be fixed by the Board.

SEC. 3. (a) It shall be the function of the Corporation, from moneys available to it in the fund established by section 10 of this Act, to conduct research and development in, and contract with any State or political subdivision or agency thereof, Federal agency, or any private corporation or other entity, for the conduct of research and development in, areas which offer substantial potential for the conservation of energy resources, including but not limited to—

(1) improvement in materials for, and design of, buildings to conserve energy resources;

(2) urban area design which serves to reduce community energy needs;

(3) improvement in design of transportation vehicles, and the power systems therefor, with emphasis on small cars and alternatives to the internal combustion engine;

(4) improvement in design of transportation systems so as to minimize transportation energy demands, consistent with the goals of clean air and convenience in transportation services;

(5) improvement in the energy-utilization efficiency of industrial processes, with particular emphasis on those industries heavily dependent on use of energy resources for processing;

(6) research into decentralized energy systems for residential, commercial, and industrial uses, such as fuel cells, total energy systems, district heating systems, fuel from organic waste, and solar space conditioning;

(7) research on regulatory and taxation policies that would have the effect of curbing energy demand; and

(8) research on increasing the efficiency of major energy consuming household products.

(b) With respect to any contract, arrangement or other agreement entered into by the Corporation with any private corporation or other entity pursuant to this Act, the Corporation, if it determines that such contract, arrangement, or agreement involves a project which has promise of a commercial potential, is authorized to require such corporation or entity to participate in the funding of such project. Such participation shall be in such manner and to such extent as the Corporation shall prescribe.

SEC. 4. In utilizing the results of such research and development carried out pursuant to this Act, the Corporation shall have authority to—

(1) enter into and direct arrangements with any State or political subdivision or agency thereof, Federal agency or any private corporation or other entity to utilize, on an experimental or demonstration basis, the results of activities carried out pursuant to section 3 of this Act;

(2) enter into agreements, by contracts or otherwise, with any State or political subdivision or agency thereof, Federal agency, or any private corporation or other entity for long-range implementation of new energy conservation technologies;

(3) take such other action as may be necessary to fully implement the results of activities authorized under section 3, including the power to sell, on a fee basis, either exclusive or nonexclusive patent rights on all patents growing out of its research and development efforts or those of its contractees;

(4) make recommendations to appropriate Federal agencies and departments, including regulatory agencies;

(5) provide energy conservation information to any Federal or State executive or legislative body, including a State Energy Conservation Council established or designated pursuant to section 9 of this Act; advise any such body or Council on energy conservation policies; and formulate and carry out, in cooperation with such State Energy Conservation Councils, public education programs relating to energy conservation opportunities available to citizens.

SEC. 5. In carrying out its functions under this Act, the corporation is authorized to enter into contracts, leases, or other arrangements; to make grants; to conduct or cause to be conducted research and development related to its mission; and to acquire by construction or purchase, or to contract for the use of, physical facilities, equipment, patents, and devices which it determines necessary in carrying out such functions. To carry out its functions, the Corporation shall have, in addition to the powers conferred by this Act, the usual powers conferred upon corporations by the District of Columbia Business Corporation Act. Leases, contracts, and other arrangements entered into by the Corporation, regardless of the place where the same may be executed, shall be governed by the laws of the District of Columbia.

SEC. 6. (a) The Corporation shall transmit to the President of the United States and the Congress, annually, commencing one year from the date of the enactment of this Act, and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act, including a statement of expenditures for the previous year. At the time of its annual report, the Corporation shall submit such legislative recommendations as it deems desirable.

(b) All reports, plans, specifications, cost and operating data of the Corporation acquired by it in connection with the carrying out of its duties under this Act, shall be made available by the Corporation in accordance with the provisions of section 552 of title 5 of the United States Code.

(c) The Corporation shall make annual reports available to interested parties on the progress of its operations. Such reports shall be in sufficient detail so that independent engineering and economic judgments can be made based on such reports.

SEC. 7. On or before the expiration of ten years following the date of the enactment of the Act, the Board of Directors, unless the Congress, by legislation enacted after the date of the enactment of this Act shall otherwise provide, shall take such action as may be necessary to dissolve the Corporation. The assets of the Corporation on the date of its dissolution, after satisfaction of all its legal obligations, shall be made available to the United States and deposited in the United States Treasury as miscellaneous receipts. All unobligated moneys in the fund established by section 10 of this Act shall, on such date of dissolution, be transferred to miscellaneous receipts of the Treasury. All patent rights of the Corporation shall, on such date of dissolution, be vested in the Administrator of General Services.

SEC. 8. (a) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Corporation, upon its request, any information or other data which the Corporation deems necessary to carry out its duties under this Act.

(b) The Corporation is authorized to utilize, on a reimbursable basis, the services of any personnel made available by any department, agency, or instrumentality, including any independent agency, of the Government.

(c) The Corporation may procure the services of experts and consultants without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may compensate such experts and consultants without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, in accordance with section 3109 of that title.

SEC. 9. (a) Notwithstanding any other provision of this Act, the Corporation shall not extend any assistance, financial or otherwise, to, or enter into any agreement with, any State or political subdivision thereof or any agency or institution of such State or subdivision, unless such State has first entered into an agreement with the Corporation pursuant to which such State agrees to establish, or designate an existing State agency as, an Energy Conservation Council whose functions, among others, shall be to (1) coordinate energy conservation efforts on a State level; (2) disseminate the results of energy conservation activities carried out under section 3 of this Act; (3) provide advice to State and local governmental units and private industry on energy research and development, including consulting and technical services; and (4) advise the Corporation with respect to areas the State deems to be of high priority for research by the Corporation.

(b) Each State Conservation Council shall submit annually to the Corporation a report on its activities for the previous fiscal year.

(c) Any agreement entered into pursuant to subsection (a) of this section shall provide that the Council so established or designated shall meet guidelines and standards established by the Corporation.

(d) Nothing in this Act shall be construed as prohibiting any such Council from imposing certain charges or other fees in connection with the dissemination, to nongovernmental entities, of the results of energy conservation activities carried out under section 3 of this Act, or the rendering of other assistance to such entities.

SEC. 10. (a) There is hereby established in the Treasury of the United States the Energy Conservation Research and Development Fund (referred to in this Act as the "fund"). The fund shall consist of such amounts as may be appropriated or credited to it as provided in this section. Moneys appropriated or credited to the fund pursuant to this section are hereby made available to the Corporation for carrying out the purposes of this Act without fiscal year limitation including the funding of State energy conservation councils established or designated pursuant to section 9.

(b) Subject to the payments required under the provisions of section 2(c)(2) of the

Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5) to be made from the Outer Continental Shelf Lands Act, there shall be credited to the fund, from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act, the remainder of such revenues, up to $200,000,000, for the fiscal year ending June 30, 1974; $300,000,000 for the fiscal year ending June 30, 1975; and $500,000,000 for each of the next following eight fiscal years.

(c) In addition to the moneys credited to the fund pursuant to subsection (b) of this section, there is authorized to be appropriated to the fund, for the fiscal year ending June 30, 1974, and for each of the next following nine fiscal years, such amount as is necessary to make the income of the fund $200,000,000 for the fiscal year ending June 30, 1974; $300,000,000 for the fiscal year ending June 30, 1975; and $500,000,000 for each of the next following eight fiscal years.

(d) The Corporation, from moneys appropriated or credited to the fund, is authorized and directed to extend financial assistance for the purposes of finding State Energy Conservation Councils established or designated pursuant to section 9 of this Act to any State in an amount for any fiscal year not to exceed 50 cents multiplied by the population of that State.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

S. 400

At the request of Mr. HANSEN, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 400 to facilitate the donation of surplus Federal properties.

S. 827

At the request of Mr. STEVENS, the Senator from South Dakota (Mr. ABOUREZK) was added as a cosponsor of S. 827, to amend section 6334(a) of the Internal Revenue Code to exempt certain amounts of salary or wages from tax levy.

S. 1604

At the request of Mr. BROCK, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 1604, to prevent discrimination on the basis of sex in housing, the Fair Housing Opportunity Act.

S. 1853

At the request of Mr. HANSEN, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1853, a bill to amend the Internal Revenue Code to encourage development of processes to convert coal to low-pollutant synthetic fuels.

S. 1988

At the request of Mr. MAGNUSON, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1988, a bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes.

S. 2089

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

S. 2327

At the request of Mr. CHURCH, the Senator from Wyoming (Mr. MCGEE) was addded as a cosponsor of S. 2327, a bill to impose Federal penalties for the robbery of controlled substances from a pharmacy or drug store.

S. 2328

At the request of Mr. MCINTYRE, the Senator from Michigan (Mr. HART) and the Senator from South Dakota (Mr. ABOUREZK) were added as cosponsors of S. 2328, to require that certain information about gasoline be disclosed to consumers.

S. 2420

At the request of Mr. BAYH, the Senator from Mississippi (Mr. EASTLAND) was added as a cosponsor of 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.

S. 2442

At the request of Mr. MCINTYRE, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 2442, a bill to amend the Export Administration Act of 1969 to prohibit the export of crude oil and petroleum products during any period when prices in the petroleum industry are subject to economic controls.

SENATE JOINT RESOLUTION 147

At the request of Mr. MCINTYRE, the Senator from North Carolina (Mr. ERVIN) was added as a cosponsor of S.J. Res. 147, to provide for a report on People's Republic of China grain purchase.

SENATE CONCURRENT RESOLUTION 46—SUBMISSION OF A CONCURRENT RESOLUTION WITH RESPECT TO THE OBSERVANCE OF HUMAN RIGHTS IN CHILE

(Referred to the Committee on Foreign Relations.)

Mr. KENNEDY. Mr. President, I am submitting a resolution today concerning human rights in Chile and urging an end to the silence by this administration that has greeted recent events in that country.

In the House of Representatives, Representative DONALD FRASER is introducing an identical resolution.

I expressed my deep regret and concern last week at the tragic events taking place in Chile. We saw the heritage of democratic constitutional rule sent tumbling into the streets of Santiago. Yet we heard no sign of regret from this Government. Even when we heard of the death of President Allende, there was a delay before even the message of condolence was issued.

Now we hear of other reports, of summary executions, of prisoners rounded up into football stadiums and refugees, political dissenters, and civilians to be judged by military court-martial board.

Soon after the outbreak of conflict, Mr. President, disturbing reports came to my attention about the plight of the people of Chile, especially several thousand political refugees from Brazil, Bolivia and other neighboring countries who had been given asylum by the Allende government.

As chairman of the Judiciary Subcommittee on Refugees, on September 14, I cabled an urgent appeal to the United Nations High Commissioner for Refugees—UNHCR—Sadruddin Aga Khan, for his intervention in behalf of the political refugees in Chile, "to help insure their protection and/or safe conduct for resettlement in other countries." I also suggested to the UNHCR that the presence in Chile of his personal representative would be helpful—and I urged the administration to support this international effort.

I can report today, Mr. President, that the UNHCR has taken a number of steps in behalf of the political refugees in Chile, and his personal representative is now present in Santiago. I want to commend very highly the initiatives taken so far, and express the hope that the military regime in Chile will fully carry out its pledge to the UNHCR in providing protection and safe conduct for the refugees under international auspices. I am also hopeful, Mr. President, that the efforts of the International Committee of the Red Cross—ICRC—in attending to the needs and rights of Chilean citizens will be given every measure of support.

I am distressed, however, over the nonconcern of our own Government. The administration's hand's off policy toward human needs and rights in Chile is another appalling commentary on the state of our foreign policy, and the lack of sensitivity by this administration toward people problems around the world.

For that reason, I am submitting today a resolution expressing the sense of Congress with respect to the observance of human rights in Chile. This resolution, which I ask unanimous consent to have printed in the RECORD, urges the President to request the Government of Chile to respect the provisions of the Universal Declaration of Human Rights, and other international agreements concerning refugees and political prisoners.

The resolution also urges that the names of those being held in custody and the charges against them be made public and the process of law be restored.

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

S. CON. RES. 46

Whereas in the aftermath of the change of government in Chile there is widespread concern over the possible danger to human lives and human rights in that country;

Whereas thousands of people are being held in custody including former cabinet-level officials, members of both Houses of Congress, students and professors of universities and non-Chilean nationals who are political refugees from their home countries;

Whereas the Government of Chile has stated an intention to apply military justice to those being held in custody;

Now, therefore, be it resolved by the Senate (the House of Representatives concurring), that it is the sense of the Congress that the President should request the Government of Chile to undertake the following:

(a) to ensure protection of human rights of all individuals, Chilean and foreign, as pro-

vided in the Universal Declaration of Human Rights, the Convention and Protocol relating to the status of refugees and other relevant international legal instruments guaranteeing the granting of asylum, safe conduct and humane treatment of prisoners as provided in Article 3 of the Geneva Conventions, Article 14 of the Universal Declaration of Human Rights, the United Nations Standard Minimum Rules for the Treatment of Prisoners, and the Declaration of Territorial Asylum; and

(b) to publish as soon as possible the names of those being held in custody and the charges against them.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 150

At the request of Mr. HANSEN, the Senator from Alabama (Mr. ALLEN), the Senator for Nevada (Mr. BIBLE), and the Senator from North Carolina (Mr. ERVIN), were added as cosponsors of Senate Resolution 150, to deny increases in salaries for persons covered by section 225(h) of the Federal Salary Act of 1967, including Members of Congress.

DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1974—AMENDMENTS

AMENDMENTS NOS. 513 THROUGH 515

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

Mr. PROXMIRE submitted three 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. 516

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

Mr. MONDALE submitted an amendment, intended to be proposed by him, to House bill 9286, supra.

AMENDMENT NO. 517

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

Mr. McINTYRE (for himself and Mr. DOMINICK) submitted an amendment, intended to be proposed by him, to House bill 9286, supra.

AMENDMENT NO. 518

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

Mr. HASKELL (for himself and Mr. Moss) submitted amendments, intended to be proposed by them, jointly, to House bill 9286, supra.

AMENDMENT NO. 519

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

Mr. CLARK submitted amendments, intended to be proposed by him, to House bill 9286, supra.

AMENDMENT NO. 520

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

Mr. EAGLETON (for himself, Mr. PROXMIRE, Mr. HUGHES, Mr. GRAVEL, and Mr. ABOUREZK) submitted amendments, intended to be proposed by them, jointly, to House bill 9286, supra.

AMENDMENT NO. 524

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

Mr. FULBRIGHT. Mr. President, I submit an amendment to H.R. 9286 and ask that it be printed in the RECORD following my remarks, along with pertinent provisions of S. 1443 and the committee report on it. The amendment would delete the provisions in this bill concerning funding of military assistance to South Vietnam and Laos. Thus, it would assure that aid to these countries is provided in accordance with the terms of S. 1443, which passed the Senate on June 26. It would, however, retain the provision of existing law which prohibits the financing of Vietnamese operations in support of either Cambodia or Laos.

Since 1966 military assistance to Vietnam has been funded out of the Department of Defense budget instead of the regular foreign military assistance program authorized by the Foreign Assistance Act. Military aid to Laos and Thailand was switched to the defense budget the next year. At the time this change took place, U.S. forces were carrying the brunt of the fighting in Indochina, and the executive branch officials pointed out, with some merit, that military aid to these countries could be provided more efficiently through the logistics system of our own Armed Forces. The 1966 Senate Armed Services Committee report, recommending the transfer, stated:

> This limited merger of funding of support of allied forces for a combat area with that of U.S. forces engaged in the same objective is similar to the practice followed during the Korean war. It is desirable because parallel but separate financial and logistics systems for the U.S. forces and for military assistance are too cumbersome, time consuming, and inefficient in a combat zone.

Two years ago the Foreign Relations Committee approved a provision in the foreign aid bill which would have gone back to the traditional method of providing military aid to these countries. That provision was deleted on the Senate floor at the urging of the Senator from Mississippi, the chairman of the Armed Services Committee, who told the Senate:

> I am willing that, in the future, jurisdiction with respect to Southeast Asia be returned to the Committee on Foreign Relations. I think that while we are there and the activities are going on, we ought to keep it where it is, because they have to be considered together.

However, the Senator from Mississippi did approve the return of Thailand to the regular military aid program.

Last year the issue was raised again in connection with the military assistance authorization bill. And the Senator from Mississippi again urged the Senate to continue the existing system, stating:

My amendment is to strike that amendment in the bill (requiring funding of military aid to Vietnam and Laos under the Foreign Assistance Act) and await events, and just as soon as the hostilities stop over there, or even as soon as we have a cease-fire agreement carired out with evidence of permanence, I would be willing to let the matter go back to the Foreign Relations Committee, or let the Senate do that.

As evidence of my willingness, we agreed last year that jurisdiction over funds for Thailand would be sent to the Foreign Relations Committee, because the fighting was not going on there. At least, the prospect was that there would not be any fighting there, and I agreed to let this jurisdiction go back to the Foreign Relations Committee.

I have the same attitude now toward South Vietnam, Laos, and the other countries, as I had last year toward Thailand. We were hoping last year the war would be over by now, but it is not, so we have to look realities in the face.

U.S. military forces are no longer involved in hostilities in Indochina. There are cease-fire agreements in South Vietnam and Laos. Other than in Cambodia, a tenuous peace exists throughout the region. And I point out that military aid for Cambodia is not involved here. Aid to Cambodia has been financed under the regular foreign military aid program ever since our involvement began in 1970.

The conditions cited by the Senator from Mississippi in 1971 and 1972 as justification for continued funding of military aid to Vietnam and Laos out of the defense budget no longer prevail. In view of this, the Senate Foreign Relations Committee voted again this year to end this aberration in the foreign aid program. Following the cease-fire agreements in Laos and South Vietnam, the committee approved a provision in S. 1443, the Foreign Military Sales and Assistance Act, authorizing aid to those countries. These provisions were not challenged in the Senate and the bill is now awaiting conference with the House.

Under that bill, the President was authorized to provide one-for-one replacement of arms, equipment and munitions to South Vietnam and Laos in accordance with the cease-fire agreements. Department of Defense stocks could be used for that purpose. If large-scale fighting broke out again in Vietnam, the one-for-one limit could be set aside if the President found and reported to the Congress that the cease-fire agreement was no longer in effect, because of North Vietnamese military actions.

The bill recommended by the Armed Services Committee has the effect of reversing the Senate's earlier action and is contrary to past assurances that this program would be restored to regular foreign aid funding when U.S. forces were out and a cease-fire agreement achieved. If it is the executive branch's intention to keep this program in the Pentagon budget until no shots are being fired in anger in Indochina, there is not likely to be any change in the current arrangement in my lifetime.

The principal argument advanced in the Armed Services Committee in support of retaining this program in the De-

fense Department's budget is that the system now in effect gives the executive branch needed flexibility to respond to unforeseen developments in Vietnam and Laos. In reality, all this means is that the executive branch wants carte blanche authority to do what it chooses in Vietnam and Laos with the $952 million recommended by the committee. If the concern is how to supply South Vietnam in the event of a North Vietnamese offensive, the bill approved by the Senate last June gives the President authority to provide all the arms and munitions he thinks the South Vietnamese need by drawing on Department of Defense stocks. The need is not for more flexibility for the executive branch, but for greater congressional control over the vast sums proposed to be poured into Indochina. But, under the present system, Senator SYMINGTON told the Appropriations Committee on September 13:

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.

Congress has reasserted its control over the purse strings to force an end to the direct involvement of our forces in Southeast Asia. The logical next step is to impose tighter controls over the hundreds of millions of dollars in foreign aid going into these countries. The provisions of S. 1443, approved in the Senate without opposition last June, would do that. Adoption of my amendment would reaffirm the Senate's earlier action.

The committee has recommended $952 million in additional military aid to these countries for the current fiscal year. The House approved $1.3 billion for this purpose. In addition, the committee report states that there is $1.2 billion unexpended in the pipeline. There are already vast stockpiles of U.S.-furnished weapons and munitions in South Vietnam. So many, in fact, that the Department of Defense has a total of 4,708 direct-hire civilians and contract personnel in Vietnam to maintain the equipment and teach the Vietnamese how to use what we have given them. The Vietnamese will never learn to be independent and self-reliant if Congress continues to be so generous with the American taxpayers' money as proposed in this bill.

Mr. President, in summary, I urge the Senate to adopt my amendment because:

The Senate has already acted in this field. Approval of H.R. 9286, as reported, would reverse the Senate's action of only 3 months ago.

The arguments used to justify the transfer of military aid to South Vietnam and Laos out of the defense budget no longer apply. Proposals to give aid to these countries should be presented to Congress and considered on the same basis as aid to Cambodia, Korea, or Turkey, or the many other countries receiving arms under the Foreign Assistance Act.

Greater congressional control, and less executive branch discretion, over these vast sums of money is needed.

Congress has a responsibility to be prudent with the taxpayers' money. Savings of several hundred million dollars over the amounts recommended by the Armed Services Committee will be made under the authority approved by the Senate in S. 1443.

I urge the Senate to approve the amendment.

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

AMENDMENT NO. 524

On page 26, beginning with line 24, strike out all down through line 5 on page 28, and insert in lieu thereof the following:

"SEC. 701. Nothing in this Act shall be construed as authorizing the use of any funds, appropriated pursuant to this Act, to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos.

EXCERPT FROM COMMITTEE ON FOREIGN RELATIONS REPORT ON S. 1443, S. REPT. 93-189

Section 2109. Authorizations for South Vietnam, Laos, and Cambodia (see also section 3109)

Section 2109, coupled with section 3109, authorize a program of military assistance to South Vietnam and Laos to replace that now provided through annual Department of Defense authorization and appropriation bills. These sections would also authorize continuation of military aid to Cambodia.

Subsection 2109(a)(1) authorizes the appropriation to the Secretary of State of "such sums as may be necessary" to provide the armaments, munitions and war materials to South Vietnam and Laos allowed under section 3109.

Subsection (a)(2) authorizes the President to draw on the stocks of the Defense Department to provide the aid authorized, subject to reimbursement of the Department from subsequent appropriations.

Subsection (a)(3) authorizes $150,000,000 for military aid to Cambodia in fiscal year 1974 subject to the provisions of section 3109.

Any military assistance to South Vietnam, Laos, or Cambodia shall be furnished with the objective of bringing about peace in Indochina and strict implementation of the cease-fire agreements in Vietnam and Loas and any agreement that may be reached in Cambodia in the future.

Military assistance to South Vietnam shall be furnished strictly in accordance with Article 7 of the "Agreement on Ending the War and Restoring Peace in Vietnam," signed in Paris on January 27, 1973, which states:

"From the enforcement of the cease-fire to the formation of the government provided for in Article 9(b) and 14 of this Agreement, the two South Vietnamese parties shall not accept the introduction of troops, military advisers, and military personnel including technical military personnel, armaments, munitions, and war material into South Vietnam.

"The two South Vietnamese parties shall be permitted to make periodic replacements of armaments, munitions and war material which have been destroyed, damaged, worn out or used up after the cease-fire, on the basis of piece-for-piece, of the same characteristics and properties, under the supervision of the Joint Military Commission of the two South Vietnamese parties and of the International Commission of Control and Supervision."

Any military assistance furnished to Laos shall be in accordance with Article 3(d) of the February 21, 1973, cease-fire agreement for Laos, which states:

"It is forbidden to bring into Laos all types of military personnel, regular troops and irregular troops of all kinds and all kinds of foreign-made weapons or war material, except for those specified in the Geneva Agreements of 1954 and 1962. In case it is necessary to replace damaged or worn-out weapons, both sides will consult and arrive at an agreement.

Military assistance furnished to South Vietnam or Laos shall be limited to that necessary to replace armaments, munitions and war materials on a one-for-one basis that have been destroyed, damaged, worn out, or used up. Replacement shall be based on lists previously furnished to the International Commission of Control and Supervision for Vietnam (ICCS) and, in the case of Laos, to the International Commission for Supervision and Control in Laos (ICSC).

The Committee expects that any armaments, munitions, or war materials shall be furnished South Vietnam only on a basis that is in full compliance with terms of the cease-fire agreement, and any pertinent regulations that either have been or may be established by the International Commission of Control and Supervision and the Joint Military Commission (JMC). The aid is restricted to those materials as defined by the ICCS as "armaments, munitions, and war material" and shall not include general subsidization of the South Vietnamese armed forces. If the ICCS or the JMC do not establish standards for replacement the following lists, developed by the Department of Defense, shall apply to aid to Vietnam:

ARMAMENTS

Any device which is capable of launching a projectile or flammable liquid which is used for defensive or offensive military operations. Complete armaments systems configured in their entirety, which must be replaced on the basis of piece-for-piece, of the same characteristics and properties are:

(1) Aircraft gun armament systems.
(2) Antiaircraft gun systems.
(3) Artillery pieces.
(4) Flame throwers.
(5) Grenade launchers.
(6) Guided missile systems.
(7) Machine guns.
(8) Mortars.
(9) Pistols.
(10) Recoiless rifles.
(11) Rifles and shotguns.
(12) Rocket launcher systems.
(13) Shipboard gunmount systems.

MUNITIONS

Those items used with armaments as the projectile, dropped from an aircraft, such as bombs, or thrown by hand such as grenades. It also includes all explosives except those used for civil construction or for emergency/survival purposes operations. Munitions which must be replaced on the basis of piece-for-piece, of the same characteristics and properties are:

(1) Ammunition for armaments listed above.
(2) Bombs.
(3) Explosives, excluding commercial explosives used in civil construction operations or for emergency/survival operations.
(4) Grenades.
(5) Mines.
(6) Missiles.
(7) Napalm.
(8) Rockets.

WAR MATERIEL

Those major end items whose principal use is for combat. Major end items are defined as a final combination of end products, component parts, and/or materiel which is ready for its intended use. War materiel which must be replaced on the basis of piece-for-piece, of the same characteristics and properties are:

(1) Tanks.
(2) Military aircraft.
(3) Military self-propelled ships and water craft and barges.
(4) Armored tracked vehicles.

(5) Military tactical wheeled vehicles and trailers.

(6) Military tactical radios.

(7) Landbased military tactical radars.

(8) Military tactical telephones and teletypes.

Before replacement the United States shall take whatever action is necessary to insure that the South Vietnamese Government complies fully with the provision requiring notice to the ICCS of items eligible for replacement and shall comply with any other conditions the Commission may impose. The United States shall insure that the ICCS is provided in advance of delivery with lists of replacement items to be furnished to South Vietnam. Obligations can be made in advance of appropriations for replacement materials drawn from Department of Defense stocks with reimbursement to the Department from subsequent appropriations.

The provision authorizes $150 million in military grant assistance to Cambodia but requires that if a cease-fire comes about the aid be provided only in accordance with the terms of the cease-fire agreement.

Military training assistance could be provided to South Vietnam and Laos under chapter 23, if permitted under the respective cease-fire agreements as interpreted by the respective International Commission. After any future cease-fire agreement, military training for Cambodia would, of course, be subject to the conditions and terms of that agreement.

If there is a general outbreak of fighting in South Vietnam, the President can provide unlimited military aid if he finds and reports to the Congress that the Vietnam cease-fire agreement "is no longer in effect," in other words, that it is null and void insofar as the United States is concerned. Additional aid above the one-for-one replacement cannot be provided, for example, merely by a Presidential declaration that North Vietnam or the People's Revolutionary Government are violating one or more articles of the agreement. Experience to date has proven that such charges are likely to be a common occurrence on both sides. To go beyond the one-for-one replacement limit the President must assume full responsibility for scrapping U.S. support of the Vietnam cease-fire agreement.

In the absence of any replacement criteria being established by the ICSC for Laos or the parties to the cease-fire agreement for Laos, it is the Committee's intent that the list of eligible armaments, munitions, and war material established by the Department of Defense for Vietnam shall apply and replacement shall be only on a piece-for-piece basis. General subsidization of these Laotian armed forces is not authorized.

Finally, the President shall submit a quarterly report to the Congress on the aid furnished and the general status of the implementation of all cease-fire agreements involved in the area, including a full description of all types of assistance furnished to the three countries and the number and types of United States personnel involved who are paid directly or indirectly with U.S. funds.

There are of course, no funds authorized anywhere in this bill for financing any U.S. military combat operations in Cambodia or anywhere else in Indochina. In this respect the bill is entirely consistent with the Senate's action on the Second Supplemental Appropriation Bill, H.R. 7447, and the Committee's action on the Case-Church amendment to the Department of State Authorization Bill, S. 1248.

EXCERPT FROM REPORT OF THE COMMITTEE ON FOREIGN RELATIONS ON S. 1443, THE FOREIGN MILITARY SALES AND ASSISTANCE ACT (S. REPT. 93–189).

Sections 3109. South Vietnam, Laos, and Cambodia

(See the analysis of section 2109 for a more detailed explanation of the military aid program to be authorized for South Vietnam, Laos, and Cambodia.)

Subsection (a) provides that after June 30, 1973, no sale, credit sale, or guaranty of any defense article or defense service shall be made, or any military assistance, including supporting assistance, furnished to South Vietnam or Laos directly or through any other foreign country unless that sale, credit sale, or guaranty is made, or such assistance is furnished, under this Act. The provisions of this subsection shall not apply to funds obligated before July 1, 1973. However, any assistance furnished to South Vietnam or Laos that is in the pipeline before July 1, 1973, shall be consistent with the one-for-one replacement requirement.

Subsection (b) requires that any sale, credit sale, or guaranty made, or assistance provided under this Act to South Vietnam, Laos, or Cambodia shall be made or furnished with the objective of bringing about peace in Indochina and strict implementation of the cease-fire agreements in Vietnam and Laos and any cease-fire agreement that may be reached in the future with respect to Cambodia.

Under subsection (c) armaments, munitions, and war materials may be provided to South Vietnam and Laos under any provision of this Act only for the purpose of replacing, on the basis of piece-for-piece and with armaments, munitions, and war materials of the same characteristics and properties, those armaments, munitions, and war materials destroyed, damaged, worn out, or used up (1) in the case of South Vietnam, after January 27, 1973, and which are included on lists previously furnished by the Government of South Vietnam to the International Commission of Control and Supervision for Vietnam, and (2) in the case of Laos, after February 21, 1973, and which are included on lists previously furnished by the Government of Laos to the International Commission for Supervision and Control for Laor.

Subsection (d) provides that if a cease-fire agreement is entered into with respect to Cambodia, then, commencing with the date such agreement becomes effective, armaments, munitions, and war materials shall be provided Cambodia under this Act only and strictly in accordance with the provisions of such agreement.

Subsection (e) permits armaments, munitions, and war materials to be provided to South Vietnam without regard to the provisions of subsection (c) if the President finds and reports to Congress that the Agreement on Ending the War and Restoring Peace in Vietnam, signed in Paris on January 27, 1973, is no longer in effect insofar as the United States is concerned. No armaments, munitions, or war materials may be provided under this subsection, however, until the President has reported such finding to Congress.

Subsection (f) provides that the President shall submit to Congress within 30 days after the end of each quarter of each fiscal year, a report on (1) the nature and quantity of all types of foreign assistance provided by the United States Government to South Vietnam, Laos, and Cambodia under this or any other law, (2) the number and types of United States personnel present in, or who are involved in providing such assistance to, such countries and who are paid directly or indirectly with funds of the United States Government, and (3) the general status of the implementation of all cease-fire agreements with respect to Indochina. For purposes of this subsection, "foreign assistance" and "provided by the United States Government" have the same meaning given those terms under section 3301(d) of this Act.

EXCERPT FROM S. 1443, THE FOREIGN MILITARY ASSISTANCE ACT, AS PASSED THE SENATE

AUTHORIZATIONS FOR SOUTH VIETNAM, LAOS, AND CAMBODIA

SEC. 2108. (a) (1) There are authorized to be appropriated to the Secretary of State such sums as may be necessary to provide armaments, munitions, and war materials for South Vietnam and Laos under this chapter.

(2) The President may order armaments, munitions, and war materials from the stocks of the Department of Defense to carry out this subsection, subject to subsequent reimbursement therefor from subsequent appropriations available under this subsection. The Department of Defense is authorized to incur, in applicable appropriations, obligations in anticipation of reimbursements in amounts equivalent to the value of such orders under this subsection.

EXCERPT FROM S. 1443, THE FOREIGN MILITARY SALES AND ASSISTANCE ACT, AS PASSED THE SENATE

SOUTH VIETNAM, LAOS, AND CAMBODIA

SEC. 3109. (a) After June 30, 1973, no sale, credit sale, or guaranty of any defense article or defense service shall be made, or any military assistance (including supporting assistance) furnished to South Vietnam or Laos directly or through any other foreign country unless that sale, credit sale, or guaranty is made, or such assistance is furnished, under this Act. The provisions of this subsection shall not apply to funds obligated prior to July 1, 1973.

(b) Any sale, credit sale, or guaranty made, or assistance provided under this Act to South Vietnam, Laos, or Cambodia shall be made or furnished with the objective of bringing about peace in Indochina and strict implementation of the cease-fire agreements in Vietnam and Laos and any cease-fire agreement that may be reached in the future with respect to Cambodia.

(c) Armaments, munitions, and war materials may be provided to South Vietnam and Laos under any provsion of this Act only for the purpose of replacing, on the basis of piece for piece and with armaments, munitions, and war materials of the same characteristics and properties, those armaments, munitions, and war materials destroyed, damaged, worn out, or used up (1) in the case of South Vietnam, after January 27, 1973, and which are included on lists previously furnished by the Government of South Vietnam to the International Commission of Control and Supervision for Vietnam, and (2) in the case of Laos, after February 21, 1973, and which are included on lists previously furnished by the Government of Laos to the International Commission of Control and Supervision for Laos.

(d) If a cease-fire agreement is entered into with respect to Cambodia, then, commencing with the date such agreement becomes effective, armaments, munitions, and war materials shall be provided Cambodia under this Act only and strictly in accordance with the provisions of such agreement.

(e) Armaments, munitions, and war materials may be provided to South Vietnam without regard to the provisions of subsection (c) of this section if the President finds and reports to Congress that the Agreement on Ending the War and Restoring Peace in Vietnam, signed in Paris on January 27, 1973, is no longer in effect. No armaments, munitions, or war materials may be provided in accordance with this subsection, however, until the President has reported such finding to Congress.

(f) The President shall submit to Congress within 30 days after the end of each quarter of each fiscal year, a report on (1) the nature and quantity of all types of foreign assistance provided by the United States Government to South Vietnam, Laos, and Cam-

bodia under this or any other law, (2) the number and types of United States personnel present in, or who are involved in providing such assistance to, such countries and who are paid directly or indirectly with funds of the United States Government, and (3) the general status of the implementation of all cease-fire agreements with respect to Indochina. For purposes of this subsection, "foreign assistance" and "provided by the United States Government" have the same meanings given those terms under section 3301(d) of this Act.

AMENDMENT NO. 525

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

Mr. GOLDWATER submitted an amendment, intended to be proposed by him, to House bill 9286, supra.

AMENDMENT NO. 526

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

Mr. CANNON (for himself, Mr. JAVITS, Mr. BUCKLEY, Mr. THURMOND, Mr. GOLDWATER, and Mr. TOWER) submitted an amendment, intended to be proposed by them, jointly, to House bill 9286, supra.

PROVISION OF FEDERAL REVENUES TO STATE AND LOCAL GOVERNMENTS—AMENDMENTS

AMENDMENT NO. 521

(Ordered to be printed, and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. STEVENS. Mr. President, the administration has proposed the Better Communities Act to provide for Federal revenue sharing with the States to meet community development needs. The factors used to determine the allocation of funds are population, the extent of overcrowded housing and the number of people living below the poverty level of income.

For the State of Alaska the bill presents several major problems. We, of course, have a very small population and those with jobs have a relatively high income level. While some adjustments are made to reflect the higher cost of living, no Federal program has ever been designed which takes into account the fact that in some areas of my State it costs as much as 200 percent more to live than it does in the "lower 48."

I am especially concerned with the effects of this legislation upon the expiration of the hold harmless period. Assuming that funding will be at the $2.3 billion level requested, the total of all Federal funds under this program for the State of Alaska after the hold harmless period would be just over $300,000. It is just not possible to have an adequate or even marginal community development program in a State whose area is one-fifth the total area of the country with annual Federal funding of $300,000.

The amendment which I am submitting today would provide that total entitlement of each State, together with the entitlements of all political subdivisions and metropolitan areas within that State, would not be less than 1 percent of the funds appropriated to carry out the act.

I ask unanimous consent that the text of the amendment be printed at this point in the RECORD.

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

AMENDMENT NO. 521

On page 18, between lines 11 and 12, insert the following:

"(f) Notwithstanding any other provision of this section, the Secretary shall make such ratable adjustments in entitlements as may be necessary so that the entitlement of each State, together with the aggregate of the entitlements of all metropolitan cities, urban counties, and other units of general local government within such State, is not less than 1 per centum of the funds appropriated for any fiscal year to carry out this Act."

On page 18, line 12, strike out "(f)" and insert in lieu thereof "(g)".

ESTABLISHMENT OF SAFETY STANDARDS FOR MOBILE HOMES IN INTERSTATE COMMERCE—AMENDMENTS

AMENDMENT NO. 522

(Ordered to be printed, and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. BROCK submitted amendments, intended to be proposed by him, to the bill (S. 1348) to provide for the establishment of safety standards for mobile homes in interstate commerce, and for other purposes.

AMENDMENT OF SOCIAL SECURITY ACT—AMENDMENTS

AMENDMENT NO. 523

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

Mr. FANNIN. Mr. President, today I am submitting amendments to H.R. 3153 which will facilitate the adoption by Arizona of a medicaid program.

Arizona has been concerned, since the enactment of the medicaid program, with the financial implications that participation by the State would present to the State's financial program. The result has been that the State has not approved legislation to enable it to participate in the medicaid program.

Among the concerns the State felt would be harmful to its capacity to participate were the State matching requirements, mandated comprehensive health services, program regulations and guidelines, and the participation by Indian citizens. These concerns, however, have largely been modified in recent years, but the problem of Indian participation has remained unresolved and represents a major obstacle by the State to enacting enabling legislation.

Under present Federal law the State is required to contribute a portion of State funds to cover the costs of benefits provided to individuals participating in the medicaid program. The Indian Health Service provides, however, 100 percent financial support to those reservation Indian citizens who participate in the programs of the Indian Health Service. Arizona is concerned that large numbers of reservation Indian citizens who are eligible for Indian Health Service benefits, may elect to instead participate in the medicaid program thus causing serious financial problems for the State in meeting its medicaid costs.

To alleviate this potential problem, I am proposing that services provided to reservation Indians under medicaid be reimbursed at a rate of 100 percent by the Federal Government. The effect of this proposal is to provide a rate of reimbursement for service on the same basis as the Indian Health Service.

In my estimation this is a fair and equitable solution to a problem which if unresolved could seriously threaten Arizona's financial capacity to meet the obligations of the medicaid program should it desire to participate.

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

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

AMENDMENT NO. 523

On page 9, line 6, insert "the preceding provisions of" immediately after "by".

At the end of the bill, insert the following:

SEC. 6. (a) Section 1903 of the Social Security Act is amended by inserting immediately after subsection (d) thereof the following new subsection:

"(e) With respect to amounts expended during any quarter (commencing with the calendar quarter which begins on January 1, 1974) as medical assistance under the State plan (including amounts for premiums as described in subsection (a) (1)) in providing services to any individual who, at any time during the 12-month period ending with the month preceding the month in which he received such services, was eligible for comprehensive health services under the Indian Health Service program conducted within the Public Health Service, the Federal medical assistance percentage shall be increased to 100 per centum."

(b) Section 1903 (a)(1) of such Act is amended by striking out "subsections (g) and (h)" and inserting in lieu thereof "subsections (g), (e), and (h)".

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 476 TO H.R. 9286

At the request of Mr. GOLDWATER, the Senator from Montana (Mr. MANSFIELD) was added as a cosponsor of amendment No. 476 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 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.

ANNOUNCEMENT OF HEARINGS ON INDIAN HOUSING

Mr. ABOUREZK. Mr. President, I announce for the information of the Senate that the Indian Affairs Subcommittee of the Senate Interior Committee plans to hold 2 days of field hearings into the Indian housing problem.

The hearings are scheduled for October 1 and 2 in South Dakota.

On October 1, the hearings will commence at 9:30 a.m. at Digmann Hall in the town of St. Francis on the Rosebud Indian Reservation in South Dakota.

The subcommittee is planning a somewhat unusual approach to this day of

hearings. I am inviting the Indian people themselves to testify about their housing problems and the programs. The invitations to testify will be sent via either mass mailing or a leaflet drop to the seven reservations in South Dakota.

The idea is to ask the people most directly involved—the consumers of the programs themselves—what might be wrong and what might be needed. It promises to be a dramatic hearing.

On October 2, the hearings will commence at 9:30 a.m. in the ballroom of the Alex Johnson Hotel in downtown Rapid City, S. Dak. On that day the subcommittee plans to hear from people directly involved with Indian housing programs who are the next step up the ladder—those people with day-to-day operational responsibility for the programs.

It is a from-the-grassroot-up approach.

I extend a cordial invitation to members of the subcommittee, full committee and the entire body to attend these hearings. Staff contact in my office will be Joel Severson, X-5842.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

William R. Burkett, of Oklahoma, to be U.S. attorney for the western district of Oklahoma for the term of 4 years (reappointment).

Floyd Eugene Carrier, of Oklahoma, to be U.S. marshal for the western district of Oklahoma for the term of 4 years (reappointment).

Frank M. Dulan, of New York, to be U.S. marshal for the northern district of New York for the term of 4 years (reappointment).

Harold S. Fountain, of Alabama, to be U.S. marshal for the southern district of Alabama for the term of 4 years (reappointment).

Christian Hansen, Jr., of Vermont, to be U.S. marshal for the district of Vermont for the term of 4 years (reappointment).

Thomas P. McNamara, of North Carolina to be U.S. attorney for the eastern district of North Carolina for the term of 4 years, vice Warren H. Coolidge, resigned.

Richard L. Thornburgh, of Pennsylvania, to be U.S. attorney for the western district of Pennsylvania for the term of 4 years (reappointment).

Robert G. Wagner, of Ohio, to be U.S. marshal for the northern district of Ohio for the term of 4 years (reappointment).

Marvin G. Washington, of Michigan, to be U.S. marshal for the western district of Michigan for the term of 4 years (reappointment).

Charles S. White-Spunner, Jr., of Alabama, to be U.S. attorney for the southern district of Alabama for the term of 4 years (reappointment).

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Thursday, September 27, 1973, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearings which may be scheduled.

ADDITIONAL STATEMENTS

NORTH CAROLINA SUPREME COURT JUSTICE DISCUSSES SEPARATION OF POWERS IN WATERGATE PROBE

Mr. HELMS. Mr. President, I have at hand a copy of a remarkable speech delivered in Raleigh, N.C., on September 14 by a distinguished member of the Supreme Court of my State, Dr. I. Beverly Lake.

Mr. Justice Lake is a former professor of law at Wake Forest College. He is admired and respected throughout North Carolina, and much of the rest of the Nation, as a true constitutional scholar. He does not attempt to bend or twist the Constitution to suit his own view of things. He is a great American in every way.

Mr. President, the subject of Mr. Justice Lake's recent speech was "The Separation of Powers." It is important, perhaps, to note that Dr. Lake is a registered Democrat. Thus, the candor and forthrightness with which he examines the present Watergate controversy, particularly as it relates to executive privilege, compels the thoughtful attention of all who desire to view the Watergate Affair in a proper perspective, free from partisanship—and, I might add, free from any desire to "get the President."

At the conclusion of my remarks, Mr. President, I shall ask that Mr. Justice Lake's address be printed in the RECORD in full. But before I do that, permit me to quote a couple of paragraphs.

In discussing the original basis for consitutional separation of powers, Dr. Lake referred to the wisdom of Jefferson, Madison, Washington, Franklin, Adams and their fellow workers in Philadelphia. He emphasized the goals of these Founding Fathers. And then Dr. Lake said:

> Does this mean, as has been suggested recently by those who ought to know better—and who do know better—that this puts the President above the law? Of course not! It simply means that he is not subject, *while President*, to the orders of either a Senate Committee or of a Federal judge in matters over which the Executive power extends. He may be removed from office during his term by the procedure expressly provided by the Constitution, and, as the Constitution now provides, he cannot serve longer than eight years, but, so long as he remains President, he may lawfully shut the door to his oval office or to his file room, when a Senator or a judge demands admittance, as truly as the Senate may exclude him from its meetings or the Court from its conference chamber.

As for the controversial White House tapes, Mr. Justice Lake has these comments:

> Coming to the much discussed tapes: At first, the holier-than-thou press and certain Senators expressed horrified indignation at the disclosure of the President's practice of taping all his conferences. They said this was most ungentlemanly, a breach of courtesy and good faith owed the other conferee, who might not want his remarks to the President made known to others. Then these same self-appointed guardians of presidential ethics and courtesy set up an even more furious bowl of outrage because the President refused to let them—the Senators and the press—listen to the tapes to see what the other conferee really had said. The inconsistency does not seem what the other conferee really had said. The inconsistency does not seem to have occurred to the Senators but it stands out too clearly to permit any conclusion except that the purpose of these Senators is, and has been, to undermine and destroy the confidence of people like us in the President, not to correct bad practices in political campaigns.

Mr. President, I commend to the attention of my colleagues—and to all other Americans—this speech by my friend, Mr. Justice Lake. I ask unanimous consent that it be printed in its entirety in the RECORD.

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

SEPARATION OF POWERS

(Address by Hon. I. Beverly Lake)

I believe that your September meeting is the one at which you direct your interest especially toward the Constitution of our country. It is, in my opinion, the most remarkable document in all the world's history in the area of political science. It is a blueprint of the machinery for the government of a society of free people. That machinery has worked well. It can keep on working. Having spent many years studying and endeavoring to apply it properly to specific cases, I remain amazed by the wisdom and the understanding of the great Americans who wrote and adopted it.

In view of the current controversy about the right of a Senate Committee, or of a Federal judge, to compel the President to permit it or him to see and hear certain documents and tapes, I thought this might be an appropriate time to take a brief look at the doctrine of Separation of Powers. In his textbook on Constitutional Law, Professor Willoughby of Johns Hopkins University wrote long before there was a Watergate, that this is a fundamental principle of American constitutional law and that its value in "protecting the governed (you and me) from arbitrary and oppressive acts on the part of those in political authority has never been questioned since the time of autocratic royal rule in England."

The performances and comments of members of the Senate Watergate Committee on television and in the press during recent weeks may well have led some to think this is a device recently invented by Republicans to obstruct justice. Suppose we start by looking at statements by two gentlemen, whose loyalty to the Democratic Party and whose knowledge of and devotion to the Constitution, as well as their patriotism and integrity, compare quite favorably with those of any member of the Senate Watergate Committee—Thomas Jefferson and James Madison, one of the Authors of the Declaration of Independence, the other justly called the Father of the Constitution.

In the profound, scholarly series of essays on the Constitution called the Federalist Papers, in Essay No. 48, Mr. Madison quotes Mr. Jefferson as saying that the concentration of the legislative, executive and judicial powers in the same department of government is "precisely the definition of despotic government" and that this is just as true when the Legislative branch takes over the powers of the other branches as when the Executive does so. Mr. Jefferson cited as an example of the tyranny of an unchecked Legislative body, the medieval Republic of Venice.

Perhaps an illustration more familiar to us would be the Jewish Sanhedrin in the days of our Lord's crucifixion. Mr. Madison then, speaking for himself, wrote: "The conclusion which I am warranted in drawing from these observations is that a mere demarcation on parchment of the constitutional limits of the several departments is not a sufficient guard against those encroachments which lead to a tyrannical concentration of all the powers of government in the same hands."

What else was Mr. Madison saying is necessary, at this point, to prevent our government from becoming an instrument of tyranny and oppression? What he was talking about was a scrupulous observation of this fundamental principle by Senators, judges and administrators, not just the mouthing of constitutional phrases and self-serving protestations of love for the ideas they express.

When our office-holders, be they judges or senators or administrators, show tendencies toward disregard of this fundamental principle of good government in their zeal to promote the fortunes of their own political party and to smear and discredit the opposition party, men and women like us must make clear our concern and displeasure. This was the view of Mr. Madison and of Mr. Jefferson—Democrats, yes, but Democrats whose love of our country and of our Constitution never yielded to political partisanship.

As is true of most of the foundation sills of our American concept of government, this one originated with our English ancestors. Magna Carta, wrung from King John at Runnymede nearly 800 years ago, was the fruit of rebellion by the barons against a government in which the three great powers of legislation, administration and adjudication were in one man—the absolute monarch. In his History of the English Speaking People, Sir Winston Churchill says of Magna Carta: "In place of the King's arbitrary despotism [the Barrons of Runnymede] proposed, not the withering anarchy of feudal separatism, but a system of checks and balances which would accord the [government] its necessary strength, but would prevent its perversion by a tyrant or a fool."

But Magna Carta, like our Constitution, is mere words on parchment, except insofar as its basic truths are in the minds and hearts of those who occupy offices and lead the public thought. Love of power is a recurring disease and afflicts well-intentioned people as well as scoundrels. Thus, four centuries after Magna Carta, James I, a good man, asserted the Divine Right of Kings to rule and his son, Charles I, a courtly gentleman of character, marched up to the door of the House of Commons to demand desired legislative action. He was refused admission, and we see in our own State government operations a reenactment of that great stand against despotism. When Governor Holshouser addresses the Legislature he does so at its invitation and stands outside the door of the House until the presiding officer directs that he be admitted.

But the framers of our Constitution knew from English History that, as Mr. Jefferson said, legislative despotism is still despotism and that senators, as well as kings and president, suffer from delusions of grandeur and from thirst for power and publicity. It was the despotism of Parliament which led to the unjust and cruel beheading of King Charles and then on, step by step, to the one-man distatorship of Oliver Cromwell, for as Lord Action observed, "Power corrupts, absolute power corrupts absolutely."

America is not without experience with legislative despotism, though recently we have suffered more from judicial despotism. President Andrew Johnson, Raleigh's native son, by his courageous refusal to bow down before the arrogant demands of Congress, dominated by the infamous Thad Stevens, who sought to grind into dust the liberties and the entire social structure of North Carolina and her neighbors, brought on his unjustified impeachment and, almost, his removal from office.

The doctrine of separation of powers is clearly expressed in the Federal Constitution. It provides:

"*All* legislative powers herein granted shall be vested in a Congress * * *. (Art. I, § 1)

"*The* executive power shall be vested in a President * * * (Art. II, §1)

"*The* judicial power * * * shall be vested in one Supreme Court and in such inferior courts as the Congress may * * * establish."

Our State Constitution contains virtually identical provisions and adds: "The legislative, executive and supreme judicial powers of the government ought to be forever separate and distinct from each other."

Why? Listen to the preamble of the Constitution, the magnificent declaration of the purpose of all its provisions:

"We the people of the United States, in order to form a more perfect union, establish *justice*, insure *domestic tranquility*, provide for the *common defense*, promote the *general welfare*, and secure the blessings of liberty for ourselves and our posterity do ordain and establish this Constitution."

That is why Jefferson, Madison, Washington, Franklin, Adams and their fellow workers at Philadelphia provided for the separation of the powers of our government—so that we might have *justice, tranquility*, prosperity and a *secure liberty*. Senators and judges who determine this fundamental foundation sill, by encroaching upon the powers of the President, endanger those attributes of America—*justice, peace, prosperity* and *liberty*.

Does this mean, as has been suggested recently by those who ought to know better—and who do know better—that this puts the President above the law? Of course not! It simply means that he is not subject, *while President* to the orders of either a Senate Committee or of a Federal judge in matters over which the Executive power extends. He may be removed from office during his term by the procedure expressly provided by the Constitution, and, as the Constitution now provides, he cannot serve longer than eight years, but, so long as he remains President, he may lawfully shut the door to his oval office or to his file room, when a Senator or a judge demands admittance, as truly as the Senate may exclude him from its meetings or the Court from its conference chamber.

Let us look at another illustration of the danger in disregard of this fundamental principle. A few days ago, a Federal District Judge, who, it happens, was a fellow student and friend of mine many years ago at the Harvard Law School, and who is a brilliant student of the law and a well intentioned gentleman, issued an order directing the American Air Force to cease bombing targets in Cambodia. Whether they should have been bombed is not the point. The point is the Constitution states:

"The *President* shall be the commander-in-chief of the army and navy, and the *Congress* shall have power to declare war * * * to raise and support armies * * * to provide and maintain a navy * * * [and] to make rules for the government and regulation of the land and naval forces."

It gives judges no power to order a cease fire in any conflict.

Now it may or may not be true that my friend, Judge Judd, knows more about military tactics, foreign relations, and the horrors of war than does President Nixon, though personally I doubt it, but the Constitution provides President Nixon, not Judge Judd, or even Justice Douglas, is the Commander-in-Chief, and Judge Judd was simply usurping power when he issued his order. Don't you see how ridiculously dangerous it would be if Judge Judd, or one of the other 250 or so Federal judges, could order our armed forces to stop shooting at enemy missile carrying ships headed toward Norfolk or New York? And whom should our airmen obey if one judge orders "Shoot" and another, "Hold your fire?".

Coming to the much discussed tapes: At first, the holier-than-thou press and certain Senators expressed horrified indignation at the disclosure of the President's practice of taping all his conferences. They said this was most ungentlemanly, a breach of courtesy and good faith owed the other conferee, who might not want his remarks to the President made known to others. Then these same self-appointed guardians of presidential ethics and courtesy set up an even more furious howl of outrage because the President refused to let them—the Senators and the press—listen to the tapes to see what the other conferee really had said. The inconsistency does not seem to have occurred to the Senators but it stands out too clearly to permit any conclusion except that the purpose of these Senators is, and has been, to undermine and destroy the confidence of people like us in the President, not to correct bad practices in political campaigns.

The more important thing is the constitutional principle. These are records kept by the President of his official conferences. It is immaterial whether they are tapes or his long-hand notes. He and he alone, not the Senate or a judge, has the authority to say whether someone else may rummage through his papers and listen to recordings of his conferences. I do not know whether the tapes of President Nixon's conferences with his former lawyer, John Dean, show Mr. Dean told the truth or committed perjury in his testimony before the Watergate Committee; but I do know they are records of a confidential conference in the exercise of the President's official duties, and the principle of separation of powers would be violated if President Nixon yielded to the demand of a Senate Committee, or of a Federal judge (even the Supreme Court), for their disclosure. Scrupulous adherence to this constitutional principle is far more important than satisfying the curiosity of the Senators, or of the press or even yours or mine. If I were President, I would say, "I am not going to recognize the right of either the Senate or the courts, or even the News & Observer, to order me to turn over my official papers for inspection."

COMMUNITIES BENEFIT FROM SUMMER JOBS PROGRAM

Mr. SYMINGTON. Mr. President, this summer St. Charles County demonstrated that the summer jobs program for needy youth is beneficial not only for those employed but also for the communities they serve.

St. Charles County was one of the areas hardest hit by the Missouri and Mississippi floods this spring. By June, the cleanup after the disaster was far from completed. During the summer months, the community was able to use the services of over 700 youth employed under the summer jobs program to help with the extensive work remaining to be done.

Presiding Judge of the County Court Douglas Boschert recently sent me articles and letters which express the appreciation of the community for the accomplishments of the youths it employed this summer. As Judge Boschert stated in his letter:

Without the financial assistance provided by the Manpower Administration these projects would have been too immense to handle.

The reports from St. Charles reveal how a community can benefit from this valuable program while it helps its young

people receive jobs training and experience.

I ask unanimous consent that the letter from Judge Boschert and the letters and articles be printed in the RECORD.

There being no objection, the letters and articles ordered to be printed in the RECORD, as follows:

ST. CHARLES COUNTY COURT,
St. Charles, Mo., August 1, 1973.

Senator STUART SYMINGTON
St. Louis, Mo.

DEAR SENATOR SYMINGTON: Enclosed, you will find several articles and letters in reference to the Public Employment Summer Youth Program in St. Charles County. This Program has been a major success in this County such as involving our youths in many worthwhile projects.

As you will note in many of the articles, as well as the complimentary letters, flood cleanup and highway work in flood areas is beneficial to the citizens, the Administration and the youths of St. Charles County. Without the financial assistance provided by the Manpower Administration these projects would have been too immense to handle.

My sincere appreciation.

Respectfully yours,

DOUGLAS BOSCHERT,
Presiding Judge.

PORTAGE DES SIOUX, MO.,
July 16, 1973.

DOUGLAS F. BOSCHERT,
Presiding Judge, St. Charles County Court, St. Charles, Mo.

DEAR SIR: Last week, in response to our request, a Mr. Lloyd Johnson and a group of teen-age boys came out to help us clean up debris from our recent flood.

These boys were a great help and accomplished a good amount of clean-up. Since we are both up in years and both handicapped, we don't know how to thank all enough.

We have had a tremendous loss to our home and it is good to know someone wants to help. Thank you so much.

Sincerely yours,

Mr. and Mrs. RUDOLF KIPP, Jr.

ST. CHARLES, MO.,
July 26, 1973.

Mr. FLOYD JOHNSON,
St. Charles County Court House:

Please accept my heart felt thanks to you and the fine group of school boys, who did work for me I could not do.

Many thanks to all.

Sincerely,

Mrs. THELMA GOSHEN.

PICTURE CAPTIONS IN MISSOURI NEWSPAPERS

St. Louis Post-Dispatch, Friday, July 13, 1973 (picture caption):

Pep Squad: Youths employed by the St. Charles Housing Authority under the Public Employment Program relax near the end of a day of cleaning and painting vacant units in the housing project near Blanchette Park. The PEP workers, are assisting a one-man maintenance crew. In the group were: Belinda Robinson, Leroy Moore, Genice Grady, Byron Steele and Sidney C. Smith II.

St. Charles Banner-News Tuesday, July 10, 1973 (picture caption):

On the Job Despite Heat: With temperatures in the 90's, Monday was a hot day to begin the heavy cleanup that some vacant units of the St. Charles Housing Authority require, but these Public Employment Program (PEP) youngsters put in a full first day. Their employment was arranged by PEP in response to a request of the housing authority's director Mrs. Dollester Boyd to the city for manpower help to supplement her one-man maintenance crew. Wendall Brown, 1027 N. Fourth Street, was hired by the city to supervise the youngsters in the seven-week program. They were: Belinda Robinson, Genice Grady, Cathy Hunn, Byron Steele, Leroy Moore and Sidney Smith.

St. Louis Post-Dispatch, Monday, July 23, 1973 (picture caption):

Cleaning Church: Ken Wilburn, 14 years old, son of Mr. and Mrs. Leon Wilburn, 1824 North Third Street, St. Charles, cleans flood deposits off a basement window at Immaculate Conception Church at West Alton, Missouri. The water filled the basement and stood 8 inches deep in the ground floor of the church and school this spring. Youngsters from the Public Employment Program (PEP) and the Neighborhood Youth Corps (NYC) are helping in floor cleanup in cases where persons need outside help. The help, which is free, is financed with federal funds.

[From the St. Charles Journal, July 5, 1973]

MORE COUNTY YOUTH WORKING

More county youth are being put to work—the St. Charles County Manpower Office has received an additional $24,000 in federal funds, enabling it to employ a total of 65 youth for the summer. With the $43,000 already received, this adds up to $67,000 in federal funds this summer.

Jerry Rufkahr of the local manpower office said that jobs include flood relief clean-up for the elderly and handicapped, St. Charles City clean-up, Boys' Club instruction and work with the Salvation Army, Small Administration disaster office, Public Housing District, St. Charles School District and the Historical Society. All openings are not yet filled, but about 100 applicants will not be placed due to lack of jobs—and money.

The youth program, which pays $2 per hour, employs young persons aged 14–24 who are out of school for the summer, dropouts, veterans and disadvantaged individuals, as defined by the Department of Labor.

When the program ends Aug. 31 Rufkahr's office will try to find permanent employment and training for high school dropouts and encourage them to take the General Education Development test for high school equivalency.

Jobs are announced through advertisements in newspapers, listings with the Missouri State Employment office, the Daniel Boone Community Action Agency, referrals and word-of-mouth.

Rufkahr added that his office gets "good cooperation" from agencies such as the Boys' Club, the Salvation Army and the Daniel Boone agency in seeking job sites.

"I think this is one of the finest things we've had in the county for some time," stated Presiding County Court Judge Douglas Boschert. "We're getting many things done and providing employment for young people who in many cases are paying their way through college or helping support parents and other children.

"I'm highly pleased that the federal government has seen fit to provide funds to local government authorities to take care of the problems. This form of revenue-sharing is the answer to many problems. If they'll just send our money back to us we'll get the job done."

[From the St. Charles Journal, June 28, 1973]

NO CALLS—VOLUNTEER CLEANUP GROUP STANDING BY

More than 700 volunteer workers are ready, willing and able to sweep into flood-damaged St. Charles County homes.

They stand by pails, brooms and mops waiting for the call for assistance for homeowners faced with the monumental tasks of cleaning the Missouri and Mississippi Rivers from their homes.

But the only problem facing the volunteer force is not the work itself, but rather finding the work. The Daniel Boone Community Action Agency is coordinating the efforts which began the first of this month, and finding little work for the group.

"In that time, we've only had two calls for assistance," says Bud Bennett of the agency.

Rather than decreasing, the number of available workers for the clean-up tasks is sky-rocketing. This week the County Manpower Office joined in the efforts.

Five county teenagers were hired by the office to aid families in moving back into flood damaged homes.

The salaries for the five are being paid through the Public Employment Program. Director of the program Jerry Rufkahr said he had $3,500 remaining in PEP appropriations and decided to put the youths to work.

"We are also hoping for additional funding from the Business For Youth Employment to hire more youths for the clean-up efforts," says Rufkahr.

Rufkahr says he's received only one call at the County Manpower Office for assistance. "We expect to have the crew out on that job by today," adds Rufkahr.

"We're hoping that the senior citizens and handicapped people will be calling our office for the workers," says Rufkahr. "The county court and highway department have been getting a lot of calls for assistance. We are hoping to channel the calls through to our office."

Bennett's contingent of workers are all volunteers ranging from boy scouts to church groups to private citizens. He's dispatched work crews to areas in West Alton and Kampville. "We're disappointed that we're not getting more calls for help," adds Bennett.

Bennett says he thinks the reason for so few responses to their work pleas is that many of the victims have yet to return to their homes. "We think maybe that they're unable to move back in just yet."

Both Bennett and Rufkahr say they are ready to dispatch work crews wherever needed. They say no forms are necessary to be filled out. "It's just a matter of setting up a time," says Rufkahr.

[From the St. Louis Globe Democrat, June 29, 1973]

JOBS FOR YOUTHS TO AID FLOOD VICTIMS TO START

Flood victims and youths needing summer jobs received some good news this week from St. Charles County officials.

Forty summer jobs will be provided through two federal financial grants and some of the youths will be assigned to help flood victims clean up and fix up their property.

Jerry Rufkahr, director of the county public employment program, said Thursday that flood victims, especially the elderly and handicapped, may receive cleanup assistance by making arrangements with his office, 723–8300.

The assistance will be available until Aug. 31 from the youths who will be under adult supervision.

About 35 jobs in public service posts will be filled shortly with a $24,200 grant also received this week.

Youths seeking summer employment may call the office for further information.

[From the St. Charles Banner-News, June 27, 1973]

YOUTH JOB PLAN TIED TO COUNTY FLOOD CLEANUP

The county has instituted a program that will have double benefits in the area, and the federal government will pay the lion's share of it.

The program was announced by Jerry Rufkahr, director of the Public Employment Program (PEP), which helps find and create jobs for the unemployed. The costs of the program are almost entirely paid by the federal government.

Part of PEP is the summer employment programs for youths who need jobs. About $3,500 was left over from the budget, so the

county decided to use that and some of its own to hire five more youths to help with flood cleanup.

"We're trying to get to the senior citizens, the handicapped, and other victims of the flood who just can't do it themselves," Rufkahr said. He said the County Court has received a number of requests for such a service.

The program will begin Thursday and Rufkahr is asking flood victims who, by reason of age or incapacity, cannot clean up the debris on their property left by the flood, to contact the Public Employment Office. When requests come in, the five youths hired will be dispatched to the area to do the work. The county, Rufkahr said will provide the trucks to haul off the debris.

"We want them to call here, any persons that need this help. We'll dispatch the kids from here," he said.

He felt it was a needed service due to the number of requests the County Court had, but he didn't know how many homes would be served during the nine-week program. "I have no idea. As badly torn up as West Alton is, that will be one area where we'll get these kids. The extent we go into other areas will depend on how many people call," he said. "It will be just a matter of finding where they are needed, and dispatching them," he added.

Rufkahr said there was also a possibility of the program being expanded if more money becomes available from another source.

The teenagers who will work in the program will be hired from among those who applied for jobs under the summer PEP program but didn't get positions, he said.

DEFENSE AND THE ECONOMY

Mr. HANSEN. Mr. President, during the August recess, my distinguished colleague, the senior Senator from Hawaii (Mr. FONG), addressed the national economic commission of the American Legion at its 55th National Convention in Honolulu.

Appropriately, Senator FONG spoke on the topic of national defense spending and the U.S. economy.

Appropriately today, as the Senate begins debate on the procurement authorizations bill for our Nation's defense establishment, it is timely to call the attention of my colleagues to Senator FONG's remarks, which place in perspective the proposed defense budget and our national economy.

While declaring our defense budget is "not sacrosanct," Senator FONG reminds us of the "utter folly of unpreparedness" and cautions us that there is an irreducible minimum below which we must never go.

Citing one of America's greatest generals and one of our greatest Presidents, Dwight D. Eisenhower, who said—

> The first of all firsts is our Nation's security.

Senator FONG concluded with this thought:

> The most important social service that a government can provide for its people is to keep them free and safe from enemy attack. Without that freedom and that protection against conquest, social reform and social justice cannot flourish.

Mr. President, I ask unanimous consent that the text of Senator FONG's address be printed in the RECORD.

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

DEFENSE AND THE ECONOMY

Chairman Campbell, Director Kirby, Assistant Director Clark, Legionnaires, Fellow Americans:

Aloha!

And a warm welcome to Hawaii to all of you!

May I take this occasion to congratulate you and all the members of The American Legion for your steadfast devotion to duty, honor, and country. There is no doubt of your allegiance to freedom and liberty, which you demonstrated by your service in our country's uniform. There is no doubt about your support for strong defenses so that all Americans will continue to enjoy freedom and liberty in the years to come.

It is particularly fitting that The American Legion is holding its national convention here in Hawaii this year, at a time when some people are calling for huge reductions in defense spending. For, here in Hawaii within sight of Waikiki is Pearl Harbor, a reminder of the utter folly of unpreparedness.

Our defense budget is not sacrosanct, but there is an irreducible minimum below which we must never go. With the end of U.S. military operations in Indochina, some people are expecting huge defense reductions. And with significant improvement in relations with the Soviet Union and the People's Republic of China over the past year, some Americans are urging cutbacks in America's defense establishment that would in effect amount to unilateral disarmament.

Some people call for huge defense cuts on the grounds that defense spending is the root of inflation, of our balance-of-payments problems, and of the social ills plaguing our Nation.

It is time to put a stop to making defense the scapegoat for all our ailments. Let's look at the facts.

Insofar as inflation is concerned, five sectors of our national economy have had above-average inflation since 1964—construction; personal services, including medical care; food; wholesale and retail trade; finance, insurance and real estate.

The impact of defense spending on these five sectors is very negligible, less than one per cent in all sectors except services where the impact is less than three per cent.

As a matter of fact, our defense establishment has itself been a victim of inflation. Without adding or promoting a single defense employee and without buying an additional item from industry, the same programs that cost $51 billion in 1964 would cost $88 billion in 1974— 73 per cent increase!

As for our balance of payments, in the late 1950's and early 1960's, the total amount of military spending for foreign goods and services was 25 per cent as much as U.S. civilians spent to import foreign merchandise and services. Today, military spending is less than 10 per cent as much.

In just four years—from 1968 to 1972—the number of defense-related military, civilian, and contract employees worldwide went down by 35 per cent; overseas alone, the reduction in military and civilian personnel was nearly 50 per cent; and defense spending abroad declined by 25 per cent. If defense spending were dominant in our balance-of-payments picture, that picture should have brightened considerably. Instead it worsened. Obviously, other factors were the culprits in this adverse situation.

And what about the charge that we have neglected spending for human resources while defense spending soared? Well, the facts show that in the past 10 years, total Federal outlays have shot up 127 per cent, but defense spending rose by 58 per cent. Meanwhile, Federal aid to education zoomed upward by 466 per cent; public welfare jumped up 426 per cent. Health care and services including medicare and medicaid skyrocketed 4,571 per cent.

By comparison, defense spending ran far behind spending for these human resource programs.

If we were to extend the present range of HEW services to all those who actually need and could use these services, this would cost an additional $250 billion a year, according to former HEW Secretary Elliot Richardson.

This is roughly equivalent to the entire Federal budget for all Departments and agencies in the current 1974 fiscal year, which is $268 billion!

To spend at the rate some people would have us spend—just for HEW programs alone—would almost double the Federal budget. No need to mention what that would do to taxes.

So those wishful thinkers who think we can cut defense spending to take care of our human resources to the hilt are sadly misinformed. Even if we cut defense spending down to zero, which nobody advocates, it would be a drop in the bucket toward that $250 billion for HEW programs.

Some people keep saying we should reorder our national priorities, when these priorities between defense and human resources have already been reordered.

Five years ago, 45 cents of every Federal dollar spent went for defense, 32 cents for human resources Today, out of every Federal dollar spent, 30 cents goes for national defense and 47 cents for human resources.

Too many critics of defense spending believe our defense establishment looms as large in our national picture as it did 20 years ago.

Times have changed—changed quite drastically.

Twenty years ago, defense spending was about 65 per cent of our total Federal budget. Think of it! We were spending twice as much for defense as for all other Federal Departments and agencies combined.

Today it is just the reverse. The other Federal agencies spend more than twice as much as defense.

Twenty years ago, defense spending was nearly double that of all state and local governments combined.

Today, it is just the reverse.

Twenty years ago, total defense manpower was nearly equal to all other public employment—Federal, state and local—combined.

Today, other public employment is four times as high as defense manpower.

Twenty years ago, about 49 cents out of every tax dollar—Federal, state and local—went for defense.

Today, this figure comes to about 20 cents.

Today, the defense share of Federal outlays, of the labor force in America, and of total production of goods and services in the United States is the lowest in more than 20 years.

So just because the defense budget for 1974 is $5.7 billion higher than 1973 is no reason for hysterics.

Of this increase, $3.6 billion are for pay increases and higher prices for goods and services. Less than half—$2.7 billion—of the increase is to strengthen defense

Nobody begrudges pay increases for our military and civilian defense personnel. For too long, our GI's particularly have been under-paid, under-housed, and under-respected. It is high time that Congress recognizes their value to our Nation! And it is high time our men and women in uniform receive the respect and gratitude which they earn!

At the same time, from a budgetary standpoint, we cannot ignore the impact of those pay increases. Just to give an example, in 1954, the cost per "soldier" was $3,658. In 1974, it is $12,448—three and one half times as much!

When you consider that two-thirds of the defense budget goes just for manpower and related costs, and only one third for defense hardware, you begin to wonder whether the defense budget is enough.

Is it enough to pay for the research and

development which is absolutely imperative to keep America technologically ahead?

Is it enough to modernize our strategic and conventional forces to cope with what a potential enemy could array against us?

Is it enough to provide us with a balanced mix of forces—land, sea and air—conventional and strategic?

Is it enough to deter war—or if war is not deterred, to win a war thrust upon us?

These are just a few of the fundamental questions we Members of Congress are asking ourselves now as we consider the military procurement authorization bill and the appropriations bills for national defense.

Coming from Hawaii where the attack on Pearl Harbor remains vivid in my memory and where our Pacific Command is still located . . . having been in the United States Senate since 1959 during which time many basic national defense issues have been debated and voted on . . . and having served on the Appropriations Committee since January 1969 and on the Defense Subcommittee since early this year, you can be sure of my deep interest in making sure that America is never caught in the position of having too little defense!

Should that time ever come, I fear for the Republic, because if we cannot defend ourselves, who is going to come to our rescue!

We Members of Congress must make our decisions on the defense budget in the context of the new detente with the Soviet Union and the rapprochement with the People's Republic of China, in the context of the increasing economic and fiscal strength of our NATO allies, and in the context of the end of U.S. military action in Indochina.

Understandably, the American people are weary of war. Understandably, they want the burden of defense lessened. They long for the generation of peace for which President Nixon is working so hard. They see in the treaties and agreements signed by the U.S. and the U.S.S.R. hope for a reduction in the costly arms race that has staggered both nations for so many years.

The ABM Treaty and the Interim Agreement on strategic offensive arms do place limits on deployment of launchers for intercontinental and sea-launched ballistic missiles and on antiballistic missile defenses. But, other categories of strategic forces, such as bombers, cruise missiles and air defenses, are not covered.

In addition, except for certain types of ABM defense systems and the dimensions of ICBM silos, there are no limitations on qualitative improvements—that is, modernization—of the forces. As Chairman Brezhnev forewarned us, the Soviet Union is pressing forward with modernization programs in all permitted areas.

So, while we applaud these first steps toward diminishing the arms race, these are by no means disarmament agreements. Simple common sense tells us that while the negotiations for a follow-on Strategic Arms Limitation agreement continue, while the conference on mutual and balanced force reduction in NATO and Warsaw Pact areas is under way, while other ways of reducing tensions are being explored—we had better keep our guard up and our powder dry!

We dare not allow our high hopes or any euphoria to blind us to our defense requirements.

We need to negotiate—not from weakness, but from strength! We need to ensure our survival—not through weakness, but through strength in case the international climate turns stormy.

We need to persevere toward the goal of a generation of peace, for which we all yearn. But meantime, we must face the plain realities of this dangerous world. We must be prepared for all eventualities.

In these days of high costs and inflation and keen competition for our tax dollars, our defense establishment must be lean and muscular, with no fat; it must be ready; and it must forego past luxuries that have no place in today's world. Yet it must be a credible deterrent force for the foreseeable future.

America is not going to provoke war. But we shall be ready if anyone is so foolish as to attack us!

America is not going to retreat from a prime leadership role in international affairs. But we are not going to shoulder *all* the burdens for *all* the other countries that want peace but are not willing to pay their fair share to keep the peace!

Providing for one Nation's security is an enormous and complex task. America fronts on three oceans and the Gulf of Mexico. We have 24,000 miles of coastline to defend. The waters that once protected us from attack are today sea highways for missile launching ships. Wide as the oceans are, they are not wide enough to protect America from intercontinental ballistic missiles, which can leapfrog oceans and continents.

The development of nuclear weapons, particularly the large warheads, has by now produced a balance of terror, so to speak, and the potential holocaust up to now has prevented outbreak of nuclear war.

This means that conventional forces must be maintained to keep America's sea lanes and air lanes open and to make sure we can protect our people from invasion and attack.

The Soviet Union is proceeding with its plan to become Number One across the board in military superiority. From a third-rate naval power at the end of World War II, the Soviet Union today deploys the world's largest, most modern surface navy and the world's largest, most modern, and fastest-growing submarine fleet. Only in aircraft carriers does the United States outnumber the Soviet Union and even here, the Soviet have one aircraft carrier undergoing sea trials and a second carrier under construction.

The Soviet Army far exceeds ours in manpower and divisions. They have four times the nuclear megatonnage that we have. Under the SALT I agreement, we allowed the Soviet Union to have the edge on us in intercontinental ballistic missiles in place and on ICBM launchers—they have 1,618 launchers including those under construction to our 1,054. Their sea-launched ballistic missile forces will surpass ours this year under the SALT agreement.

These are sobering facts—facts which we take into account as we look at the 1974 defense budget, which asks for 523 active Navy ships, 13 Army divisions, 2,233,000 men and women—all less than we had ten years ago, before the Vietnam war.

Honest men can disagree on how much defense is sufficient to deter war. But we must all agree never to have too little!

As the late President John F. Kennedy said, "Only when our arms are sufficient beyond doubt can we be certain beyond doubt that they will never be used." I agree with that, don't you?

One of America's greatest generals and one of our greatest Presidents, Dwight D. Eisenhower, said "The first of all firsts is our Nation's security." I agree with that, don't you?

So when the furore begins as Congress debates the military procurement authorization bill and the defense budget, I hope you Legionnaires will support those of us in Congress who recognize this is no time for America to let down her guard or to let her defenses wither away as they did after World War II.

And when the hue and cry goes up—as it will—that we should reorder our priorities, speak up and let everybody know that our national priorities have already been reordered.

And to those who would cripple our defense establishment to use the so-called "savings" for social services, let us all say loudly and clearly:

"The most important social service that a government can provide for its people is to keep them free and safe from enemy attack."

Without that freedom and that protection against conquest, social reform and social justice cannot flourish.

America must never be so shortsighted that we save a buck . . . only to lose our Nation!

Mahalo and Aloha.

WEST VIRGINIA NEWSPAPERS FOCUS ATTENTION ON NEGLECTED AND ABUSED CHILDREN

Mr. RANDOLPH. Mr. President, on July 14, the Senate passed the Child Abuse Prevention and Treatment Act, S. 1191, by a vote of 57 to 7. This important legislation provides us with an opportunity to initiate new efforts to protect innocent children who have been battered, neglected, and abused.

Just 5 years ago, perhaps even less, the outrage of child abuse was practically unknown to the general public. Only recently has this problem become known. The awareness in large part is due to the work of the news media and press.

Our recognition of child abuse is too late to help the many thousands of children who have suffered in the past; however, I believe that in S. 1191 we have laid the foundation for programs to provide better services to abused children, as well as abusive parents, in the future. If these programs of prevention, treatment, and identification are to be successful, they must be made known to the people. The shocking reality of battered and neglected children must be kept in the public view.

Recently, two fine series of articles appeared in the Charleston Daily Mail and the Huntington Herald-Advertiser. The first is a four-part series by Ron Hutchinson of the Daily Mail staff, describing the problem in West Virginia and in the Charleston area. To me the third article in the series illustrates that people who are aware of this problem do become concerned and get involved in the child abuse problem. Victor and Sandra Rumbaugh of St. Albans have opened their home to abused and neglected children who have no place to go. It is important in the treatment and rehabilitation of these children that they be placed in a homelike and loving atmosphere where they can be made to feel that they are an important part of the family. The Rumbaughs have accomplished this. I am hopeful that more homes such as the Rumbaughs' can be established through more intensive child abuse treatment programs.

The second series of articles is by Jim Warren in the Huntington Herald-Advertiser. This series, entitled: "The Ugliest of Crimes" points out the rise in reported cases of abuse in the tristate area, West Virginia, Kentucky, and Ohio. All three States have updated their reporting procedures and requirements in recent years bringing more cases, previously undetected, to the attention of the proper authorities.

These articles demonstrate that although we are now beginning to make strides toward providing better protection for abused children there is still a great deal to be done. I am confident that the Child Abuse Prevention and Treatment Act, if enacted into law, will result in substantial progress in attacking this critical problem.

Mr. President, I ask unanimous consent that the articles appearing in the Charleston Daily Mail and the Huntington Herald-Advertiser be printed in the RECORD.

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

PUBLIC SHUNS CHILD ABUSE; VICTIMS BEATEN, STARVED; MANY OFFENDERS GO UNPUNISHED

(By Ron Hutchison)

At a time when other 12-year-old boys are wrapped up in baseball and play, a Jordans Creek boy covered by bruises, was tied to his bed by his parents.

Sheriff's Juvenile Officer Dave Johnson, reflecting on the case, said grimly, "I had never been confronted with a situation as bad as this."

The plight of the boy is now history but it it is an example of the child abuse-neglect cases facing police, juvenile court officials and social workers.

The cases involve victims who are beaten, bloodied, burned and even starved, and they are victims who cannot defend themselves and often have no defenders.

Johnson said the Jordans Creek lad had gone to school with welts and bruises on his body, and clothed in filthy rags.

"There were rumors he had been chained or tied to the bed because he was hyperactive. His parents didn't know how to control him.

"He was one of nine children and classified retarded. When I first saw the boy and his condition I went to his parents wanting blood. Then I saw the situation and realized this was their way of life and in their own way they loved the boy and tying him was their way of controlling him. It was still child abuse."

"We took the boy out of the home," Johnson continued, "and placed him in a foster home and there was an immediate improvement in his hyperactivity and his IQ tested higher. The boy was retarded but it was aggravated by the treatment of his parents and the environment."

Even though many children are victims of maltreatment, most cases are not reported and the offenders go unpunished. Most witneses, as neighbors and family members, look the other way. They don't want to get involved.

Johnson told of an Elkview teen-ager forced from his home by his father. The boy, caked with his own excrement, begged food and lived in an abandoned shed.

"The father was retarded to the extent he thought of the boy as he would an unruly dog," Johnson said. "It was a sad situation and we had to find a foster home for the boy. In cases like this a foster home is the best place, but there is a shortage here too of people who will get involved—involved enough to take in a kid, especially an older one."

Lt. Gerald Wiseman, city police juvenile bureau director, agreed with Johnson that child abuse-neglect cases are hard to prosecute.

"These are hard charges to prove because people don't come forward but yet they are the most obvious human violations an officer sees. The officer often has to make a decision on the basis of human values and not on the law, to do what is best for the child and do it fast."

The lieutenant recalled the case of four youngsters, all under 7 years of age, who were found begging on Washington Street, East.

The children had been beaten by the mother's boyfriend and there was no food in the house. The mother was on a drinking binge. Officers bought groceries with their own money and neighbors took the children. The mother, charged with neglect, paid a fine and returned to her children. In the past two years she has twice more been charged with neglect and each time paid a fine.

Veteran juvenile bureau detective Woodrow Barker Sr. told of the case of a Coal Branch Heights girl whose father beat her with a leather belt, smashed her with his fist and pulled her hair. The mother did not try to help the girl.

Finally fed up with the beatings, the girl walked from her home to police headquarters to report the abuse case.

"I got a conviction for felonious assault against that man, and it was a pleasure," Barker said grimly.

Area officers say it is a grim irony that citizens who cry for law and order will not call police when they know a child is being abused or neglected.

The officers who deal with these cases say West Virginia should have tougher penalties for child abuse and neglect cases.

They say circumstances should be made easier for reluctant witnesses to come forward and citizens should be encouraged to be foster parents.

The officers also say courts should not be lenient on the brutalizers of defenseless children and cases should be vigorously prosecuted and publicized.

CHILDREN ALMOST HELPLESS OFFICIALS AGREE: ALTER STATE LAWS

(By Ron Hutchinson)

Revamping state laws so abused and neglected children can survive is the common ground of agreement between juvenile court and welfare officials.

Kanawha Juvenile Court Judge Herbert Richardson lays some of the blame for legal remedies at the doorstep of the State Legislature. He says the hands of many judges are shackled by antiquated laws.

"Many of these laws were written in 1915 and are archaic and out of date with today's society. We need to take a look at the laws and the means of correcting child abuse and neglect and then bring the laws up to date," Richardson declared.

Julian Sulgit, program specialist in the Department of Welfare's Child Protective Services unit, said he is working with a state legislative committee staff with an eye toward updating some laws affecting neglected and dependent children.

Sulgit said he classifies the child abuse and neglect incidences in West Virginia as "serious."

"There are many areas that could be improved and one should be having lawyers appointed to represent dependent children in juvenile courts," Sulgit suggested.

Rozella Archer, Department of Welfare assistant director of the Social Services Division, echoes a Sulgit argument.

"Children in delinquency cases have representation but in dependency cases such as abuse and neglect, it's the parent who has a legal representation. Children should have a lawyer because the children's interests are sometimes lost."

Funding is also a problem, both for juvenile courts and social workers.

The 27 Child Protective Service units around the state now handle cases involving 1,200 families and 3,600 children. Of this total, 120 families and about 300 children are in Kanawha County.

Funds are needed for additional qualified social case workers and to add sufficient counselors and specialists to court staffs.

Judge Richardson said law changes would help break the child abuse-neglect cycle.

"We often find the parent who abuses and mistreats a child was himself once an abused child. We have to provide special counseling for the parents and children and we often need foster homes to care for these abused children."

Richardson and Pat O'Neal, assistant prosecuting attorney assigned to Juvenile Court, both say advances have been made in state laws.

"In the past some doctors wouldn't report suspected child beating cases because they were not protected against lawsuits. The law now has been changed and more of them are reporting the cases," the judge said.

O'Neal added, "The last legislature passed a law allowing the Department of Welfare to receive emergency custody of a child from a police officer for 15 days. In the past this could only be done by a court order or written permission of the parents."

The social workers and court officials gave similar profiles of the typical parent who is a child abuser.

The parents usually head a low income family and often there is alcoholism involved in the family. The problem of maintaining the family leads to frustration and the child, often an innocent bystander, receives the brunt of the parent's frustrated rage.

Decisions in these cases are not easy.

"Not every case is cut and dried," Richardson said. "We have to use some latitude in finding the answers because previous rulings and legal opinions don't always cover the case."

"Some parents will agree to psychiatric counseling or to sending the child to relatives for a while," O'Neal explained.

Miss Archer offered, "The majority of the cases indicate the parent still shows responsibility, compassion or concern for the injured or abused child. Our primary focus is to get the family to see the situation that leads to neglect and abuse and then get the members to overcome these situations."

Social workers and juvenile court authorities agree that if something isn't done soon, the merry-go-round of child abusers abusing their children will continue and there will be no brass ring for the children to catch and few bright tomorrows for beaten and neglected tots.

THIRTEEN SWIRLING YOUNGSTERS COUPLE CAN'T SAY NO AS FOSTER PARENTS

(By Ron Hutchinson)

On a quiet St. Albans street is a house whose occupants are proof some people are concerned and do get involved in the child neglect-abuse problem.

Victor and Sandra Rumbaugh frankly admit they have become overly involved and 13 youngsters swirling through the house are evidence it's hard to stop once you start.

The Rumbaughs entered the foster parent program in February, 1972, after more than six years of working in the programs day care project. In the past 16 months, 25 youngsters have become members of the Rumbaugh "clan".

The young couple, who have four children of their own, plus one adopted daughter, act as parents to eight others ranging in age from 8 to 18.

With 15 now in the household, Rumbaugh, an FMC payroll department staff member, said:

"We didn't plan on this. It just happened. We became sort of an emergency place for social workers to bring kids and we wouldn't say no. One thing led to another and we haven't regretted a moment."

Mrs. Rumbaugh, called either "Sandy" or "Mom" in the perpetual motion household, said there have been no major problems from the youngsters whose backgrounds are varied.

"Surprisingly we've had no big problems. Of course, there are always small things that seem bigger to the kids, but they get along just great considering the fact we have such a variety. We try to treat them all, our own and the others, alike. There are no favorites.

The "clan", which was camping out en masse in Putnam County, does exhibit one phenomenon, according to Rumbaugh.

"When the kids hear we're getting another one, they start cleaning up and getting ready

for the new arrival. They take the new one under their wings and show him the ropes. You'd think there would be some jealousy but it's the opposite.

"They also have their own ways of keeping each other in line, such as giving one a hard time if he doesn't do his chores. We have to do very little disciplining and then it's usually taking away a privilege like staying up or going to a movie or the Jesus Inn in Spring Hill."

The Rumbaughs have found their involvement is expensive.

During 1972 they shelled out $1,000 of their own non tax-deductible money in addition to welfare funds paid them for each child's food, clothing and other supplies. The state pays medical bills for the youngsters.

Payments range from $65–$85 per month per child depending on the age of the youngster but the Rumbaughs found $3 per day will not feed and clothe a growing teenager.

"For our entire family we spend about $140 a week for groceries so I have to shop for the specials very carefully," Mrs. Rumbaugh noted. She said she knows of no wholesale outlet to sell them food at a better price.

Their population explosion has meant adding a second story and other rooms to the first floor of the Rumbaugh home.

Rumbaugh described a routine outing with 13 children as "an adventure every time."

The couple said the majority of the foster children have histories of neglect. They have also cared for children who were physically abused and who were retarded.

"We try to make it as much of a home atmosphere as we can and we try to take the pressure off these kids who are not ready to handle adult pressures," Mrs. Rumbaugh explained.

"We've found this to be a rewarding experience because some people don't want to get involved to help these kids. It's added more meaning to our lives and we feel richer because of it," Rumbaugh said.

The Rumbaughs might have also said they have found the answer to dealing with child neglect and abuse—it's called love.

Child Concert at "End of Line"

(By Ron Hutchison)

Two young Kanawha County men come from similar backgrounds but the outlook for their futures appears vastly different.

Both were neglected children, the products of broken homes. Both are 18 and both have been the subject of juvenile court action and both have been in institutions for neglected children.

Neighbors regard both as "nice young men". Both are described as quiet, well-mannered and hard workers.

One was accepted by a foster family in St. Albans and, through their encouragement, finished high school in night classes and is now studying to be an accountant.

The other was shipped to a children's home, escaped and is now in the Kanawha County jail charged with raping and murdering a seven-year-old girl.

One man's life was stabilized because a family got involved. The other man's future is uncertain.

The second young man's case, according to police, court and social workers and foster parents, is typical because, to them, it appears the public would rather brush the child neglect-abuse problem under society's rug and forget it.

They say it will take public pressure and public involvement to deal with the problem.

On the federal level, the U.S. Senate has approved a bill, co-sponsored by Sen. Jennings Randolph, D-W. Va., for $90-million funding for a five-year program of study and prevention of child abuse and neglect.

The bill would create a National Center on Child Abuse and Neglect, fund and assist public and private organizations for programs to prevent, identify and treat the problem, and establish a 15-member commission to study child abuse and neglect.

Randolph summed up a major portion of the problem by quoting a Senate hearing witness who said, "The two greatest handicaps children suffer from is that they neither vote or pay taxes, which places them at the end of the line when the bureaucrats set up their programs and fund their activities."

West Virginia needs a law similar to one in Kentucky as a tool in identifying and preventing neglect-abuse cases.

Kentucky law not only requires anyone having knowledge of such a case to report it, but provides punishment for those who refuse to report such incidents. In addition, the law provides immunity for persons who report cases.

Under Kentucky law, a person can file a report if he has reason to believe a child is being mistreated, whether or not he has seen the actual abuse.

Kanawha Juvenile Court Judge Herbert Richardson has advocated a thorough airing of West Virginia's entire juvenile court laws with an eye to updating the statutes.

Social workers proposed a law to have court-appointed lawyers represent abused and neglected children who are dependents of the state. They have also backed laws to encourage families to become foster parents and laws to establish modern facilities to care for children who cannot be returned to their homes.

Foster parents have said it is a financial burden to care for children on a $3 per day allowance. To encourage more foster parents, the state allowance must be increased.

The Ugliest of Crimes

REPORTED CASES OF CHILD ABUSE IN TRI-STATES HAVE RISEN IN THE PAST 2 YEARS

Four-year-old David's ear was almost wrenched from his head. Larry, age six, suffered third degree burns on both his hands. Six-month-old Sally is dead.

They weren't in a traffic accident, caught in the path of a natural disaster or maimed by an explosion.

All three were the victims of their parents.

Because Sally had been crying for hours and would not stop, her frustrated young mother heated a large pan of water. And then she lowered Sally into the scalding liquid. Sally died in a hospital a few hours later.

Larry and David were luckier.

To punish him for leaving the family yard to play, David's father gave the boy's ear a "gentle tug."

And because Larry refused to "mind," his father held a cigarette lighter to the boy's hands.

Sally, David and Larry were victims of child abuse, which has been called the ugliest crime, the hardest to define, the hardest to prove and the hardest to detect.

The number of reported cases of child beating, burning, stabbing and maiming—all grouped under the heading child abuse—has been soaring in every state over the past five years.

Although no definitive national figures on child abuse are available, some experts estimate 60,000 cases are reported in the U.S. every year.

In the Tri-State, West Virginia, Kentucky and Ohio welfare officials report accounts of child abuse have risen dramatically in the past two years.

According to the Ohio Department of Public Welfare, child abuse reports in the state went from 726 in fiscal 1970 to 695 cases in fiscal 1971 and then jumped to 1,119 last fiscal year, an increase of about 62 per cent.

Richard Leightner, the department's public affairs director, said the number is expected to go even higher this year.

In Kentucky, abuse reports have almost doubled, rising from about 300 cases in fiscal 1971 to more than 500 last year. Only 68 cases were reported in fiscal 1970.

Alex Broaderick, community services director in the Kentucky Department of Child Welfare, said the upward trend is expected to continue.

Julian G. Sulgit, child protection expert with the West Virginia Welfare Department, said protective services cases, which include child abuse, have increased from 1,000 in 1971 to 1,200 last year. Sulgit said the total number of cases for 1970 was under 1,000.

Since child abuse is lumped with protective service cases in West Virginia, exact figures on child abuse are not readily available.

However, Sulgit said he is sure the number of cases is increasing, based on the number which cross his desk each month.

Just who are these child abusers?

They're just like most people in many respects, researchers say.

They live on farms, in small towns and in cities. They attend Catholic, Jewish and Protestant churches and some have no faith. They are intelligent and well-educated and unintelligent and poorly educated. They are rich and poor, upper class and middle class.

According to a 1967 public opinion survey by Brandeis University, nearly 60 per cent of adult Americans believe "almost anybody could at some time injure a child in his care."

In contrast to opinions of 30 years ago, which pictured abusive parents as sadistic monsters who methodically went about maiming their children, psychologists now believe most abusers really love their youngsters.

Dr. David G. Gil, professor of social policy at Brandeis University, believes most abusers are normal individuals who go farther than they intend in disciplining their children because of anger or temporary loss of self-control.

And psychologists stress children are not always abused by parents. The abusers may be relatives, neighbors or education personnel.

Experts place abusers into a variety of categories, each with a different set of underlying personal problems which contribute to the abuse.

Some abusers suffer from psychotic tendencies and their abuse is unpredictable and sometimes extremely violent. Infanticide and child homicide most often result in such cases.

Others abuse because of a generally hostile character that may stem from personal inadequacy, alcoholism and financial problems. In recent years more and more abuse cases have been associated with drug abuse, authorities say.

Some persons are unable to react with children because of cold, rigid characters that prevent them from feeling love and protectiveness toward their children.

In many cases the abuse results from marital conflicts that are displaced onto the child. Often the abused child was premaritally or extramaritally conceived.

Other instances occur because the individual is unable to control his temper or meet the mounting stresses of everyday life.

Dr. Gil, who is a nationally recognized expert on child abuse, has theorized the problem is a natural outgrowth of the widespread acceptance in our society of physical discipline for children.

Dr. Gil stated during recent Senate hearings on child abuse that "whenever corporal punishment is widely used, extreme cases will occur and children will be injured."

"Quite frequently acts aimed at merely disciplining children will, because of chance factors, turn into serious accidents," he said.

What are the effects of child abuse on the victims?

Psychologists say the emotional wounds suffered by abused youngsters can affect them throughout life and may be far more serious than physical injuries.

According to Dr. Harold P. Martin, associate director of child development at the

National Center for Prevention and Treatment of Child Abuse and Neglect, even children who experience mild forms of abuse may suffer severe emotional scars.

A two-year study by Dr. Martin of 58 less severely abused children showed the youngsters to be mildly retarded, suffering from poor growth and having emotional development problems.

In a report on the study, Dr. Martin noted "the most striking impression . . . was that the principal price these children were paying for their abuse was in terms of personality development."

"Very few children were capable of truly enjoying themselves. Low self-esteem, poor ability to form friendships, learning disorders and behavior problems were common findings," the report said.

Other studies also indicate that many abused youngsters often grow up to become abusive parents themselves, imitating the treatment they received during their own childhoods.

And psychologists now believe thousands of persons who annually are arrested for community various crimes were abused during childhood.

Despite these grim reports, child abuse experts say all but about 10 per cent of abuse cases can be cured through treatment and rehabilitation of the abusers.

That 10 per cent includes cases involving abusers with severe mental problems. In those cases, usually the only solution is to remove the child to a foster home.

Treatment most often is provided through state welfare department social workers. In West Virginia it's the responsibility of the State Department of Welfare, in Kentucky the Child Welfare Department does the job and in Ohio county welfare departments handle the cases. A social worker may be assigned to a particular case for a year or more, meeting with the involved family each week to offer help and advice.

The worker tries to develop a "supportive relationship" with the abusive parent, letting him describe his feelings and frustrations concerning his child.

Such programs are intended to let the parent release verbally on the social worker the fears and stresses that otherwise might be expressed through child abuse.

Under current treatment procedures, child welfare agencies make every effort to keep the abused child in the home. Only when the child's health is threatened do agencies seek court authorities to remove him to a foster home or center.

According to Broaderick, the Kentucky community services director, removal of the child can defeat the purpose of the treatment.

"Once you remove the child, you have removed the greatest tool for rehabilitating the parents," he said. "With the child no longer in the home, it is very difficult to gage how successful the rehabilitation effort has been."

In all abuse cases, welfare agencies now take a helpful stance, rather than trying to prosecute the parent.

Such methods of treatment are in contrast to ideas in vogue decades ago when the first priority was punishment for the parent.

Only in recent history have lawmakers, social service agencies and law enforcement agencies begun to take a serious look at child abuse.

As late as the 1870's the only organization working to protect abused children was the Society for the Prevention of Cruelty to Animals.

While welfare agencies still rely heavily on the use of social workers in treating abusive parents, several new approaches also are being tried around the country.

Child abuse experts are expressing excitment over a new self-help program for abusers called Parents Anonymous. The organization, which functions much like Alcoholics Anonymous, was launched in California three years ago.

Abusive parents may join the organization and discuss their problems with fellow abusers.

While child welfare agencies are reporting success with the various treatment programs, they are looking for ways to improve detection of child abuse.

Despite the rapidly rising number of abuse reports, officials are quick to admit they may be only "skimming the surface" of the problem.

Some experts estimate there are between 10 and 100 unreported instances of child abuse for each case that comes to the attention of child welfare or law enforcement organizations.

Charles Bonta, district director for the Department of Child Welfare in Ashland, Ky., admits, "we really don't have any ideas how much child abuse actually goes on."

"The reported cases are the only ones we ever hear about, and I'm convinced the incidence level is much higher than the reporting level," he said.

Brandeis University abuse experts have termed most estimates and reports on the occurrence of child abuse "meaningless."

Many authorities attribute the rise in the number of reports to improved reporting laws, rather than an actual increase in cases.

Those laws are only just now beginning to uncover the widespread incidence of abuse that has long been in existence, experts say.

Kentucky, West Virginia and Ohio all have passed new reporting laws in recent years or updated old ones. All three states now require medical and law enforcement personnel, as well as private citizens, to report any suspected cases of abuse.

And immunity from civil liability also has been provided to protect citizens who do report.

To further encourage reporting, Kentucky in 1972 provided penalties for anyone who knowingly fails to report abuse.

Despite these legislative efforts, officials agree many cases still go unreported.

Severe abuse, in which a child is badly injured or killed, usually comes to public attention. But hundreds of less-sensational cases remain undisclosed.

The problem stems from the reluctance of citizens to report a child abuser who may be a relative, neighbor or respected member of the community.

They often fear the notoriety, court proceedings and other actions that might result from filing the report.

And often citizens may not know where or how to report a case of abuse.

Officials in Ohio, Kentucky and West Virginia have begun various efforts to improve the situation.

The Kentucky Department of Child Welfare has launched an effort through the University of Kentucky Continuing Education Program to familiarize physicians with abuse and how to report it.

Ohio Public Welfare officials attribute much of their state's increased reporting rate of distribution of "Child Abuse and Neglect Prevention Kits."

The kits provide information on child abuse and how and where to report cases. In addition, the department has utilized televised public service announcements to focus attention on child abuse. In West Virginia, the welfare department has used printed brochures containing child abuse material urging citizens to report when abuse is suspected.

In addition, all three states are making efforts to familiarize social workers with child abuse through meetings and workshops.

Randolph Bill Offers Some Help

With reports of child abuse rapidly inceasing across the nation, Sen. Jennings Randoph, D-W. Va., is co-sponsoring a measure in Washington that would meet those reports with programs of treatment and prevention.

The bill was introduced by Sen. Walter F. Mondale, D-Minn., and recently was passed by the Senate. It is now awaiting action in the House.

The bill would provide approximately $80 million over the next four fiscal years for public and nonprofit private agencies for demonstration programs designed to prevent, identify and treat child abuse and neglect.

Funds provided under the act would be used for the development of training programs in child abuse treatment and prevention for medical, legal and other personnel.

In addition, monies would be made available to furnish professional and paraprofessional child abuse treatment personnel to small communities on a consulting basis.

The so-called Child Abuse Prevention Act also would create a National Center on Child Abuse and Neglect within the Department of Health, Education and Welfare.

By compiling, analyzing and publishing data on child abuse, the center would serve as a national clearing house for child abuse prevention, idetification and treatment programs.

In addition it would compile and publish training materials for personnel engaged in treating child abuse and neglect.

To improve statistical data on abuse, the bill also would creates a 15-member National Commission on Child Abuse and Neglect.

As its first duty the commission would be directed to investigate the effectiveness of existing child abuse laws and ordinances and also study the role of the federal government in assisting the states with abuse problems.

The commission would report is findings on those subjects to the President in one year and provide recommendations for new legislation.

Sen. Randolph has called the act a chance to provide "the attention so necessary for the protection of our children."

During subcommittee hearings on the measure, the Senator said the act was needed because existing laws "are not being transformed into workable programs for the detection and treatment of child abuse."

He said programs must be more comprehensive in order to cover all types of abuse and treat them.

The Senator said the bill will be a "very necessary step in the direction of greater rights and protection for children who have been battered, neglected and abused."

Role of Protective Service Worker With Abusive Parents a 24-Hour Job

"They're lonely people, looking for help, groping for help."

That's how Sarah Dunlap describes the abusive parents she works with in her job as a protective worker for the Kentucky Department of Child Welfare in Ashland.

"They carry a lot of guilt, know what they've done." she said. "You have to talk with them in a critical but positive way."

Mrs. Dunlap currently is working on 41 protective service cases, many of them involving child abuse.

Every week she visits the families involved in the abuse cases, listens to the parents' complaints, problems and frustrations.

And the job doesn't end after an eight-hour day. Often, a parent will call her at home to ask for help or advice.

"I get calls after midnight sometimes," she said. "It's a 24-hour job."

In Kentucky, protective service workers like Mrs. Dunlap are the backbone of the Department of Child welfare's program to treat and rehabilitate child abusers.

It is Mrs. Dunlap and other workers across the state who must maintain the personal contact with child-abusing parents that is so important in treatment.

When Mrs. Dunlap receives a report of suspected abuse, whether from a physician,

police officer or private citizen, she begins a personal investigation of the cause.

That usually involves talking with neighbors, relatives and friends of the family to determine if abuse actually is taking place. When evidence shows a child is being abused, she visits the family involved.

"You have to gain their confidence, and avoid confrontations," she said. "They are usually very hostile at first and deny that anything is wrong."

Mr. Dunlap said she has been ordered out of houses on several occasions.

"It takes time to get their trust," she said. "After a while they will begin to call you and ask for help. Then you know you're making some headway."

Most of Mrs. Dunlap's cases, like the great majority of child abuse cases, involve severe spankings or neglect.

"It happens mostly because the parent lost his temper while disciplining the child," she said. "Really severe cases are rare."

"Many of these parents simply can't relate or be open and free," she said. "Often they can't have a normal relationship."

According to Mrs. Dunlap, the success of treating abusive parents depends strongly on the social worker's ability to establish a helpful relationship with them.

"Our function is to provide help and treatment for the abusive situation, not to prosecute the parent," she said. "It would be impossible to do anything constructive or maintain contact with a parent if we were trying to take legal action against him at the same time."

The department occasionally does take legal action to remove children from homes where especially hazardous abuse situations exist.

However, in most cases every effort is made to keep the child at home.

Mrs. Dunlap admitted there may be some risk that a child kept in the home may be abused further while treatment is going on, but she minimized the problem.

"Just our regular visits to the home encourage the parent away from further abuse," she said.

LEONARD CARMICHAEL

Mr. HELMS. Mr. President, on Sunday, September 16, 1973, death came to Leonard Carmichael, a brilliant American who leaves a number of friends among Members of the Senate.

Dr. Carmichael, former secretary of the Smithsonian Institution and vice president of the National Geographic Society, had a distinguished career in education and the sciences. His advice and counsel were widely sought and his devotion to public service is an inspiration to us all.

I note with sadness his passing and remember with gratitude that he was instrumental in the establishment of the Diesel School at North Carolina State University during World War II.

Through his teaching, his writing and his personal example of integrity, Dr. Carmichael shared his great talents. Because of these things, many lives have been made richer.

I extend my deepest sympathy to his wife and daughter and all others who loved him.

THE PENSION REFORM BILL—TRIBUTE TO STAFF

Mr. JAVITS. Mr. President, I did not have the opportunity last night at the close of debate on S. 4, the pension reform bill, to extend fully my sense of appreciation to all those who were responsible for contributing to the passage of S. 4. However, as I did in opening debate on S. 4 on Tuesday, I wish to express my great appreciation for the unfailing cooperation in working on this historic retirement security bill to the chairman of the Senate Labor and Public Welfare Committee, Senator WILLIAMS, who was my partner and cosponsor, and to Senators RANDOLPH, SCHWEIKER, and TAFT and the other members of the Labor and Public Welfare Committee; and, to the Senators of the Finance Committee, Senator LONG, its chairman, Senator NELSON who chaired the subcommittee and is also a member of the Labor Committee, and to Senator BENTSEN, who authored the Finance Committee bill. All their efforts were vital in bringing about agreement on a bill which the Senate has so overwhelmingly accepted.

But no reference to those who worked on this bill could possibly be complete without referring to the special minority counsel to the Labor Subcommittee Michael S. Gordon, who worked with me so closely in respect to this measure; his was a most creative and brilliant job and he has every reason to feel deeply gratified by the result. I want to pay tribute, too, to Robert Nagel who served Senator WILLIAMS in the same capacity as Mr. Gordon served me; to Mario Noto, who worked on this bill for Senator WILLIAMS for a long time; and to Larry Woodworth, the most able counsel for the Joint Committee on Internal Revenue who made enormous contributions to the result.

Finally, I wish to mention Frank Cummings, formerly my AA, now a practicing lawyer in Washington, who was heavily responsible for the first draft of the bill in 1967, and worked closely with me to put the idea forward in legislation at its inception; and, to Gene Mittleman, minority counsel to the Senate Labor and Public Welfare Committee, who carried on the work until Mike Gordon came on the scene.

WATERGATE'S PRICE

Mr. BIDEN. Mr. President, I quote John Craig, the executive director of the Wilmington, Dela., News-Journal:

The public apparently prefers to suffer the social tensions and anxieties that are the baggage of a politically crippled government, rather than risk the trauma of excising from the very center of American life the roots of a cancer.

Shortly after this body adjourned and the Special Committee on Campaign Practices concluded the initial phase of their hearings, Craig offered this sad prospect in a column in the August edition of the News-Journal. This paralysis of popular opinion he traces to the moral crisis in Government depicted in the nationwide broadcast of the committee procedings.

This pyrrhic victory of the Presidents' . . . significantly limits the ability of the Administration to govern. For one thing the hearings have done is give the public a good look at Stans, Mitchell, Erlichman, Haldeman & Co. And like a glance into the eyes of Medusa, it is petrifying.

The "baggage" to which he refers manifests itself daily, and Craig's perspective throws it in sharp relief on the political horizon of the Nation's future. He contends:

What the Democratic majority wants (and what the American people are apparently content to let them have) is Richard Nixon to kick around for three more years. The President and the Republican National Committee both see this all too well, and they are counterattacking. They are talking about the double standard of liberals and the media . . . they are talking about boys being boys . . . they are talking about pettiness . . . they are talking nasty.

This is the genesis of much of the stoned "wallow" surrounding the illumination of governmental practices such as the surveillance of political opposition. And the tendency is inclining each day towards proliferating rhetoric in the face of hobbled national leadership:

The prospect of a drum beat of initiatives of this sort, in tandem with a long line of sanctimonious speeches from Democratic politicians on the make, such as Ted Kennedy's July 4th effort in Alabama, is absolutely crushing. Even if the public can stomach it, can the nation afford it?

The Nation needs a catharsis now, to face the question of confidence in the elective process, to grasp the nettle of Watergate. Craig concludes:

Is not the strength of America the naivete and optimism that risk safety for principle, that give up today for tomorrow? Yes, Nixon lives. But I cannot escape the notion that the price, a no-decision public vote on Watergate, is not right.

Mr. President, I ask unanimous consent to print this evocative opinion column in the RECORD as a reminder to us all of the sense of justice which has been a watchword of American spirit through the centuries.

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

WHAT OF WATERGATE'S PRICE?

(By John Craig)

With the first phase of hearings now behind us, the outcome of Watergate is more predictable than it was six weeks ago: Richard M. Nixon lives.

Given the insulting nature of the President's speech Wednesday night, such a statement might be considered premature, but apparently no amount of Nixon rhetoric can snatch defeat from the jaws of victory in this instance. As much as the public disapproves of what has happened, it does not consider the derelictions of the Nixon Administration grounds for impeachment.

It is no pleasure to admit this. Robert W. Meserve, the outgoing president of the American Bar Association, was correct when he said the paucity of public outrage at Watergate posses "a threat to our liberties and to our very sense of decency." But sad though it be, to persist in arguing that more be done is merely beating a dead horse.

What the Democratic majority wants (and what the American people are apparently content to let them have) is Richard Nixon to kick around for three more years. The public apparently prefers to suffer the social tensions and anxieties that are the baggage of a politically crippled government rather than risk the trauma of excising from the very center of American life the roots of a cancer.

But if the people won't push the Congress, why doesn't the Congress pull them along? Why not, indeed? But, it is not going to be. The Senate is going to have its hearing, a campaign reform law and ultimately its report. But that will be it; the constituents are always right.

This pyrrhic victory of the President's poses real problems for the Republican Party for the next three years and, perhaps, beyond that. It also significantly limits the ability of the Administration to govern. For one thing the hearings have done is give the public a good look at Stans, Mitchell, Ehrlichman, Haldeman & Co. And like a glance into the eyes of Medusa, it is petrifying.

These men, and whatever crimes they are subsequently convicted of, cannot be separated from the government, the President and the GOP. For, as Barbara Tuchman, the historian argued recently, "the Nixon Administration, like any other, is an entity, a whole for which he (Mr. Nixon) is responsible and from which he is indivisible. Its personnel, including those now under indictment, were selected and appointed by him, its principles—or lack of them—derived from him."

If the thought of three years of Democratic politicking on variations of that theme is depressing for the public at large, think how the Republican politicians must feel facing that prospect. The President and the Republican National Committee both see this all too well and already they are counter-attacking, as was abundantly clear Wednesday night.

They are talking about the double standard of the liberals and the media: Why didn't they get upset enough to investigate when Kennedy and Daley stole the election in Illinois in 1960?

They are talking about boys being boys: What's really so bad about breaking into the office of Daniel Ellsberg's psychiatrist and taping the Democrats telephones? Didn't Bobby Kennedy tap Dr. Martin Luther King's phone and trample all over Jimmy Hoffa's rights?

They are talking about pettiness: "Let others spend their time dealing with the murky, small, unimportant, vicious little things. We will spend our time building a better world."

They are talking nasty: "Well, at least we didn't drown anyone."

The prospect of a drum beat of initiatives of this sort in tandem with a long line of sanctimonious speeches from Democratic politicians on the make, such as Ted Kennedy's July 4th effort in Alabama, is absolutely crushing. Even if the public can stomach it, can the nation afford it?

The smart answer is yes: Politics is the art of the possible; to hope for stronger reaction or action on Watergate was (and is) to be naive. The Nixon team has had its wings clipped and the Democrats have been on notice since the '72 election that the people are in no mood to go very far left. That's the most anyone could have expected. The country will be all right. If there is anything to worry about it is the economy.

The reassurances come so easily. It all sounds so good, so smart. But is it wise? Is not the strength of America the naivete and optimism that risk safety for principle, that give up today for tomorrow? Yes, Nixon lives. But I cannot escape the notion that the price, a no-decision public vote on Watergate, is not right.

COURT REPORT SHOWS DECLINE IN CASELOAD

Mr. BURDICK. Mr. President, during 15 days of hearings on the omnibus judgeship bill, held earlier this year, the Subcommittee on Improvements in Judicial Machinery, which I am privileged to chair, carefully examined the caseloads in 42 of the district courts.

During these hearings it became evident that there was some slackening of the trend of ever increasing filings of both civil and criminal cases in the district courts of the United States. The "law explosion" following World War II had thrust a rising caseload upon our courts. In fiscal year 1970 new cases filed increased at the rate of 13 percent; in 1971 it was only 7 percent and only 3 percent in 1972.

The Administrative Office of the U.S. Courts recently released a report showing the court statistics for fiscal 1973. The report shows that for the first time since 1964 the new cases filed decreased by 4,289 cases from the prior year. Also, for the first time since 1960 the number of cases pending at the end of the year also declined. Not only did the incoming pile get smaller but the outgoing pile got larger.

New criminal cases declined by 13.5 percent and the increase in new civil cases further slowed to a rate of 2.5 percent.

The credit for much of these accomplishments must go to the 400 active and 60 senior district court judges. As the Administrative Office report points out, most of the 94 districts were able to operate with full bench strength since there were only 12 vacancies. The record could probably be better if some of the prolonged vacancies could be avoided.

The reported statistics also demonstrate the success of congressional action in recent years. The U.S. magistrate system, which has an increasing number of full-time magistrates, has been able to handle more cases, thus freeing judges for more bench time. For example, magistrates handled 13,978 misdemeanor immigration cases, a 43-percent increase over the prior year. Marine personal injury cases declined by 15 percent, very probably due to the amendments to the Longshoremens and Harbor Workers Act passed by the 92d Congress. With the end of the war in Southeast Asia, selective service cases declined 40.8 percent and these cases will disappear by the end of the current year.

In addition to the decreases noted above, Narcotic Addict Rehabilitation Act cases declined by 32.2 percent, Federal Employer Liability Act cases declined by 16.3 percent, antitrust cases declined by 12.6 percent, liquor law violations declined by 28.1 percent, auto theft cases declined by 16.6 percent, and forgery and counterfeiting cases declined by 12.4 percent.

All of these developments are indeed encouraging. Yet I do not suggest today that we have "turned the corner" on the problems of our overworked courts. I do think, however, that for the first time in almost a decade we are seeing a stabilization of case loads, which is a direct result of Congress and the courts working together to find new approaches to the problems of providing efficient machinery for the administration of justice.

In the months ahead the Congress will be considering further measures in this area which will hopefully promote the stabilization of workload which the latest figures indicate has, temporarily at least, been achieved.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, now that the United States has withdrawn its forces from Vietnam, there are those who feel we should embark on a new era of isolationism.

I feel it important that America resist this tendency strongly. Though we have sometimes erred in our foreign policy objectives, there is no reason for us to use these mistakes as an excuse for avoiding international responsibility.

Internationalism can be a great benefit. While we maintain the sovereign integrity of our great Nation we can productively participate in the creation of a better world community. Our continued commitment to the United Nations is one avenue for such efforts and with the President's diplomatic trips abroad, new doors have been opened. But we should not forget yet another door which remains to be opened to greater participation in international concerns: the Genocide Convenion. Our ratification of this treaty would link us with civilized nations around the world who deplore and have promised to prevent the crime of genocide.

I urge Senators to move immediately to endorse this declaration of the right for all peoples to live according to their nature and belief.

AUTO REPAIR

Mr. HARTKE. Mr. President, there are less than 100,000 auto mechanics in this country, but more than 10 million cars on the road. This shortage of mechanics has caused many repair shops to employ workers who lack adequate training. It has also resulted in slipshod work.

Few of us know the detailed workings of the cars we drive, so we must trust the word of the auto repairman when he tells us we need a new universal joint or a brake job. Most mechanics are honest, but there are far too many who take advantage of our ignorance. In truth, we place our lives in the hands of these men, because statistics show that as many as 11 percent of turnpike accidents are the result of vehicle failure. One automotive diagnostic center reported that 5 percent of the cars tested had safety-related faults, including 42 percent which had brake system defects.

Mr. President, earlier this year I introduced the Motor Vehicle Repair Industry Licensing Act to encourage States to adopt a licensing system for auto repair shops and damage appraisers. This legislation will go far toward setting acceptable standards for repair shops.

I ask unanimous consent that an article describing the efforts of Montgomery County, Md., to adopt a program similar to that provided in my bill be printed in the RECORD.

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

MEASURE URGED ON AUTO REPAIR

(By Jacqueline Bolder)

The Montgomery County Advisory Committee on Consumer Affairs has recommended to the county executive and council legislation regulating all automotive repair establishments in the county.

In a seven-page report, the nine-member body, appointed by the executive and confirmed by the County Council, recommended compulsory registration of all automobile

repair establishments for an initial one-year period, with two-year renewable periods.

Registration differs from licensing which would require an examination as to competency.

Registration, according to the report, could be suspended or revoked, however, after a hearing, if it were found that there had been a "pattern of fraudulent or deceptive conduct" or a "pattern of gross negligence or incompetence."

Leslie A. Glick, chairman of the advisory committee, said, "The committee felt that compulsory licensing did not appear feasible at this time for the county to prepare and administer the type of examinations that would be needed.

"The amount of time and money required for the examination to be administered on a countrywide basis would be considerable," he added.

Glick also observed that there is evidence that any compulsory licensing of competency might tend to further diminish the already limited supply of skilled mechanics working in the country.

However, the recommended registration program would be combined with a voluntary, industry-run testing program which is now in existence.

The National Institute for Automotive Repair Excellence, an industry group, is now conducting a voluntary program of examination and certification of repairmen, administered by the Education Testing Service of Princeton, N.J., the report said.

"The committee felt that this voluntary program should be given time to develop before a decision on compulsory licensing is made," Glick noted.

However, in order to encourage participation on the program, the committee recommended that the registration fee be placed on a sliding scale with a lower fee for establishments with a greater percentage of certified mechanics.

The report cited adequate safeguards to insure that revocation of registration, which would put an auto dealer out of business, cannot occur without due process.

A hearing would be required before a specially created Automotive Repairs Review Board, which would consist of two consumer representatives, two industry representatives and a member of the advisory committee.

The right to counsel and cross-examination of witnesses also would be guaranteed.

The committee report recommended that the Montgomery County Board of Education submit within six months a plan to increase opportunities for vocational training in automotive repair in the county high schools and colleges.

The committee also recommended:

Compulsory guarantee of all work performed on a car for 30 days or 1,000 miles, whichever is greater. An exception is made where a car is too old or damaged to be subject to a guarantee.

Requiring an itemized statement of all repairs, including the cost of each part and whether it is new, used or rebuilt and the amount of time actually spent on the repairs.

Making illegal any statement which a customer may be induced to sign which would absolve the repair dealer of liability for damage caused to the automobile as a result of negligence.

Written estimates should be provided on request, if possible.

CHLORINE IN SHORT SUPPLY

Mr. HASKELL. Mr. President, I have been advised by officials of various water and sewage treatment authorities in Colorado of a problem that has potentially very serious consequences for all of our citizens. I am informed that chlorine, a substance that is vital to the treatment of drinking water and sewage effluent is in extremely short supply.

I have discussed this matter with the Department of Commerce, and I have learned that while the substance itself, which is derived from salt is abundant, demand has increased beyond the manufacturer's ability to extract it from the salt. Shortages are beginning to become apparent in many localities, and the problem could become very serious quickly, if left unchecked.

Drinking water and sewage treatment facilities use only about 5 percent of the Nation's chlorine output, but certainly these two uses are among the most important. The Department of Commerce is working now to unwind the tangled channels of distribution of chlorine, so that a way can be found to supply the water treatment facilities efficiently and without disrupting any other vital industry.

I applaud the Department of Commerce's efforts, and I pledge them my fullest support, but I must point out that I do not intend to be patient in waiting for results.

Mr. President, I ask unanimous consent to print in the RECORD a letter from Mr. William E. Korbitz, manager of the Metropolitan Denver Sewage Disposal District, which more than adequately explains the gravity of this matter.

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

COMMERCE CITY, COLO.,
September 11, 1973.

Senator FLOYD K. HASKELL,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR HASKELL: In accordance with our conversation of September 10, I am pleased to send you herewith details concerning the chlorine shortage and problems anticipated by the Metro District. I also would refer you to my recent letter to Senator Haskell in which I first informed you of the impending chlorine shortage probably on a national scale.

In early summer of this year the District was informed by its supplier, Diamond Shamrock Company, that because of a critical chlorine shortage they would not find it possible to extend the chlorine supply contract into 1974. District personnel subsequently contacted ten chlorine suppliers concerning competitive bids for supplying the District with chlorine in 1974, but the District was advised that until a national inventory was completed none of the suppliers would feel serious in the Denver area as indicated in the 1974 chlorine supply.

The chlorine shortage is expected to be serious in the Denver area is indicated in the enclosed letters from the Colorado Department of Health and the Denver Water Board. The letter received from the Colorado Department of Health requests that the District honor any requests from the Denver Water Board for the use by the Denver Water Board of District chlorine for disinfection of public water supply. This, of course, would mean that the District possibly would not be able to disinfect its effluent from the wastewater treatment facilities before discharging the effluent into the South Platte River. The letter from the Denver Water Board indicates that they will require a major portion of the 90 ton tank car of chlorine presently en route to the District.

The District uses in excess of 50 tons of chlorine per month for disinfection of the wastewater treatment plant effluent, and it is important that chlorine be made available both to public water supply agencies and to public wastewater treatment agencies. The chlorine shortage presumably is partly the result of large quantities of chlorine being used in the manufacture of plastics and other products, and I again would encourage Congressional action to ensure that at least minimum chlorine supplies be made available for disinfection of public water supplies and wastewater treatment plant effluent on a top priority basis.

Please advise me if I can provide additional information or be of further assistance in connection with this chlorine shortage.

Sincerely,

WILLIAM E. KORBITZ, P.E.,
Manager.

POWER SUPPLY—POWER POLICY—A NATIONAL GRID

Mr. ABOUREZK. Mr. President, for 8 years, during the administrations of both President Kennedy and President Johnson, Mr. Ken Holum served this Nation with honor and distinction as the Assistant Secretary of the Interior in charge of water and power. On September 18, Mr. Holum addressed a group of farm leaders at a meeting of the Farm Foundation in Gull Lake, Minn. His address on that occasion was entitled "Power Supply—Power Policy—A National Grid." In that address, Mr. Holum described the need for and the benefits from construction of a publicly owned national grid system—as would be authorized by legislation which Senator METCALF and I along with other Members of this body have introduced. I ask unanimous consent for the speech of Mr. Holum to be printed in the RECORD.

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

POWER SUPPLY—POWER POLICY—A NATIONAL GRID

(Remarks by Ken Holum)

In 1948 I lived in a dimly lighted farm home, twelve miles east of Aberdeen, South Dakota. A 32 volt Delco plant and sixteen 2 volt wet storage batteries provided a little light, a substantial amount of aggravation and no power.

1948 was the year that M. Q. Sharp, a former Governor of the state, recommended that the South Dakota Legislature enact legislation which would authorize the citizens of the state to create consumer power districts when and if the citizens in a community or area of the state found doing so advantageous and appropriate.

Four years earlier, as an item of the Flood Control Act of 1944, the Congress of the United States authorized a program designed to achieve comprehensive development of the Missouri River and its land and water. Five huge multi-purpose, hydroelectric storage dams on the main stem of the river were included in the authorization to supplement the existing Fort Peck Dam in Montana. By 1948, the Congress had provided initial construction funds for Fort Randall Dam in South Dakota.

The participants in this conference will recall that this country had finally decided in the mid '30s, during the administration of Franklin Roosevelt, that farm people should have central station electric service just like their city cousins. Because farms are far apart in South Dakota and bulk power was not readily available at reasonable rates, REA cooperative leaders in my state experienced great difficulty in meeting the economic feasibility standards established by the Rural Electric Administration.

As late as 1948, rural electrification was still a dream in most of South Dakota. By helping solve bulk power supply problems,

Federally generated and marketed hydroelectric power associated with Missouri River development played a major role in accelerating rural electrification in my home state in the late 40s and early 50s.

The potential development of the Missouri River, including the construction of four mainstem dams in South Dakota together with the accelerating rate of construction of electric distribution lines in rural South Dakota by farmer-owned cooperatives motivated Governor Sharp to recommend that the Legislature enact Consumer Power District legislation.

Governor Sharp was attempting thru the media of Consumer Power Districts to provide an opportunity for South Dakota people to work together so as to use the state's resources at the highest possible level of efficiency, and while doing so to secure maximum benefits for themselves. He identified Consumer Power Districts as the logical vehicle for cooperation and joint action by rural electric cooperatives, municipal electric utilities and the Federal Government.

In 1973, with all readily available sources of energy in short supply at the consumer level, we have dramatic evidence that we must use our available and remaining resources at the highest possible level of efficiency. We know now that we must find improved techniques for meeting our growing energy needs and we are determined to meet those needs without avoidable environmental degradation. Governor Sharp's 1948 objectives are the imperatives of the 70s.

You have asked me to introduce a discussion of electric Power Supply—Power Pooling—and a National Grid to this conference of responsible leaders and opinion makers. As we consider future action with respect to electric power supply, we must be conscientious environmentalists. It is equally important, however, that we be good conservationists.

When the time comes for me to present this paper, Jack O'Leary will have discussed "Alternative Sources Of Energy And Conflicts With The Environment." I am pleased to leave that responsibility to him. It is essential, however, to understand that a relationship does exist between "electric power needs" and the alternative sources of energy that are, or may be made, available to the American economy.

We can learn to conserve energy and I believe that we should and that we want. Nonetheless, the American economy will continue to require substantial energy inputs and unless those requirements are met, our productivity will certainly be reduced and our comfort and convenience diminished.

During the winter months we will need to heat the homes, offices and factors in all but the warmest areas of the country. We can plan and insulate our homes better, but they will still require energy for heat. I am not going to be the one to suggest that the housewife in Atlanta, the government worker in Washington, or the secretary in Chicago should do without their summer air conditioning.

We can move people and goods more efficiently than we do, but we will still require huge quantities of energy to get people to work, supplies to our factories, and commodities to market and to the consumers. As the participants in this conference know so well, the productivity of American agriculture depends upon the farmers' ability to utilize huge quantities of mechanical energy to produce the grain, fiber and livestock that under-girds the total United States' economy and provides the single best sources of the foreign exchange that we need so desperately.

There are strong and convincing voices arguing that the electric power industry should not promote the use of its product. The advocates of a "no growth" electric power industry may well be right, but they are right, only if they are certain that other sources can meet the country's essential energy needs more efficiently and with less environmental damage.

Our supplies of natural gas are finite. Should the homeowner in a metropolitan center who cannot secure natural gas turn to an inefficient and dirty, coal-fired furnace or is it more desirable that the coal be converted to electric power at a remote site? What other alternatives are available? Unfortunately, we are just beginning to develop ways to really utilize solar heat as an energy source for the home.

If my information is correct, midwestern farmers who are unable to secure adequate supplies of propane gas are converting their crop dryers and their home heating systems to electricity. What alternatives are available? It hardly seems appropriate to suggest to the farmer that he convert from propane to alternative petroleum products when he is worried about finding enough gasoline or diesel fuel to keep his tractor and combine operating.

Frankly, I am not completely certain that a "no growth" policy for the electric power industry will contribute to environmental improvement or better use and conservation of resources. We may well find electric power shortages forcing the use of less acceptable energy conversion systems while simultaneously utilizing the basic resources less efficiently.

Many concerned and thoughtful citizens are suggesting that we examine and develop new sources of energy to supply the electric power the country requires. Among other possibilities they suggest geo-thermal steam, wind power and solar energy.

I join these groups in urging expanded and accelerated research and development into the potential use of the earth's and the sun's heat and the energy of the wind and tides as potential sources of electric power. I caution, however, that it may well develop that each of the sources produces environmental problems as troublesome as well-regulated strip mining or carefully managed nuclear-fueled power plants.

A few days ago, a Washington, D.C. newspaper carried a report of a serious proposal for solving the electric energy supply problems of Vermont. A university professor suggested to a conference convened by the National Science Foundation that 950 wind chargers mounted on towers 350 feet high could generate enough electric power to supply the state's total 1973 needs.

Recalling the national attention and scorn heaped on the Potomac Electric Power Company when they proposed building a 500 kva transmission line within sight of the Antietam National Monument, I am not certain that the 950 towers will receive a warm welcome in beautiful Vermont.

The development of geothermal steam, solar energy, and wind power is certain to raise environmental questions that will demand careful evaluation. Nonetheless, they all deserve careful study and public participation in research and development efforts to make sure that we do realize their potential.

Just as I welcome attention on the newer, more exotic sources of energy and electric power, so, too, I urge greatly expanded research and development for better use of traditional energy sources I consider the present Pygmy programs in the areas of strip-mine reclamation and revegetation, coal gasification and magnetchydrodynamics, horrible examples of tragically misplaced national priorities.

To underscore one example, magnetohydrodynamics (MHD) holds promise of increasing the efficiency with which we convert energy to electric power from the 40% efficiency achieved by the traditional boiler and turbine generator to a productive use of 60% of the available energy. While achieving increased efficiency, MHD promises to eliminate the adverse thermal effects of power generation on our rivers and streams and MHD will minimize or eliminate, because we must find a way to do it, the air quality degradation associated with more conventional power plants.

We are investing a pittance—the Administration requested $2,500,000 for Fiscal Year 1974—on MHD research. In 1973 the Congress provided a $25,000 "add on" for research into strip mine reclamation. The $25,000 was impounded. Harnessing the energy of the sun, the earth, the wind and tides receives even less Federal financial support. We should do much more recognizing that we will have to meet and solve difficult problems as we seek new ways to deal with our energy emergency within acceptable environmental and conservation standards.

In a real sense everything I have suggested up to this point has been discouraging and negative. I have suggested that there is no easy way to meet the electric power needs of a healthy economy and a comfortable people within the requirements of good environmental practices and sound conservation.

Recognizing the discouraging nature of much of what I have said up to now, let me use the balance of my time identifying readily available management techniques which the electric power industry should, and in my judgment must, be required to employ which can substantially improve the efficiency with which the electric industry uses resources. Application of these techniques will reduce the environmental damage associated with electric energy supply, and its transmission and distribution, while improving the efficiency with which we use resources. These techniques are identified in the title of the topic assigned for our discussion.

Power supply facilities, generating plants and transmission lines should be planned, built and managed to serve regional and national needs while we maintain and protect the pluralistic, free choice electric systems at the local and distribution levels.

The regional power supply systems created to achieve this objective should all be interconnected by an extra high voltage transmission network, which we have appropriately named "The National Grid".

Regional power supply systems, designed and managed to meet the bulk power supply requirements of all utilities in a region, would obviously build facilities that take full advantage of the economies of scale while locating facilities where fuel costs are lowest and environmental damage can be kept to minimal levels.

Transmission systems designed to meet the needs of all utilities would obviously reduce the environmental damage imposed by duplicating delivery systems. Extra high voltage transmission lines built to meet regional and national requirements for moving electric power multiplies the carrying capacity of each facility and substantially reduces the unit cost. An electric power system designed and managed to meet the needs of all utilities in a given region provides unique opportunities for utilizing both resources and capital investments at substantially higher levels of efficiency than we are presently achieving.

A publicly-owned "National Grid" and publicly-owned regional bulk power supply systems would become a reality if the Congress enacts legislation designed to achieve these objectives. Legislation that would do just that is currently pending in both Houses of the Congress. In the Senate, the National Grid Bill is sponsored by Senators Mansfield, Metcalf, Humphrey, McGovern, Abourezk and Hathaway. The House Bill is sponsored by Congressman Tiernan of Rhode Island.

The sponsors of "The National Grid" legislation have prepared and introduced the legislation because they are convinced that public involvement in bulk power supply is the best, if not the only way, to secure the construction of an extra high voltage, nationwide electric power system and to secure real comprehensive, region-wide planning of the

electric power supply facilities needed in each region.

They expect "The National Grid" to secure better use of resources, while reducing environmental damage. Certainly, an interconnected, nation-wide transmission system would significantly improve service reliability while reducing the investment and the facilities committed to reserves and standby.

The utilities have acknowledged and paid lip service to the potential benefits inherent in region-wide planning and management of power supply facilities by creating "voluntary power pools" and announcing the creation of these pools with glowing, self-congratulatory press releases and great fan-fare.

Unfortunately, and this is true without exception, the voluntary power pools created under the leadership of the investor-owned utilities are great for publicity purposes and generally useless for real region-wide coordinated power supply planning, building and management. In fact, to the extent that the "sham" pools are used to mislead the public into thinking that power pooling has been accomplished, they are more likely to adversely affect the public interest than they are apt to advance the general good.

The public interest requires that region-wide planning for bulk power supply be done on a basis that permits all distribution systems to participate as if they were a unit of a region-wide bulk power supply system. All electric utilities, regardless of type or ownership, should have an assured right to participate as joint owners in generating stations planned to meet region-wide needs and each utility should be completely free to utilize its own sources and capital to do so. Together all utilities should plan, build and operate a region-wide transmission network interconnecting all systems in the region and all utilities should be able to use the transmission network under predetermined terms that are reasonable and equitable. This must include rural electric cooperatives and small municipal electric systems as well as the investor-owned companies.

Public interest, region-wide power pools could make certain the best possible use of existing facilities, conserving both capital and resources. Equally important, region-wide power planning, with all systems participating, would assure the construction of the best possible alternative when generating stations need to be built and avoid waste and duplication in transmission line construction.

Finally, the regional power supply systems must be interconnected by an extra high voltage transmission network so that bulk power can be moved across the country freely as the sun rises and sets; and we should have the ability to transfer capacity from north to south to take advantage of seasonal diversities. With four time zones, it just doesn't make sense to replicate the dinner hour electric power generating capacity four times and it is ridiculous that the winter peak requirements of the northern plains is not utilized to offset summer air conditioning peaks in New Orleans, Las Vegas and Montgomery, Alabama.

More important, perhaps, a National Grid will permit locating more coal-fired power plants where they should be built—close to fuel rather than close to markets. Similarly, nuclear fueled plants would be located where their special siting requirements are available on an optimum basis.

Low sulphur subbituminous coal from Wyoming and Montana is being marketed to utilities from the Rockies to the Alleghenies and in many cases the rail haul charges are three and four times the cost of the coal at the mines. Does it make sense to burn fuel oil hauling Wyoming coal to Detroit and Chicago when the energy could move by wire if it were first converted to electric power?

A Department of Interior analysis, called "Study 190," completed by the Department in 1968, indicated that interconnecting the West electrically would achieve a benefit cost ratio of 1.80 to 1 utilizing the criteria applied to Federal projects at that time. No effort has been made to up-date these studies, but costs associated with inflation have almost certainly offset the arbitrary, stricter standards now in use for evaluating Federal investments.

A recent engineering and economic evaluation conducted by consumer-owned electric utilities in the Missouri River Basin area indicates that you can save a mill a kilowatt hour if you can substitute electric transmission for a 100 mile rail haul. The study has been conducted to help identify the most economic location for a 1200 megawatt base load station composed of either two 600 KW machines or three 400 KW units to be built and owned jointly by rural electric cooperatives, municipal electric systems and consumer power districts.

For economic, environmental and conservation purposes we need a National Grid supported by regional power supply organizations committed to supplying the needs of all utilities. We need it now as the most readily available and logical techniques for increasing the available supply of electric power, maximum service reliability and reducing future environmental damage.

Unfortunately, electric utility leaders seem unwilling to do the job. Until they reverse themselves completely, I support Federally enacted National Grid legislation to achieve the public interest benefits we have a right to demand. I am convinced that the National Grid concept represents a readily available management technique that can and should be utilized and utilized now as a part of a continuing effort to meet important energy requirements within the framework of sound environmental practice, good conservation and wise use of capital.

The continuing effort of investor-owned utility leadership to disparage the value of a National Grid convinces me that we will not realize its potential benefits if we wait to see them realized by their "voluntary power pools".

CONFIRMATION OF HENRY A. KISSINGER TO BE SECRETARY OF STATE

Mr. KENNEDY. Mr. President, tomorrow the Senate will vote on the confirmation of Dr. Henry A. Kissinger to be our Nation's 56th Secretary of State. I support this nomination; and I urge the Senate to vote for confirmation.

This appointment comes at a watershed in the conduct of American foreign policy. The postwar era is over; a new era has just begun. We have created a basic framework of stable nuclear deterrence. We have passed beyond a time of major crisis over the security of Europe to a time of hope in détente. We are no longer faced with the angry isolation of the People's Republic of China. And we are no longer fighting a tragic war in Southeast Asia, going far beyond the needs of American security, dividing American society at home, and distracting attention from the demands of problems elsewhere in the world.

We must give Secretary Kissinger high praise for his efforts, especially in improving relations with Russia and China, even as we count the cost of past policies in prolonging the war, damaging relations with our allies, and ignoring the needs of the world's poor countries.

Today, we have a chance to be concerned, not with confrontation, but with negotiation; we can build, not engines of war, but structures of peace. At the same time, changes in the world are making it more difficult to devise directions for our foreign policy. It is not possible to divide the countries of the world into neat categories of friends and enemies. We cannot depend upon simple slogans to guide us through the day-to-day problems of foreign policy. And we are now concerned with the acts and interests of far more countries than ever before.

It is still our central concern to prevent a nuclear war, and to promote détente with the Soviet Union. But other centers of power—from China and Japan to Western Europe and beyond—now also compel our attention. As in the case of our great Western allies, power among nations today means far more than military strength or the possession of nuclear weapons. It also means economic vitality, the control of raw materials, the ownership of monetary reserves, and even the ability to cause pollution that passes beyond a nation's frontiers.

In ways we did not expect, the United States is now well and truly involved in the outside world. For many years, the predominance of military security issues, and our deployment of forces abroad, helped to insulate us from the currents of change sweeping the outside world. The dollar was the world's strongest currency, guaranteed never to be devalued. Foreign trade was less important to us—and had less impact on our own economy—than in any other country of the Western World. And few Americans learned a language other than their own, because there was no need to do so.

Our military strength remains critical to our security, to that of our allies, and to the prospects for peace. We have provided that strength and shall continue to do so. But today other factors also determine our relations with the outside world. We no longer dominate our alliances with West Europe and Japan. Decisions taken in London, Paris, Frankfurt, and Tokyo have required us to devalue the dollar. Foreign trade is now far more important for large parts of the American economy. And we are having to cooperate with other nations more diligently than ever before—cooperate with them in a host of areas, from the shaping of the great institutions of international economic relations, to the sharing of the seas' resources, and the control of pollution.

The new era of our involvement in the outside world may not always be to our liking. As a nation, we are used to self-sufficiency, to controlling our own destiny, and to making the major decisions affecting our relations with others. For more than a century and a half, we sought to have the choice of withdrawing from the outside world, even when we did not exercise that choice. Thirty years ago, we began to realize that we had to accept major responsibilities for military security beyond our shores, as the price of guaranteeing our own. But now we must accept our greater involvement in the outside world in many other ways, if we are to sustain our progress as a nation at home.

Mr. President, this is a time of great challenge and opportunity in our foreign policy. Ideas are legion; the debate has hardly begun. Nor can we expect the world to return to simpler times, when a few phrases can define the shape of af-

fairs among nations and peoples, and the course for us to follow.

Yet whatever the outcome of debate, we should acknowledge today the proper way for us to decide the future of American foreign relations. It is a process that involves the executive departments of government, symbolized by Dr. Kissinger's new role as Secretary of State. But it must not end there. It must include the Congress of the United States.

Dr. Kissinger has assured us that the Congress will be more actively consulted and engaged in the making of American foreign and defense policy. After the frustrations of the past few years, this is welcome news, and we must play our part. Yet it is not enough just to establish a proper role for the elected representatives of the people. More than ever before, we must find ways to involve the people themselves.

No foreign policy can be any better than the support it receives from the people of the United States. As Secretary Kissinger himself has said:

> No foreign policy—no matter how ingenious—has any chance of success if it is born in the minds of a few and carried in the hearts of none.

Every time that we have departed from that principle—most recently in Southeast Asia—we have come to grief. Nor is it our business here in Washington to decide among ourselves what is best for the United States in its foreign policy, and then try to sell that view to our constituents. More than ever before, we must seek advice and counsel from the people we represent, at every step in the process of charting new directions for our country in the outside world.

We cannot separate foreign from domestic policy, leaving the former to the judgment of specialists and experts. The money we spend on defense against military attack is not available to meet other important demands of national security—the economic vitality and strength of our Nation itself. Trade and monetary issues affecting our relations with foreign countries also affect the jobs of American workers, the output of American industries, and the prices paid by American consumers. Whether or not we import energy from abroad affects the price we pay for gasoline and heating oil, and even whether we can meet our domestic needs for fuel. And how much we export of the abundance of our farms affects the standard at which we live at home.

There are difficult choices to be made in our foreign and defense policies—choices that imply major adjustments in the structure of our economy and our society. These choices will directly affect the well-being of all Americans. They can and must be heard.

Mr. President, as Dr. Kissinger assumes the historic office of Secretary of State, we in the Congress should wish him well. We should view his task with understanding, and extend to him our patient counsel. But we should realize—as he must as well—that no one man, no one branch of government, or even the Government itself alone, can understand the forces that are changing the world. And none can alone make the vital decisions that will shape our response.

At times, the charting of a new course for America in the world will lead to differences of opinion and heated debate. This is right and proper. But with the correct balance between the branches of government—and with greater involvement of the American people themselves—I am confident that we can together meet the challenges of the future as we have, as a Nation, done so often in the past. This will be a mark of the maturity of the United States, and a hope for generations to come.

SOVIET SUPPRESSION OF AUTHORS AND INTELLECTUALS

Mr. McCLELLAN. Mr. President, the Authors League of America has recently sent a cable to Nikolai V. Podgorny, Chairman of the Presidium of the U.S.S.R., Premier Aleksei N. Kosygin, and the Union of Soviet Writers, protesting the coordinated campaign of suppression by the Communist authorities against Soviet authors and other intellectuals. The statement correctly observes that:

> True detente between the United States and the USSR cannot be accomplished by commercial bartering or cultural tokenism. It depends on mutual trust and respect. Those who believe in freedom and human dignity can never respect a society which persecutes its most eminent authors and scientists.

Current developments in the Soviet Union provide further justification for the Congress enacting legislation similar to my bill, S. 1359, to amend the U.S. Copyright Act to prohibit foreign government interference with the rights of foreign authors under U.S. copyright law. It is my intention to offer a modified version of that bill as an amendment to S. 1361, for the general revision of the copyright law.

Mr. President. I ask unanimous consent to have printed in the RECORD the text of the communication of the Authors League of America.

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

> The Authors League of America protests the ruthless campaign of suppression mounted against Alexander I. Solzhenitsyn and Andrei D. Sakharov. Two of the Soviet Union's greatest creative minds are being threatened and attacked for speaking out in defense of human liberty and intellectual freedom. On behalf of American authors, we applaud their indomitable courage. And we thank them for defending, through their actions, the fundamental right of all authors and scientists—the right of free speech.
>
> The Soviet press has published many petitions and letters criticizing the alleged views of Alexander Solzhenitsyn and Andrei Sakharov. But they have not been permitted to state their position to the Soviet people, or to answer this carefully orchestrated barrage of criticism.
>
> True detente between the United States and the USSR cannot be accomplished by commercial bartering or cultural tokenism. It depends on mutual trust and respect. Those who believe in freedom and human dignity can never respect a society which persecutes its most eminent atuhors and scientists.
>
> JEROME WEIDMAN,
> ELIZABETH JANEWAY,
> STEPHEN SONDHEIM,
> *For the Authors League of America.*

PENSION PROTECTION FOR AMERICA'S WORKERS

Mr. HUMPHREY. Mr. President, I applaud the historic action of the Senate in passing the Retirement Income Security for Employees Act, S. 4, as modified by a substitute amendment. I am a cosponsor of this legislation. I have regarded its enactment as being of the highest priority on the agenda of the 93d Congress.

The need for this legislation is crucial. There can be no further delay in assuring the protection of an American worker's pension which, in reality, is deferred income that he or she has earned toward retirement.

This legislation affects more than 30 million workers participating in private pension plans with assets now totaling over $150 billion. It is expected that by the end of this decade, 42 million workers will be covered by these plans, whose assets will climb to over $210 billion.

However, right now all too many workers are confronting the sudden denial of pension benefits. A recent governmental study indicates that there were 683 plan terminations in the first 7 months of 1972 alone. Some 8,400 pension participants in 293 of these plans lost $20 million of benefits—or $2,400 for each participant. When only 1 out of 3 employees participating in employer-financed pension plans has vested rights to benefits, and when a recent survey of plans covering 7.1 million employees reported that one-third of the plans covering one-third of the participants in 1970 had a ratio of assets to accrued liabilities of 50 percent or less, it is abundantly clear that corrective action must be taken.

Let it be stated emphatically that the majority of private pension plans are responsibly administered, providing essential retirement income for countless individuals and couples across the Nation. But let it also be made clear that the priority concern of American workers today is the possibility of losing that pension through a sudden plan termination, the shutdown of their plant, or its merger under a corporation unwilling to continue the pension plan, or through being laid off only a few years or even months away from accumulating the required time on the job to qualify for pension benefits in retirement.

Minnesota has not been immune to such tragedies. The Minneapolis-Moline Co., absorbed by the White Motor Co. in 1968, underwent an abrupt termination of operations in 1972 and an equally sudden termination of its pension plan. All too many former employees found themselves too old to be reemployed, but also deprived of much of the retirement income they had expected. The pension fund had about $20 million in obligations but only $3.4 million in assets. Subsequent labor negotiations and arbitration procedures may result in some additional help to retired workers, but the plight of these people must continue to weigh heavily on the public conscience. They join the ranks of former employees of a major wholesale food company in St. Paul whose shutdown almost two decades age left those workers ineligible for any benefits under the pension plan.

It is profoundly wrong that protections should continue to be denied to men and women who have accepted their own responsibility to work for a living and who have accepted the promise of a pension in place of higher wages. It is wrong that those who have lived with a deep sense of personal responsibility and trust in the terms of a pension contract should be treated with total disinterest, condemned to retirement in personal deprivation and disgrace. They have earned better. They deserve dignity. They demand fair and honest treatment from their Government and in the administration of their pension plans. This rightful demand must be met by Congress without delay.

The Retirement Income Security for Employees Act is a major step toward assuring millions of Americans adequate protection of the pensions. It responds to the proven need for a comprehensive and meaningful reform of our private pension system. The fair, feasible, and effective regulatory measures which this bill proposes will go far toward guaranteeing to workers that retirement income promises will be kept. It is designed to bring into parity the rights of employees and the proper economic interests of employers, while maintaining incentives in the private sector for the continued establishment of these vitally important private pension plans.

Specifically, this legislation, applied to all pension plans qualifying under the Internal Revenue Code, will—

Require that company pension plans cover workers aged 30 and older, providing them with a vested right to 25 percent of accrued benefits after 5 years of service and increasing to 100 percent after 15 years;

Require that all unfunded pension liabilities of a plan are to be funded over a 30-year period;

Establish a Pension Benefit Guaranty Corporation in the Department of Labor to administer a plan termination insurance program to guarantee that benefits will be paid in the event of the sudden cancellation of a plan without sufficient funds;

Initiate a central portability fund that can be utilized under pension plan arrangements that are voluntarily and mutually agreed to by employees and employers, so that workers may transfer vested interest amounts when they shift jobs;

Establish strong fiduciary standards, enforced both by the Secretary of Labor and the Internal Revenue Service, to assure that parties responsible for the administration of pension plans function solely in the interest of plan participants and their beneficiaries and in a manner which will not jeopardize the income or assets of pension funds;

Provide for procedures for the early settlement of disputes over pension benefit rights, by the Secretary of Labor, and for the ongoing analysis and enforcement of proper procedures in the financing of private pension plan benefits, by the Internal Revenue Service; and

Make important changes in tax laws to improve the tax treatment of pensions for self-employed individuals and the owners and employees of small businesses.

Mr. President, I am very hopeful that the House will concur in the action of the Senate to expedite final enactment of this vital legislation by incorporating the Senate-passed bill as an amendment to a revenue bill—H.R. 4200, relating to servicemen's survivor annuities benefits—already passed by the House.

Mr. President, millions of American workers are not herein asking for a handout or a wage increase. They are simply asking for what is right and fair, the protection of the pensions they have earned to live in security and dignity in retirement. Their request must be honored without further delay.

DR. KISSINGER ANSWERS QUESTIONS OF SENATOR KENNEDY

Mr. KENNEDY. Mr. President, during the recent confirmation hearings of Dr. Henry A. Kissinger, I submitted a number of questions relating to my concerns as chairman of the Judiciary Subcommittee on Refugees. I would like to thank the distinguished chairman of the Foreign Relations Committee for the opportunity to submit the questions, and ask unanimous consent that the questions and Dr. Kissinger's answers be printed in the RECORD.

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

QUESTIONS FOR DR. HENRY A. KISSINGER, SECRETARY OF STATE-DESIGNATE, SUBMITTED BY SENATOR EDWARD M. KENNEDY, CHAIRMAN, JUDICIARY SUBCOMMITTEE ON REFUGEES

Question 1. The Congress and most Americans commend and support many of the foreign policy initiatives undertaken by President Nixon's Administration, particularly in charting new courses and new relationships with the People's Republic of China and the Soviet Union. However, in the effort to build what the President and others refer to as a "structure for peace," it appears that most of the effort is being directed toward relations among the Great Powers.

The question many Americans are asking, is how a durable and genuine structure of peace can be built if it fails to consider more fully the interests of Third World countries, and the massive and growing humanitarian and survival problems affecting the vast majority of mankind in these countries. Too often, the Administration's failure to recognize the interests and problems of Third World countries—including massive human tragedies from political-military conflict or national disaster—has seemingly resulted in a non-policy on the part of the Administration toward the interests and concerns of the developing countries. The Secretary of State must consider whether the United States can successfully contribute to building a lasting structure for peace without giving far greater priority and substance to the developing and humanitarian problems which affect so much of mankind and the peace of the world.

(a) In the context of this Administration's foreign policy, how does Dr. Kissinger generally define the place and role of "Third World" interests and concerns in building a structure for peace?

(b) What new initiatives—involving such things as foreign assistance and diplomacy—is Dr. Kissinger prepared to advocate in according greater priority to the interests and concerns of the "Third World" countries?

Answer:

We accord great importance to the "Third World" and this area will receive even closer attention during the next few years. Relations with major powers have dominated the headlines in recent years—and perhaps this is inevitable. But now that certain breakthroughs have been made, a larger degree of concentration can be focused on the developing nations.

It is dangerous, however, to generalize about the "Third World" or even to define its membership; the controls that are usually put into this category cover a wide range geographically, politically, socially and economically. It is difficult if not impossible, to postulate interests and concerns for such a disparate grouping and then attempt to fit such an artificial construct into the structure for peace.

Because of their great diversity we must generally approach the problems of these nations on a country-by-country or a regional position; some have a stronger interest in international issues; and some share our values more than others. Obviously these differences will to a considerable extent determine the nature of the contribution that the individual states can make to any structure of peace.

In the long run, no structure of peace will be possible if the bulk of the world's people are dissatisfied. They must be able to acquire the kind of stake that will in their view, make the structure just. This is an immense task in which we have a major role to play along with others who have the means to contribute. Our contributions in areas such as trade and aid depend heavily on the Congress, and I look forward to working together with it in further improving our performance.

I would not attempt now to describe any broad program of increased diplomatic initiatives that we might undertake toward "Third World" nations. Progress will have to be accomplished on a country-by-country and area-by-area basis. We will be undertaking a series of studies and reviews of our relations with many of the "Third World" countries to see how we and they can work together more effectively.

(c) In Bangladesh, still recovering from the dislocations and destruction of the civil strife in 1971, what is Dr. Kissinger's understanding of our country's responsibility towards current food shortages in that country and Bangladesh's urgent need for general humanitarian and economic assistance? And, in the current West African food crisis, what is Dr. Kissinger's view of the nature, level and scope of our government's responsibility to aid those nations affected by the Sahelian drought?

Answer:

Bangladesh. The United States has made generous contributions of food, essential commodities and cash to Bangladesh. This assistance has helped meet the urgent food and other needs of millions of persons affected by the civil war and has helped revive economic activity. U.S. relief and rehabilitation assistance totalled $431 million as of June 30, 1973, comprising approximately one-third of the total of all bilateral and multilateral aid. [A table providing further details of U.S. assistance is attached.]

Our primary concerns in Bangladesh continue to be humanitarian in nature. For this reason, future U.S. development assistance will concentrate on increasing food production through programs in agricultural and rural development, and on family planning.

The U.S. has been the leading international donor of aid to Bangladesh. I believe that we, together with the other developed nations, have a responsibility to continue to assist that country as generously as our resources permit.

West Africa. The United States has taken the lead in responding to the present food crisis in West Africa. We have allocated more than 560 million pounds of grain to meet identified and projected needs in the Sahel Region during the past year. More than 60 percent of the grain has been delivered, and the rest is on its way or scheduled to

move over the next few months. As members of an FAO-sponsored team we are now preparing to examine the requirement for additional food inputs to the Region. As such needs are identified, we will work with other donors to insure no threat of mass starvation arises. In addition to major food inputs, we have also provided emergency funds to buy medicines, blankets and canvas tenting for refugees, feed for livestock, and planes to fly grain to remote regions.

Our assistance, coupled with efforts of other donors, has been a fine example of international cooperation. We will continue emergency food shipments and related disaster efforts for as long as such support is needed.

The United States will also work with the countries of the Sahel, and other members of the international donor community, including the United Nations, to help develop medium- and longer-term programs aimed at recovery and rehabilitation of the Region. Substantive details and magnitudes of these programs have not yet been determined.

U.S. HUMANITARIAN ASSISTANCE TO BANGLADESH AS OF JUNE 30, 1973

[By funding source in millions of dollars]

	South Asia relief appropriation		Contingency fund fiscal year 1971	Other funding sources	Public Law 480 (title II)		Grand total
	Fiscal year 1972	Fiscal year 1973			Fiscal year 1972	Fiscal year 1973	
Public Law 480 (title II)					90.7	64.3	
Food grains					86.0	35.6	
Edible oil					21.2	9.2	
CSM MSB					2.5	19.5	155.0
Grant to Bangladesh	115.0	88.0					
Essential commodities and food	40.9	73.0					
Rehabilitation projects/activities	74.1	15.0					203.0
Grants to UN (UNROB)	35.3	3.5					38.8
Grants to U.S. voluntary agencies	14.3	2.8					
CARE	0.7		4.6				
Catholic Relief Services	8.0						
International Rescue Center	1.6	1.1					
American Red Cross	1.0						
Medical Assistance Programs	0.9						
Foundation for Airborne Relief	0.9						
Church World Service	1.0						
Community Development Foundation	0.2						
International Voluntary Services	0.05	0.7					
Asia Foundation		0.7					
Seventh-Day Adventist Welfare Services		0.1					
World Relief Commission		0.2					
Asian-American Free Labor Institute		0.03					21.7

(d) In this connection, what kinds of initiatives does Dr. Kissinger advocate regarding people interests and problems in the Middle East—including the Palestinian refugees—which would contribute to building a structure for peace in this area of the world?

Answer: The single most important contribution to bettering the lives of the people in the Middle East would be a peace settlement in which all patries would have a stake. The US Government has said that any peace settlement should, among other things, address the legitimate interests of the Palestinians. In particular, the United States, in cooperation with other countries, would be willing to do its share to help resolve the human dimension of the Palestinian refugee problem in a future peace settlement. It is our view that this could go a long distance toward the normalization of political relations in the Middle East, which in turn would contribute to the building of a structure of peace in that area.

Question 2. In Indochina, what is Dr. Kissinger's view of American humanitarian responsibilities toward rehabilitating the peoples and countries of the region?

Generally define American policy toward the post-war rehabilitation and reconstruction of Indochina, including such things as immediate and long-term objectives, anticipated priorities, and so forth.

What department, agencies, and offices within our government have been responsible for post-war planning in Indochina?

How should our country's contribution to post-war rehabilitation and reconstruction be implemented—through international agencies, bilateral arrangements or both? What considerations are defining these channels for Indochina generally and for each country in the area?

What role is anticipated for the United Nations, its specialized agencies, and other international or regional organizations in participatng in the post-war rehabilitation and reconstruction process? Does our government anticipate the creation of a special international agency along the lines previously created in Korea, Bangladesh, and elsewhere?

What kinds of arrangements and funding levels are anticipated in our government's post-war assistance to North Vietnam? Among other things, does our government anticipate an American presence in North Vietnam?

Apart from the general economic or reconstruction assistance as envisioned in the cease-fire agreements, does Dr. Kissinger believe that the United States should consider providing immediate humanitarian assistance for such things as rebuilding destroyed medical facilities and housing in North Vietnam?

If, under the provisions of cease-fire agreements or other arrangements, for the individual countries of Indochina, different political authorities function within the same country, will all such authorities be responsible and eligible for administering post-war assistance? In South Vietnam, for example, what is the anticipated role of the PRG in rehabilitating areas under its control? Elaborate our government's views on these kinds of problems in South Vietnam, Laos, and Cambodia, and our policy on providing humanitarian assistance to people in all areas of these countries.

Answer: We believe that large-scale economic assistance to Indochina is essential for the next few years in order to maintain a durable peace, to meet urgent humanitarian needs, and to promote the economic reconstruction and recovery of the area. Direct assistance to those groups of people most severely affected by the war—refugees, disabled persons, orphans—is needed both to help improve their living conditions and to assist in their reintegration into the social and economic life of their countries. Equally essential is the need to promote economic recovery without which the pressing human needs of the area can only be met temporarily. The reconstruction of the economy of Indochina involves not only the physical repair of roads and bridges and houses and hospitals, but the reestablishment of healthy economies and societies in which useful and productive jobs are available, and which can themselves support the costs of providing adequate medical care, education and social services. In our view, economic assistance in Indochina must be provided so as to support and accelerate the transition from wartime conditions of poverty and dependence, to peace-time conditions of relative prosperity and economic independence.

The East Asian Bureau of the Department of State and the Supporting Assistance Bureau of the Agency for International Development have been primarily responsible, in coordination with the National Security Council and other agencies, for planning and implementing U.S. assistance efforts in Viet Nam, and for conducting international negotiations concerning this subject.

We favor broad international participation in postwar assistance to Indochina. One possible mechanism would be a Consultative Group arrangement along the lines of the one that has been established in Indonesia. Such a group could include the bilateral donor countries and international financial institutions and agencies such as the World Bank, the Asian Development Bank, the IMF and the U.N. and its specialized agencies. In the existing consultative groups, the international banks and agencies have played a very important role in working closely with the host government, assessing economic conditions, proposing economic policies and programs, preparing development programs and projects and coordinating the activities of the donors. While providing valuable services within an international framework, the consultative group structure permits great flexibility for the individual donors which can select those programs and projects they wish to undertake and maintain control over the expenditure of their funds.

Recently the Government of South Vietnam requested the World Bank and the Asian Development Bank to establish such a Con-

sultative Group for South Vietnam. Those institutions agreed to explore this possibility and consultations are now under way. We hope to see an international aid structure of this type extended to Laos and Cambodia at an appropriate time. The North Vietnamese have indicated a preference for direct bilateral assistance rather than multilateral aid or bilateral aid coordinated through a Consultative Group. While we do not anticipate the establishment of a special international agency for Indochina in the near future, we do foresee an important role for the U.N. agencies throughout the region through their regular program activities.

Though we have had extensive discussions with representatives of the Government of North Vietnam, these have been recessed pending assurance that the North Vietnamese are observing all of the provisions of the cease-fire agreement. No request for aid funds for North Vietnam will be made until we are satisfied as to North Vietnamese adherence to the agreement. Any discussion of aid levels or implementation procedures would be premature prior to completion of the talks.

Our assistance in South Vietnam, Laos, and Cambodia is now channeled through the Governments of those countries. However, we are not opposed to humanitarian-type assistance being given to people in non-government controlled areas of Indochina. Of course, this must be worked out in a way satisfactory to the legitimate Governments in the area and we are hopeful that appropriate means can be found to provide such assistance.

Question 3. In 1969, a report of the Judiciary Subcommittee on Refugees recommended that the President create by Executive Order a Bureau of Humanitarian and Social Services, to be headed by an Assistant Secretary within the Department of State. The creation of such a Bureau would serve to coordinate and give greater priority and standing to our government's humanitarian policies and programs. The thrust of this proposal was later incorporated in the Peterson Report on the reorganization of the Agency for International Development and foreign aid programs. The Proposal was recommended, as well, in President Nixon's subsequent Foreign Aid messages to the Congress. In 1970–1971, the Subcommittee on Refugees worked closely with the National Security Council staff in an effort to implement the proposal. On April 12 of this year, Senator Pearson and Senator Kennedy introduced the proposal as an amendment to the Foreign Assistance authorization bill for fiscal year 1974. The Department of State and AID opposed the amendment's adoption, and it failed in Committee. However, in its report on the bill, the Foreign Relations Committee stated that although the Committee "has not acted to report new legislative authority for the creation of such an official [bureau], the Committee wishes to make plain its view that the need for improved coordination remains acute, and urges appropriate action by the Administration to meet this need, thus possibly avoiding the need for legislative action."

What are Dr. Kissinger's views on the establishment of a Bureau of Humanitarian and Social Services within the Department of State along the lines initially recommended by the Subcommittee on Refugees?

Answer. I am, of course, fully aware of the Judiciary Subcommittee's interest in having a Bureau of Humanitarian Affairs established within the Department of State. As you noted, back in 1971 this Administration supported the creation of such a Bureau as part of the President's legislative proposals in the area of foreign assistance. As you also know, those proposals were not acted upon by the Congress. Therefore, the Administration took a number of executive actions to improve coordination and give greater priority to our government's humanitarian policies and programs. The Agency for International Development consolidated its humanitarian activities under one operational bureau. Full, high level coordination of disaster relef operations was provided for major disasters, such as those in Bangladesh, the Philippines, the Sahel and now Pakistan, by the designation of the Deputy Administrator of A.I.D. as coordinator.

By the same token, the Secretary's Special Assistant for Refugee and Migration Affairs assures that high level coordination is provided in refugee relief operations—for example, the Bengali refugees in India, Soviet Jews, and the Southern Sudanese refugee repatriation program. The apparent effectiveness of these measures leaves me reluctant to commit myself to the establishment of a Bureau of Humanitarian Affairs at this time. I can assure you that I plan to involve myself closely in these programs and will be prepared to take whatever action is required to assure that our Government's humanitarian policies and programs are effective and receive the attention and priority due them.

Question 4. What are Dr. Kissinger's views on how the United States can help contribute to a better response within the international community toward humanitarian problems and concerns?

(a) In December 1971, the United Nations General Assembly passed a resolution authorizing the Secretary General to establish a high-level position within the Secretariat to coordinate disaster relief, which was considered by many as a first step towards the creation of what some have called a permanent United Nations Emergency Service. What initiatives is the Administration prepared to take in assisting the United Nations to develop such a capability for responding more effectively to humanitarian problems around the world? What is Dr. Kissinger's understanding of the Administration's policy toward the creation of a United Nations Emergency Service, along the lines previously recommended by the Subcommittee on Refugees, and what role should the United States play in support of such an emergency service?

Answer. The concept of United Nations humanitarian assistance is a commendable activity which the United States has traditionally supported. The United States initiated action within the United Nations to create the office of the United Nations Disaster Relief Coordinator (UNDRC) in 1971 and the Administration has continued to encourage its activities as provided for by General Assembly resolution. We believe that the UNDRC, along with other United Nations agencies which deal with such matters as refugees and assistance to children, currently provide the mechanism to enable the United Nations to respond to humanitarian appeals throughout the world. Although I am not familiar with details of the proposed United Nations Emergency Service, I should be prepared to consider the proposal with interest.

(b) Many members of Congress and many Americans deplore the Administration's advocating reductions in America's contribution to the specialized agencies of the United Nations and other international humanitarian organizations. What is Dr. Kissinger's view on the current level of American contributions to international humanitarian organizations, such as UNICEF, World Health Organization, United Nations High Commissioner for Refugees, International Committee of the Red Cross, League of Red Cross Societies, and other international bodies?

Answer: The Administration agrees with, and is in the process of implementing Public Law 92–544, dated October 25, 1972 which had as its goal the reduction of the U.S. rate of assessment to 25 per cent in certain agencies of the UN system whose assessments the United States has agreed to honor as a condition of membership. This provision does not, of course, apply to programs and funds to which the United States contributes voluntarily as a result of a perceived national interest. Most humanitarian programs are funded through such voluntary contributions.

Accordingly, I will examine the current level of the US voluntary contributions to international humanitarian organizations on a case-by-case basis and would plan to recommend a level of contributions to the Congress based upon the importance of the program in the light of competing needs and degrees of US interest.

UNICEF, which was established in 1946 to meet the emergency needs of children arising out of World War II, continues to provide such assistance—Nigeria, Bangladesh and Nicaragua are examples. But the agency's major emphasis is now on long-range development programs for children.

The US has strongly supported UNICEF over the years. This support has been manifested by our cash contribution to the organization: $15 million was contributed in FY 1972 and FY 1973 and $18 million will probably be decided on for FY 1974.

ICRC—The US regular annual contribution to the International Committee for the Red Cross is authorized by law (PL 89–230, October 1, 1966, 89th Congress) at a maximum of $50,000. In addition, the US Government made a special contribution of $1 million to the ICRC on June 30, 1971 for humanitarian and disaster relief and assistance to war victims. This contribution was in addition to those made for specific programs, such as humanitarian relief in Bangladesh, Nigeria- Biafra, and Indochina.

The League of Red Cross Societies is a federation of national red cross societies and does not receive regular contributions from governments.

For fiscal year 1974 the Administration has asked the Congress for modest increases in our contributions to the United Nations High Commissioner for Refugees and for the International Committee on European Migration. It should be remembered that, in addition to our regular contributions, the United States has made substantial special contributions to various United Nations and other international organizations for emergency relief and refugee programs, such as Bangladesh, Sudanese refugees and Jewish emigrants from the USSR.

(c) Proposals have been suggested to give the United Nations Economic and Social Council a permanent and continuing role in responding to humanitarian crises around the world. This would be similar to the Security Council's role in the political-military area. What is Dr. Kissinger's view of authorizing the Economic and Social Council's humanitarian intervention in massive people problems resulting from natural or man-made disasters?

Answer: During the past few sessions of the United Nations Economic and Social Council (ECOSOC) one of the most widely discussed subjects involved various recommendations concerned with measures to strengthen the Council. An overall objective of the United States has been to obtain Council agreement on measures to revitalize ECOSOC and to permit it to function as a principal organ of the United Nations as laid down in the United Nations Charter. In response to the question of "authorizing the Council's intervention in massive people problems resulting from natural or man-made disasters" it should be noted that the Rules of Procedure of the Council provide that special sessions may be held by decision of the Council, or at the request of (1) a majority of the members of the Council; (2) the General Assembly; or (3) the

Security Council (rule 4). It would thus appear unnecessary to give the Council, in addition, a permanent and continuing role in responding to humanitarian crises. We have at the preset time an example of this procedure. The Government of Pakistan has indicated its interest in calling a special session of the Council to respond to the recent Pakistani floods and has sought our views. We have supported this move and a majority of Council members have agreed to hold such a meeting on Monday, September 17, 1973.

Question 5. It is anticipated that a diplomatic conference will be convened next year by the International Committee of the Red Cross to revise and update the Geneva Conventions of 1949—including those relating to weapons of war, non-international armed conflict, and the protection of civilian populations.

Given the difficult and bitter experience of the United States in Indochina, and the massive destruction caused by the new technology of war, can Dr. Kissinger generally elaborate the Administration's position on the revision of the Geneva Conventions?

What progress can we expect in this area?

What specific provisions of the Geneva Conventions does Dr. Kissinger believe need revision?

What are his recommendations in this area?

Answer: The Administration supports the efforts under way to strengthen and develop international humanitarian law applicable in armed conflicts. The United States has and will continue to participate actively in this work.

The Swiss Government has convened a diplomatic conference on this subject, scheduled for Geneva, February 20 to March 29, 1974. A second session of the conference a year later will probably be required to complete the work. The conference will consider two draft protocols to the 1949 Geneva Conventions which have been developed by the International Committee of the Red Cross as the end product of a series of conferences of government experts held over the last two years. One of the draft protocols deals with international armed conflicts and the other with non-international armed conflicts.

The United States Government received the final drafts of the protocols at the end of August. We have just begun our study of the revised proposals, and we expect that it will require considerable time to develop positions for the February diplomatic conference.

We can, however, indicate at this time general areas in which we think progress will be possible.

Our first priority has been to develop provisions aimed at improving the implementation of the existing law. If current law is not lived up to there is little hope that new rules will have much impact. Thus, the United States has submitted proposals which would make more likely the appointment of a Protecting Power or substitute organization to help ensure compliance with Geneva Convention provisions covering treatment of POW's and others, because we consider that outside inspection is the surest way to improve implementation of the law. We would like to establish a requirement that parties to an international armed conflict accept the ICRC if no other Protecting Power or substitute were accepted.

A second area where we can expect advances is that of protections accorded to the sick, wounded, and shipwrecked. In this area we also hope for major advances in the protection accorded to medical transports, particularly medical aircraft, including medevac helicopters.

Another area where there is considerable potential for progress is in broadening somewhat the categories of irregular combatants in international armed conflicts entitled to receive prisoner-of-war treatment.

Finally, we are hopeful that a protocol dealing with internal conflicts can be developed that will be a significant advance over the current basic protections accorded to victims of armed conflicts of this nature by Article 3 common to the four 1949 Geneva Conventions.

Far more difficult are some of the proposals relating to the means and methods of warfare. I refer in particular to provisions relating to area bombardment, to certain prohibitions on attacks, and to proposals which are likely to be advanced by various countries for the limitation or restriction of certain specific conventional weapons. We favor and shall strongly support efforts to increase protection of civilians and to promote respect for human rights during armed conflicts. However, we firmly believe that such improvements in the law must be carefully considered and framed so that they will be acceptable to states and workable in practice. In this area of international law, as in others, the development of new conventions which predictably will be ignored in practice is not progress; on the contrary, it is likely to foster disrespect for the law and further denials of the human rights the conventions are designed to protect.

You may be assured that we shall exert our most thoughtful and determined efforts to the improvement of the Geneva Conventions.

Question 6: A difficult and sensitive issue in our foreign policy formulation is what the American response should be to the suppression of human rights within another nation. The persecution of dissidents and religious groups in the Soviet Union; the jailing and mistreatment of political prisoners in Greece, Brazil, South Vietnam, and other countries; the massacres in Burundi and the Portuguese territories of Africa; and similar developments in other parts of the world pose difficult problems for American foreign policy.

Should such events or developments be a consideration in the formulation and implementation of American foreign policy? If so, why, in the recent past, is there a record of official silence on so many of these issues—such as occurred over Pakistan's actions in East Bengal in 1971? Should the United States be silent? What factors should be considered in a decision to speak out against the suppression of human rights or mass killings in another nation? What kinds of actions can the United States Government usefully take in such situations?

Answer:

I address those issues at length in my testimony before the Committee. Let me recapitulate some of the major elements in our approach.

The United States stands emphatically for such basic principles as human liberty, individual rights, freedom of movement, and freedom of the person. On the other hand, the protection of basic human rights is a very sensitive aspect of the domestic jurisdiction of the governments with whom the United States has to conduct foreign policy.

On the international level we will cooperate and advocate enforcement of human rights. In our bilateral dealings we will follow a pragmatic policy of degree. If the infringement on human rights is not so offensive that we cannot live with it, we will seek to work out what we can with the country involved in order to increase our influence. If the infringement is so offensive that we cannot live with it, we will avoid dealing with the offending country.

If we are to be true to our principles we can never imply that we are acquiescing in the suppression of human liberties. But at the same time I believe it is dangerous for us to make the domestic policy of countries around the world a direct objective of American foreign policy for the reasons I have stated in my testimony.

Question 7. In addition to the growing international energy crisis, there is also developing a world-wide food crisis.

How would Dr. Kissinger define our country's international food responsibilities and what measures would he advocate by the international community for a better allocation of food supplies?

What is Dr. Kissinger's understanding of the Administration's position regarding the future allocation of PL 480 food? There appears to be a growing imbalance in our government's overseas food allocations, between dollar sales and food for security purposes (under Title I of PL 480), and humanitarian donations (under Title II). In our foreign policy considerations, why is it more important to sell food to the Soviet Union at the expense of helping to feed starving people in West Africa or Bangladesh?

Answer. The world food situation is an extremely important issue and is under intensive review within the Government.

We must continuously weigh the competing claims for our agricultural output. Quite suddenly, we confront a serious problem affecting not only the recipients of commodities financed under PL 480 but the many nations dependent in whole or in part on our agricultural exports.

PL 480 legislation requires that commodities exported under either Title I or Title II of PL 480 be in excess of amounts needed for domestic consumption, adequate carryover stocks and anticipated dollar exports. In the absence of export controls, no limitations are placed on dollar sales. At present supplies are short because commercial demand is heavy. Commodities available for PL 480 must be limited to the amount which will not, in the judgment of Secretary of Agriculture, interfere with commercial sales, or result in an inadequate carryover. The impact of PL 480 on market prices, particularly when prices of farm products are at a record high, must also be given due weight.

As to the various claims, I feel that we must contribute our fair share of food aid to combat hunger and malnutrition, to promote general economic development in the developing countries, and to provide emergency food aid to countries that are hit with natural disasters. We should also urge other nations to increase their share of providing food assistance to developing countries.

I would advocate that the international community adopt policies to share the responsibility for providing world food needs. This is one of the topics now being considered in the FAO and the OECD. It is also a subject of the interagency study I have requested on the world food situation.

PL 480 Title II is not the only way in which humanitarian requirements are met. This year we have switched some of our food aid for Bangladesh to Title I and we have just provided wheat for emergency flood requirements in Pakistan under Title I. In short, providing food for those in the world who would otherwise go hungry has received the highest priority in PL 480 allocations this year, even though area programs have had to be reduced.

Because of the legislative restrictions placed on PL 480, the choice between dollar sales to the Soviet Union or any other country and feeding starving people is not solely a matter of foreign policy. In point of fact, however, the US is providing food to Bangladesh and to the Sahelian zone of Africa. In response to United Nations requests, the US will contribute about half of all the grain supplied as aid to Bangladesh

during CY 1974. Similarly, the US is by far the largest single donor of food for drought relief in Central West Africa—about 50 percent of the grain donated so far. It is true however that the current allocations of commodities for PL 480 shipments in FY 1974 will severely limit the capacity of the US to respond to disaster situations.

Question 8. Just as our national leadership cannot build an effective "structure for peace" by failing to recognize the important interests and concerns of Third World countries abroad, so also can not our national leadership build a "structure for peace" without a fuller involvement of Congress and the American people at home.

What new initiatives does Dr. Kissinger advocate to involve a broader segment of the Congress and the American people in the making of United States foreign policy? And what new initiatives does Dr. Kissinger advocate to seek that basic public support without which, as he has so often stated, no foreign policy can truly be effective?

Answer. I addressed these issues extensively in my opening statement before the Senate Foreign Relations Committee and in my subsequent testimony.

We discussed in particular executive-legislative relations in its various forms. As I stated, if I am confirmed, I will meet promptly with the Chairman and ranking member of the Committee to work out procedures to promote this goal.

I also pointed out that if our foreign policy is to be truly national, we must also deepen our partnership with the American people. This means an open articulation of our philosophy, our purposes, and our actions. Equally we must listen to the hopes and aspirations of our fellow countrymen. I plan, therefore, on a regular basis, to elicit the views of America's opinion leaders and to share our perspective freely. The closer and more effective consultation which I will have with the Congress is another means of involving the public, through its elected representatives, more deeply in the foreign-policy-making process.

Question 9. How does Dr. Kissinger generally define the role and priority of economics in the formulation and implementation of American foreign policy? What new initiatives will he take; organizationally within the Department of State, vis-a-vis such other Executive Branch agencies as the Department of the Treasury, and how does he define the role and function of the International Economic Policy Council?

Answer. Economic issues are as much the subject of inter-governmental relations—of conflict, negotiation, and compromise—as are so-called "political" issues. Furthermore they have a high political content. One has only cite such examples as oil, or multinational corporations, or foreign aid to recognize the political nature of economic issues. Foreign policy must address these issues.

The policy-maker needs to assess the full consequences of a proposed course of action—the economic as well as the political and security implications. Economics is in this sense an integral part of the making and execution of foreign policy.

As to priorities, one cannot assign an abstract ranking to the various facts such as political, military, economic, humanitarian, etc. These various and sometimes conflicting elements can be considered and weighed only in context. As a general rule, however, we must be careful not to decide important economic questions on a purely technical basis; the political framework is an essential consideration.

I have not yet determined whether, or what, new initiatives organizationally within the Department of State or vis-a-vis other Executive Branch agencies are necessary to improve the functioning of the Department of State on international economic matters. This is receiving my urgent attention, and I will keep this situation under review as I gain experience.

In any event, I plan to have the Department play a leading role and continue to work closely with other agencies in the consideration of economic aspects of foreign policy issues.

The role and function of the International Economic Policy Council are (1) to clarify options among agencies on economic issues so as to permit informed decision-making; (2) to recommend policies to the President; and (3) to initiate interdepartmental studies on economic issues that may need further exploration.

ENDING EMERGENCY GOVERNMENT

Mr. CHURCH. Mr. President, the Special Committee on the Termination of the National Emergency, of which Senator MATHIAS and I are cochairmen, is looking into the perplexing problem of ending the 40-year state of emergency rule in this country.

Since President Roosevelt declared a state of national emergency in his program to cope with the Great Depression, the United States has not seen one official crisis-free day. In this atmosphere of crisis, the role of the Presidency has become magnified and the extraordinary emergency powers at the disposal of its occupant have multiplied. The special committee will soon issue a lengthy catalog of 470 significant emergency powers statutes now in effect. The states of national emergency proclaimed by Presidents Roosevelt, Truman, and Nixon are out of date, yet remain.

The special committee is studying and investigating this dilemma of Government. It is also trying to find relevant answers on how to insure that executive emergency powers will preserve and not destroy our liberties and free government; on how to insure that our system of government is better prepared to meet the shock of future genuine crises; on how to maximize the efficiency and minimize the dangers of constitutional dictatorship.

Jeffrey Antevil of the New York News has written a thorough article on this whole problem which I would like to share with my colleagues. I ask unanimous consent that Mr. Antevil's piece, "An emergency—When was it anything else?" be printed in the RECORD.

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

AN EMERGENCY—WHEN WAS IT ANYTHING ELSE?

(By Jeffrey Antevil)

If President Nixon or any other occupant of the White House were suddenly to start seizing private property, take control of broadcast stations and issue orders restricting travel, most Americans would be convinced the chief executive was flagrantly violating the Constitution.

They would be wrong.

At this moment, when the issue of presidential powers has become a major focus of public debate, the man in the White House could legally do all of these things and more, on his own initiative, by executive fiat, without clearance from Congress or anyone else.

In addition to the powers cited above, he could send United States military forces into any foreign nation at the request of its government, institute martial law at home, take control over essential transportation and communications facilities, extend military enlistments, regulate private capital and consumer credit, mobilize production and seize privately owned goods.

Apparently, he could even rebuild the government detention camps and put them into use, as was done to Japanese-Americans during World War II, despite Congress' repeal of the Emergency Detention Act two years ago.

Most of these powers are not likely to be invoked. But the fact that they do exist and that their potential for abuse presents a threat to American democracy is the subject of great concern to a little-known Senate panel called the Special Committee on the Termination of the National Emergency.

THEY LEARNED A LOT

The committee was created in the mistaken belief that the United States has been operating in an official state of emergency since the onset of the Korean War in 1950. One of its first discoveries when it began operating this year was that the state of emergency has actually existed uninterrupted for 40 years—since President Franklin D. Roosevelt launched his program to deal with the Great Depression in 1933.

Their second great discovery was that nearly 600 laws are now on the books delegating extraordinary powers to the President in time of war or national emergency. While some of these are minor powers, committee sources say, more than 300 of them constitute substantial legislation dealing with defense and national security, economic emergencies, natural disasters and internal disorder.

Sens. Frank Church (D-Idaho) and Charles McC. Mathias (R-Md.), co-chairmen of the panel, say these laws "delegate to the President a vast range of powers, which taken all together, confer the power to rule this country without reference to normal constitutional processes." Together, the senators added, they "embrace every aspect of American life."

The eight-member committee is unique in that half of its members come from each party and the two cochairmen have equal status. Democrats, as the majority party in Congress, have the chairmanship and a majority of the seats on all other committees in each house. The arrangement, in this case, was designed to highlight the bipartisan nature of the special committee's task, which is not aimed at any one President.

Hearings will be held later this month with the surviving attorneys general of past administrations—Tom C. Clark, who served under President Truman and later was a justice of the Supreme Court; Herbert Brownell Jr., from the Eisenhower administration; and Nicholas De B. Katzenbach and Ramsey Clark, from the Johnson administration—as witnesses.

Nixon administration officials will be heard at a later set of hearings. Secretary of State William P. Rogers, who also served as attorney general under President Eisenhower, may testify at that time, according to committee aide Thomas A. Dine.

Sometime in the next few weeks, the panel also plans to publish a comprehensive list of emergency provisions now on the books.

The committee's goal is threefold:

It plans to review the existing statutes, deciding which have become part of the everyday activities of the federal government and should be rewritten as permanent laws, which should be retained as emergency powers and which have become obsolete by the passage of time and are candidates for repeal.

Perhaps most importantly, it hopes to establish standards to guard against abuses when emergency powers are invoked, including provisions for congressional oversight and a process by which the state of emergency would later be terminated—neither of which exists under current laws.

It will study the possibility of terminating the state of emergency under which the country has operated for the past four decades.

In many ways, 1973 is an ideal time for this review, Church and Mathias feel. For the first time in many years, there is neither a foreign war in which the U.S. is involved nor a serious depression or recession at home.

Many of the powers over the economy which Nixon and his predecessors have exercised in recent years are based on the 1917 Trading With the Enemy Act, which FDR applied to the domestic economic crisis when he declared a state of emergency and ordered a bank holiday immediately after his inauguration in March, 1933.

Nixon himself declared a national emergency on Aug. 17, 1971, when he imposed controls on U.S. trade with foreign countries and called "upon the public and private sectors to make the efforts necessary to strengthen the international economic position of the United States."

AND THE ORDERS STILL STAND

Like Truman's Korean War emergency, the Roosevelt and Nixon declarations have never been revoked. Two others, a limited emergency declared by Roosevelt in 1939 and an unlimited one invoked two years later—both in response to World War II—were terminated by Truman by executive order in 1952.

Church and Mathias have suggested one approach for the future: If the President declares an emergency without the consent of Congress, the lawmakers would have 30 days in which to decide whether to sustain his action. If they refuse to do so, the state of emergency would automatically end. In any case, according to the senators' proposal, it could not continue for more than six months without a new presidential declaration and approval by Congress.

In the current climate, sources said the chances of enacting such a measure appear good.

Both houses are expected to approve war powers legislation in the near future, barring the President from using American troops abroad without congressional approval for more than 30 days. In light of the debate over these bills, Church and Mathias believe their colleagues would be especially interested in knowing about a law now on the books which permits a President, "whenever he considers it in the public interest," to send U.S. forces to any country that asks for them "during a war or a declared national emergency." The purpose of such forces, according to the law, would be "to assist in military matters."

DEATH OF FORMER REPRESENTATIVE WESLEY A. D'EWART, OF MONTANA

Mr. HRUSKA. Mr. President, it was with great sadness that I learned of the death of former Montana Congressman, Wesley A. D'Ewart, on September 2, 1973.

Wes D'Ewart served in the House of Representatives for 10 years between 1945–1955. He was well into his congressional career when I entered the Congress in 1952. I shall always value the advice and assistance he gave to me in those early years.

He was very effective as a Congressman, knowing the problems and conditions of his area well, and typifying the spirit of the West in firm and expressive fashion. He early won and always held the respect of his colleagues for his soundness and loyalty to the national decisions which he advocated.

Congressman D'Ewart went on to serve with distinction as Assistant Secretary for Agriculture and then Assistant Secretary of Interior. His work in the areas of reclamation and water development are well known.

The people of Montana shall surely miss this fine and dedicated Republican who served them for so many years. Those of us in this body who knew him say goodby to a faithful friend.

ERNIE STITES

Mr. CHURCH. Mr. President, on July 21, Ernest F. Stites, a well-know newspaperman in Pocatello, died. I rise today to pay tribute to a remarkable man and his remarkable career.

Ernie Stites was a newspaperman's newspaperman. Born in 1899 in North Idaho, most of his career as a journalist was centered in Pocatello, where he worked for the old Pocatello Tribune, as local bureau manager for the Salt Lake Tribune, and as a writer and editor for the Idaho State Journal.

In a long retrospective on his career, published July 23, Idaho columnist Perry Swisher said of Ernie Stites:

Today's media people considered Stites a gentleman of the old school of journalism. He wasn't. The old school was rock 'em, sock 'em and boiling with editorial ego. Ernie was of the middle school: A reporter was an observer to record the facts in the clearest possible language free of slant and emotion. He respected the codes that built AP and United Press into swift and reliable international wire services. He was proud of his association with Idahoans like Lloyd Lehrbas and Frank Hewlett who became national byliners in that era.

But Ernie had his causes as well. As Swisher notes:

He was an "environmentalist" before anybody in this development-crazy state could understand why. He cussed litterbugs before the word was coined. He studied the impact of dams and flood-control projects on fish and wildlife when questioning a Federal engineer was almost a felony.

But beyond his professionalism and his dedication to the outdoors, Ernie will be remembered among his colleagues for his encouragement and help to others of his profession. Lyle Olson, the present editor of the Idaho State Journal, wrote in an editorial in that newspaper on July 23 that—

More often than not, it was Ernie who took time to offer advice or a word of encouragement to cub reporters, which probably is why a whole generation of news people and former news people never forgot him.

Mr. Olson concluded his editorial:

Ernie Stites stuck through newspapering, thick and thin—and it was often thin indeed in the early days. We doubt that he ever seriously considered any other line of work. But it is not enough to say that he was a credit to his profession. Ernie Stites was a credit to the human race, and he will be missed.

Mr. President, I ask unanimous consent that a news article on Ernie Stites from the July 22 edition of the Idaho State Journal, together with Mr. Swisher's column and Mr. Olson's editorial from the July 23 edition of that newspaper, be printed at this point in the RECORD.

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

VETERAN LOCAL NEWSMAN: ERNEST F. STITES DEAD AT 74

Ernest F. Stites, veteran Pocatello newsman, died Saturday afternoon at Bannock Memorial Hospital of an illness. He was 74.

Mr. Stites was a staff writer, columnist and editor for the Idaho State Journal from 1962 to 1972, when he retired to part-time status. He wrote "Ernestly Yours" and "Travel Topics" columns for the Journal until his recent illness.

Mr. Stites was born June 3, 1899, in North Idaho. He was employed by the Pocatello Tribune, predecessor to the Journal, from 1931 to 1950 as telegraph and sports editor. He served as bureau manager here for the Salt Lake Tribune from 1950 to 1962.

Mr. Stites was well-known as an ardent supporter of wildlife programs, and he was a follower of Idaho State University and other local sports. He was instrumental in organizing the Bengal Gridiron Club with his brother, the late Hayden Stites.

He also organized and served as president of the Pioneer League Baseball Writers Association, and was official scorer for the Pocatello Cardinals. Mr. Stites was a native of Idaho's big timber country, and retained a lifelong love of the outdoors. He photographed many of the most scenic and hard-to-reach spots in Idaho, vacationing in rugged mountain country. His father was a sawmill owner and operator and was a boat builder when there was passenger and freight traffic on Hayden and Coeur d'Alene lakes.

Mr. Stites married Catherine E. Buckanaw June 17, 1932. Mrs. Stites also was employed by the Journal for many years in the circulation department before retiring. She resides at 303 North Hayes.

Mr. Stites was a Protestant, member of Masonic Lodges, El Korah Shrine and Elks. He was active in promoting the charitable works of those organizations.

He was a member of the Pocatello Chieftains Council, and a director of the Bengal Gridiron Club.

Funeral arrangements will be announced by Downard's.

ERNIE HELPED YOUNGSTERS, PLAYED OWN ROLE AS WELL

(By Perry Swisher)

EDITOR'S NOTE: Ernest F. Stites, Pocatello newspaperman for 40 years, died Saturday. When he retired to part-time in 1972, Journal editors asked one of the dozens he had helped introduce to newspapering, Perry Swisher, to interview Mr. Stites for a Sunday Journal profile which had become part of the veteran columnist's own stock in trade. It may have suggested full retirement—Mr. Stites wanted none of that—or an imminent obituary because of his declining health. What follows is reminiscence only; the interview never took place.

The Depression wasn't over and World War Two hadn't broken out. A reporter was lucky to get a job, and the pay was peanuts. One beginner, Jack Dorman, moonlighted as a tray-girl dispatcher at Fred & Kelly's drive-in, and sometimes slept on a table in the old Pocatello Tribune newsroom. To save room rent. Ernie Stites arranged it. Ernie arranged lots of things.

Another young hustler and Stites protege was Joe Ruffner. When the war did break out

and the heavyset Dorman split for Portland, I asked Ruffner what became of him and Ruffner said, "Dorman went to work in the shipyards and somebody launched him."

Ruffner was a snob from Philadelphia's Main Line. Years later when word reached Pocatello that Ruffner had become publicity manager for Elsie the Cow, (the Borden's milk symbol), Ernie laughed and said "serves him right."

When the likes of Joy South Morrison and I were in high school we were welcomed to the Tribune newsroom by Ernie but my real exposure to him began when Herbert Gordon at the Salt Lake Tribune news bureau just across the street hired me as a parttime teletype operator. At first Gordon had to pay me out of his own pocket, which was empty any week Gordon's wife got to his expense check first. Ernie understood, and Ernie bought my coffee the weeks I lost.

Today's media people considered Stites a gentleman of the old school of journalism. He wasn't. The old school was rock 'em sock 'm and boiling with editorial geo. Ernie was of the middle school: A reporter was an observer to record the facts in the clearest possible language free of slant and emotion. He respected the codes that built AP and United Press into swift and reliable international wire services. He was proud of his association with Idahoans like Lloyd Lehrbas and Frank Hewlett who became national byliners in that era.

When times changed and today's indepth journalism with personal perspective gained acceptance, Stites made the transition easily. His life wasn't all box scores and wire copy. He had his causes and in most of them was a generation or more ahead of his time. He was an "environmentalist" before hardly anybody in this development crazy state could understand why. He cussed litterbugs before the word was coined. He studied the impact of dams and flood-control projects on fish and wildlife when questioning a federal engineer was almost a felony.

Self-taught, he became an educator of young reporters and editors and outdoorsmen, and sports officials. While Idaho State University was struggling to become just that, from a mini-budgeted two-year school, Ernie successfully urged aggressive athletics to promote the college, and the attraction of the Idaho back country to secure faculty when there wasn't much else to offer.

Out of his youth among the forests and mining towns of northern Idaho and western Montana came a dedication to the outdoors as he had known it, and to the history of this region. While others talked of the Old West he interviewed it and drove thousands of miles to photograph and describe it because he realized, while most of us did not, that great pieces of the frontier were still around.

Ernie was good to the young males attracted into journalism. He was more than good to the girls. He actively let them know they could compete and—when being a reporter implied lack of femininity—he always told them how pretty they were and he was convincing. In that courtly sense he was a ladies' man. He was a good but not always effective example to rowdy reporters in his regard for his wife, Kate. They were companions in travel, in a taste for the arts and fine food and leisure without stress, and if they disagreed he slipped instantly into the role of father, son or brother.

Before the New Deal involved taxes in charity, before judges decreed brotherhood, men like Stites found fraternity and good works with anonymity in the lodge halls. Ernie had little confidence that one person could help another through government; he devoted himself to the benevolent works of the Elks and the Shriners. His dismay at my gradually serious involvement in politics was no different from my own at his eventually serious symptoms of asthma.

About twenty years ago Ernie and one of his fishing buddies, Tommy Barrett, returned from a trip up the Blackfoot River. He came into the office more cheerful than usual. I asked him why he was so happy. He said he didn't know, but then went on to tell how he and Barrett had come upon a mutual friend. The man was slumped awkwardly into the bank and his line was trailing in the current. Stites and Barrett went through the willows to investigate.

"The blackbirds were singing," Ernie related. "The bank was grassy, and the wild roses are blooming. A couple of butterflies were chasing each other in a circle around his head. It was C—— M——. A heart attack, I guess. Isn't that the way to go?"

About like that, perhaps on the South Fork of the Snake around Burns Creek, is how Ernie would have preferred to go. The brambles up there are still in bloom. In the warm afternoon sun blackbirds sing.

ERNIE WILL BE MISSED

To know Ernie Stites was to like him. And there were thousands of people who knew Ernie, through his writing or in person.

The byline, "By Ernie Stites," has been on Pocatello news stories for more than 40 years. Many of them were important stories, for Ernie was a good newspaperman, but much of his writing was the kind you could relax with. He loved Idaho's outdoors with a kind of gentle passion which he renewed with rugged mountain vacation trips, and fishing jaunts on his beloved South Fork of the Snake. His camera caught the beauty of high country scenes long before there were airplanes and helicopters to get you there the easy way.

Idaho's Fish and Game Department men had no stauncher advocate nor greater defender. When a governor used his office to attack the Fish and Game Department, Ernie's column, for once, bristled with indignation. Ern was a good citizen, too, observing the game laws scrupulously. Anyone who bent the limit on a fishing trip with him was unlikely to get another invitation.

More often than not, it was Ernie who took time to offer advice or a word of encouragement to cub reporters, which probably is why a whole generation of news people and former news people never forgot him. They, and old coaches and fishing buddies and countless other friends from all walks of life would come back to see Ernie. And he never forgot them, either.

His countenance wreathed with a broad smile, Ernies favorite greeting was "Welcome home, stranger! Pull up a boulder and sit down. And when he clasped your hand, you knew you were home.

Ernie Stites stuck through newspapering, thick and thin—and it was often thin indeed in the early days. We doubt that he ever seriously considered any other line of work. But it is not enough to say that he was a credit to his profession. Ernie Stites was a credit to the human race, and he will be missed.—L.O.

CONGRESSIONAL BUDGET CONTROL: WHERE DO WE STAND; WHERE ARE WE GOING?

Mr. METCALF. Mr. President, last Friday at the Democratic Caucus, a number of matters were brought up, and placed on the priority list for legislative action this session. Congressional budget control—which was at the top of everyone's list at the beginning of the session—seemed to have been forgotten. Although legislation in this area has been reported by subcommittee to the Senate Government Operations Committee, and action on a similar measure is going forward in the House Rules Committee, I discern no real effort to push this as "must" legislation. Subsequent concern expressed by Members may cause it to be put on some priority list—from the response that I heard at the caucus I have misgivings that it will receive the treatment it truly deserves.

Earlier today in a thoughtful speech to the Senate, the Junior Senator from New Mexico (Mr. DOMENICI) recited how he and Senator NUNN together with 13 other freshmen Members urged that revision of our budgeting powers be made the first order of business. Senator DOMENICI then continues:

> I do not think today that that request was a mistaken one; if anything, I am more positive now of the urgency of this matter than I was when that letter was written.

I agree with Senator DOMENICI that the challenge to Congress to get in control of the Nation's budget and its fiscal policy is even more critical today than it was 8 months ago. Have we been so preoccupied with Watergate and wheat deals that we have gotten off the track in promoting our constitutional role over the financial priorities of the Nation?

People will continue to be mystified and annoyed by the antics of the Nixon administration—as well they should be—but it is not the executive which will be running for office in 1974. Members of Congress will be asked: What have you done to put your own house in order to assure a national budgetary policy and a healthy economy?

We deplore executive impoundments and other fiscal manipulations, but thus far in this session we have done nothing—except for certain internal actions within the appropriations committees—to solve the basic problems which the President claims justify his actions. Indeed, we put the cart before the horse by pushing as a priority matter an anti-impoundment measure without a modest attempt at a realistic budget ceiling on expenditures.

There are those who want no budget control legislation at all. Some Members who are not on the appropriations committees fear that any change in the process will upset what limited inputs they now possess. I think that this is an overreaction. A better approach—and there are many Members who agree—is to frame a process that will provide for an honest and open debate on spending priorities; a spotlight on our revenue policy; a true testing of social and economic effects, and a viable fiscal plan that the executive must follow—not ignore or abrogate.

The drafting of a budget bill is a complicated procedure. It affects the entire spectrum of congressional action. The rights of individual Senators to express their views on spending priorities must be protected.

The whole legislative process of authorization or appropriation must be considered.

The Government Operations Committee has given this problem of budget control and spending ceiling a high priority. A subcommittee bill has been reported to the full committee. Chair-

man ERVIN has set dates for full Government Operations Committee hearings on the subcommittee bill.

What I hope to do in this and subsequent statements is to provide the Members with a status report of the budget reform legislation presently being considered in Congress, and in succeeding days to explain some of the basic problems which have arisen in developing a workable bill; my reservations about S. 1541—the bill before the Senate Government Operations Committee—the history and future role of Congress in fiscal policy; and the views of experts, the press and public representatives on the subject.

OPPOSITION TO ADMINISTRATION'S PROPOSAL TO END MEDICAL EXPENSE DEDUCTION

Mr. CHURCH. Mr. President, recent news accounts reveal that the administration is considering a plan to eliminate present income tax deductions for medical expenses.

If this is one of the administration's famous trial balloons, it should be shot down immediately.

It has been suggested that this recommendation could help to provide the financing for the administration's so-called national health insurance program.

But the net impact, I fear, is that millions of taxpayers may needlessly be penalized because of an ill-conceived and ill-advised proposal.

In all probability, the administration's national health insurance program will be riddled with loopholes which will more than compensate for the tax benefits provided under the medical expense deduction.

More than 27 million returns filed for taxable year 1970—the latest date that complete information is available—claimed the medical expense deduction.

As the chairman of the Senate Committee on Aging, I am especially concerned that the administration's recommendation may have an unduly harsh and negative impact for older Americans.

Illness, disease, and physical ailments unfortunately strike with far greater frequency and intensity at a time in life when they are least able to shoulder these burdens.

But for millions of older Americans, the medical expense deduction has provided valuable relief from oppressive health care expenditures.

In 1970 nearly 3.2 million returns filed by elderly taxpayers claimed this deduction.

More importantly though, this provision provided nearly $2 billion in tax relief for sick and disabled older Americans.

The importance of this provision for the elderly can best be illustrated by these facts: The aged constituted slighlty more than 9 percent of all taxpayers in 1970. However, they accounted for 19 percent of the total tax benefits under the medical expense deduction provision.

An article in the September 4 edition of the New York Times describes the administration's proposal in greater detail.

Mr. President, I commend this account to my colleagues and ask unanimous consent that it be printed in the RECORD.

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

HEALTH CARE PLAN WOULD TAP TAXES

(By Richard D. Lyons)

WASHINGTON, September 3.—The Nixon Administration has under study a proposal that would eliminate deductions for medical bills from income tax returns, which, if enacted, would cost taxpayers an estimated $7.5-billion a year.

The elimination of the deductions would put more tax funds into the Treasury that in turn would be used to offset partially or completely the costs of the national health insurance program.

The proposal is under study by specialists at the Department of Health, Education and Welfare who are drawing up a new Administration bill for a national health insurance program.

Dr. Stuart H. Altman, the H.E.W. Deputy Assistant Secretary for planning and evaluation, emphasized in an interview that final action had not been taken on the tax deduction issue.

Dr. Altman said the $7.5-billion would be realized not ony by the elimination of medical expenses from tax returns, but also by treating those health insurance premiums paid by employers for employes as income earned by employes, and thus taxable in addition to salary.

The Nixon Administration is drafting a new version of the national health insurance bill that it introduced 28 months ago, but has not reintroduced.

As currently conceived, the new Administration bill would set a minimum level of coverage for all Americans, a change from the White House-backed bill previously introduced. Critics of the earlier bill said it would foster "two-tier medicine," that is a high degree of benefits for the well of, and a lower degree for the poor.

The new medical insurance proposal being drafted would also allow persons covered by the medical insurance program to opt for joining health maintenance organizations.

In most other respects, the proposal under draft by the Department of Health, Education and Welfare is much the same as that introduced by the Administration 28 months ago.

A copy of a tentative new draft was made available by Senator Edward M. Kennedy, the Massachusetts Democrat who has been a frequent critic of the Administration's health policies.

The draft, dated Aug. 22, was prepared for Caspar W. Weinberger, H.E.W. Secretary, by the department's Deputy Assistant Secretary for planning and evaluation, Dr. Stuart H. Altman.

In a statement, Senator Kennedy chided the Administration, contending that it was dragging its feet on the reintroduction of a national health insurance bill.

Senator Kennedy's own medical insurance bill would provide coverage for virtually all forms of treatment, with the costs to be paid by Social Security-type contributions by employers and employes, as well as Federal taxes. The Administration contends that the costs of the Kennedy plan to the Federal Government would overtax the Treasury.

"ACTION MEMORANDUM"

Without giving exact details, the Altman "action memorandum" outlined a program that would have two parts: a standard employer plan to be paid for by employer and employe payments for premiums, and a Government-assured program, under which Federal funds would help meet the premiums of unemployed and low-income workers.

"The two plans would cover the same services," the memo stated. The Administration proposal would lean heavily on private health insurance companies, which would write group contracts, collect premiums and pay either part or all of the bills. The Federal Government would set minimum standards for the policies and monitor the performance of the companies.

As an additional option employers with more than 25 employes might be required to offer them the choice of enrolling in a health insurance.

Health maintenance organizations, usually called H.M.O.'s, enroll large numbers of people for a set monthly fee and provide medical care whether it is needed or not. Enrollment in an H.M.O. with premiums prepaid guarantees treatment, regardless of cost.

As described in Dr. Altman's memorandum the Government-assured program would require some insurance companies to offer health coverage to any one who wanted it "at an established premium rate". That portion of the premium met by the policy holder would be determined by his income.

Dr. Altman noted in his interview that the income tax changes were under study because "national health insurance will not be free—somewhere in the system someone is going to have to pay."

He said that the $7.5-billion costs to the Federal Government of the Government-assured program, "depending on the level of benefits," which have yet to be decided.

He noted that some economists had termed the deductions regressive since they would be more beneficial to higher income persons than to those with lower incomes.

The memorandum also offers a glimpse of the philosophical differences within the Administration regarding mandatory coverage. The Administration's earlier national health insurance bill stressed that people could choose to join the program or not as they saw fit.

Dr. Altman's memorandum made a strong case for mandatory enrollment because it "ensures that all persons, regardless of health status, help share in the cost of health care by contributing their premiums."

In addition, the memo stated that "mandatory enrollment guarantees that all persons have adequate coverage and prevents society from facing the dilemma of whether to provide medical care to persons who incur large medical expenses after refusing to insure themselves."

JUDGE JOSEPH WOODROUGH, OLDEST LIVING MEMBER OF FEDERAL JUDICIARY

Mr. HRUSKA. Mr. President, my reasons for addressing the Senate today are a bit unusual, for I simply wish to use this occasion to say "Happy Birthday" to a very great man. Some may see this as an unusual forum for extending such greetings. But the gentleman I speak of is a most unusual human being.

Mr. President, Wednesday, August 29, 1973, marked the 100th birthday of the Honorable Joseph William Woodrough, senior judge of the U.S. Court of Appeals, and the oldest living member of the Federal judiciary. I wish to extend my belated birthday greetings to this great American who not only championed the causes of justice and honor during his seven decades as a public servant, but who also won the hearts of many Nebraskans during his years of service in our State.

It was no slip of the tongue that caused me to refer to Judge Woodrough as a most unusual man. His love of life and sense of action infected all those he came

in contact with, and as he begins his second century of life, he brings good cheer and a hearty disposition to any group of which he is a part.

To know Judge Woodrough is to know a top-notch jurist—a man who has been comfortable in the presence of world statesmen and a man who has presided on the bench and ruled on some of the most important cases in American history. But, to know Judge Woodrough is something much more. It is knowing a man whose very life embodies the vigor, the action, the ambition, the sense of fun, and the humaneness which we all feel is typically American.

It was Judge Woodrough who quipped upon hearing that President Woodrow Wilson had appointed him to the Federal bench on April 1, 1916:

It was the best April Fool's Day joke ever played on me, but I'm not sure about the public.

Judge Woodrough once went into a pool hall in Little Rock, Ark. While playing a game with the natives, a migrant magician walked in and began a series of magic tricks that delighted the Judge. It was only later that the Judge realized he had been the victim of the magician and had his watch picked from his pocket. When asked why he did not report it to the police, Judge Woodrough replied:

How would I have looked reporting that an Eighth Circuit Court judge had his pocket picked in a pool hall while watching a magician?

It was the same Judge Woodrough who constantly baffled bright, young, ambitious law clerks by his famed love of physical fitness. Well into his 80s, he could walk the legs off any of those aides sent to assist him.

Mr. President, we, in Nebraska, would like to claim Judge Woodrough as our very own, but we must acknowledge that he was born and reared in Ohio. At age 16, he traveled to Europe and studied European Continental law at the Ahnen Schule in Dresden, Germany. He spent several months doing post graduate work at Heidelberg University after which he toured Europe, Britain, and Russia by bicycle and foot.

At age 20, he returned to the United States and spent a year in the law offices of his uncle in Omaha, Nebr. His urge to travel persisted, and he left for Texas where he was admitted to the bar in 1894. He wasted no time, for in November of that year he was elected Judge of the newly formed Ward County.

Nebraskans, however, turned out to be most fortunate when Woodrough decided in 1897 to return to the Plains State. In 1899, with several associates, he formed his own law practice. He married the former Ella Bonner in 1902 and spent the next 14 years caring for his business and family in Omaha. His dedication and integrity won him the respect and admiration of all who knew him. His record was nationally known, and in 1916 President Wilson appointed him to the Federal district bench. When he took the oath of office on April 24, 1916, Judge Woodrough became the youngest U.S. district judge then sitting on the bench. In 1933 Franklin Delano Roosevelt appointed him to the U.S. Court of Appeals.

One could go on indefinitely in discussing Judge Woodrough's legal career. There was a time in Nebraska when Attorney Woodrough probably tried more cases than any lawyer in the entire State. For years he had cases for trial at every term of the Supreme Court in Nebraska.

During his long and distinguished career as a jurist, Woodrough's court decisions were numerous, touching on such matters as the sentencing of the Birdman of Alcatraz, and reaching landmark proportions with decisions such as those on the Volstead Act in the 1920's and his historic order to desegregate the public schools in Little Rock, Ark., in 1956.

"The Old Walkin' Judge" retired from the bench in 1961 at the age of 88. Nebraskans were saddened to learn that this little man had decided to close his 67-year career and move to Illinois to be near his children and their families. His many Nebraska friends, however, continued to pay him yearly homage as our favorite judge.

Only this year at age 100, Judge Woodrough decided to pass the occasion a little more quietly:

I'm just naturally too durned old to go gallivanting about.

His quiet birthday consisted of his usual several mile walk to a local hamburger stand where he was surprised by a little party with some 40 friends.

When Woodrough was ready to leave Nebraska he was heard to say:

It is going to be hard to answer to any title but Judge when I get there.

Well, he earned the title with dignity and compassion, and I think it highly appropriate to say from the floor of the U.S. Senate: Happy Birthday, Judge!

Mr. President, I ask unanimous consent to have printed in the RECORD an article on Judge Woodrough that appeared in the Omaha World-Herald.

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

[From the Omaha World-Herald, Aug. 5, 1973]

SPRY JUDGE GALLIVANTS INTO SECOND CENTURY

Dear Judge Joseph Woodrough:

Happy 100th birthday, Judge.

You always said you would make it, and all of your admirers in this section of the country believed your prediction with the same confidence legal circles accepted your decisions as a judge on the U.S. 8th Circuit Court of Appeals.

And your former law clerks, many of whom are growing gray, still regard you as the Mr. Chips of the bench.

They regretted this year that you decided you could not make your pilgrimage to Omaha to attend the yearly dinner in which they paid you homage as their favorite judge.

But they chuckled when they received your hand-written letter from Midlothian, Ill., that suburb outside Chicago in which you have lived for the several years.

"I'm just naturally too durned old to go gallivanting about," you wrote, "I'm planted here in the lap of luxurious irresponsibility. They have just opened a refreshment joint in between where I used to walk and where I can walk to now-a-days.

"GAL WILL READ"

"I'll read that dear letter again while I'm resting and refreshing or have the gal at the bar read it to me."

They also enjoyed the closing of the letter in which you said your decisions were not always right during your more than two score years on the bench. You wrote:

"Even that old case where it was decided judges have to pay income taxes like other people. I could have avoided that—me and Felix Frankfurter (U.S. Supreme Court judge at the time).

"Maybe it would have been wiser not to have anybody, even the IRS, (Internal Revenue Service) tell a judge where to get off."

And as your former law clerks, friends and attorneys read your letter they recalled the track record you compiled as you picked up the title of the "walking judge" on your way to the century landmark you will enjoy Aug. 29.

Here are just a few of them:

Taking off at 82 with your late wife on a freighter to visit your younger brother, Fred, 80, in Tokyo.

In 1958, at 85, taking two of your former law clerks on a tour of Europe, with them bringing back a report that "He walked our legs off."

In the winter of 1959, while several of your former law clerks watched in consternation, you hitched a ride on the toboggan of a youngster in a St. Louis park and went hurtling down the slope.

WHOOPS

How you were so unassuming that once while in a courtroom awaiting the arrival of the other circuit court judges a pompous lawyer handed you his coat which you accepted without comment and hung on a rack. Not until he saw you on the bench did he realize his mistake.

How you always recalled that President Woodrow Wilson appointed you to the federal bench on April 1, 1916, and how you always commented—"It was the best April Fool's Day joke ever played on me, but I'm not sure about the public."

And at 95 how you floated down the Miami River in a canoe with a young nephew, commenting "I liked shooting some of those rapids best."

And the fuss you raised when they made you quit bowling at the age of 98.

All of those to whom you gave these happy memories are wishing you the best as you start on the second hundred years—court is in recess until next August.

Sincerely,

BILL BILLOTTE.

LOUISE EDMO—MISS INDIAN AMERICA

Mr. CHURCH. Mr. President, we of Idaho are very proud that a member of our Idaho Shoshone-Bannock Indian Tribe holds the coveted title of Miss Indian America this year. Miss Louise Edmo is a charming and intelligent young woman and I know of no person who could more adequately serve as an ambassador for the Indians of America.

Miss Edmo has taken her duties very seriously and I was pleased to note in a recent issue of Wassaja an article by Miss Edmo concerning her representation of the Indians across the Nation. I would like to take this opportunity to share her comments with my colleagues and I ask unanimous consent that the article "Representing Indian People in an Honorable Manner" be printed in the RECORD.

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

REPRESENTING INDIAN PEOPLE IN AN HONORABLE MANNER

(By Louise Edmo)

After my selection as Miss Indian America XIX, I undertook the responsibility of representing the Indian people in a manner that would allow all groups of people with whom I was to have contact, to evaluate our problems in a realistic manner. Little did I know that so few people are willing to listen to what the Indian individual has to offer. They are more concerned with what their own answer to the Indian problems are.

My experiences have been varied and unique. My chaperones and I have visited Indian people in nearly every corner of Indian country. We have addressed Indian groups, ranging from the National Indian Education conference to the Indian students in the Rockey Boy School District. But regardless of the location of the school or reservation, Indian people always treated me with respect and kindness. I can only share with you the wisdom that the Indian people throughout the United States have given to me during my short visits to each reservation.

The issues that confront both young and older Indian people are numerous and can determine whether the Indian people will live as we are now living, or live as the White society thinks we should live.

During this most active time in Indian history, I chose to represent the Indian people, based upon the tribal political background that I had learned to respect. Many young Indians who would like to be called militants, or be identified with the American Indian Movement have decided that it is about time that Indian problems be considered as justified. So in November, 1972, the Trail of Broken Treaties was staged in the BIA in Washington, D.C.

At first I didn't react, but seen the news media demanded an opinion. My stand was based upon a respect for the elected representatives of the Indian people. I could not advocate this same type of action, to create the awareness that we need; to gain recognition for the sovereign rights that Indian people have learned to fight for and protect. Later I learned that the 20 points that the Trail of Broken Treaties proposed for Congressional action did not represent the best interests of the reservation Indian.

The many events that have taken place during the past eleven months have allowed me to determine my priorities in my own life and determine the best, or at least I hope the best way, for me to truly represent the Indian people in an honorable fashion. After encountering many so-called Indian experts, Indian and non-Indian alike, I have decided that the Indian people can develop within our youth a sense of brotherhood and dedication to the Indian cause. To those of you who have been involved in preserving and protecting our fishing and hunting rights, our mineral rights, and our most valuable water rights, you surely know that this must be the cause that we represent and not the interests of a large, white corporation or a small faction of Indian people who many would term as "apples".

My priorities must be to protect the best interests of the Indian people in any way that I possibly can. Indian people have been my means, throughout my reign, to carry on; they have also been, and must continue to be the end that all Indian people strive to improve.

There have been many hard times, when I was questioning whether the cause that I represent was true, but the Indian people who welcomed me at the next stop always continue to be a source of strength and guidance. There has been much loneliness, but the Indian people have always been a source of friendship and happiness, as we shared new songs and danced many new steps.

During the last six months of my reign as Miss Indian America XIX there have been several questions that have been brought to mind. The foremost in my mind is whether or not the title of Miss Indian America is truly representative of Indian people. The numerous experiences that I have had an opportunity to undertake have certainly allowed me to acquire an insight into the feelings of older and younger Indian people living in both urban and reservation areas. The general feeling that I have had is that I am to be a spokesman for the Indian people in two different capacities. First most Indian people, I am sure, would like to see Miss Indian America serve in the capacity much the same as Miss America serves for the Non-Indian aspect of society; that being a position of stature of course I am sure, but most importantly Miss America usually does not have an opinion on any issues that might be highly controversial.

Perhaps it is because I do not like to remain a middle-of-the-road person, I feel strongly that Miss Indian America, if she is to truly represent the Indian people, should be aware of the issues that Indian people throughout this country are confronted with. But most importantly she should give an educated opinion, based upon an understanding of the sovereign status that we as Indian people enjoy.

The second capacity that Miss Indian America must serve in is the ambassador to the Non-Indian people. This is perhaps a vague area, since Indian people would consider me or any other person a sell-out if one so much as relates a few of the values that we as Indian people possess.

There have been numerous experiences that one could relate concerning the stereotype image that many groups within our society still cling to. In public schools throughout the country young people, (Indian and non-Indian) living in highly developed areas of the country or in supposedly civilized areas, do not understand why Indian people would rather live on a reservation than in an urban area. A lady in Michigan asked if Indians eat American food! But if Miss Indian America cannot in part answer these questions then who will?

I have not attempted to provide all the answers to any of our problems, but what I have related is that I believe there are certain values and standards in the way of life or rather the family background that I have lived and learned to respect, without fully realizing it.

My reign as MIA XIX has been filled with countless new experiences and friendships, it has been filled with a countless reminder that my responsibility was to the Indian people and to no one else. So often today all of us at some time in our life profess the best way that we believe the Indian people can answer our problems, but when we do so, let us do so with an understanding of the full scope of affairs; with an understanding of the tribal rights we now enjoy and a respect for another Indian person's aspirations and hopes for the future. In other words be cautious when we approach a completely new path or an entirely new change in the administration of our tribal governments. But most importantly consider the Indian person and what we have at stake before we consider what you can do for your white neighbor.

I have learned much: I have learned to be patient, not only with Indian people, but especially Non-Indian people. So many are willing to listen to another point of view, other than their own image of what Indian people should be. One needs to be willing to listen also to their reasons for thinking as they do, and the experiences involved in their reasoning. Respect is important in Indian politics or in any type of situation or activity that involves Indian people. I have learned to respect the right of tribal representatives and self-appointed representatives. Our lives as Indian people are so closely tied to political activities of a tribe that there must be respect and understanding for another Indian person to view things as they do. One can have respect for another person and still can disagree with the personal views of the other.

Most importantly, I have learned to evaluate Indian viewpoints first, in making any type of decision.

EXPENDITURES FOR SPACE

Mr. MOSS. Mr. President, I cannot resist making a unanimous-consent request that an article by R. F. Stengel, senior editor of Design News, printed on August 20, 1973, be inserted in the RECORD. My reason for this request is to place before my colleagues and others who read the RECORD another small contribution to the argument about expenditures for space.

My colleagues are well aware that with the constant pressure on the budget, many have taken up the cry of cutting out expenditures for space in order to have sufficient funds for other governmental purposes. I, too, adhere to the belief that we must, indeed, cut down on appropriations as a contribution to stemming inflation that is so severe at this time, but I believe that it is foolhardy to cut the space appropriations below a level that will enable us to continue our leadership in this great endeavor. Because space operations are so visible, the general impression is abroad that the amount of money expended is astronomical. As a matter of fact, it is very small, amounting to about 1 percent of our annual appropriations. As the article points out, if we abolish the National Aeronautics and Space Administration entirely, the money saved would "run HEW for about 2 weeks." So we lose a great deal of our perspective on the amounts of money involved.

I recommend a careful reading of the article which I now ask unanimous consent to have printed in the RECORD.

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

AND ALL THOSE BILLIONS WE LEFT ON THE MOON

(By R. F. Stengel, Senior Editor)

I don't like to bring up the same subject twice, but I hope to persuade you that I have good reasons. In my last Reflections, I complained that the benefits of space programs were practically given away, while the costs were highly visible. This, I found out promptly, was an understatement.

During the 1973 annual meeting of the Aviation/Space Writers Association, one of our guest speakers was Michael Collins. On the Apollo II flight, he had piloted the command module from which Neil Armstrong and Buzz Aldren descended into history. Now he is the Director of the National Air and Space Museum, part of the Smithsonian Institution's complex of facilities in the capital.

MAN IN THE STREET

Mr. Collins decided to do some market research (motive: before you can serve your information customers, find out what they *don't* know), and had questionnaires handed to the next bunch of people who happened to wander in off the street. The results were

ego-shattering to the assembled aerospace press in more than one way. For example, Boeing might be interested to learn just how many people credit a 727 with 5, 6, or 7 engines.

Now for the shocker. *A substantial minority believed that NASA's budget was equal to, or larger than, the budget of Health, Education and Welfare.* (In reality, if some extreme demagogues prevailed, and abolished NASA entirely, the annual "savings" would run HEW for about two weeks.) How is such a massive misconception possible? I can think of a number of reasons, and so can you; let me state only a few and see if they might apply.

BURYING FRIENDS

To begin with, NASA is at times its own worst enemy. For example: ". . . during last summer's fire in the Big Sur area . . . this remote sensing technique resulted in substantial savings estimated at $1 million, to the State . . ."* This unsolicited testimony rests buried in hundreds of transcript pages. I have yet to see a one-page NASA release stressing the fact, let alone doing some gentle chest-thumping.

NO SONGS, PLEASE

A "just-the-facts, Ma'm" approach may suit budget hearings, but it will not generate the public support needed to *maintain* budgets. At the 1972 LA Syncon, Ray Bradbury argued that artists (painters, poets, and *gulp* science fiction writers) were needed to help the space program survive. I can just see how well *that* suggestion was received at Fourth & Maryland Ave., S.W.

McLuhan notwithstanding, if "colorful presentations" are left to the hot media, the benefits are doubtful. An Apollo launch is a telegenic event. A program to reduce aircraft noise is not, because "8 epndb" is a concept exceeding apparently the explanatory capabilities of the news staff. Consequence: in the viewer's mind, NASA equates with burning 6 million lb of fuel in a few seconds, whereas those nice HEW people have just extended another service grant (which, on the *neighborhood* level, amounts to a mere $30,000).

Price tag-pushing: during the 1973 AWA meeting, an Establishment panel member kept referring to the space shuttle as ". . . that $250 million airplane". All right, let's put his putdown into perspective. At current costs in the LA area, that kind of money buys something like 25 miles of freeway (roughly, from my home to my office). Spent on a space shuttle, it buys a freeway to earth orbit.

PRIORITIES

Such allocation choices come down to simple questions: what do we want, and what should we want. The Defense slice of the budget buys military survival. The HEW slice buys, presumably, social survival. The R&D slices buy economic survival. Other than aviation and space, how many areas are left in which we still retain a position of technological leadership?

If we don't preserve at least *that* edge, if some day it becomes more cost-effective to buy airplanes, satellites and spacecraft abroad, then we shall indeed have left "all those billions" on the moon.

VICE PRESIDENT AGNEW

Mr. McCLURE. Mr. President, it is high time that we take a hard look at what is happening to the rights of individuals in this country—even if that individual holds high public office. Yesterday, I responded to a reporter's questions on the current preoccupation of the press—speculating that Vice President AGNEW might resign. Resignation seems to me to be out of the question and totally out of character for a person who has established a reputation as a man of strong principle and great courage.

I was asked if I thought he should resign and replied that he, as much as any other citizen of this country, is entitled to the presumption of innocence. I presume he is innocent of the charges that have been bandied about, and he certainly should not resign. I went on to express my concern that Mr. AGNEW's rights are being trampled under foot in the Roman circus atmosphere of public discussion.

In response to a question about whether Mr. Connally might be acceptable to me as a replacement for the Vice President, I responded that it was inappropriate for me to speculate since I feel that Mr. AGNEW will not and should not resign. In response to a further question, I did express the feeling that Mr. Connally was one of several persons who might be acceptable to me. I expressed my admiration for Mr. Connally and welcomed him to the Republican Party.

I was startled and dismayed to see myself presented on a morning news program, from that discussion supposedly indulging in speculation as to who our next Vice President might be. While my conversation with the reporter was full and frank, the truth wound up on the cutting room floor.

This mishap, though, does lead me to make some remarks I probably should have made before. In Washington, the rumor mill is often too easy to ignore.

First, about the Vice President himself. I know him to be a man of high intellectual standards and moral courage. I do not want to add to his present burdens by even appearing to suggest that I consider him anything but an excellent Vice President. Even if I did not know the man, I would deplore and disassociate myself from what is being done to him. And over and above any relationship to Mr. AGNEW, I think our judicial processes are gravely threatened. An individual's right to due process is violated by idle gossip and malicious rumor in direct proportion to the importance of his position, for the latter has become an accurate gage as to how much exposure it will receive in the press—particularly if the press does not agree with him politically. A President, a Vice President and even a Senator have little or no chance of achieving the impartial trial that protects the average citizen by a simple change of venue.

In addition to rumors, there are the far more substantive leaks in which whole pages of grand jury testimony have been printed in the papers, with utter disregard for the fact that the grand jury secrecy is designed to protect the innocent; whether he be the accused, a person who is named peripherally in an innocent capacity, or a person named by mistake. When the satiation of the public curiosity is more important than the constitutional rights of the individual, the judicial process is a short distance from total breakdown.

What of the sickening spectacle of the self-righteous criticism of President Nixon for "putting himself above the law" when he raises the very serious question of the President's powers within the law under the separation of powers expressed in the Constitution—that criticism coming from some of the very same people who held themselves above the law in publication of documents stolen from the Pentagon in violation of the law?

And what of the publication of grand jury minutes—a clear violation of the law, which, incidentally, has not been prosecuted? Do the prosecutors more fear the power of the press than the power of the Presidency? We must be concerned, too, when a judge extorts statements in related proceedings with the threat of harsh sentences. Those who cherish freedom should cry out. When that same judge demands silence of those accused who are released on bail, but not of their accusers, we must be concerned about the rights of free speech and the right to a fair trial.

What would have been the reaction if Judge Hoffman had used the same tactics in the trial of the Chicago 7? It is interesting, but a little frightening, to note that many who were concerned about individual rights there, have joined in the mob's blood lust for Nixon and AGNEW. Their objective is shown to be destruction, not justice. Their motives are all too clear.

Another area of concern I have for the judicial system is that of bargaining for immunity by cooperation, a cooperation which inevitably takes the form of implicating others. The bigger the people you can deliver, the greater chance of immunity for yourself. What prosecutor would not pass up a clerk to get at a corporation head, a secretary for a Senator? There is an increasing notion that the mere charge of guilt is sufficient, a notion that flies in the face of our constitutional system.

But it helps the little criminal. He has nothing to lose, his reputation is gone in any case. He may have to grovel in guilt to satisfy this strange new notion of public punishment. But if he can deliver the goods he has the only thing left of value—his freedom. Vulnerability to loss of due process is, therefore, again in direct ratio to the importance of a man's position, and in this case his liberty as well as reputation is at stake.

As the most vulnerability obviously then lies at the top, the President is in an especially dangerous position. But the danger is one that no Senator or Congressman can afford to overlook. Any person charged with a serious crime must inevitably cast around for some important person as a target to involve in order to avoid punishment for his own wrongdoing—a kind of "pick-your-pigeon" game—and we are all sitting ducks in that shooting gallery.

Our Republic was founded on a principle that no man—no matter what his stature or public position—is above the law. But with the events of recent months, a deeply troubling question has been raised whether a citizen—because of his stature and public position—is considered outside the protection of the law.

Under our very liquid and recent judicial interpretations of libel laws, for example, the rights of public figures have

come to be treated in a considerably different light than those of citizens with relative anonymity. We are now witnessing an attack on the rights of an individual citizen who also happens to hold the Nation's second highest office. This assault is cloaked in a guise of a search for truth.

But with an insatiable impatience, the media has not waited for the truth to come out in the light of our judicial system. Instead, we have seen a series of rumors printed that have been grown and nurtured in darkness.

THE OBJECTIVES OF SALT II

Mr. CHURCH. Mr. President, the negotiations between the United States and U.S.S.R. on the strategic arms limitations are of critical importance to this Nation and to future generations. Unfortunately, both countries seem to be accumulating more offensive arms rather than curtailing the arms race.

Charles W. Yost, a diplomat of two-score years experience, has written on this subject, and I ask unanimous consent that his thoughtful analysis on the "Objectives of SALT II" that appeared in the Christian Science Monitor of September 6, be printed here in the RECORD.

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

THE OBJECTIVES OF SALT II

(By Charles W. Yost)

NEW YORK.—At their summit meeting in Washington in June President Nixon and General Secretary Brezhnev announced their objective of signing in 1974 a permanent agreement on the limitation of strategic offensive arms. Yet if one pays attention to what both sides are doing, rather than to what they are saying, it appears that they are today moving not toward a limitation of strategic arms but toward an even more extravagant accumulation of them.

The Soviets achieved parity with the United States in land-based intercontinental missiles in 1969, but have since added more than 500 to their inventory in excess of what the U.S. has. Some of these missiles, moreover, can carry a much larger warhead than those of the U.S.

Soviet submarine-launched missiles have also increased vastly—from about 100, 10 years ago, to over 600 now, about equal to the U.S. today. But they are still building, and the U.S. at the moment is not.

On the other hand it should be remembered that the U.S. was the first to deploy strategic missiles in large numbers, and has for most of the past decade been far ahead of the Soviets in both land-based and sea-based missiles. It continues to have a three-to-one advantage in intercontinental bomber aircraft.

Moreover, America's lead in the development of MIRV's, which the Soviets have just tested but not yet deployed, gives it a more than two-to-one advantage in number of warheads. As the Brookings Institution report on the 1974 federal budget points out: "The number of U.S. nuclear warheads is increasing at a faster rate than at any time in history."

As to "equivalent megatonnage"—a measure of destruction capacity in light of both components and weapon sizes—the Defense Department informed the Senate Foreign Relations Committee last year that the U.S. and the Soviet Union were "about the same."

A recent study by Brookings estimates that approximate parity will exist in the range of 4,000 to 4,500 equivalent megatons. The study notes incidentally that 400 equivalent megatons are usually considered more than enough to destroy at least 25 percent of either the American or Soviet population.

The question therefore arises, what is enough and what is ridiculous overkill?

The President in his recent address to the Veterans of Foreign Wars said: "If we are going to be able to negotiate this era of peace, we have to have a United States that has a military strength second to none." Presumably that is also the policy of the Soviet leaders.

Another excuse for escalation is the acquisition of "bargaining chips" for use in future negotiation, so that paradoxically the welcome fact of negotiation seems to multiply rather than diminish arsenals and expenditures.

The deployment of MIRVs, as was repeatedly pointed out before it began, has made an agreed limitation of missiles far more difficult, because the presence of MIRVs can only be verified by inspection on the spot, and that the Soviets have never permitted. It would seem, therefore, that uncertainty about numbers of warheads is unavoidable.

This would mean of course that neither side could be sure which was "first" or "second," though both would be certain each had far more than "sufficient" destructive power.

Under the shadow of this "uncertainty principle," perhaps both can move toward abandoning the futile search for "parity" and, as appeared to be the case at the commencement or Mr. Nixon's administration, be satisfied with "sufficiency," provided that sufficiency is invulnerable.

It is generally believed that, once the Soviets have deployed MIRVs in quantity, U.S. land-based missiles will, however it may protect them, be acutely vulnerable. Sea-based missiles will, however, remain invulnerable as far ahead as one can look, and their destructive power is alone quite ample for deterrence.

A rational, even though perhaps not a probable, outcome of the SALT II negotiations would therefore be an agreement by both sides to phase out all offensive strategic arms except sea-based missiles.

If this absence of redundancy, and more especially of an Air Force component, were more than the Pentagon could swallow, the U.S. could preserve its existing B–52s, which will remain operational into the '80's and which are, if properly deployed and alerted, also in large part invulnerable. However, if the U.S. proposes to keep B–52s, it must expect the Soviets, in the absence of comparable bombers, to insist on keeping some land-based missiles.

In any case let America get back to sufficiency, which it has long since had, and concentrate henceforward, not on parity which means always more and more, but on invulnerability for what it already has.

RETIREMENT INCOME SECURITY

Mr. WILLIAMS. Mr. President, unanimous approval, 93 to 0, by the Senate last night of the Retirement Income Security for Employees Act is the culmination of a very long effort by the Senate Labor Committee, dating from as far back as 1954, to bring about comprehensive and effective protection of the pension rights of American working men and women.

Many Members of the Senate, especially of the Labor Committee and the Finance Committee, have contributed to the success of this effort, both in the present and in the past.

I wish to pay special tribute to my close friend and esteemed colleague, the Honorable JACOB JAVITS of New York who, as ranking minority member of the committee, as well as of the Subcommittee on Labor, has stood staunchly at my side during our common struggle over the last 3 years to achieve a meaningful system of retirement security. His ideas, his enthusiasm, his constant devotion to this cause have been of inestimable value to me and to the committee.

As we all know, Mr. President, there would have been no bill at all if the Finance Committee had not collaborated with us to formulate a common approach.

We owe a great deal to the chairman of that committee, the distinguished Senator from Louisiana, the Honorable RUSSELL LONG, for his leadership in helping to bring the two committees together. The ranking minority member of the Finance Committee, the Honorable WALLACE BENNETT of Utah; the chairman of the Finance Subcommittee, the Honorable GAYLORD NELSON of Wisconsin, who conducted the hearings on that committee's bill, S. 1179; and the Senator from Texas, the Honorable LLOYD BENTSEN, all played key roles in shaping the Finance Committee bill and, later, in working with us to blend into a single legislative proposal the best features of the Labor Committee bill, S. 4, and of S. 1179.

The country is truly indebted to their statesmanship.

During the 3-year process leading to the final vote last night, many dedicated staff members have served us well.

I will mention a number of them who have made noteworthy contributions to this work: Mario Noto, general counsel of the pension and welfare study; Mike Gordon, the minority counsel; Michael Schoenenberger, Janice Delaney, Paul Armstrong and Paul Skrabut; Nik Gaglio, Roy Wade, and Homer Anderson.

In addition, the general counsel of the Labor Committee, Robert Nagle, the chief of staff of the Joint Committee on Internal Revenue, Laurence Woodworth and his staff also gave invaluable assistance in drafting the compromise between the Labor and the Finance Committees' bills.

As I stated earlier, the Labor Committee has been working over many years to perfect a pension security program.

In May 1954, during the second session of the 83d Congress, the committee appointed a special Subcommittee on Welfare and Pension Funds, under the chairmanship of Senator IRVING M. IVES, to investigate the operation and administration of employee welfare and pension funds.

This investigation was continued in the 84th Congress under the subcommittee chairmanship of Senator PAUL H. DOUGLAS. Private welfare and pension benefit plans for industrial employees were growing rapidly in number and size at that time. They had received a great impetus during World War II, when they were frequently granted as a substitute for wage increases which were prohibited or restricted by the National War Labor Board.

The Ives-Douglas hearings disclosed various abuses in the administration of the funds, and eventually led to enactment of the Welfare and Pension Plans Disclosure Act in 1958.

In 1970, after serious allegations of improper administration of the United Mine Workers welfare and retirement fund, the Labor Committee decided to undertake a general study of the inadequacies of the protection afforded welfare and pension plan participants and beneficiaries, using the allegations about the UMW fund as a starting point.

The Senate in March 1970 approved Senate Resolution 360 which authorized an investigation both of the UMW election of 1969, and of pension and welfare funds generally. The study was conducted by a special pension and welfare staff under my direction as chairman of the Subcommittee on Labor.

We began by making a penetrating, thorough, analytical approach to the problems of private pensions in the country. We set out without any predetermined judgments as to what was wrong or what was needed.

Personal interviews were conducted with hundreds of men and women who had been covered by pension plans to determine what pension benefits they had or had not received. We made a careful evaluation of all these cases.

We then carried out a detailed study of comprehensive questionnaires which we had submitted to and collected from some 1,500 private employers out of the 34,000-odd companies which had employee pension plans. The results of the examination provided sufficient data on the internal operations and administration of pension plans to show shortcomings as well as favorable aspects.

We then held hearings in six cities around the country and in Washington which brought to the surface for the first time in a national forum the actual plight of American working men and women who, despite promises of pensions, all too frequently found themselves with little or none of the retirement income they had counted on.

Then, based on incontrovertible documentation of real deficiencies, the subcommittee structured legislation specifically designed to bring solutions to the problems that had been revealed.

The results of this lengthy and concerted effort extending over nearly 3 years are reflected in the legislation which the Senate unanimously approved last night.

Again, I thank each and all who joined together to make this possible.

KISSINGER NOMINATION

Mr. MOSS. Mr. President, because I will be unable to vote tomorrow on the nomination of Dr. Henry Kissinger as Secretary of State, I would like to make my position known at this time.

Dr. Kissinger is a very able and persuasive individual. He has demonstrated diplomatic skills. He has served as a close advisor to several presidents. As national security adviser to President Nixon, Dr. Kissenger has been more closely associated with the President in development of foreign policy than any other individual. He has been largely responsible for implementing our current policies and resulting in improved communication and cooperation with the major powers of the world, among them the Soviet Union and China. Such communication and cooperation hopefully will lead to a more peaceful world.

Dr. Kissinger's accomplishments should be given their just recognition. As the Washington Post stated, he is a "figure uniquely qualified by experience, competence, stature and promise" to become Secretary of State.

But, the proven ability and past accomplishments of this man do not prevent all apprehension over his nomination to this important position. No justification exists for the wiretapping of subordinates and certain newsmen that took place under Kissinger's jurisdiction. The role he played in prolonging a needless war in Southeast Asia leaves much to be desired. His evasive and somewhat ambiguous statement over secret bombing raids in Cambodia create additional concern.

Although I don't approve of some of the activities of Dr. Kissinger, I believe it is important to have the Government's top foreign affairs activist accountable to Congress—and to have him in a position where he has to come forward in public testimony to explain the Government's policies. If Dr. Kissenger's nomination as Secretary of State is rejected by the Senate, and he remains only as the President's foreign affairs adviser, foreign policy would continue to be run from the shelter of the White House with little public accountability. This would prevent the Congress from properly participating in its making.

For these reasons, I support the nomination of Dr. Kissinger as Secretary of State. From all appearances, the nomination will be confirmed by a large majority, and I support the vote of that anticipated majority. I hope that better communicaion will exist in the future between those who execute foreign policy and the lawmaking body.

IN-HOME CARE MEANS ACTIVITY

Mr. CHURCH. Mr. President, the Senate Committee on Aging recently took testimony in Coeur d'Alene, Idaho, on "Barriers to Health Care for Older Americans."

One of our major topics was the need for home health services in the northern five counties of Idaho, commonly known as the Panhandle area.

We received firsthand information from directors of the program and from two patients. Once again the committee has received impressive evidence on the importance of in-home services to the elderly, as well as the difficulties that now block provision of such care, particularly in the medicare program.

Another description of the importance of home health care was provided in an excellent article by Mrs. James Porter in the Coeur d'Alene Press of August 6.

Mrs. Porter describes the Panhandle health district program in terms of the usefulness of in-home services to two persons: Mr. Alvin A. Brewer of Hauser Lake and Mr. Garber of Coeur d'Alene.

Mr. Brewer had hoped to testify at the hearing but he was unable to do so because he was not feeling well. Mr. Garber did participate and gave a fine statement about his own personal experiences.

Mrs. Porter's article is a compassionate and informative description; and I ask unanimous consent to have it printed in the RECORD.

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

FOR MANY IN COUNTY, IN-HOME CARE MEANS ACTIVITY

(By Mrs. James Porter)

In-home Care means doing your own thing, independence and continued participation in family and community activities for many Kootenai County residents.

In-home Care is a service provided by Kootenai County Public Health Nurses through the Panhandle Health District. Under the program, 130 Kootenai County residents currently receive medical supervision and other health assistance from a nurse or nurse's aide that allows them to remain in their own home.

To someone like Alvin A. Brewer of Hauser Lake, it means that he can continue to live in his own house with his garden and his hobby work. The 76-year-old retired Merchant Marine was disabled in 1939 by arthritis and has been confined to a wheelchair for the past 10 years. Seven years ago he also suffered a heart attack.

For his neighbors and friends, the nurses' visits mean that he is getting the regular medical supervision that will be able to spot potential problems before they are untreatable.

In addition to watching his blood pressure and general physical condition, the visiting nurses, Brewer says, "Buck me up—keep me in fighting trim—they really cheer me."

In his cabin in the resort community, Brewer has used his ingenuity to invent self-help items such as a hoist with harness to lift himself into bed and a sit-down shower that eliminates the problem of bathtub falls that plague oldsters living alone. A variety of sticks of varying lengths with nails or hooks enable him to dress himself and reach almost anything.

Supplementing his $68-a-month income are his elevated gardens that include vegetables as well as brilliant flowers and prolific raspberries.

Another gardening enthusiast who has received in-home care is Bill Garland of Huetter. An area native, he was born where Spokane Country Club's first green is now.

After release from the hospital following a stroke that occurred on his 75th birthday last spring, Garland required six weeks of almost daily care in his home. Just prior to the stroke which affected his left side a gun accident severely damaged his right hand.

When he came home he still could not walk alone. The nurses in their daily visits helped him exercise and bathe and monitored his physical condition.

"They really helped me too," Mrs. Garland says. "I didn't have any idea how to care for him. They helped me arrange things before he came home and the exercise program on a regular basis put him back on his feet."

"Oh, I still limp a little when I'm tired," said Garland, "but I expected to have aches at my age and I have them. Thanks to the help of the nurses I can do most anything in caring for the garden and household chores. It just takes a little more effort and a little longer now."

Now released from the program as rehabilitated, Garland and his wife are enthusiastic supporters of the program.

Cy Garber, 701 Foster Ave., receives twice weekly care on a continuing basis. A graduate of the University of Idaho in 1917, who worked for Bunker Hill Mines for 35 continous years, Garber requires a walker to move

around the house because of the progressively crippling effects of arthritis.

His wife, who is also 83, does all of the regular care for him but understandably cannot assist him in and out of a bathtub. He in turn does many things for her that her visual impairment prevents.

During the twice-a-week visits the nurse or nurse's aide not only helps with bathing, but takes him for fresh air and transports him to regular physical check-ups and TB clinic (he is an arrested case).

Because of a more liberal pension plan, the Garbers are able to finance part of their in-home care program as are some of the other recipients. For Mr. and Mrs. Garber, In-home Care means they can continue to be a self-sufficient couple in their own home helping one another with just a little outside assistance.

Whether the care they require is short or long-term, whether they can defray part of the expenses or not, for those Kootenai County residents who receive or have received In-home Care it is an undisguised blessing—a means of continued independence.

NOMINATION OF DR. KISSINGER AND THE CAMBODIAN SITUATION

Mr. MANSFIELD. Mr. President, I had intended to speak tomorrow on the nomination of Dr. Henry Kissinger to be Secretary of State; but in the interest of saving time, because more speakers have shown interest than anticipated, I will speak tonight.

Mr. President, the report on Dr. Henry Kissinger, which is before the Senate, speaks plainly of the appropriateness of this nomination. In committee, the vote on confirmation was overwhelmingly favorable.

The designee is eminently qualified to be Secretary of State. He has devoted his entire life to the study and practice of international relations. He was student, educator and writer before entering Government service. For more than 4 years, he has been intimately associated with the President of the United States in the actual formulation and conduct of the Nation's foreign policy. His views on policy have found expression in the revisions in policy already undertaken by the present administration. They have been elaborated in his informal associations with Members of Congress. In short, Dr. Kissinger is a known quantum with regard to international relations in this Nation and among the nations of the world.

The Secretary-designate is uniquely equipped to convert the concepts of peace which, in recent years, have derived from the Presidency and the Congress into actions for peace. As Secretary of State, appointed by the President and confirmed by the Senate, he would serve at the point of fusion in these two separate streams of Constitutional authority and responsibility. He would be in a position to guide this Government's principal repository of peace-making machinery, the Department of State, in ways responsive both to the President and the Congress.

As I have already said, the vote in committee for the nomination was overwhelming. I hope that the outcome will be the same when the Senate's roll is called tomorrow.

Thereafter, there is much to be done by the Department of State under the direction of its new Secretary. The first order of business, it seems to me, should be the termination of the war in Indochina. As a practical matter, that means ending the fighting in Cambodia in which we are still participating by proxy. May I say with regard to that situation, that the views of Congress have already been made clear by legislation; Congress wants no part of that war. I hope that Dr. Kissinger will take that legislation and the President's expressions of hope for peace as evidence of a joint determination to disengage this Nation, once and for all, from the internal affairs of Cambodia. On that base, it should be possible to build a diplomatic initiative which will bring about an end to the fighting without delay and the beginning of peaceful reconstruction throughout Indochina.

In that connection, I ask unanimous consent that there be printed in the RECORD at this point a translation of the text of a cablegram dated August 10, 1973. The telegram was addressed to me by Prince Norodom Sihanouk, whose government of national union is gaining increasing recognition throughout the world as the sole legitimate government of Cambodia.

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

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Pyongyang, August 10, 1973.
TRANSLATION (FRENCH),
Senator MICHAEL J. MANSFIELD,
U.S. Senate,
Washington, D.C.

URGENT

DEAR SIR: I would like to convey to you that I have followed, with greatest interest, intense emotion and deep gratitude, your noble and generous action on behalf of the KHMER people, who do not merit these terrible misfortunes and unspeakable sufferings inflicted upon them by the American air raids, whose intensity and killing power has been increasing continuously during the past five months.

In principle, these raids should cease on August 15th, but President Nixon—as I know him—will not fail to find means to extend the misfortunes and sufferings, without precedent, of the KHMER people long after August 15th, 1973.

President Nixon intends to prevent by force the National KHMER Resistance of which I am the Chief—to liberate Phnompenh. However, you will understand easily that the United Front of the Cambodian National Liberation cannot in any way desist from liberating our fatherland a hundred percent.

We, the Cambodian patriots, do not fight for the Communist cause. Moreover, Nixon's military intervention in Cambodia, in order to bar, so to say, the road against Communism, is a poor pretext, since President Nixon decided to achieve, henceforth, the best terms for the United States with the two Communist [Powers], namely the People's Republic of China and the Soviet Union.

We, the Khmer patriots, fight only to restore the independence and national neutrality of our country. In addition, we are fighting at present absolutely alone; that is, without any aid from our Vietcong and North-Vietnamese friends, which makes the American military intervention against us absolutely unjustifiable.

Finally, the United National Front and the Royal Government of National Union solemnly affirm to you, through my voice, that they desire sincerely to achieve peace with honor as soon as possible with the United States, which President Nixon insisted that he was desirous of reaching.

I would like to repeat that the only conditions for the complete realization of this peace with honor are:

firstly, complete and irreversible suspension of the air raids and of every other direct and indirect military intervention by the United States of America in Cambodia;

secondly, complete and irreversible suspension of all the military aid to the so-called KHMER Republic.

If these two conditions are fulfilled by the United States Government, the Cambodia of the United Front of National Liberation, of the Royal Government of the National Union and of the Armed People's Forces of the National Liberation is ready to forget the painful past and to establish diplomatic relations with the United States of America.

As far as the fate of the Cambodians who have collaborated with the United States imperialism, The Royal Government of the National Union, under the care of the United Front of National Liberation, will allow the Government of Washington to evacuate from Cambodia all the chief collaborators, to whom the United States would offer her hospitality. The collaborators of the second rank will be allowed to benefit from the general amnesty if they make an honorable reparation in favor of the United Front of National Liberation and of the Royal Government of the National Union.

Thus everything will return to order. However, if President Nixon does not accept our very fair, and even friendly proposals, the United Front of the National Liberation, the Royal Government of the National Union and the Armed People's Forces of the National Liberation will be obliged to continue their armed resistance unto the end; even if it should be necessary [to continue their battle for] three, ten or even twenty years, because national independence cannot be an object of bargaining or of any compromise whatsoever. These are the essential points of the Cambodian problem.

I would like to solemnly repeat that the Royal Government of the National Liberation Union, which is the sole legal Government of an independent and non-aligned Cambodia, will never accept negotiations with the people of Phnom Penh if they are pro-imperialist, pro-French, pro-Soviet, pro-Japanese or pro-xyz, that is, if they call themselves the third force.

In short, the United States now has a perfect chance to establish peace with honor with us and to maintain an Embassy in Phnom Penh after the Royal Government of the National Union has been established there, on condition that they accept our fair proposals.

However, I doubt that President Nixon will accept them. Consequently, I ask the Senate and the House of the American People to act in such a way that the United States Government, finally leaves the Cambodians to settle their affairs alone without foreign interference.

Please convey my highest esteem to Mrs. Mansfield and I ask you, Sir, to accept my everlasting gratitude and my highest consideration,

Sincerely yours

NORODOM SIHANOUK,
Chief of State and President of the [Liberation] Front.

Mr. MANSFIELD. Mr. President, in this wire, the Prince set forth a basis for bringing about the termination of the war in his country. He listed the following points:

First. Suspension of U.S. air raids and other military intervention in Cambodia;

Second. Suspension of U.S. military aid to the so-called Khmer Republic in Phnom Penh.

If these points are realized—and I would note that point 1 has already been partially legislated by the Congress and the President—Prince Sihanouk states in his cable that:

1. The past will be forgotten and diplomatic relations will be reestablished by his government with the United States;

2. Safe-passage out of Cambodia will be granted to all the leading Cambodians who have collaborated against him—that means, the political and military group which is based on Phnom Penh and which survives on U.S. aid; and

3. "Second-rank" collaborators will receive amnesty.

These proposals of Prince Sihanouk, in my judgment, are in accord with the realities in Cambodia. As such, they form a basis for the negotiation of peace in that tortured, devasted country where we did not have and do not have now any national interest in bombing secretly or otherwise; where we did not have and do not now have any business involving ourselves militarily directly or indirectly. Indeed, the prolongation of the involvement—which continues through military aid up to the very edge of combat—risks American lives and costs enormous amounts of money, not to speak of its contribution to the devastation of what was, under Prince Sihanouk, the most peaceful, orderly, and progressive part of the Indochinese Peninsula. The longer the delay in acting on these proposals of Prince Sihanouk, the more the damage to this Nation and to Cambodia. The longer the delay, the greater the likelihood that the chaos in Cambodia will so deepen as not to be soluble by Prince Sihanouk or anyone else and the higher the risk of a general breakdown in the tenuous peace throughout Indochina.

So, looking forward rather than backward, I would urge the Senate, most respectfully, to confirm the nomination of Dr. Kissinger. And I would most respectfully urge the Secretary of State-designate, if and when his nomination is confirmed, to consider acting on these proposals of Prince Sihanouk without delay. The war in Cambodia, in my judgment, can be ended promptly via the route of these proposals. In the same stroke, so, too, we can curtail the drain of this Nation's resources which still goes on in Cambodia. So, too, can we close and bolt the back door to our military reinvolvement in Indochina.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is the period for the transaction of routine morning business closed?

The PRESIDING OFFICER. If there be no further morning business, morning business is concluded.

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

DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1974

Mr. ROBERT C. BYRD. Mr. President, I ask that we now resume consideration of the military procurement bill.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A 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.

Mr. ROBERT C. BYRD. Mr. President, I have been asked by the distinguished senior Senator from Iowa (Mr. HUGHES) to call up his amendment and ask that the amendment be stated, and also to announce that there will be no action thereon today. The amendment is No. 490.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 19, line 14, strike out "$2,958,200,000" and insert "$2,963,200,000, of which amount $5,000,000 is authorized only for the purposes described under section 703;".

On page 30, between lines 2 and 3, insert a new section as follows:

"SEC. 703. (a) The Secretary of Defense is authorized and directed to conduct a comprehensive study of weapon systems which he determines can be used as alternatives to the B–1 bomber aircraft program and which will meet effectively the strategic offensive mission of the United States Air Force. In carrying out such study the Secretary shall consider—

"(1) the advantages and disadvantages of a manned bomber system as compared with a standoff bomber-missile system;

"(2) the advantages and disadvantages of supersonic versus subsonic speed capability;

"(3) the advantages and disadvantages of special design features such as a swing wing;

"(4) the refueling tanker, crew, and other support costs and requirements for the alternative systems compared with the B–1 aircraft systems; and

"(5) such other factors as he deems pertinent to such a study.

"(b) Among the alternative systems which the Secretary of Defense shall consider in carrying out the study provided for in subsection (a) shall be (1) a temporary extension of the use of existing B–52 bomber aircraft, (2) a new or modified version of the B–52 bomber aircraft, (3) a stretched version of the FB–111 aircraft, and (4) a nonpenetrating aircraft.

"(c) The Secretary of Defense shall submit the results of the study provided for in subsection (a) to the Congress not later than April 1, 1974, and shall include in such report, together with other detailed information, estimates of the cost of the development, procurement, and operation of the alternative systems discussed in such report.

"(d) There is authorized to be appropriated not to exceed $5,000,000 to carry out the provisions of this section."

On page 30, line 3, strike out "SEC. 703" and insert in lieu thereof "SEC. 704."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that no time be charged against the Hughes amendment today.

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

Mr. ROBERT C. BYRD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ROBERT C. BYRD. Mr. President, has it not already been ordered that on tomorrow upon disposition of the nomination of Dr. Henry Kissinger the Senate will resume consideration of the unfinished business?

The PRESIDING OFFICER. That is not included in the unanimous consent order.

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

ORDERS FOR RESUMPTION OF UNFINISHED BUSINESS TOMORROW AND CONSIDERATION OF AMENDMENTS NOS. 490 AND 491

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, upon disposition of the nomination of Dr. Henry Kissinger to be Secretary of State, the Senate return to legislative session, at which time the Senate will resume consideration of the unfinished business.

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

Mr. ROBERT C. BYRD. Mr. President, at that time will the amendment No. 490 by Mr. HUGHES be the pending queston?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, upon disposition of amendment 490 by Mr. HUGHES, the Senate proceed to the consideration of amendment 491 by Mr. HUGHES.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of amendment No. 491 tomorrow the Senate proceed to the consideration of the amendment by Mr. HASKELL, an amendment with reference to nerve gas.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon disposition of the Haskell amendment tomorrow the Senate proceed to the consideration of the Mondale amendment on which a time agreement was entered into earlier today.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WILLIAMS). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM SATURDAY TO MONDAY NEXT AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Saturday, it stand in adjournment until the hour of 10 a.m. on Monday next.

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 the hour of 9 a.m. After the two leaders or their designees have been recognized under the standing order, the Senate will go into executive session to consider the nomination of Dr. Henry Kissinger to be Secretary of State. There is a time limitation on that nomination of 2½ hours. The yeas and nays have been ordered on the confirmation of the nomination.

Upon the disposition of the nomination, the Senate will return to legislative session and will resume consideration of the unfinished business, the military procurement bill.

The pending question before the Senate at that time will be on the adoption of amendment No. 490 offered by Mr. HUGHES. There is a time limitation on the amendment.

Upon disposition of amendment No. 490 by Mr. HUGHES, the Senate will proceed to the consideration of an amendment by Mr. HUGHES, amendment No. 491, on which there is a time limitation.

On disposition of amendment No. 491 by Mr. HUGHES, the Senate will take up the Haskell amendment, dealing with nerve gas.

Upon disposition of the Haskell amendment, the Senate will proceed to the consideration of the Mondale amendment.

There is a time limitation on each of these amendments. Yea-and-nay votes will occur on tomorrow.

Senators who have amendments are urged to be prepared to call them up upon the disposition of the aforementioned amendments.

It is hoped that the Senate will transact a great deal of business on tomorrow and make good progress on the military procurement bill. The leadership would hope that Senators who are prepared to call up their amendments, but who have not had their amendments acted on tomorrow, will call up their amendments on Saturday.

ADJOURNMENT TO 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 9 o'clock tomorrow morning.

The motion was agreed to; and at 6:36 p.m. the Senate adjourned until tomorrow, Friday, September 21, 1973, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 20, 1973:

OZARKS REGIONAL COMMISSION

William Hinton Fribley, of Kansas, to be Federal Cochairman of the Ozarks Regional Commission, vice E. L. Stewart, Jr., resigned.

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. Timothy F. O'Keefe [redacted] FR (major general, Regular Air Force) U.S. Air Force.

CONFIRMATION

Executive nomination confirmed by the Senate September 20, 1973:

ENVIRONMENTAL PROTECTION AGENCY

John R. Quarles, Jr., of Virginia, to be Deputy Administrator of the Environmental Protection Agency.

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

EXTENSIONS OF REMARKS

MARJORIE MERRIWEATHER POST—A TRULY GRAND AND GENTLE LADY—IS REMEMBERED IN BEAUTIFUL MEMORIAL SERVICE

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, September 20, 1973

Mr. RANDOLPH. Mr. President, a service of memorial was conducted for Marjorie Merriweather Post, in Washington, on the morning of Monday, September 17, at the National Presbyterian Church. Officiating were the Rev. Edward L. R. Elson, the Chaplain of the United States Senate, and the Rev. Louis H. Evans, Jr., the pastor of the Church, with Ernest E. Ligon, organist.

Several hundred persons were present, most of them long-time associates and cherished friends. We gathered in silent and sincere memory for Mrs. Post—a truly grand and gentle lady—a remarkable woman of charm and courage whose life began when she was born in Illinois and ended, on this earth, when she died at Hillwood, her home in the city of Washington.

The words from the Bible and the expressions of Dr. Elson follow:

God is a spirit and they that worship Him must worship Him in Spirit and in truth.

The souls of the righteous are in the hands of God, and there shall no evil touch them. They are at peace.

Blessed are the pure in heart for they shall see God.

INVOCATION

Eternal God, in whom we live and move and have our being, who lovest us with an everlasting love, lift up our hearts this day in thanksgiving and joy, that this memorial may be acceptable in Thy sight. May the reading and the hearing of Thy word minister comfort, strength and hope to our inmost being.

We thank Thee for Thy servant, Marjorie, for the goodness and the greatness of her person; for her regal presence and the aristocracy of her spirit; for the brilliance of her mind; for the daring of her dreams; for the authority of her words; for the power of her leadership; for the affection and tenderness of her womanhood.

We thank Thee for the inclusiveness of her friendship and the generosity of her heart.

We thank Thee, O God, for her love of beauty; beauty of sight; beauty of sound; beauty of the world of nature; and the deeper beauty of the human soul.

We thank Thee, O God, for her finished work, for the completeness of her life.

And for her enduring legacies of spirit, mind and heart which have made the world better for her presence.

May a new spirit arise in us that we may go from this place to be true as she was true, generous as she was generous, gracious as she was gracious, strong as she was strong, dedicated as she was dedicated to God and country, to the love of people, and to the advancement of Thy kingdom on earth, through Jesus Christ our Lord. Amen.

The eulogy was delivered by Clifford "Cliff" P. Robertson III, a son-in-law of Mrs. Post, as follows:

This lady who allayed those needs with benevolent compassion. This patriot—whose life was resilient to the fortunes of her country. She responded to its needs—without being called.

This patron—aware of the artistic nourishment needed by all people; through the arts helped to elevate, educate and enlighten their lives.

This American—born and reared in middle America, she proudly retained an inheritance of direct and unequivocal honesty, clarity of thought and word and a fearless spirit.

This achiever—proud of her modest early childhood she avoided the socially frivolous, and drew from her recollection—an appreciation of honest work. Under the guidance of her beloved father, she developed a finely reasoned awareness of a growing responsibility; a responsibility she would confront and channel toward the betterment of man.

This lady—examined life—throughout her life, and consistently put the material in a subordinate position: Recognizing man to be more important than anything he has acquired. A realist, she was aware of man's innate dualism—but chose to affirm his good. Though essentially a traditionalist, she recognized that much of man's progress is based on the disbelief of the commonly accepted.

This lady—held firm to a bedrock belief in the dignity and rights of all people, of all faiths, color and origin.

This mother—made a home for her children cocooned with tenderness and love and imparted to them the samaritan goodness that resided in her heart.

This lady—recognized, decorated, admired throughout the world—retained her most beautiful virtue, a simplicity of faith and spirit—a belief in God and man, and country.

This lady—this gentle lady.

The Prayer of Thanksgiving and dedication, by Dr. Evans, is as follows:

God has promised that wherever two or three are gathered together in His Name, there He is in the midst. He is eager to hold us in His arms of comfort as we make our prayers to Him. Shall we pray.

Oh gracious God and loving Father,

"We seem to give Marjorie Merriweather Post back to Thee, Who gave her to us.

And yet, as Thou didst not lose her in giving, so we have not lost her by her return.

Not as the world givest, givest Thou, Oh lover of Souls.

What Thou givest Thou takest not away,